

MEETING OF NOVEMBER 2, 1999

(The meeting convened at 10:00 a.m.; recessed at 11:50 a.m.; reconvened at 2:00 p.m.; recessed at 3:15 p.m.; reconvened at 4:10 p.m.; recessed at 6:45 p.m. and adjourned at 7:50 p.m.)

PLEDGE OF ALLEGIANCE was led by Commissioner Norman Abramowitz.

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. MOTION TO APPROVE nomination of S. Amy Schwartz for appointment to the Advisory Board for Persons with Disabilities. (Commissioner Parrish)

ACTION: (A-0487) Approved.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

2. MOTION TO APPROVE contract for sale and purchase executed by Concord Village Recreation Association, Inc. for a not-for-profit corporation in the amount of \$3,000 for the purchase of road right-of-way, McNab Road Project 5117, Parcels 114 and 115. Engineering Division authorizes Real Property Section to acquire this right-of-way using Engineering Division funds; authorize the Chair and Clerk to execute contract for sale and purchase; and authorize acceptance and recordation of deed.

ACTION: (A-0487) Approved.

3. MOTION TO APPROVE purchase of road right-of-way from the School Board of Broward County in the amount of \$28,752 for Wiles Road Project 5153, Parcel 12 and 12 temporary construction easements. Engineering Division authorizes the Real Property Section to acquire this property using Engineering Division funds; authorize acceptance and recordation of deed and easement executed June 15, 1999 by the School Board of Broward County.

ACTION: (A-0487) Approved.

4. MOTION TO APPROVE granting of an easement to Florida Power & Light Company to relocate its existing electrical facilities providing additional load capacity to its customers. The easement will be on County-owned property at 4400 South State Road 7 currently leased for Resource Recovery Site by Wheelabrator South Broward, and authorize the Chair and Clerk to execute easement.

ACTION: (A-0666) Deferred up to two weeks for further staff review.

5. MOTION TO APPROVE granting of an easement to Florida Power & Light Company to relocate their existing electrical facilities to provide additional load capacity to its customer. The easement will be on County-owned property at the northwest corner of Powerline Road and the Sawgrass Expressway which is currently an unused portion of Quiet Waters Park, and authorize the Chair and Clerk to execute

easement.

ACTION: (A-0797) Deferred up to two weeks for further staff review.

6. MOTION TO APPROVE conveyance of an easement to Florida Power & Light company to set guy wires for existing pole line. Easement will occupy a 10'x35' area of county landfill at 142nd Avenue and Orange Drive, located in Tract 18 of Florida Fruit Lands Company's Subdivision No. 1 in Section 27, Township 50 South, Range 40 East, in the Town of Davie, Broward County, Florida, and authorize the Chair and Clerk to execute easement.

ACTION: (A-0678) Deferred to two weeks for further staff review.

OFFICE OF GENERAL SERVICES

7. MOTION TO APPROVE first amendment to the agreement between Broward County and Johnson Controls, Inc. (JCI) for energy conservation measures at various Broward County Government Buildings to amend the energy performance contract monitoring and savings guarantee annual fee payable to JCI for the remainder of the term of the contract, through May 2006, specifying that energy savings have been stipulated and the number of hours JCI will devote annually to examination of installed conservation measures, energy usage and reporting, resulting in a reduction in expense to the County of \$255,852.00, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

8. MOTION TO APPROVE third amendment to the agreement between Broward County and Johnson Controls, Inc. (JCI) for energy conservation measures at the Broward County Judicial Complex to amend the energy performance contract monitoring and savings guarantee annual fee payable to JCI for the remainder of the term of the contract, through April 2005, specifically that energy savings have been stipulated and the number of hours JCI will devote annually to examination of installed conservation measures, energy usage and reporting, resulting in a reduction in expense to the County of \$107,096.00, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

9. MOTION TO APPROVE fourth amendment to the agreement between Broward County Courthouse Foods, Inc. (CHF) which extends the agreement for three years to November 8, 2002 with a required selection/negotiation committee (S/NC) meeting at the end of the second year to evaluate the performance by CHF in providing food service at the Public Safety Complex and the Judicial Complex in accordance with additionally established service and product criteria, as well as reducing the rent payable to County from 5½% to 3½% of gross sales over the term of the amendment, and authorize the Chair and Clerk to execute same.

ACTION: (A-0892) Approved a six (6) month extension on the agreement. Also, the Selection/Negotiation Committee will be reconvened with Commissioner Parrish added to the Committee.

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

10. MOTION TO APPROVE revocable license agreement between Broward County and S/OP Associate Ltd. for the use of a portion of the right-of-way of SE 3rd Avenue (east side) from SE 2nd Street south for approximately 180 feet for installation of street trees, ground cover and irrigation (street landscaping), and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

11. MOTION TO ADOPT Resolution 1999-1465 accepting a sidewalk easement executed by First Security Bank National Association for right-of-way for Flamingo Road (east side) located approximately 1,900 feet south of Miramar Parkway.

ACTION: (A-0487) Approved.

12. MOTION TO APPROVE agreement between Broward County and the City of Cooper City for the joint funding of improvements to the intersection of Stirling Road and SW 116th Avenue, SW 118th Avenue and North Lake Boulevard and the intersections of Hiatus Road and SE Lake Boulevard and NE Lake Boulevard, Project No. 5221, at a cost to the County of \$80,275.00, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

13. MOTION TO ADOPT Resolution 1999-1466 accepting a quit claim deed executed by V.P. Properties, a Florida general partnership, for right-of-way for Sheridan Street (south side) from U.S. Highway 27 east for approximately 230 feet.

ACTION: (A-0487) Approved.

14. MOTION TO ADOPT Resolution 1999-1467 exempting the positions of Engineer II (BPN 06855) and Landscape Architect (BPN 06142) from the Classified Civil Service.

ACTION: (A-0487) Approved.

STREETS AND HIGHWAYS DIVISION

15. A. MOTION TO ADOPT budget Resolution 1999-1468 transferring within the Streets and Highways' Capital Outlay Reserve Fund, the amount of \$217,000 from the Streets and Highways Division Reserve for the purpose of providing funding for the City of Parkland resurfacing of Holmberg Road from Riverside Drive to State Road 7.

ACTION: (A-0487) Approved.

B. MOTION TO APPROVE road transfer agreement between Broward County and the City of Parkland for transfer of jurisdiction of Holmberg Road from Riverside Drive to State Road 7.

ACTION: (A-0487) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Aviation Department

16. MOTION TO APPROVE first amendment to the deliberately phased agreement between Broward County and Williams, Hatfield & Stoner (WH&S) for general engineering consulting services related to Broward County-owned Airports in Broward County, Florida (RLI No. 011498-RB) in an amount not to exceed \$2,098,400 (for a new total of \$3,774,303) for Fiscal Year 2000, and authorize the Chair and Clerk to execute same.

ACTION: (A-1420) Approved, as amended. Staff was directed to monitor closely Tree Mitigation Support (Task No. 5) with respect to the preservation/relocation of older trees onto County property. Further, the Landscape Architect shall utilize the services of a Certified Arborist consultant.

17. MOTION TO APPROVE first amendment to the agreement between Broward County, Florida and Matrix Systems for the maintenance of all Matrix-supplied security equipment at the Fort Lauderdale-Hollywood International Airport at an increased amount of \$21,561.60, to add additional equipment to the maintenance agreement, and authorize the Chair and Clerk to execute the same.

ACTION: (A-1555) Tabled to later in the meeting.

ACTION: (B-2990) Approved, as amended. The agreement shall include a three (3) percent increase cap based upon the Consumer Price Index on the maximum amount the maintenance services may increase upon contract renewal, in addition to the County's standard indemnification language.

For Finance and Administrative Services Department

18. MOTION TO ADOPT Resolution 1999-1469 of the Board of County Commissioners of Broward County, Florida exempting from the classified civil service the position of Purchasing Agent IV (BPN No. 00405) for the Finance and Administrative Services Department, Purchasing Division.

ACTION: (A-0487) Approved.

19. MOTION TO APPROVE agreements between Broward County and BBL Environmental Services, Inc.; Petropac, Inc.; and Post, Buckley, Schuh & Jernigan, Inc. as additions into a resource library for environmental services, which enables agencies to expeditiously select and engage firms to aid in determining and implementing solutions to environmental problems, for a period of three years effective with Board execution and with two one-year extensions to be approved by the Director of Purchasing, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

For Port Everglades Department

20. MOTION TO AWARD fixed contract to the low bidder, Subaqueous Services Inc., for Maintenance Dredging of Slips 1, 2 and 3 (Bid No. Q-4-99-069-CF), in the amount of \$369,000 for the Port Everglades Department subject to receipt and acceptance of insurance/performance and payment guarantee, and authorize the Chair and Clerk to execute the same.

ACTION: (A-0487) Approved.

21. MOTION TO APPROVE procurement of design, manufacture and installation of electrical

switchgear to transform power from Florida Power & Light (FPL) to power useable by the two new low-profile Gantry cranes manufactured by Samsung Heavy Industries, Inc. from the standardized sole source vendor, General Electric Company, in the amount of \$236,875 for the Port Everglades Department.

ACTION: (A-0487) Approved.

For Public Works Department

22. MOTION TO APPROVE Amendment No. 1 to Work Authorization No. 9614 in accordance with the agreement of September 12, 1995, between Broward County and Williams, Hatfield and Stoner, Inc. to provide additional professional engineering services for the North Regional Wastewater Treatment Plant (NRWWTP) Supervisory Control and Data Acquisition (SCADA) System Reliability Upgrade, to modify the contract documents due to technical and contractual issues raised by the equipment supplier during scope definition/negotiations, and to increase the quantities of draft and final documents, for an additional cost of \$23,585 from \$102,400 to \$125,985 and 180 additional calendar days from 495 calendar days to 675 calendar days, and authorize the Chair and Clerk to execute same. This item is a post approval. (BCOES Project Number: 9614: NRWWTP SCADA Reliability Upgrade)

ACTION: (A-0487) Approved.

REVENUE COLLECTION DIVISION

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

ACTION: (A-0487) Approved.

HUMAN SERVICES DEPARTMENT

OFFICE OF HOUSING FINANCE

24. MOTION TO FILE Quarterly Foreclosure Report for the State Housing Initiatives Partnership Program (SHIP) Single Family Second Mortgage Program administered by the Office of Housing Finance.

ACTION: (A-0487) Approved.

25. MOTION TO APPROVE AND EXECUTE subordination agreement for Donna Cotter to subordinate Broward County's second mortgage lien on a State Housing Initiatives Partnership Program (SHIP) Special Needs/Barrier-Free forgivable deferred payment loan in the amount of \$8,405 to new refinancing with Aames Funding Corporation, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

26. MOTION TO APPROVE AND EXECUTE subordination agreement for Charles and Ruth McClasky to subordinate Broward County's second mortgage lien on a State Housing Initiatives Partnership Program (SHIP) Home Repair forgivable deferred payment loan in the amount of \$13,030 to new refinancing with ContiMortgage Corp., and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

27. MOTION TO APPROVE satisfaction of mortgage for a HOME Investment Partnership Project First-Time Homebuyers Assistance deferred loan in the amount of \$5,000 to Jonathan Sorge, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL AFFAIRS DIVISION

28. MOTION TO APPROVE agreement between Broward County and James N. Hirschfield and Sonya I. Ishii for artistic services for Broward Boulevard Streetscape Project, in the amount of \$165,000, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Deferred for further staff review.

29. MOTION TO APPROVE Amendment No. 1 to the agreement between Broward County and the Opera Guild, Inc. of Fort Lauderdale for the purpose of a Challenge Grant to increase the amount by \$200,000 for a total of \$317,000 to extend the term until April 5, 2002, and authorize the Chair and Clerk to execute same.

ACTION: (A-0487) Approved.

30. A. MOTION TO APPROVE South Florida Cultural Consortium Fiscal Year 2000 budget in accordance with Section 7 of the South Florida Cultural Consortium Interlocal Agreement for the period October 1, 1999 to September 30, 2000 in the amount of \$250,306 (Broward County's contribution is \$70,000).

ACTION: (A-0487) Approved.

B. MOTION TO FILE annual financial report for the fiscal year ending September 30, 1999 in accordance with Section 8 of the South Florida Cultural Consortium Interlocal Agreement.

ACTION: (A-0487) Approved.

C. MOTION TO FILE report of activities of the South Florida Cultural Consortium in accordance with Section 19 of the South Florida Cultural Consortium Interlocal Agreement.

ACTION: (A-0487) Approved.

PARKS AND RECREATION DIVISION

31. MOTION TO ADOPT Resolution 1999-1470 of the Board of County Commissioners of Broward County, Florida authorizing the acceptance of a donation of \$3,000 from Florida Health Choice, Inc. for the use and benefit of the Parks and Recreation Division for the Anne Kolb Nature Center's Mangrove Café, a literary coffee house located at West Lake Park, authorizing the County Administrator to take all administrative actions to implement same, and providing for an effective date.

ACTION: (A-0487) Approved.

32. MOTION TO ADOPT unanticipated revenue Resolution 1999-1471 within the Municipal Service Tax District Capital Fund 3420 for the Parks and Recreation Division in the amount of \$100,000 to augment the capital budget for the development of Sunshine Ranches Equestrian Park.

ACTION: (A-0487) Approved.

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

33. MOTION TO APPROVE settlement agreements between Broward County and the listed respondents for violations of Broward County Code of Ordinances for Department of Planning and Environmental Protection (DPEP), and authorize the Chair and Clerk to execute same.

ACTION: (A-1803) Approved the item with the deletion of item 1 on the Agenda Report (Barnsley Investments, Inc., Yorkshire Enterprises, Inc., Southport Dredging, Inc. and J & A Transfer, Inc.). Consideration of item 1 is deferred for three (3) weeks. Further, appropriate staff was directed to add an item on the Legislative Program to change state law to enable the County to recover administrative costs for all prosecutions of this kind.

DEPARTMENT OF SAFETY AND EMERGENCY SERVICES

FIRE RESCUE DIVISION

34. MOTION TO ADOPT Resolution 1999-1472 to support Broward County Fire Rescue and the development of a Comprehensive Regional System of Fire Rescue Delivery throughout Broward County, and directing County staff to pursue the creation of such through negotiated cooperative agreements with responsible Municipal service providers.

ACTION: (A-0487) Approved, as corrected. (Scrivener's error: Substitute Resolution which combines the first two "whereas clauses" and adds one word (recognizing).

35. A. MOTION TO APPROVE creation of the Broward County Fire Rescue Services Advisory Board to serve in an advisory capacity to the Board of County Commissioners on matters related to the provision of fire, rescue and emergency medical services in unincorporated areas and in municipalities served by the Broward County Fire Rescue Division.

ACTION: (A-0487) Approved.

B. MOTION TO DIRECT Office of the County Attorney to draft a Resolution creating the Broward County Fire Rescue Services Advisory Board; providing for appointment and composition; setting forth terms; providing for removal; providing for officers, quorum, rules of procedure; setting forth functions, powers and duties; setting forth duties of County Administrator; providing for review process; providing for inclusion in the Administrative Code; and providing for an effective date.

ACTION: (A-0487) Approved.

COUNTY ATTORNEY

36. MOTION TO APPROVE agreement between Broward County and Jeffrey Alan Baron for conveyance of a quitclaim deed to Broward County in lieu of code enforcement lien foreclosure, as settlement of a foreclosure lawsuit filed in Broward County Circuit Court, Broward County v. Jeffrey

Alan Baron, Case No.98-08766(05).

ACTION: (A-0487) Approved.

COUNTY COMMISSION

37. **MOTION TO FILE** City of Hollywood, Florida Resolution No. R-99-361 dated October 6, 1999, entitled:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, REQUESTING THE BROWARD COUNTY LEGISLATIVE DELEGATION TO CONDUCT A PUBLIC HEARING ON THE PROPOSED VOLUNTARY ANNEXATION OF THE PROPERTY OF TEMPLE B'NAI SEPHARDIM SHAARE SHALOM OF HOLLYWOOD, INC. FROM THE UNINCORPORATED AREA INTO THE MUNICIPAL LIMITS OF THE CITY OF HOLLYWOOD.

(Chair)

ACTION: (A-0487) Approved.

REQUEST TO SET FOR PUBLIC HEARING

38. **MOTION TO ADOPT** Resolution 1999-1473 directing the County Administrator to publish a notice of public hearing to be held Tuesday, November 30, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to consider applications to renew the franchises of Florida Stevedoring, Inc. to provide stevedore and cargo handler services at Port Everglades.

ACTION: (A-0487) Approved.

39. **MOTION TO ADOPT** Resolution 1999-1474 directing the County Administrator to publish notice of public hearing pursuant to 177.101 of the Florida Statutes to be held Tuesday, November 30, 1999 at 2:00 p.m. in Room 422 of the Governmental Center to vacate and abandon right-of-way, drainage, utility and lift station easements, lying and being in Broward County, Florida and located at 4900 block of Flamingo Road in the City of Cooper City. Petitioner: Oriole Homes Corporation (Calvin, Giordano & Associates, Inc. - Agent) 15-V-99.

ACTION: (A-0487) Approved.

REGULAR AGENDA

10 A.M. PUBLIC HEARING

COUNTY COMMISSION SITTING AS GOVERNING BOARD

OF THE COCOMAR WATER CONTROL DISTRICT

40. A. MOTION TO OPEN meeting as the Governing Board of the Cocomar Water Control District.

ACTION: (A-2029) *Approved.*

B. MOTION TO APPROVE termination of the license agreement between Broward County Cocomar Water Control District and Carl A. Rose and Joseph E. Gehl, as provided in Paragraph 7 of the agreement which was approved on August 11, 1998, Item 47(B), that provided for the reimbursement of up to \$99,986 to the developer for construction of a portion of the C-5 Canal between Johnson Road and Hillsboro Boulevard.

ACTION: (A-2029) *Approved.*

C. MOTION TO CLOSE meeting of the Governing Board of the Cocomar Water Control District.

ACTION: (A-2029) *Approved.*

END PUBLIC HEARING

41. **COUNTY ADMINISTRATOR'S REPORT** - County Administrator Roger J. Desjarlais advised the Board there was nothing to report.

ACTION: (A-2044) *No Board action was necessary.*

DEPARTMENT OF SAFETY AND EMERGENCY SERVICES

FIRE RESCUE DIVISION

42. A. MOTION TO APPROVE interlocal agreement between Broward County and the Town of Pembroke Park providing for the delivery of emergency medical and fire protection services within the Town of Pembroke Park by Broward County for a ten-year period commencing November 1, 1999 through October 31, 2009, with an automatic ten-year renewal term and an 18-month cancellation notice provision, and authorize the Chair and Clerk to execute same.

ACTION: (A-2049) *Approved, as corrected. (Scrivener's error: The City has executed the agreement and the fully executed documents (including County Attorney sign off) are in Document Control).*

B. MOTION TO ADOPT unanticipated revenue Resolution 1999-1475 within the Fire Fund in the Fire Rescue Division in the amount of \$857,380 to provide fire protection services in the Town of Pembroke

Park from November 1, 1999 through September 30, 2000.

ACTION: (A-2049) Approved.

C. MOTION TO ADOPT unanticipated revenue Resolution 1999-1476 within the Emergency Medical Services Fund in the Fire Rescue Division in the amount of \$558,710 to provide emergency medical services in the Town of Pembroke Park from November 1, 1999 through September 30, 2000.

ACTION: (A-2049) Approved.

D. MOTION TO INCREASE personnel cap within the Fire Fund in the Fire Rescue Division by 13 positions to provide fire protection services in the Town of Pembroke Park.

ACTION: (A-2049) Approved.

E. MOTION TO INCREASE personnel cap within the Emergency Medical Services Fund in the Fire Rescue Division by nine positions to provide emergency medical services in the Town of Pembroke Park.

ACTION: (A-2049) Approved.

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. 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

43. DISCUSSION: of plat entitled "Harbor Lakes Estates" - District 5, (073-MP-98).

ACTION: (A-0487) Deferred to November 16, 1999 at the applicant's request.

44. DISCUSSION: of plat entitled "Evan Lindsey Commercial" - District 1, (009-MP-99).

ACTION: (A-0487) Deferred to June 13, 2000 or sooner, under Section 5-181(i) of the Land Development Code, to study traffic concurrency.

45. DISCUSSION: of plat entitled "United Homes Plat" - District 5, (038-MP-99).

ACTION: (A-0487) Deferred to December 7, 1999 at the applicant's request.

46. DISCUSSION: of plat entitled "Value Dining Plat" - District 5, (012-MP-99). (Deferred from October 19, 1999.)

ACTION: (A-0487) Deferred to November 16, 1999 at the applicant's request.

47. DELEGATION: Mikki Hitt regarding request to revise the note on the Quality Club Plat - District 4, (053-MP-98).

ACTION: (A-0487) Approved per staff's verbal recommendations.

48. DELEGATION: F. Ronald Mastriana regarding request to amend the note on the Hunt Plat - District 1, (064-MP-96).

ACTION: (A-2165) Deferred for 35 days to send the item back to the City of Oakland Park for a public process.

49. DELEGATION: Paul Lovesky regarding request to revise the note on the Oakland Park/Old Dixie Plat - District 1, (046-MP-98).

ACTION: (A-2218) Approved, as amended, subject to staff's recommendations.

50. DELEGATION: Elizabeth Pulice regarding request to amend the note on the Tennis Club II Plat - District 7, (042-MP-96).

ACTION: (A-2266) Approved subject to staff's recommendations.

51. DELEGATION: Ed Ploski regarding request to amend the non-vehicular access line on the Meekins Bamman Plat - District 5, (101-MP-94).

ACTION: (A-2280) Approved subject to staff's recommendations.

52. DELEGATION: Howard Zimmerman regarding request to amend the non-vehicular access line on the Imagination Farms East Plat - District 5, (009-MP-96).

ACTION: (A-2300) Approved, as amended, subject to staff's recommendations. After consultation with the applicant, staff recommends that Condition 5 (on page 4 of 6) be modified to reflect that the "Temporary Driveway" opening shall be limited to a time period ending on April 30, 2000.

53. DELEGATION: James Hahn regarding request to amend the non-vehicular access line on the Silver Lakes at Pembroke Pines Plat - District 5, (049-MP-89).

ACTION: (A-2323) Approved subject to staff's recommendations.

54. DELEGATION: Rhon Ernest-Jones regarding request to amend the non-vehicular access line on the Port 95 Commerce Park Plat - District 6, (019-UP-88). (Deferred from October 5, 1999)

ACTION: (A-2339) Approved subject to staff's recommendations.

55. DELEGATION: Samuel F. Morrison, Director of Libraries Division, regarding MOTION TO ADOPT Resolution 1999-1477 of the Board of County Commissioners of Broward County Florida, amending the note on the Dye Two Plat - District 7, (039-UP-89); providing for recording; providing for severability; and providing for an effective date. (Deferred from October 19, 1999)

ACTION: (A-2357) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL HEARING

AVIATION DEPARTMENT

56. A. MOTION TO APPROVE Avigation Easement and Voluntary Sales Assistance Programs (Program) for eligible property owners in the City of Fort Lauderdale and the City of Dania Beach in accordance with the Federal Aviation Administration (FAA) approved Part 150 Noise Study Update for the Fort Lauderdale-Hollywood International Airport.

ACTION: (A-0487) Deferred at the request of the County Administrator.

B. MOTION TO APPROVE contract for the sale and purchase of easement and easement deed forms.

ACTION: (A-0487) Deferred at the request of the County Administrator.

C. MOTION TO AUTHORIZE County Administrator or his designee to take all administrative actions and execute all documents necessary to acquire the avigation easement, in accordance with A & B.

ACTION: (A-0487) Deferred at the request of the County Administrator.

D. MOTION TO ADOPT budget Resolution transferring funds within the Aviation Capital Fund 4050 for the Aviation Department in the amount of \$3,600,000 for Avigation Easements/Voluntary Sales Assistance Program.

ACTION: (A-0487) Deferred at the request of the County Administrator.

HUMAN SERVICES DEPARTMENT

57. A. MOTION TO WAIVE following Sections of the Broward County Procurement Code; Section 21.29; Section 21.30; Section 21.83; and Section 21.86 for Human Services Technology, Inc. (HST).

ACTION: (A-2535) Approved.

B. MOTION TO APPROVE agreement between Broward County and Human Services Technology, Inc., for the Children's Services Administration in the amount of \$260,000; to approve Shell Contract to be entered into between various Human Services Department Divisions and HST, Inc., in a total amount not to exceed \$150,000, from date of execution through September 30, 2001; and authorize the County

Administrator to execute the appropriate contracts and amendments to these contracts.

ACTION: (A-2535) Approved, as amended, contingent upon all the numbers being filled in the blanks throughout the agreement and that the agreement be submitted to the County Commission for comment. If no comments are received from the County Commission within 48 business hours, the chair is authorized to execute.

(Scrivener's error: The signature pages of the Shell Contracts inadvertently reflect the Chair's signature and will be corrected to reflect the correct delegation of authority to the County Administrator to execute the agreements.)

DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION

COMPREHENSIVE & NEIGHBORHOOD PLANNING DIVISION

58. **MOTION TO FIND** application 99-CF-07 for the allocation of 3.0 acres of commercial flexibility in the City of Sunrise compatible with adjacent land uses and that impacts upon public school facilities have been adequately considered.

ACTION: (A-3010) Approved.

PORT EVERGLADES DEPARTMENT

59. A. **MOTION TO ADOPT** Resolution 1999-1478 of the Board of County Commissioners of Broward County, Florida, amending the Five-year Capital Program for Fiscal Years 2000 through 2004; and providing for an effective date.

ACTION: (A-3030) Approved.

B. **MOTION TO ADOPT** unanticipated revenue Resolution 1999-1479 thru 1999-1481 within the Port Everglades Enterprise Capital Funds in the amount of \$11,377,600 for the purpose of amending the Port Everglades Capital Program for Fiscal Year 2000.

ACTION: (A-3030) Approved.

COUNTY ATTORNEY

60. **MOTION TO APPROVE** agreement between the South Florida Water Management District and Broward County to settle a pending challenge regarding PC 97-17 (Chambers property) and text amendment PCT 97-5.

ACTION: (B-2585) Approved.

61. **DISCUSSION:** Resolutions providing for Charter changes pertaining to election of County Commissioners from single member districts.

ACTION: (A-2400) Tabled to 4:00 p.m. time certain.

ACTION: (B-4750) The Board approved the following actions:

- 1. Authorized the County Attorney to join the lawsuit regarding House Bill 1559 (the Legislature's single member district/strong mayor proposal), if legally permissible.*
- 2. Authorized the drawing of 9 single member districts for informational purposes to be presented to the county commission at its scheduled meeting of January 4, 2000 and authorized the County Administrator to consult with the Planning Council or County's Development Management Division to present districts by requested date.*
- 3. Approved a proposal to amend the Broward County Charter which would provide for the election of county commissioners from nine (9) single member districts, and an appointed qualified county administrator. The change would be presented to the voters in the March 2000 Presidential Preference Primary Election with implementation of single member districts for the November 2000 General Election.*
- 4. Approved the submission of a separate ballot question to voters which would limit the terms of county commissioners to no more than three (3) terms of four (4) years.*
- 5. Authorized the County Attorney's Office to prepare an ordinance, with the concurrence of the County Administrator, which provides for a non-interference clause which clearly delineates those matters within the purview of the County Administrator in which the County Commission may not interfere.*

REQUEST TO SET FOR PUBLIC HEARING

62. A. MOTION TO WAIVE by a majority plus one vote, the public hearing after 5:00 p.m. for a proposed ordinance changing permitted uses, as required by section 125.66(4), Florida Statutes.

ACTION: (B-2638) Approved, as corrected.

B. MOTION TO ADOPT Resolution 1999-1485 setting two public hearings on Tuesday, December 14, 1999 at 2:00 p.m. and Tuesday, January 11, 2000 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance amending Chapter 39, of the Code of Ordinances, Broward County Zoning Code.

This is required by Section 125.66(4), Florida Statutes. In order to schedule the public hearing at 2:00 P.M., the Board of County Commissioners must approve this proposed resolution by a majority plus one vote.

TEXT CHANGE 10-T-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 39 (ZONING CODE) OF THE BROWARD COUNTY CODE OF ORDINANCES, AMENDING ARTICLE II, "DEFINITIONS," SECTION 39-4, "TERMS DEFINED," BY ADDING CERTAIN DEFINITIONS; RENUMBERING AND AMENDING ARTICLE L487I, "PLANNED DEVELOPMENT DISTRICT (PDD); AMENDING AND RENUMBERING THE TITLE OF THE ARTICLE; AMENDING AND RENUMBERING SECTION 39-1314, "DEFINITIONS," DELETING CERTAIN DEFINITIONS; AMENDING AND RENUMBERING SECTION 39-1315, "CONFORMANCE TO MASTER DEVELOPMENT PLAN," AMENDING PROVISIONS FOR MAJOR AND MINOR REVISIONS TO A MASTER DEVELOPMENT PLAN; RENUMBERING SECTION 39-1316, "COMMON OPEN SPACE"; AMENDING AND RENUMBERING SECTION 39-1317, "LAND USE REGULATIONS,"

REVISING LAND USE STANDARDS AND RESTRICTIONS; REPEALING SECTION 39-1316, "PLANNED AGRICULTURAL CENTERS"; RENUMBERING SECTION 39-1319, "PLANNED RESIDENTIAL COMMUNITIES"; RENUMBERING SECTION 39-1321, "PLANNED INDUSTRIAL PARKS"; RENUMBERING SECTION 39-1322, "PLANNED SPECIAL COMPLEXES"; RENUMBERING SECTION 39-1323, "MIXED USES PERMITTED"; CREATING A NEW SECTION 39-333, TO BE TITLED "PLANNED DEVELOPMENT DISTRICTS"; CREATING A NEW SECTION 39-337, TO BE TITLED "MAJOR AND MINOR DEVIATIONS"; REPEALING ARTICLE LII, PLANNED UNIT DEVELOPMENT (PUD) DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-2638) Approved.

63. A. MOTION TO WAIVE by a majority plus one vote, the public hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes.

ACTION: (B-3059) Approved, as corrected.

B. MOTION TO ADOPT Resolution 1999-1482 setting two public hearings on Tuesday, December 14, 1999 at 2:00 P.M. and Tuesday, January 11, 2000 at 2:00 p.m. in Room 422 of the Governmental Center to enact an ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida.

This is required by Section 125.66(4) Florida Statutes. In order to schedule the public hearing at 2:00 P.M., the Board of County must approve the proposed resolution by majority plus one vote. The December 14, 1999 and January 11, 2000 public hearings are to be quasi-judicial public hearings.

REZONING PETITION 18-Z-99

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 29 AND 30, TOWNSHIP 51 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; FROM R-1C, ONE-FAMILY DWELLING DISTRICT TO RS-3 AND RS-4, ONE-FAMILY DETACHED DWELLING DISTRICTS; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-3059) Approved.

COUNTY COMMISSION

64. MOTION TO ADOPT Resolution 1999-1483 of the Board of County Commissioners of Broward County, Florida naming and designating, the Broward County Library System Public Library in Dania Beach the "Paul DeMaio Library." (Commissioner Gunzburger)

ACTION: (A-0487) Approved.

65. MOTION TO ADOPT Resolution 1999-1484 of the Board of County Commissioners of Broward County, Florida naming and designating the Reading Room at the Hollywood Beach Culture and Community Center the "Bernice P. Oster Reading Room." (Commissioner Gunzburger)

ACTION: (A-0487) Approved.

66. DISCUSSION: Broward County's contract with Anthony Carvalho providing for State Appropriations and Budget Specialist Services. (Commissioner Gunzburger)

ACTION: (B-3083) The Board agreed to sign the County's contract with Mr. Carvalho. The Chair will work with the Legislative Delegation to explore better contract procedures for next year.

COUNTY ADMINISTRATOR

67. MOTION TO APPROVE settlement agreement with Wheelabrator Technologies, Inc., Waste Management, Inc., and its subsidiary companies.

ACTION: (A-3001) Items 67 and 71 were tabled to 5:00 p.m. time certain.

ACTION: (B-3269) Approved, with amendments (1. Change \$16,000,000 to \$15,880,000. 2. Add termination clause if bonds not refunded by 4/15/00 and 3. Procedural, non-material cleanup changes), as presented by Deputy County Attorney Noel M. Pfeffer. A red-lined draft of the agreement distinguishing all changes from the current backup will be provided for the Board's and Wheelabrator's review. Representatives from Wheelabrator must respond to the changes 24 hours after receipt of the document.

ATTORNEY-CLIENT MEETING

TIME-CERTAIN 3:00 P.M.

68. ATTORNEY-CLIENT MEETING: Commencement of attorney-client session pursuant to Section 286.011(8), Florida Statutes, to discuss litigation strategy related to City of Dania, et al. v. Broward County, Seventeenth Judicial Circuit Court Case No. 98-17841(13).

ACTION: (A-4384) No Board action was taken.

SUPPLEMENTAL AGENDA

COUNTY ADMINISTRATOR

69. MOTION TO APPROVE appointment of Paul DeMariano as Director of Port Everglades effective November 22, 1999, and authority to enter into a contract.

ACTION: (B-2727) Approved. (The County Administrator reaffirmed his commitment that anyone he hires is sensitive to minority hiring issues, gender issues, and other such matters.)

COUNTY COMMISSION

70. MOTION TO DISCUSS Broward County Professional Paramedics and Fire Fighters Benefit Fund/Group Health Insurance Benefits. (Commissioner Rodstrom)

ACTION: (A-3269) Deferred to November 9, 1999 for further staff review. The open enrollment for Health Insurance Benefits will be extended to not later than November 30, 1999 for members of the Fire Fighter/Paramedic Bargaining Unit, represented by IAFF Local 3333.

TO BE CONSIDERED ALONG WITH AGENDA ITEM 67

(WHEELABRATOR AGREEMENT)

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

71. MOTION TO ADOPT Resolution 1999-1486 of the Board of County Commissioners of Broward County, Florida, authorizing the holding of a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, in connection with a Plan of Refinancing for certain Resource Recovery projects, including the issuance of its Resource Recovery Refunding Revenue Bonds (Wheelabrator North Broward, Inc. Project), Series 1999 in the aggregate principal amount not exceeding \$188,920,000 and Resource Recovery Refunding Revenue Bonds (Wheelabrator South Broward, Inc. Project), Series 1999 in the aggregate principal amount not exceeding \$211,080,000; delegating to the Director of the Finance and Administrative Services Department the responsibility of holding such hearing; and providing an effective date.

ACTION: (A-3001) Items 67 and 71 were tabled to 5:00 p.m. time certain.

ACTION: (B-3269) Approved.

2ND SUPPLEMENTAL AGENDA

COUNTY COMMISSION

72. **MOTION TO ADOPT** Resolution of the Board of County Commissioners of Broward County, Florida, concerning the conveyance of a surplus motor vehicle to the World Famous Rainbow Crusaders, Inc., providing an effective date. (Commissioner Lieberman)

ACTION: (B-3037) *Deferred to November 9, 1999 for additional information. (Staff was asked to develop a policy which would deal with the donation of surplus vehicles for not-for-profit agencies and will return to the Board in thirty (30) days.)*

NON AGENDA

73. **INFORMATIONAL:** Commissioner Cowan informed the Board that Sam Katz, outside counsel, who represented the County for the execution of the Arena deal, is running for Mayor of the City of Philadelphia, Pennsylvania, on the Republican ticket.

ACTION: (B-4949) *No board action was necessary.*

DEFERRED/WITHDRAWN ITEMS

DEFERRED AT REQUEST OF THE COUNTY ADMINISTRATOR - 56 A thru D

DEFERRED TO NOVEMBER 9, 1999 - 70, 72

DEFERRED UP TO TWO WEEKS - 4, 5, 6

DEFERRED FOR FURTHER STAFF REVIEW - 28

DEFERRED FOR THREE WEEKS - 33

DEFERRED FOR 35 DAYS - 48

DEFERRED TO NOVEMBER 16, 1999 - 43, 46

DEFERRED TO DECEMBER 7, 1999 - 45

DEFERRED TO JUNE 13, 2000 OR SOONER - 44

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