

## MEETING OF OCTOBER 26, 2004

(The meeting convened at 10:00 a.m.; recessed at 12:16 p.m.; reconvened at 2:38 p.m.; recessed at 4:15 p.m.; reconvened at 4:24 p.m. and adjourned at 5:24 p.m.)

PLEDGE OF ALLEGIANCE was led by Vice Mayor Aster Knight, Town of Southwest Ranches.

### MOMENT OF SILENCE

In memory of John Dattuomo, Commission Aide Dee Platt's father.

### CALL TO ORDER

## CONSENT AGENDA BOARD APPOINTMENTS

1. A. MOTION TO APPROVE appointment of John C. Sloan to the Educational Facilities Authority. Mr. Sloan replaces Marsha Abramowitz, who has resigned. His term will expire on October 26, 2009. (Commissioner Gunzburger)

***ACTION: (T-10:09 AM) Approved.***

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- B. MOTION TO APPOINT Mr. Alfredo Avello, Jr. to the Consumer Protection Board. (Commissioner Wasserman-Rubin)

***ACTION: (T-10:09 AM) Approved.***

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- C. MOTION TO APPOINT James Bradley to the Historical Commission. (Commissioner Eggelletion)

***ACTION: (T-10:09 AM) Approved.***

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- D. MOTION TO APPOINT: Vicente Thrower to the Consumer Protection Advisory Board. (Commissioner Eggelletion)

***ACTION: (T-10:09 AM) Approved.***

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- E. MOTION TO APPOINT James Saunders to the Educational Facility Authority. (Commissioner Eggelletion)

***ACTION: (T-10:09 AM) Approved.***



Icon indicates that the item is related to an established Commission Challenge Goal.

## AVIATION DEPARTMENT

2. A. MOTION TO APPROVE Amendment No. 2 to the agreement of lease between Broward County and DTG Operations, Inc., for the rental car Quick Turnaround Facility (“QTA”) at the Fort Lauderdale-Hollywood International Airport (“FLL”) to provide for extending the rental adjustment appraisal date from December 1, 2004 to June 1, 2005, and the annual rental adjustment date from December 1 to June 1, each year; and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:09 AM ) Approved.***

- B. MOTION TO APPROVE Amendment No. 2 to the agreement of lease between Broward County and DTG Operations, Inc., for the rental car QTA at FLL to provide for extending the rental adjustment appraisal date from December 1, 2004 to June 1, 2005, and the annual rental adjustment date from December 1 to June 1, each year; and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:09 AM ) Approved.***

- C. MOTION TO APPROVE Amendment No. 2 to the agreement of lease between Broward County and Avis Rent A Car System, Inc., for the rental car QTA at FLL to provide for extending the rental adjustment appraisal date from December 1, 2004 to June 1, 2005, and the annual rental adjustment date from December 1 to June 1, each year; and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:09 AM ) Approved.***

- D. MOTION TO APPROVE Amendment No. 7 to the agreement of lease between Broward County and Budget Rent A Car System, Inc., for the rental car QTA at FLL to provide for extending the rental adjustment appraisal date from December 1, 2004 to June 1, 2005, and the annual rental adjustment date from December 1 to June 1, each year; and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:09 AM ) Approved.***

- E. MOTION TO APPROVE Amendment No. 7 to the agreement of lease between Broward County and National Rental (US), Inc., for the rental car QTA at FLL to provide for extending the rental adjustment appraisal date from December 1, 2004 to June 1, 2005, and the annual rental adjustment date from December 1 to June 1, each year, and authorize the Mayor and Clerk to execute the same.

***ACTION: (T-10:09 AM ) Approved.***

3. A. MOTION TO APPROVE first amendment to agreement of lease Between Broward County and Christine Vitolo, Joseph Vitolo, and Dennis Vitolo (“Lease”) amending the lease to provide for transfer or assignment of the maintenance and parking parcels, to be effective upon Board approval; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:09 AM ) Approved.***

- B. MOTION TO APPROVE Consent to Assignment of Lease between Christine Vitolo, Joseph Vitolo and Dennis Vitolo to Acquiport/Amsdell I Limited Partnership to be effective upon Board approval; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:09 AM ) Approved.***

4. MOTION TO APPROVE first amendment to the agreement between Broward County and DMJM+Harris, Inc. for consultant services for general engineering services at the Ft. Lauderdale - Hollywood International and North Perry Airports in Broward County, Florida, (RLI No. 20030123-AV-01-RB), increasing the agreement amount not to exceed \$182,577.16, for Fiscal Year 2005, from \$2,880,000 to \$3,062,577; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:09 AM ) Approved.***

## **PUBLIC WORKS AND TRANSPORTATION DEPARTMENT**

### **REAL PROPERTY SECTION**

5. MOTION TO ACCEPT amended and restated Drainage and Flowage Easement, at no cost to Broward County, executed by 1000 Andrews Corp., a Florida corporation. The easement is located at 1000 SW 12<sup>th</sup> Avenue in the City of Pompano Beach. The Bureau of Water and Wastewater Services has requested the Real Property Section to process this easement for Board approval; and authorize the Mayor and Clerk to execute the same. **(Commission District 9)**

***ACTION: (T-10:09 AM ) Approved.***



6. MOTION TO ADOPT Resolution 2004-910 authorizing the conveyance by Quit Claim Deed to the City of Hallandale Beach, the municipality in which the lands are located, of various tax deed properties that are buildable for “Affordable Housing”, and have escheated to Broward County for delinquent real estate taxes, pursuant to Florida Statutes Chapter 197.592; and authorize the Mayor and Clerk to execute deed, and authorize recordation of same. **(Commission District 6)**

***ACTION: (T-10:09 AM ) Approved.***

7. MOTION TO APPROVE business lease agreement between Broward County and Elite Real Estate & Development Corp.,(Landlord) a Florida Corporation, for an 8,250 square foot office facility located at 5701 Hollywood Boulevard, Hollywood, Florida, for the Broward Addiction Recovery Center (BARC) South Outpatient Center; for a term of five years and two months, commencing upon proper execution of the lease by both parties and terminating five years from the date of the first rental payment by the County (following two months free rent); full service (Landlord being responsible for payment of all building operating costs) at an initial rental rate of \$23.81, per square foot; \$16,375 monthly; \$196,500 annually, escalating annually at a rate of 2.5%, resulting in a total rent for the term of \$1,032,868.54; rent to commence upon the latter of 120 days from lease execution or 60 days after delivery of premises to the County; and authorize the Mayor and Clerk to execute same. **(Commission District 6)**

***ACTION: (T-10:09 AM ) Approved.***

## **BUREAU OF WASTE AND RECYCLING SERVICES**

### **RECYCLING AND CONTRACT ADMINISTRATION DIVISION**

8. MOTION TO APPROVE second amendment to the agreement between Broward County and Achievement and Rehabilitation Centers, Inc. (ARC) for electronics recycling (RLI No. 052501-RB) increasing the not-to-exceed dollar amount by \$508,200; from \$640,992 to \$1,149,192; for two option years (\$231,000 in Fiscal Year 2005 and \$277,200 for Fiscal Year 2006); and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:09 AM ) Approved.***

## **FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

### **ACCOUNTING DIVISION**

9. MOTION TO APPROVE travel outside of the continental United States, 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-10:09 AM ) Approved.***

10. MOTION TO APPROVE 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-10:09 AM ) Approved.***

11. MOTION TO FILE Quarterly Financial Report for the Children’s Services Council of Broward County for the quarter ending September 30, 2004.

***ACTION: (T-10:09 AM ) Approved.***

### **COUNTY RECORDS DIVISION**

12. MOTION TO DIRECT County Attorney to draft an Ordinance to amend Chapter 35 of the Broward County Administrative Code to include fees for recording related services provided by the County Records Division.

***ACTION: (T-10:09 AM ) Approved.***

13. A. MOTION TO APPROVE minutes of the 10:00 AM Broward County Board of County Commissioners meeting of September 14, 2004 and September 21, 2004; and the minutes of the 2:00 PM Public Hearing of September 14, 2004; and the minutes of the 5:01 PM Budget Hearing of September 14, 2004.

***ACTION: (T-10:09 AM) Approved.***

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

***ACTION: (T-10:09 AM) Approved. See Page \*\*\*\*\****

### **PURCHASING DIVISION**

For Community Services Department

14. MOTION TO AWARD open-end contract to single bidder, Groups I, II, V, VI, VII and VIII and low responsive responsible bidder, Groups III and IV, Tropic Fence Inc., for fencing, chain link, Bid No. T-6-04-113-B1 in the estimated annual amount of \$613,638.62 for the Parks and Recreation Division subject to receipt and acceptance of insurance and performance/payment guaranty, and authorize the Purchasing Director to renew the contract for a one year period. The initial contract period shall start on December 2, 2004 and shall terminate one year from that date.

***ACTION: (T-10:09 AM) Approved.***

## HUMAN SERVICES DEPARTMENT

### COMMUNITY DEVELOPMENT DIVISION

15. MOTION TO APPROVE conveyance of an Easement Agreement by Golf View Gardens, Limited, a Florida Limited Partnership, to the City of Sunrise and authorize the Mayor and Clerk to execute the Joinder by Mortgagee. The purpose of the easement is for the construction, installation, reconstruction, rebuilding, replacement, repairing, operation, distribution, and maintenance of lift stations, force mains, water lines, gravity sewers, storm drainage systems, natural gas lines, LP gas lines and tanks, messages or communication, and all appurtenances relative to these facilities or systems. **(Commission District 1)**

***ACTION: (T-10:09 AM) Approved.***

### FAMILY SUCCESS ADMINISTRATION DIVISION

16. A. MOTION TO APPROVE Amendment No. 1 to Agreement LK433 between the State of Florida Department of Children and Families and Broward County, for the period of October 1, 2003, through September 30, 2006, for the purpose of approving a budget in the amount of \$231,600 for Fiscal Year 2005 and to clarify certain service definitions, and authorize the Mayor and Clerk to execute the same. No county match is required.

***ACTION: (T-10:09 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-911 in the amount of \$231,600 within the Targeted Assistance for Refugees Fund for the purpose of providing employment and special social adjustment services to refugees, asylees, and Cuban/Haitian entrants under the first year of the contract.

***ACTION: (T-10:09 AM) Approved.***

## HOMELESS INITIATIVE PARTNERSHIP



17. A. MOTION TO ADOPT Resolution 2004-912 approving the Chronic Homeless Initiative (CHI) funding from the U. S. Department of Health and Human Services – Substance Abuse and Mental Health Services Administration (SAMHSA) for the following agencies: Henderson Mental Health Center, Inc. \$135,742; Broward Partnership for the Homeless, Inc. \$34,653; and University of South Florida \$73,500; authorizing the County Administrator to enter into any approved standard form sub-grant agreements; and authorizing the County Administrator to authorize any time extensions, any necessary administrative and budgetary actions and /or amendments, as provided for in the agreement; and providing for an effective date.

***ACTION: (T-10:15 AM) Approved. See Page \*\*\*\*\****

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-913 approving the Chronic Homeless Initiative (CHI) funding from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$394,128 for the purpose of providing shelter care, plus tenant based rental assistance for 51 chronically homeless unaccompanied adults.

***ACTION: (T-10:09 AM) Approved.***

- C. MOTION TO ADOPT unanticipated revenue Resolution 2004-914 approving funding from the U. S. Department of Health and Human Services – Substance Abuse and Mental Health Services Administration (SAMHSA) in the amount of \$628,312 for the purpose of clinical and other supportive behavioral health care services.

***ACTION: (T-10:09 AM) Approved.***

## COMMUNITY SERVICES DEPARTMENT

### CULTURAL DIVISION

18. MOTION TO FILE report for the Fourth Quarter of Fiscal Year 2004 in accordance with Section 29.17h (Reports) of the Broward County Administrative Code relating to Broward County cultural grant agreements.

***ACTION: (T-10:09 AM) Approved.***

## **MASS TRANSIT DIVISION**



19. A. MOTION TO ADOPT Resolution 2004-915 of the Board of County Commissioners of Broward County, Florida, authorizing the Mayor and Clerk to execute and file a supplemental Joint Partnership Agreement (JPA) with the Florida Department of Transportation (FDOT), District 4, increasing the total project amount to \$210,000 from \$105,000; and extending the expiration date to December 31, 2006, from December 31, 2005; to continue offsetting the costs of implementing the “Community Bus Marketing” Program that will expand awareness of local community bus service in order to increase transit ridership for residents; and providing for an effective date. (Requires 50 % in-kind match from the County in the amount of \$52,500)

***ACTION: (T-10:09 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-916 within the Operating Grant Fund (0046) for the Mass Transit Division, in the amount of \$52,500 from FDOT, to implement the “Community Bus Marketing Program.

***ACTION: (T-10:09 AM) Approved.***



20. A. MOTION TO ADOPT Resolution 2004-917 of the Board of County Commissioners of Broward County, Florida, authorizing the Mayor and Clerk to execute and file a Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) District 4, for the total project amount of \$286,298; to provide assistance to Broward County to offset the costs to complete the Broward County Transit Master Plan; and providing for an effective date. The term of this JPA is effective from date of execution through June 30, 2007. (Requires 50 % cash or in-kind match from the County in the amount of \$143,149)

***ACTION: (T-10:09 AM) Approved.***

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-918 within the Operating Grant Fund (0046) for the Mass Transit Division, in the amount of \$143,149 from FDOT, to provide assistance to Broward County to offset the costs of the Broward Transit Master Plan.

***ACTION: (T-10:09 AM) Approved.***

- C. MOTION TO APPROVE second amendment to agreement between Broward County and Parsons, Brinckerhoff, Quade & Douglas, Inc. for development of a Transit Master Plan, expanding the scope of work, and extending the contract term and time of performance from December 31, 2004, to June 30, 2005, increasing the compensation by \$204,850.72, from \$641,300.00, for a total of \$846,150.72, and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:09 AM) Approved.***



21. MOTION TO APPROVE first amendment to agreement (RLI No. 052200-RB) between Broward County and Street Furniture Advertising Group, Inc., formerly known as E & G Manufacturing, Inc., for bus passenger shelter design, installation, and maintenance; extending the contract term by two years, from June 26, 2008, to June 25, 2010; providing for liquidated damages of \$150 per day; modifying payment and performance bond terms; revising various terms and conditions of the agreement due to unfavorable market conditions; and authorize the Mayor and Clerk to execute same. (Deferred from October 19, 2004, Item No. 14)

***ACTION: (T-10:16 AM) Approved. See Page \*\*\*\*\****

#### **PARKS AND RECREATION DIVISION**

22. MOTION TO APPROVE Resolution 2004-919 of the Board of County Commissioners of Broward County, Florida; providing for the naming of a new universal-access playground in the expanded Vista View County Regional Park located at 4001 SW 142<sup>nd</sup> Avenue, in the Town of Davie, to be named "Caitlyn's Corral"; and providing for an effective date. **(Commission District 5)**

***ACTION: (T-10:22 AM) Approved. See Page \*\*\*\*\****

#### **ENVIRONMENTAL PROTECTION DEPARTMENT**

##### **BIOLOGICAL RESOURCES DIVISION**

23. MOTION TO APPROVE second amendment to the agreement between Broward County and Nova Southeastern University for biological monitoring of the Broward County Segment III Shore Protection Project, removing tasks for Segment II monitoring, and decreasing the contract maximum amount by \$1,022,857; from \$6,319,122 to \$5,296,265; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-10:15 AM) Approved. See Page \*\*\*\*\****

24. MOTION TO ADOPT Resolution 2004-920 of the Board of County Commissioners of Broward County, Florida, authorizing the County Administrator to execute contracts on behalf of the County with Starting Over, Inc. in the amount of \$500; with the School Board of Broward County for Somerset Academy Charter School in the amount of \$500; and with the Wildlife Care Center in the amount of \$500; for funding under the Broward Beautiful Butterfly Garden program; and Melrose Manors Homeowners Civic Association in the amount of \$3000 for funding as a Broward Beautiful Special Project; and providing for an effective date. (**Commission Districts 4, 7, 8**)

***ACTION: (T-10:09 AM) Approved.***



25. MOTION TO ADOPT Resolution 2004-921 of the Board of County Commissioners of Broward County, Florida, approving the recommendation of the Broward Beautiful Committee to allocate \$199,901.65, to the 31 organizations specified for funding under the Broward Beautiful Community Grants program; and authorizing the County Administrator to execute contracts on behalf of the County with the specified organizations; and providing for an effective date.

***ACTION: (T-10:27 AM) Approved. See Page \*\*\*\*\****



26. MOTION TO ADOPT Resolution 2004-922 of the Board of County Commissioners of Broward County, Florida, authorizing the County Administrator to execute contracts on behalf of the County with the City of Coral Springs in the amount of \$5,000; with the City of Sunrise in the amount of \$5,000; with the City of Tamarac in the amount of \$5,000; with the City of Plantation in the amount of \$5,000; with the City of Lighthouse Point in the amount of \$5,000; with the City of Hallandale Beach in the amount of \$5,000; with the City of Wilton Manors in the amount of \$5,000; and with the City of Pompano Beach in the amount of \$5,000; for funding under the Broward Beautiful program; and providing for an effective date. (**Commission Districts 1, 2, 4, 6, 9**)

***ACTION: (T-10:09 AM) Approved.***

**COUNTY ATTORNEY**

27. MOTION TO APPROVE settlement in the amount of \$150,000; including costs and attorney's fees, in the case of Chi-Ada Corporation and Bart Okoro v. Broward County, Circuit Court Case 02- 07774(08).

***ACTION: (T-10:09 AM) Withdrawn at the request of the County Attorney.***

28. MOTION TO APPROVE legal services agreement retaining the Michael Schneiderman Law Firm to represent Broward County's interests regarding the pending Environmental Impact Statement and other development projects relating to expansion of the Fort Lauderdale-Hollywood International Airport, in the maximum amount not to exceed \$100,000; and authorize the Mayor and Clerk to execute same.

**ACTION: (T-10:29 AM) Approved. See Page \*\*\*\*\***

**REQUEST TO SET FOR PUBLIC HEARING**

29. MOTION TO ADOPT Resolution 2004-923 authorizing the County Administrator to advertise a Public Hearing to be held December 14<sup>th</sup>, at 2:00 PM, located at Room 422 of the Governmental Center, to adopt supplemental budgets in various funds to adjust revenues and appropriations.

**ACTION: (T-10:09 AM) Approved.**

30. MOTION TO DIRECT County Administrator to publish Notice of a Public Hearing to be held Tuesday, December 14, 2004, at 2:00 PM in Room 422 of the Governmental Center to consider the issuance of a new Class 2 - ALS Transfer Certificate of Public Convenience and Necessity (COPCN) to the Sheriff of Broward County, Florida.

**ACTION: (T-10:09 AM) Approved.**

31. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held Tuesday, November 9, 2004, at 2:00 PM in Room 422 of the Governmental Center to consider new Nonemergency Medical Transportation Service (NEMTS) licenses for Safe Ride, Inc. and Ultimate Transportation Service.

**ACTION: (T-10:09 AM) Approved.**

32. MOTION TO ADOPT Resolution 2004-924 directing the County Administrator to publish a Notice of Public Hearing to be held November 9, 2004 at 2:00 PM to consider an application from F.A. Johnson, Inc. d/b/a Johnson Environmental Services for a non-exclusive franchise to provide vessel sanitary waste water removal services for a one-year term at Port Everglades.

**ACTION: (T-10:09 AM) Approved.**

33. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, November 9, 2004, at 2:00 PM in Room 422 of the Governmental Center to consider the adoption of a proposed Resolution, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF BROWARD COUNTY, FLORIDA,

AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE; SECTION 29.16, SPECIFIC PROGRAM ELIGIBILITY REQUIREMENTS, RELATING TO THE BROWARD CULTURAL COUNCIL CHALLENGE GRANT PROGRAM GUIDELINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:31 AM) Deferred. The County Commission requested that the Broward Cultural Council and the Historic Preservation Commission participate in a joint meeting to review the changes to the proposed Resolution, including consideration of changes proposed by Claire Crawford, Chair, Broward Cultural Council. In addition, the Board directed staff to determine how grant funds should be allocated and how the County can continue to fund all items on the Wish List discussed at the Budget workshops relating to cultural affairs, with special consideration to historic preservation. See Page \*\*\*\*\****

***(Scrivener's error - See County Administrator's memorandum: The exhibits were wrongly labeled – Exhibit 1 should be Exhibit 2; and Exhibit 2 should be Exhibit 1.)***

34. MOTION TO ADOPT Resolution 2004-925 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, November 9, 2004, 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 27, ARTICLE XI, "AQUATIC AND WETLAND RESOURCE PROTECTION"; AMENDING SECTION 27-332, "DEFINITIONS," PROVIDING FOR DEFINITIONS; AMENDING SECTION 27-333, "PROHIBITED ACTIVITIES," ESTABLISHING PROHIBITIONS; AMENDING SECTION 27-334, "APPLICATION REQUIREMENT AND STANDARDS," UPDATING APPLICABLE STATUTORY REFERENCES; AMENDING SECTION 27-335, "EXEMPTIONS," PROVIDING FOR EXEMPTIONS FROM LICENSING; AMENDING SECTION 27-336, "GENERAL LICENSES," PROVIDING REQUIREMENTS FOR THE ISSUANCE OF GENERAL LICENSES; AMENDING SECTION 27-337, "CRITERIA FOR ISSUANCE OR DENIAL OF AN ENVIRONMENTAL RESOURCE LICENSE," PROVIDING REQUIREMENTS FOR ENVIRONMENTAL RESOURCE

LICENSES; AMENDING SECTION 27-338, "MITIGATION," ESTABLISHING MITIGATION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

***ACTION: (T-10:09 AM) Approved.***

35. MOTION TO ADOPT Resolution 2004-926 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, November 9, 2004, at 2:00 PM in Room 422 of the Governmental Center, to consider adoption of a proposed Resolution amending the Administrative Code Section, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO MILITARY LEAVE FOR BROWARD COUNTY EMPLOYEES CALLED TO ACTIVE MILITARY DUTY; AMENDING CHAPTER 14, SECTION 14.233; PROVIDING FOR EMPLOYEES CALLED TO ACTIVE MILITARY DUTY TO CONTINUE TO ACCRUE SICK AND ANNUAL LEAVE FOR THE DURATION OF THEIR MILITARY LEAVE; PROVIDING FOR COUNTY ADMINISTRATOR AUTHORITY TO APPROVE RELATED BENEFITS; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR RETROACTIVE APPLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

***ACTION: (T-10:09 AM) Approved.***

**REGULAR AGENDA**

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- 36. **DELEGATION:** Earl Hall, Attorney for City of Lauderhill, regarding a request for a waiver of the October 1, 2004, deadline for submission of a grant application to the Broward County Cultural Division’s Fiscal Year 2005 Design Arts Program. (Commission Districts 1 and 9)

***ACTION: (T-10:09 AM) The Board approved request for a waiver of the October 1, 2004, deadline for submission of a grant application to the Broward County Cultural Division’s Fiscal Year 2005 Design Arts Program. (Transferred to the Consent Agenda.)***

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**PUBLIC HEARING**

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

**PURCHASING DIVISION**

For Aviation Department

- 37. A. **MOTION TO ADOPT** Resolution determining, pursuant to section 255.20, Florida Statutes and Section 21.39, Broward County Procurement Code, that it is in the County’s and the public’s best interest to award, without competition, a managing general contractor construction agreement to the joint venture of Cummings-Centex Rooney (CCR), for the interim modification of the Federal Inspection Services and Transportation Security Administration facilities within Terminal 4 at Fort Lauderdale-Hollywood International Airport (FIS Project); determining that CCR is uniquely qualified to undertake the FIS project; determining that the time to competitively award the FIS Project would materially increase the cost of the project, and create an undue hardship on the public health, safety, or welfare; and authorizing negotiation and execution of one or multiple construction contract(s) by the Purchasing Director, or designee, for the FIS Project.

***ACTION: (T-10:44 AM) No Board action was taken.***

OR

- B. **MOTION TO ADOPT** Resolution 2004-927 determining, pursuant to Sections 255.20 and 255.0525, Florida Statutes and Section 21.39, Broward County Procurement Code, that it is in the County’s and the public’s best interest to award a construction agreement for the interim modification of the Federal Inspection Services and Transportation Security Administration facilities within Terminal 4 at Fort Lauderdale-Hollywood International Airport (FIS Project) using an expedited

competitive award process; determining that the time to use the County's standard procedures to competitively award the FIS Project would materially increase the cost of the FIS Project, and create an undue hardship on the public health, safety, or welfare; determining that an immediate danger to the public health or safety exists; determining that an interruption in the delivery of an essential governmental service will exist; authorizing an expedited competitive award process as more specifically outlined in the schedule (see Exhibit 5); and authorizing negotiation of multiple construction contract(s) for the FIS Project.

***ACTION: (T-10:44 AM ) Approved, as amended. The Board directed staff to begin the expedited competitive award process, but by the November 16, 2004 Commission meeting, the County will have received a written letter of confirmation from the U.S. Customs that they will staff the new Federal Inspection Services and Transportation Security Administration facilities. If the County does not receive the letter of confirmation, the process will be stopped prior to awarding the contract. See Page \*\*\*\*\****

- C. MOTION TO APPOINT Selection Committee (S/C) to recommend the most qualified firm to construct the FIS Expansion at Fort Lauderdale-Hollywood International Airport; approve RLI no. 20041013-0-AV-01, and approve the expedited RLI procedure included in RLI No. 20041013-0-AV-01.

***ACTION: (T-11:18 AM) Approved the following to serve on the Selection Committee: Commissioners Eggelletion, Graber, Gunzburger, Vice Mayor Jacobs and Commissioner Rodstrom; Director, Aviation Department (Chair); Chief Financial Officer & Director, Finance and Administrative Services Department and Director, Public Works Department. Plus, administrative support staff from the offices of County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the using agency.***

***(Scrivener's error - See County Administrator's memorandum: Under Motion C – The date for the Selection Committee was omitted – it should be Monday, November 15, 2004 at 9:00 a.m.)***

**END PUBLIC HEARING**

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## AVIATION DEPARTMENT

38. A. MOTION TO APPROVE updated Airport Layout Plan (ALP) for Fort Lauderdale-Hollywood International Airport (FLL), depicting the new proposed extended south runway, Runway 9R-27L.

***ACTION: (T-11:11 AM) Approved with the following amendment: Decommission Runway 13/31 (crosswind); and, in the meantime, avoid using Runway 13/31 to address forecast increases in aircraft delays given Runway 13/31's operational inefficiencies and the higher levels of residential noise exposure associated with its use.***

***See Page \*\*\*\*\****

- B. MOTION TO AUTHORIZE Aviation Department to transmit an updated Airport Layout Plan (ALP) and the "County's Airfield Development Program Objective Statement" for Fort Lauderdale-Hollywood International Airport (FLL) to the Federal Aviation Administration (FAA) for approval of modifications associated with the new proposed extended south runway, Runway 9R-27L.

***ACTION: (T-11:11 AM) Approved. See Page \*\*\*\*\****

39. A. MOTION TO APPROVE agreement of lease between Broward County, Florida 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 for a period of 30 years, commencing upon Board approval, with a Board option for an additional 10 years, contingent upon satisfaction of an existing leasehold mortgage, and authorize the Mayor and Clerk to execute same.

***ACTION: (T-11:18 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\****

***ACTION: (T-4:24 PM) Approved with the amendments proposed by the County Auditor and agreed to by the applicant.***

***See Page \*\*\*\*\****

***(Scrivener's error - See County Administrator's memorandum: On page 2 of the agenda report under Summary Explanation/Background, under item #1, third line, the effective date should be July 1, 1973, not July 1, 2003 as stated. In the same paragraph, sixth line, the sentence begins, "On June 30, 2004, the Director of Aviation approved a Short Term Lease . . ." This date should be June 30, 2003.)***

- B. MOTION TO APPROVE agreement of lease between Sheltair Aviation Center, LLC for approximately one acre for the operation of an aircraft fuel farm at the Fort Lauderdale-Hollywood International Airport for a period of 30 years, commencing upon Board approval, with a Board option for an additional 10 years, contingent upon satisfaction of an existing leasehold mortgage; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-11:18 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\****

***ACTION: (T-4:24 PM) Approved with the amendments proposed by the County Auditor and agreed to by the applicant. See Page \*\*\*\*\****

- C. MOTION TO APPROVE agreement of lease between Sheltair Aviation Center, LLC for approximately 13 acres for the operation of a fixed based operation on the north side of the Fort Lauderdale-Hollywood International Airport for a period of 30 years, commencing upon Board approval, with a Board option for an additional 10 years, contingent upon satisfaction of an existing leasehold mortgage; and authorize the Mayor and Clerk to execute same.

***ACTION: (T-11:18 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\****

***ACTION: (T-4:24 PM) Approved with the amendments proposed by the County Auditor and agreed to by the applicant. See Page \*\*\*\*\****

- D. MOTION TO WAIVE Section 39.3(a) and (b) of Chapter 39 of the Broward County Administrative Code to waive the requirements for term and amortization.

***ACTION: (T-11:18 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\****

***ACTION: (T-4:24 PM) Approved. See Page \*\*\*\*\****

- E. MOTION TO APPROVE Consent to Third Party Financing Agreement and Estoppel between Broward County, Florida, Sheltair Aviation Center, LLC, Bank of America, N. A. and U.S. Bank National Association for the purpose of refinancing the current leasehold mortgage in the amount of \$7,650,000; and authorize the Mayor and Clerk to execute same, subject to approval of the financing documents by the Office of County Attorney.

**ACTION: (T-11:18 AM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\***

**ACTION: (T-4:24 PM) Approved. See Page \*\*\*\*\***

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT**

**PURCHASING DIVISION**

For Aviation Department

- 40. MOTION TO APPOINT Selection/Negotiation Committee (S/NC) to recommend the most qualified firm to provide a Part 150 Noise Compatibility Study for the Aviation Department, and approve Request for Letters of Interest (RLI) No. 20040909-0-AV-01.

**ACTION: (T-12:16 PM) Tabled to the conclusion of the 2:00 p.m. Public Hearing. See Page \*\*\*\*\***

**ACTION: (T-5:07 PM) Approved the following to serve on the Selection/Negotiation Committee: Commissioners Eggelton and Gunzburger; Director, Aviation Dept. (Chair); Assistant Director, Office of Urban Planning and Redevelopment and Director, Real Property, Public Works Dept. Plus, administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Risk Management, Purchasing and the requesting agency.**

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## PUBLIC HEARING

### SAFE PARKS AND LAND PRESERVATION BOND PROGRAM



41. MOTION TO APPROVE contract for sale and purchase between Todd Stephens and Matthew Roberts (Sellers) and Broward County in the amount of \$1,325,000 for the purchase of 9.97 acres (434,232 square feet) of unimproved vacant land, known as Conservation Land (CL) Site 456 in the Broward County Safe Parks and Land Preservation Bond Program Inventory, located southeasterly of NE 5<sup>th</sup> Avenue and NE 42<sup>nd</sup> Street, in the City of Deerfield Beach, Florida; authorize Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; and authorize the Mayor and Clerk to execute contract for sale and purchase, and authorize acceptance and recordation of deed. **(Commission District 2)**

***ACTION: (T-12:04 PM) Approved. See Page \*\*\*\*\****



42. A. MOTION TO APPROVE agreement between New Jerusalem Missionary Baptist Church, Inc. and Broward County in the amount of \$63,500 (which includes \$40,000 cash and an 8,000 square feet (0.184 acre) lot known as Open Space (OS) 70.02, valued at \$23,500) for the purchase of 10,080 square feet (0.231 acres) known as Site OS-70.06 in the Broward County Safe Parks and Land Preservation Bond Program Inventory; both vacant land parcels located along the south side of NW 11<sup>th</sup> Place (OS-70.06 on the east side and OS-70.02 on the west side of NW 29<sup>th</sup> Avenue) in unincorporated Broward County (Fort Lauderdale), Florida; authorize Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; 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 9).**

***ACTION: (T-12:07 PM) Approved.***

- B. MOTION TO ADOPT Resolution 2004-928 approving the conveyance and exchange of vacant real property that Broward County has determined will not be needed for County purposes. **(Commission District 9)**

***ACTION: (T-12:07 PM) Approved.***



43. MOTION TO APPROVE contract for sale and purchase for conservation easement on part of Hurley Pasture between Arthur J. Hurley and Susan M. Hurley, husband and wife; Jason A. Hurley, a married man; and Samuel J. Hurley and Cherilyn L. Brown, also known as Cherilyn L. Brown Hurley, husband and wife, as Seller, and Broward County in the amount of \$2,332,000 for part of Purchase of Development Rights Site-05 (PDR-05) in the Safe Parks and Land Preservation Bond Program Open Space Inventory, consisting of mainly cleared pasture land (26+/- acres) at SW 20 Street between SW 118 and 121 Avenues, Town of Davie, Florida; authorize Real Property Section to acquire the Conservation Easement using Safe Parks and Land Preservation Bond issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase for conservation easement; and authorize acceptance and recordation of the conservation easement. **(Commission District 5)**

***ACTION: (T-12:08 PM) Approved.***



44. MOTION TO APPROVE contract for sale and purchase for conservation easement on Prestige Growers between Prestige Growers, Inc. and Broward County in the amount of \$1,362,500 for Purchase of Development Rights Site 10 (PDR-10) in the Safe Parks and Land Preservation Bond Program Open Space Inventory, consisting of a working plant nursery (9.8+/- acre) at 5071 SW 64<sup>th</sup> Avenue (Davie Road), Town of Davie, Florida; authorize Real Property Section to acquire the conservation easement using Safe Parks and Land Preservation Bond issue funds; authorize the Mayor and Clerk to execute contract for sale and purchase for conservation easement; and authorize acceptance and recordation of the conservation easement. **(Commission District 7)**

***ACTION: (T-12:08 PM) Approved.***

**END PUBLIC HEARING**

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## SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

45. MOTION TO DISCUSS acquisition of the Southwest Meadows Sanctuary – Addition 2 (OS-115) in the Town of Southwest Ranches (AKA Calusa Corners Plat). (Commissioner Parrish)

***ACTION: (T-12:16 PM) Tabled to 2:30 p.m. Time Certain. See Page \*\*\*\*\****

***ACTION: (T-2:38 PM) The Board directed staff to determine what properties that are now on the Open Space list and any other similarly situated properties can qualify to be moved to the Green Space category due to a recent County Attorney opinion. The Board decided that commissioners can no longer add projects to the Open Space or Green Space categories. In addition, the Board directed staff to seek an alternate source of funds to cover the program management expenses so that the \$17.5 million can be utilized for land acquisition. Further, the Board directed staff to schedule a workshop expeditiously to discuss the dispensation of the remaining Land Preservation Bond funds. See Page \*\*\*\*\****

46. MOTION TO DISCUSS acquisition of up to three non-conforming lots adjacent to the Town of Southwest Ranches' new Entrance Way Park. (Commissioner Parrish)

***ACTION: (T-12:16 PM) Tabled to 2:30 p.m. Time Certain. See Page \*\*\*\*\****

***ACTION: (T-3:47 PM) The Board directed staff to purchase up to three non-conforming lots adjacent to the Town of Southwest Ranches' new Entrance Way Park using the balance of District 5's discretionary funds, with the Town of Southwest Ranches funding the remainder of the purchase price. Staff will follow the appropriate process for land acquisition. See Page \*\*\*\*\****

## COUNTY COMMISSION

47. MOTION TO DISCUSS amending the current C-11 Greenway Corridor design contract with Tetra Tech, Inc. to design the Stirling Road "Loop" multi purpose trail and land bridge between Volunteer Road (SW 148<sup>th</sup> Avenue) and Dykes Road (SW 160<sup>th</sup> Avenue). (Commissioner Parrish)

***ACTION: (T-12:16 PM) Tabled to 2:30 p.m. Time Certain. See Page \*\*\*\*\****

***ACTION: (T-3:50 PM) Commissioner Eggelton will place an item on the Metropolitan Planning Organization agenda to discuss funding the project. See Page \*\*\*\*\****

48. MOTION TO DISCUSS assistance of the County Public Works Department in designing four “at grade” crossings, with “on demand” signalization, at a width of 12 feet. These crossings will directly link Broward County’s C-11 Canal Greenway Corridor with four parks proposed in the Town of Southwest Ranches before the end of 2004. (Commissioner Parrish)

**ACTION: (T-12:16 PM) Tabled to 2:30 p.m. Time Certain. See Page \*\*\*\*\***

**ACTION: (T-3:57 PM) The Board directed staff to begin the process of analyzing the four “at grade” crossings, in consultation with the affected cities, and return before the Board with recommendations. See Page \*\*\*\*\***

49. MOTION TO IMPLEMENT construction of the C-11 Greenway Corridor, upon the completion of design in the summer of 2005. (Commissioner Parrish)

**ACTION: (T-12:16 PM) Tabled to 2:30 p.m. Time Certain. See Page \*\*\*\*\***

**ACTION: (T-4:11 pm) Vice Mayor Jacobs will place an item on the Metropolitan Planning Organization agenda to discuss funding the project. See Page \*\*\*\*\***

50. MOTION TO DISCUSS \$500,000 cultural and historic preservation challenge grants. (Vice-Mayor Jacobs)

**ACTION: (T-12:10 PM) This item was discussed during consideration of Item 33 of this day’s meeting. See Page \*\*\*\*\***



51. MOTION TO DIRECT County Attorney’s Office to amend the County attendance procedures relating to Advisory Boards to allow for excused absences under certain circumstances. (Mayor Lieberman)

**ACTION: (T-12:10 PM) The Board voted to leave its existing attendance procedures relating to Advisory Boards in place. See Page \*\*\*\*\***

52. MOTION TO FILE City of Cooper City Ordinance 2004-10-04 dated October 12, 2004, annexing to the City of Cooper City a parcel of land described as Tract 29, of Section 30, Township 50 South, range 41 East, according to the plat of John W. Newman’s survey, as recorded in Plat Book 2, page 26 of the Public Records of Dade County, Florida; and providing for an effective date. (Mayor Lieberman)

**ACTION: (T-10:09 AM) Approved. (Transferred to the Consent Agenda.)**

53. MOTION TO FILE City of Pompano Beach Resolution 2004-60, dated September 28, 2004, establishing election districts within the City of Pompano Beach for the purpose of representation and election of members of the City Commission; providing for severability; providing a repealing clause, providing an effective date. (Mayor Lieberman)

**ACTION: (T-10:43 AM) Approved. (Transferred to the Consent Agenda.)  
See Page \*\*\*\*\***

54. MAYOR'S REPORT

A. ELECTION ISSUES/BOARD DISCUSSION

**ACTION: (T-5:08 PM) Mayor Lieberman advised the Board that she has been working with the Supervisor of Elections to resolve election issues as they occur. Board members discussed their concerns regarding sufficient telephone support and the mailing of absentee ballots. See Page \*\*\*\*\***

B. INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) AWARD FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES

**ACTION: (T-5:19 PM) The Mayor thanked everyone involved in the IDA grant award of \$133,000, which will enable approximately 30 families to become self-supporting. See Page \*\*\*\*\***

C. GROUND BREAKING – NEW FORT LAUDERDALE CHILDREN'S THEATER

**ACTION: (T-5:20 PM) Mayor Lieberman and Commissioner Gunzburger recently attended the groundbreaking ceremony for the new Fort Lauderdale Children's Theater, on Wednesday, October 20, 2004. See Page \*\*\*\*\***

55. COUNTY COMMISSION LIAISON REPORT

**ACTION: (T-5:23 PM) No reports were filed.**

56. COUNTY ADMINISTRATOR'S REPORT

**ACTION: (T-5:23 PM) County Administrator Roger J. Desjarlais informed the Board there was nothing to report.**

**SUPPLEMENTAL AGENDA**

**COUNTY COMMISSION**

57. MOTION TO APPOINT Commissioner Diana Wasserman-Rubin to the Selection Evaluation Committee No. T304055CF, Warehouse Renovations, Supervisor of Elections. (Commissioner Wasserman-Rubin)

***ACTION: (T-10:09 AM) Approved. (Transferred to the Consent Agenda.)***

58. A. MOTION TO ACCEPT resignation of Commissioner Jim Scott as the Board of County Commissioners' appointment to the Transportation Management Authority (TMA). (Mayor Lieberman)

***ACTION: (T-10:09 AM) Approved. (Transferred to the Consent Agenda.) See Page \*\*\*\*\****

- B. MOTION TO APPOINT Broward County Commissioner to the Transportation Management Authority (TMA).

***ACTION: (T-10:09 AM) Approved the appointment of Vice Mayor Jacobs. (Transferred to the Consent Agenda.) See Page \*\*\*\*\****

59. MOTION TO APPOINT Commissioner to participate in a Tri-County Commission Task Force on Health Care, Medicaid and Indigent Care. (Mayor Lieberman)

***ACTION: (T-12:15 PM) The Board approved the appointment of Commissioner Graber. See Page \*\*\*\*\****

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**NON AGENDA**

60. MYSTERY RIDER REPORT – VICE MAYOR JACOBS

***ACTION: (T-5:20 PM) Referring to this year's Mystery Rider Report, Vice Mayor Jacobs commented that 68 percent of the Mass Transit bus drivers are not wearing their seatbelts. This was also reflected in last year's report. She asked staff to investigate the issue and report back to the Board. See Page \*\*\*\*\****

61. NEW TURF GRASS – VICE MAYOR JACOBS

**ACTION: (T-5:21 PM) Vice Mayor Jacobs informed the Board that she recently attended a forum where she saw a presentation on turf grass that grows in salt water or brackish water. She asked staff to research the possibility of using the new grass at Broward County facilities and report back to the Board. See Page \*\*\*\*\***

62. ADVISORY BOARDS

**ACTION: (T-5:23 PM) Vice Mayor Jacobs stated that Advisory Boards must bring their issues before the County Commission prior to the Commission taking action. She asked the County Administrator to reiterate the Board's policy to staff. See Page \*\*\*\*\***

**MEETING/WORKSHOP NOTICES**

**BOARD OF COUNTY COMMISSIONERS WORKSHOP**

**PROPOSED 2005 STATE LEGISLATIVE PROGRAM**

Tuesday, October 26<sup>th</sup>, in Room 430 at 12:00 PM or  
Immediately following the morning Commission meeting

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