

MEETING OF OCTOBER 21, 2003

(The meeting convened at 10:00 a.m. and adjourned 11:05 a.m.)

PLEDGE OF ALLEGIANCE was led by Vice Mayor Ilene Lieberman.

CALL TO ORDER

CONSENT AGENDA

1. BOARD APPOINTMENTS

- A. MOTION TO APPOINT Ted P. Galatis, Jr. to the Human Rights Board.
(Commissioner Scott)

ACTION: (Time-10:16 AM) Approved.

- B. MOTION TO APPOINT Don Winsett to the Consumer Protection Board.
(Commissioner Scott)

ACTION: (Time-10:16 AM) Approved.

- C. MOTION TO APPROVE reappointment of Mislady A. Velez to the
Broward County Alcohol and Drug Abuse Advisory Board. (Mayor
Wasserman-Rubin)

ACTION: (Time-10:16 AM) Approved.

- D. MOTION TO APPOINT James Weldon to serve on the Living Wage
Advisory Board. Mr. Weldon will fill a vacant position. (Commissioner
Rodstrom)

ACTION: (Time-10:16 AM) Approved.

- E. MOTION TO APPROVE appointment of Tai Vaz to the Living Wage
Advisory Board. (Commissioner Gunzburger)

ACTION: (Time-10:16 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO ADOPT Resolution 2003-801 authorizing use of Broward County facilities and staff to provide for the annual toy drop event at North Perry Airport, which accomplishes a charitable and public purpose; making related findings; and providing for an effective date.

ACTION: (Time-10:16 AM) Approved.

3. A. MOTION TO POST APPROVE seventh amendment to agreement between Broward County, Florida and the Sheriff of Broward County to provide additional law enforcement officers at the passenger security screening checkpoints and other areas as required by the Transportation Security Administration at the Fort Lauderdale-Hollywood International Airport ("Airport"), effective September 13, 2003, at a cost not to exceed \$485,987 for the remainder of Fiscal Year 2003 and at a cost not to exceed \$1,501,700 for Fiscal Year 2004; and authorize the Mayor and the Clerk to execute same.

ACTION: (Time-10:16 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2003-802 within the Aviation Fund for the additional Law Enforcement Officers at the Fort Lauderdale-Hollywood International Airport, in the amount of \$1,501,700 for Fiscal Year 2004.

ACTION: (Time-10:16 AM) Approved.

4. MOTION TO APPROVE Amendment No. 1 to the terminal building lease agreement between Broward County, Florida, and Frontier Airlines, Inc., which provides for the relocation of Frontier Airlines, Inc., from Terminal 3 to Terminal 1, and for the reimbursement of relocation costs in an amount not to exceed \$25,000; with an annual estimated revenue of \$14,065.82, effective upon Board approval; and authorize the Mayor and Clerk to execute same.

ACTION: (Time-10:16 AM) Approved, as corrected. (Scrivener's error - See County Administrator's report: In the second paragraph of the Summary Explanation, it should say: "adding" instead of "ading.")

5. MOTION TO APPROVE release, consent, subordination, attornment and nondisturbance agreement between Broward County, Florida; North Perry Aviation, Inc., and Michael K. Lichtenfeld, Sr. Trust for T-Hangar Unit 13 located at North Perry Aviation, Inc.; and authorize the Mayor and Clerk to execute same.

ACTION: (Time-10:16 AM) Approved.

PUBLIC WORKS DEPARTMENT

OFFICE OF GENERAL SERVICES

FACILITIES MANAGEMENT DIVISION

6. MOTION TO APPROVE agreement between Broward County and CTR Systems, RLI No. 20030114-0-FC-01, to provide, install, and perform permitting services for a parking access and revenue control system at the Broward County Judicial Complex (BCJC) east garage for an amount not to exceed \$467,669; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (Time-10:16 AM) Withdrawn to respond to Auditor's concerns.

OFFICE OF PROJECT MANAGEMENT AND CONSTRUCTION

CONSTRUCTION MANAGEMENT DIVISION

7. MOTION TO APPROVE first amendment to the managing general contractor preconstruction services agreements (RLI No. 041700-RB, Project No. 6056-99-01, \$40,000) for the Tyrone Bryant Branch Library and the Carver Ranches Branch Library (Project No. 60161-99-01, \$36,200) with D. Stephenson Construction, Inc., to extend the term for one year, retroactive from October 16, 2003 to October 15, 2004, with no change in scope or cost; and authorize the Mayor and Clerk to execute same. **(Commission Districts 8 and 9)**

ACTION: (Time-10:16 AM) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Human Services Department

8. A. MOTION TO APPROVE agreement between Broward County and Matrix Information Systems, Inc., for the Client Services Management System (CSMS) Project, based on prices, terms and conditions of Florida State Contract 973-588-04-1, in the total contract amount of \$865,000; with \$740,000 allocated from the 2003 Fiscal Year to be rolled over in the first supplemental budget; and \$125,000 available in Fiscal Year 2004's General Capital Outlay Fund; and authorize the Purchasing Director to approve, award and execute all documents required to purchase changes, modifications and additional services up to \$86,000; contingent upon receipt and acceptance of performance and payment guaranty, for the Human Services Department. The initial contract period for the duties, obligations and responsibilities of the agreement to complete deliverables shall begin upon issuance of notice to proceed, and shall terminate 273 days from that date, however the agreement shall run three years to allow for changes, modifications and additional services; and authorize the Mayor and Clerk to execute same.

ACTION: (Time-10:16 AM) Approved.

- B. MOTION TO AUTHORIZE Contract Administrator to take action necessary, including payment of appropriate fees, to obtain a copyright in the name of Broward County, Florida, for software to be owned by the County as developed by Matrix Information Systems, Inc., for the Client Services Management Systems Project.

ACTION: (Time-10:16 AM) Approved.

For Public Works Department

9. A. MOTION TO ADOPT budget Resolution 2003-803 transferring within the Library Bond Capital Outlay Fund (3180) the amount of \$640,742 from the Library Bond Fund Reserve for the Weston Branch Library.

ACTION: (Time-10:16 AM) Approved.

- B. MOTION TO APPROVE agreement between Broward County and Centex Rooney Construction Company, for Managing General Contractor (Phase II) construction services for the Weston Branch Library (RLI 041700-RB) for a Guaranteed Maximum Price (GMP) of \$7,514,389; with a contract time of 365 calendar days, contingent on submittal and approval of insurance/performance and payment guaranty and availability of Fiscal Year 2004 funds; and authorize the Mayor and Clerk to execute same. (Project No. 60X09-99-01). **(Commission District 8)**

ACTION: (Time-10:16 AM) Approved.

REVENUE COLLECTION DIVISION

10. MOTION TO ADOPT three Resolutions 2003-804 thru 2003-806 authorizing cancellation of warrants from Central Account No. 2079940003785, Court Trustee No. 2090002760550, Payroll No. 2079940003798, Self-Insurance No. 2090002760518 and Tax and License No. 2090002760916.

ACTION: (Time-10:16 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL DIVISION

11. MOTION TO FILE report for the fourth quarter of Fiscal Year 2003 in accordance with Section 29.17h of the Broward County Administrative Code relating to the Broward County cultural grant agreements.

ACTION: (Time-10:16 AM) Approved.

COUNTY ATTORNEY

12. MOTION TO APPROVE legal services agreement retaining the law firm of Foley & Lardner to represent Broward County's interests with regard to the pending Environmental Impact Statement and associated proceedings in the maximum amount not to exceed \$100,000; and authorize the Mayor and Clerk to execute same.

ACTION: (Time-10:16 AM) Approved.

13. MOTION TO APPROVE first amendment to the agreement between Lisa Marie Macci, Esq. and Broward County for hearing officer services; and authorize the

County Attorney to execute the amendment on behalf of the Board of County Commissioners.

ACTION: (Time-10:16 AM) Approved.

14. MOTION TO ADOPT Resolution creating the Broward County Ethics Advisory Committee.

ACTION: (Time-10:17 AM) The Board approved a substitute motion creating a less structured Ethics Advisory Committee composed solely of County Commissioners. Commissioner Gunzburger volunteered to serve on the Committee, along with Vice Mayor Lieberman and Commissioner Parrish, who previously volunteered to serve. See Page *****

15. A. MOTION TO APPROVE terms of the settlement letter for the case styled, BFI Waste Systems of North America, Inc. vs. Broward County, Case No. 01-6655, CIV-GONZALEZ, whereby BFI will, among other things, pay Broward County the sum of \$250,000.

ACTION: (Time-10:16 AM) Approved.

- B. MOTION TO APPROVE Memorandum of Understanding among Broward County, the Broward Solid Waste Disposal District and Waste Management Inc. of Florida, relating to the contract for services for the Materials Recovery Facility.

ACTION: (Time-10:16 AM) Approved.

- C. MOTION TO APPROVE Consent to Assignment of BFI Waste Systems of North America, Inc. Solid Waste, Recyclable Materials and Multifamily Recyclable Materials Collection Service agreements with Broward County for unincorporated solid waste Service Areas 2, 3, 7, and 8, to Waste Management Inc. of Florida; and authorize the Mayor and Clerk to execute same. **(Commission District's No. 1, 2, 4, 5, 7, 8 and 9)**

ACTION: (Time-10:16 AM) Approved.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

- 16. MOTION TO APPROVE contracts with State Legislative lobbying firms for 2003-2004. (Ronald Book; Carole Duncanson; Fowler, White; David Custin; Capitol Hill-Tony Carvalho; Ericks; Pittman Law)

ACTION: (Time-10:16 AM) Approved.

COUNTY COMMISSION

- 17. MOTION TO FILE Resolution R-2003-252 of the Town of Davie requesting that the Florida Department of Transportation's widening of the Florida Turnpike include sound walls from SW 36th Street to Griffin Road and south of Griffin Road to Stirling Road; and that the sound walls be placed at the height of 22 feet. (Mayor Wasserman-Rubin)

ACTION: (Time-10:16 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

- 18. MOTION TO ADOPT Resolution 2003-807 authorizing the County Administrator to advertise a Public Hearing to be held December 9th, 2003 at 2:00 PM in Room 422 of the Governmental Center, to adopt supplemental budgets in various funds to adjust revenues and appropriations.

ACTION: (Time-10:16 AM) Approved.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

- 19. MOTION TO APPROVE settlement agreement in the total amount of \$12,900 between Broward County and the listed respondent for a violation of the Broward County Code of Ordinances for the Department of Planning and Environmental Protection (DPEP); and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (Time-10:16 AM) Approved.

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QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

DEVELOPMENT MANAGEMENT DIVISION

20. DELEGATION: Leigh R. Kerr regarding request to amend the note on the Brandon- Farris Developments Plat No. 2 Plat - **Commission District 2**, (190-MP-80).

ACTION: (Time-10:16 AM) Deferred to June 1, 2004 or sooner, based on Section 5-181(j) of the Land Development Code, to study regional transportation concurrency.

END OF QUASI-JUDICIAL CONSENT HEARING

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REGULAR AGENDA

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21. **MAYOR’S REPORT** Mayor Diana Wasserman-Rubin reported on the following:

A. **LETTER TO NEW YORK CITY MAYOR MICHAEL BLOOMBERG**

The Mayor read a letter into the record regarding a friendly challenge she presented to the mayor of New York City, that if the New York Yankees beat the Florida Marlins, she would send one of Broward County’s hottest chefs to New York City to personally cook a gourmet meal of South Florida’s stone crabs. The Mayor noted that she had not received a response from Mayor Bloomberg. During the discussion, a few commissioners suggested the chef prepare paella instead of stone crabs.

***ACTION: (Time-10:25 AM) No Board action was necessary.
See Page ********

UPDATE - FIRST ANNUAL MAYOR’S GALA

The Mayor reported that the First Annual Mayor’s Gala was a great success. She thanked the County Commissioners and everyone who attended the event on Saturday, October 18, 2003, to benefit the United Way of Broward County. The funds from the event are reaching six figures. The Mayor thanked all of the sponsors, businesses, corporations, and individuals who donated to this worthy cause. In particular, Mayor Wasserman-Ruben thanked Ms. Ginny Miller and the Women’s Way of the United Way for their dedication and commitment to making the evening possible. The Mayor commented that she felt very proud Saturday evening seeing Republicans, Democrats, city, county and state elected officials, business leaders and Broward residents celebrating as one united Broward County.

ACTION: (Time-10:25 AM) No Board action was necessary. See Page

22. **COUNTY ADMINISTRATOR'S REPORT** County Administrator Roger J. Desjarlais surveyed the Board members to determine the best dates to discuss/vote on the airport expansion project.

ACTION: (Time-10:31 AM) The Board directed staff to schedule the airport expansion discussion/vote on Tuesday, December 2 and Tuesday, December 9, 2003. Staff will structure the agenda accordingly. Further, the Board directed staff to reschedule the RLI process meeting (previously scheduled for December 2, 2003) to January 2004. See Page *****

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QUASI-JUDICIAL HEARING

Please be advised that the following item on the Commission's agenda is quasi-judicial in nature. If you wish to object or comment upon this item, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

DEVELOPMENT MANAGEMENT DIVISION

23. **DELEGATION:** Dennis Mele regarding request to modify conditions of note amendment approval on the Ice Plat - **Commission District 5, (098-MP-95).**

ACTION: (Time-10:40 AM) Deferred to Tuesday, November 4, 2003, at the applicant's request. Further, the Board granted a 90-day extension to the October 29, 2003 deadline to record the plat note amendment previously approved. See Page *****

END OF QUASI-JUDICIAL HEARING

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FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Public Works Department

24. MOTION TO APPOINT Selection Committee (S/C) to short list the most qualified firms to provide competitive bids for Bid Package 6 for the North County Neighborhood Improvement Project, and approve Request for Letters of Interest (RLI) No. 20030908-2-EVEE-01. **(Commission District 2)**

ACTION: (Time-10:42 AM) Approved the following to serve on the Selection/Negotiation Committee: Commissioner Jacobs; Director, Environmental Engineering Division, Public Works Department (Chair); Director, Water Management Division, Public Works Department, and Director, Community Development Division, Human Services Department. Plus, administrative support staff from the offices of County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing, and the using agency.

COMMUNITY SERVICES DEPARTMENT

25. DISCUSSION: Medicaid Non-Emergency Transportation. (Deferred from October 14, 2003 - Item No. 82)

ACTION: (Time-10:43 AM) No Board action was taken. See Page *****

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

26. A. MOTION TO RESCIND APPROVAL of a \$1.5 million 2000 Safe Parks and Land Preservation SWIM Central Bond Grant to the YMCA of Broward County for the Lauderdale Lakes Swimming Pool Complex Grant Project. **(Commission District 9)**

ACTION: (Time-10:43 AM) Approved.

- B. MOTION TO APPROVE award of a \$1.5 million 2000 Safe Parks and Land Preservation SWIM Central Bond Grant to the City of Lauderdale Lakes for the Lauderdale Lakes Swimming Pool Complex Grant Project. **(Commission District 9)**

ACTION: (Time-10:43 AM) Approved.

- C. MOTION TO APPROVE agreement between Broward County and the City of Lauderdale Lakes for a \$1.5 million 2000 Safe Parks and Land Preservation Swim Central Bond Grant for the Lauderdale Lakes Swimming Pool Complex, providing for a three-year term upon execution by all parties with up to two, one-year extensions; and reauthorizing the County Administrator to execute same on behalf of Broward County. **(Commission District 9)**

ACTION: (Time-10:43 AM) Approved.

27. A. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held the morning of Tuesday, December 2, 2003 in Room 422 of the Governmental Center, to consider the purchase of GOB Safe Parks and Land Preservation Bond Issue Conservation Land Site 278A.1 (2.263 acres, 98,576 square feet), located on the East side of Gulfstream Road, approximately 600 feet North of East Dania Beach Boulevard, Dania Beach, Florida, pursuant to Florida Statute 125.355.

ACTION: (Time-10:43 AM) Approved. The Board directed staff to provide an updated appraisal. See Page *****

- B. MOTION TO ACKNOWLEDGE to the Broward County Board of County Commissioners that the Office of General Services, Real Property Section intends to present for consideration on or after December 2, 2003, a Contract for Sale and Purchase for acquisition of Conservation Land Site 278A.1, at a total purchase price of \$384,000. **(Commission District 4)**

ACTION: (Time-10:43 AM) Approved. The Board directed staff to provide an updated appraisal. See Page *****

28. A. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held the morning of Tuesday, December 2, 2003, in Room 422 of the Governmental Center, to consider the purchase of Safe Parks and Land Preservation Bond Issue Site Open Space OS-77, a/k/a Math Iglor Grove Facility (approximately 1.47 acres; 63,909 square feet), consisting of a former fruit packing facility and convenience store, a plant nursery and single family home located at 2581 South Hiatus Road (SW 112th Avenue), Town of Davie, Florida, pursuant to Florida Statute 125.355.

ACTION: (Time-10:44 AM) Approved. See Page *****

- B. MOTION TO ACKNOWLEDGE to the Broward County Board of County Commissioners that the Office of General Services, Real Property Section, intends to present for consideration on or after December 2, 2003, a Contract for Sale and Purchase of Site OS-77, for a total purchase price of \$315,000. (**Commission District 5**)

ACTION: (Time-10:44 AM) Approved. See Page *****

29. **COUNTY COMMISSION LIAISON REPORTS**

- A. UPDATE - SOUTH AFRICAN DIGNITARIES TO VISIT PORT EVERGLADES - COMMISSIONER EGGELLETON

ACTION: (Time-10:46 AM) Commissioner Eggelletion reported that it was confirmed by the U.S. Commerce Department that on November 7, 2003, four members from the South African government, as well as members from the Port Authority will visit Port Everglades to observe the County's port operations and to discuss container security. See Page *****

- B. DISCUSSION - FUNDING MECHANISM FOR LUNCH/DINNER ACTIVITIES FOR INBOUND MISSIONS AND OFFICIAL VISITS - MAYOR WASSERMAN-RUBIN

ACTION: (Time-10:48 AM) The Board directed the County Attorney and appropriate staff to research what the statutes permit for such activities and return to the Board with a recommendation. See Page *****

- C. THE SCRIPPS RESEARCH INSTITUTE CONSIDERING RELOCATION TO FLORIDA - COMMISSIONER SCOTT

ACTION: (Time-10:48 AM) Commissioner Scott announced that Tallahassee was working on a relocation plan to entice The Scripps Research Institute to relocate to Florida and that the relocation would bring approximately 6500 jobs. He stated that due to the large tax incentives being offered to Scripps, this could affect the state's budget, and that the County will have to double its efforts in Tallahassee during the Legislative session. See Page *****

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

- 30. MOTION TO AUTHORIZE County Attorney's Office to prepare an amendment to Broward County Zoning Code Section 39-239, relating to holiday wayside stands to allow for the sale of State-approved sparklers at the stands from December 20th to January 1st for New Year's celebrations. (Mayor Wasserman-Rubin)

ACTION: (Time-10:46 AM) Approved.

NON AGENDA

- 31. EDITORIAL - SUN-SENTINEL - PROPOSED LOCAL BILL - CITY ELECTIONS - CHANGE FROM MARCH TO NOVEMBER - VICE MAYOR LIEBERMAN

ACTION: (Time-10:54 AM) The Board directed staff to evaluate all of the issues involved relating to the proposed local bill that would allow the cities to change their elections from March to November, including a fiscal analysis relating to whether there are any increased costs to the County by doing so. See Page *****

- 32. SUPERVISOR OF ELECTIONS - CONCERNS - MULTIPLE MAIL-IN BALLOTS - PURGE VOTER ROLLS - COMMISSIONER GUNZBURGER

ACTION: (Time-10:55 AM) No Board action was taken. See Page *****

SPECIAL MEETING

RESOURCE/RECOVERY BOARD MEETING

in Room 430 at 11:45 AM or Immediately following
the morning Commission Meeting

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MEETING/WORKSHOP NOTICES

SELECTION/NEGOTIATION COMMITTEE

ADA TRANSITION PLAN UPDATE

RLI No. 20030828-0-EE-01

Tuesday, October 21st, in Room 430 at 9:30 AM

SELECTION/NEGOTIATION COMMITTEE

SECURITY SERVICES

RLI No. 20030902-0-FC-01

Tuesday, October 21st, in Room 430 at 1:00 PM

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