

MEETING OF NOVEMBER 9, 2004

(The meeting convened at 10:00 a.m. and adjourned at 12:12 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Lori Nance Parrish, District 5.

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Mr. James E. Saunders, III to the Homeless Initiative Partnership Advisory Board. (Commissioner Wasserman-Rubin)

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO APPROVE appointment of Vera-Lynn Stoner to the Small Business Development Advisory Board. Ms. Stoner replaces Norberto Rosenstein in the Small Business Owner category. Her term expires on October 9, 2005. (Commissioner Gunzburger)

ACTION: (T-10:08 AM) Approved.

- C. MOTION TO APPOINT Commissioner Angelo Castillo to the Broward County Planning Council. (Commissioner Wasserman-Rubin)

ACTION: (T-10:08 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE third amendment to the Agreement 121300-RB between Broward County and Singer Architects, Inc. for architect, engineering and interior design services at the Fort Lauderdale-Hollywood International Airport, increasing the maximum-not-to-exceed amount of the Agreement by \$1,696,000; from \$4,080,400 to an amount not-to-exceed \$5,776,400; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.



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

3. MOTION TO APPROVE first amendment to the agreement between Broward County and Harris Miller Miller & Hanson, Inc. (HMMH) (RLI 20021015-0-AV-01) for acoustical consulting services at Fort Lauderdale/Hollywood International Airport, in the amount of \$129,931; increasing the total amount from \$90,000 to \$219,931; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

PUBLIC WORKS AND TRANSPORTATION DEPARTMENT

HIGHWAY CONSTRUCTION AND ENGINEERING SERVICES DIVISION

4. MOTION TO APPROVE use and maintenance of County Property Agreement between Faison-Pompano Citi Centre, LLC, Burdines, Inc. and Broward County relating to the "Pompano Citi Centre Plat" (079-MP-01); and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:18 AM) Approved with the caveat that if at any point the landscaping must be replaced or new landscaping must be installed in the County's easement area, that what is replaced will be consistent with Broward County's Naturescape guidelines. See Page *****

5. MOTION TO APPROVE Required Improvements Agreement between New Life Baptist Church of Davie, Inc., and Broward County relating to the "New Life Baptist Church" (014-MP-02); and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:08 AM) Approved.

6. MOTION TO APPROVE Tri-Party Agreement between Broward County, Florida Department of Transportation (FDOT) and Florida East Coast Railway LLC for the synchronization of the NW 4th Street/Old Griffin Road railroad crossing; and authorize the Mayor and Clerk to execute the same. (Project No. 5124) **(Commission District 6)**

ACTION: (T-10:08 AM) Approved.

7. MOTION TO APPROVE Revocable License and Access Agreement between Margate Partners, L.L.C. and Broward County relating to the "Brandon Farris Developments Plat No. 2" (190-MP-80); and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:08 AM) Approved.

REAL PROPERTY SECTION

8. MOTION TO APPROVE business lease between Broward County and the Henderson Mental Health Center, Inc., a Florida not-for-profit corporation, for approximately 12,500 gross square feet of health clinic space at 2677 NW 19th Street, in unincorporated Broward County, Florida, for a term commencing upon execution through June 30, 2005, with two additional, one year renewal terms, for total rent of \$1 per annum; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:17 AM) Approved. See Page *****

BUREAU OF WATER AND WASTEWATER SERVICES

WATER AND WASTEWATER ENGINEERING DIVISION

9. MOTION TO APPROVE developer's agreement between Broward County and North Lauderdale Petroleum, L.L.C., providing for design, construction and installation of water and wastewater facilities by the developer, located at the 1833 S. State Road 7, North Lauderdale with an estimated cost to the County of \$133,113.15, (52.88% of the project cost) and to the developer of \$118,581.85, (47.12% of the project cost), to allow the County to furnish water and wastewater service to the site and surrounding neighborhoods; and authorize the Mayor and Clerk to execute same. (BCBWWS Project No. 2097) **(Commission District 1)**

ACTION: (T-10:08 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

10. MOTION TO ADOPT Resolution 2004-931 of the Board Of County Commissioners of Broward County, Florida approving the issuance by the Broward County Educational Facilities Authority of Adjustable Rate Demand Educational Facilities Revenue Bonds, Series 2004 (City College Project) in one or more series at one or more times in the aggregate principal amount not to exceed \$12,500,000 to finance the cost of a project to be acquired, constructed, and equipped by City College, Inc. for purposes of Section 147(F) of the Internal Revenue Code of 1986, as amended; approving the minutes of the Public Hearing held pursuant to the Tax Equity and Fiscal Responsibility Act of 1982, as amended; and authorize the Mayor and Clerk to execute same; and providing for an effective date.

ACTION: (T-10:17 AM) Approved. See Page *****

COUNTY RECORDS DIVISION

11. A. MOTION TO APPROVE minutes of the 10:00 AM Broward County Board of County Commissioners meetings of September 28, 2004 and October 5, 2004; and the minutes of the 2:00 PM Public Hearing of September 28, 2004; and the minutes of the 5:01 PM Budget Hearing of September 28, 2004.

ACTION: (T-10:08 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-10:08 AM) Approved. See Page *****

HUMAN RESOURCES DIVISION

12. MOTION TO ADOPT Resolution 2004-932 of the Board of County Commissioners of Broward County, Florida, authorizing that the new positions of Assistant County Administrator, Assistant to County Administrator, and Director of Permit Center be included in the Senior Management Service Class of the Florida Retirement System; and providing for an effective date.

ACTION: (T-10:08 AM) Approved.

PURCHASING DIVISION

For Public Works and Transportation Department

13. MOTION TO AWARD open-end contract to single responsive, responsible bidder, General GMC Truck Sales for trucks, 15,000 GVWR (Gross Vehicle Weight Ratio) (Re-Bid), Bid No. C804166BV in the estimated amount of \$316,350; for the Fleet Services Division. The contract period will start on date of award and end when there are no new model year 2005 vehicles available.

ACTION: (T-10:08 AM) Withdrawn for further staff review.

14. MOTION TO AWARD open-end contract to the highest ranked vendor, Sunshine Cleaning Systems, Inc. for janitorial services for the Main Library, RFP E304050M2 in the estimated two year amount of \$1,195,338; plus three, one-year renewal periods for a total potential contract amount of \$2,988,345 for the Facilities Management Division, subject to the receipt and acceptance of the Maintenance Guaranty; and authorize the Purchasing Director to renew the contract for three, one-year periods. The initial contract period shall start on December 1, 2004 and shall terminate two years from that date. **(Commission District 7)**

ACTION: (T-10:17 AM) Approved. See Page *****



15. A. MOTION TO ADOPT budget Resolution 2004-933 transferring within the Library Bond Capital Outlay Fund 3180, the amount of \$657,133 from the Library Bond Fund Reserve for the Carver Ranches Library.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO APPROVE agreement between Broward County and D. Stephenson Construction, Inc., for Managing General Contractor (Phase II) Construction services for the Carver Ranches Library, RLI No. 041700-RB for a guaranteed maximum price (GMP) of \$1,532,773 for the Construction Management Division - Library Bond Program, with a contract time of 425 calendar days subject to receipt and acceptance of performance/payment guaranty; and authorize the Mayor and Clerk to execute same. (Project No. 60161-99) **(Commission District 8)**

ACTION: (T-10:08 AM) Approved.

RISK MANAGEMENT DIVISION

16. MOTION TO APPROVE full and final settlement of claim 95WC0411SM/PT in the amount of \$140,000.

ACTION: (T-10:08 AM) Approved.

17. MOTION TO APPROVE full and final settlement of SM/032502SPRE in the amount of \$35,000.

ACTION: (T-10:08 AM) Approved.

18. MOTION TO APPROVE full and final settlement of claim MOR/0315043577 in the amount of \$40,000.

ACTION: (T-10:08 AM) Approved.

HUMAN SERVICES DEPARTMENT


COMMUNITY DEVELOPMENT DIVISION

19. MOTION TO FILE quarterly reports for foreclosures, satisfactions of mortgages, releases of restrictive covenants and subordination agreements for the Housing Rehabilitation programs administered by the Community Development Division. **(Commission Districts 2, 4, 6, 8 and 9)**

ACTION: (T-10:08 AM) Approved.

20. MOTION TO APPROVE interlocal agreement between Broward County and the City of Tamarac for administration of the City of Tamarac Community Development Block Grant Program (CDBG) and the State Initiative Partnerships Program (SHIP), for a term beginning on the date of County execution through September 30, 2005, in the amount of \$112,212 per year; and authorize the Mayor and Clerk to execute same. **(Commission Districts 1, 3 and 9)**

ACTION: (T-10:17 AM) Approved. See Page *****

-  21. A. MOTION TO APPROVE subordination agreement for Laguna Pointe Apartments, located at I-95 and McNab Road in the City of Pompano Beach, to subordinate the Broward County HOME Investment Partnerships (HOME) Loan in the amount of \$209,362 to the Housing Finance Authority of Broward County loan, which is in the amount of \$13,300,000; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:17 AM) Approved. See Page *****

- B. MOTION TO APPROVE amended and restated subordination agreement for Laguna Pointe Apartments, located at I-95 and McNab Road in the City of Pompano Beach, to subordinate the Broward County HOME Investment Partnerships (HOME) Loan in the amount \$209,362 to the Florida Housing Finance Corporation's State Apartment Loan Program (SAIL) loan, which is in the amount of \$2,000,000; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:17 AM) Approved. See Page *****

ELDERLY AND VETERANS SERVICES DIVISION

22. A. MOTION TO APPROVE first amendment to Agreement No. JH214 between the State of Florida Department of Children and Families (DCF) and Broward County, for the purpose of increasing substance abuse screening and assessment funding by \$10,000; while decreasing mental health funding by \$35,160 to account for a local DCF District Adult Mental Health Program deficit, resulting in a net loss in the contract of \$25,160; with contract funding reduced from \$1,479,499 to \$1,454,339; and authorize the Mayor to execute same. No additional County funds are required as a result of this amendment.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-934 in the amount of \$(-25,160) within the State of Florida, Department of Children and Families (DCF) Grant Fund for the Elderly and Veterans Services Division, to allow State of Florida's reduction in mental health funding.

ACTION: (T-10:08 AM) Approved.

FAMILY SUCCESS ADMINISTRATION DIVISION



23. MOTION TO APPROVE Modification No. 3 to agreement No. 04SB-3T-11-16-01-003 between the Broward County Community Action Agency and the State of Florida, Department of Community Affairs, in the amount of \$1,212,173 for the purpose of extending the expiration date of the agreement from September 30, 2004 to November 30, 2004; and authorize the Mayor to execute same. This agreement requires no additional match.

ACTION: (T-10:08 AM) Approved.

OFFICE OF HOUSING FINANCE

24. MOTION TO FILE quarterly report for foreclosure, satisfaction of mortgage, releases of restrictive covenant and subordination agreements for the Housing Rehabilitation Programs administered by the Office of Housing Finance. **(Commission District Countywide)**

ACTION: (T-10:08 AM) Approved.

25. A. MOTION TO APPROVE modification to the Foreclosure Prevention Agreement by deleting Clause 12.8 "Conflict" in an agreement between Broward County Board of County Commissioners and the Broward County Housing Authority, a government entity, for the State Housing Initiatives Partnership (SHIP) Foreclosure Prevention Program, and to retain the right to waive said clause from future agreements with other governmental agencies. **(Countywide)**

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO APPROVE modification to the 30th Year (CDBG) Community Development Block Grant Housing Counseling Program Agreement by deleting Clause 11.8 "Conflict" in an agreement between Broward County Board of County Commissioners and the Broward County Housing Authority, a government entity, and to retain the right to waive said Clause from future agreements with other agencies. **(Countywide)**

ACTION: (T-10:08 AM) Approved.

SUBSTANCE ABUSE AND HEALTH CARE SERVICES DIVISION

26. A. MOTION TO APPROVE Amendment No. 1 to Agreement No. JD202 between the State of Florida Department of Children and Families and Broward County, increasing the value of the agreement from \$3,768,036 to \$3,788,093; which is a total increase of \$20,057 for the purpose of providing aftercare services to clients eligible to receive Temporary Assistance to Needy Families (TANF) funded substance abuse treatment services; and authorize the Mayor to execute same.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-935 in the amount of \$20,057 within the Substance Abuse and Health Care Services Division budget, for the provision of TANF funded substance abuse aftercare services.

ACTION: (T-10:08 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

27. MOTION TO APPROVE Memorandum of Understanding by and between the Broward County Board of County Commissioners (County) and the Broward League of Cities Community Trust, Inc. (League) to complete the Replant Broward Program for tree canopy replacement, effective from date of execution to January 31, 2005; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:19 AM) Approved. The Board allowed the League to continue moving forward with the Replant Broward Program until such time as all the trees and funds have been expended, and as long as the League stays within the guidelines set by the state. See Page *****

MASS TRANSIT DIVISION



28. A. MOTION TO ADOPT Resolution 2004-936 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 in the amount of \$7,000,000 to provide funding for the purchase of 12 articulated buses, six of which are diesel and six of which are hybrid electric; and providing for an effective date. The term of this JPA is effective from date of execution through December 31, 2005. (No County matching funds are being expended on this project).

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-937 within the Capital Grant Fund (3450) for the Mass Transit Division, in the amount of \$7,000,000 to fund the purchase of 12 articulated buses, six of which are diesel and six of which are hybrid electric for State Road 7 (US 441).

ACTION: (T-10:08 AM) Approved.



29. A. MOTION TO ADOPT Resolution 2004-938 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, in the amount of \$53,000 to implement a "Transit Leisure Rider" program designed to promote the benefits of public transportation to leisure riders and tourists to the County; from date of execution through July 31, 2006; and providing for an effective date. (Requires a 50 percent cash or in-kind match from the County in the amount of \$26,500).

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-939 within the Operating Grant Fund (0046) for the Mass Transit Division, in the amount of \$26,500 from FDOT, to implement the "Transit Leisure Rider" Program.

ACTION: (T-10:08 AM) Approved.



30. MOTION TO ADOPT Resolution 2004-940 of the Board of County Commissioners of Broward County, Florida, authorizing the Mayor and Clerk to execute and file a Multi-Year Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT), District 4, in the amount of \$15,293,258 for the first year, to provide funding to Broward County for transit operating expenses incurred from October 1, 2004 through September 30, 2005; to authorize the County Mass Transit Division Director to sign time extensions and interim years Notification of Funding forms for the remaining years of the Multi-Year Joint Participation Agreement; and to provide for an effective date. The term of this JPA is from date of execution through October 1, 2009. (Requires 50 % cash match from the County in the amount of \$7,646,629.)

ACTION: (T-10:08 AM) Approved.

ENVIRONMENTAL PROTECTION DEPARTMENT

31. MOTION TO APPROVE Settlement Agreement in the total amount of \$22,200; which includes in-kind penalty services, between Broward County and the listed Respondent for a violation of Section 27-405(b) of the Broward County Code of Ordinances for the Environmental Protection Department (EPD); and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:19 AM) Approved. See Page *****

AIR QUALITY DIVISION

32. MOTION TO APPROVE Florida Department of Environmental Protection Agreement S0164, between the State of Florida Department of Environmental Protection and Broward County Board of County Commissioners, to provide funding for ambient air monitoring, in the amount of \$180,832; beginning October 1, 2004 and ending June 30, 2005, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

WATER RESOURCES DIVISION



33. MOTION TO APPROVE interlocal agreement between Broward County and the South Broward Drainage District, providing for cost share funding for the feasibility analysis and preliminary design of secondary canal improvement projects as part of the Broward County-wide Integrated Water Resource Plan, with a 50% cost share not to exceed \$103,250; of which the County and the South Florida Water Management District shall provide up to \$51,625 each in budgeted funds, effective upon execution through March 31, 2005; and authorize the Mayor and Clerk to execute the same. **(Commission Districts 5, 6, and 8).**

ACTION: (T-10:08 AM) Approved.

EMERGENCY MANAGEMENT AGENCY

34. A. MOTION TO ACCEPT grant award from the U.S. Department of Health and Human Services, in the amount of \$50,000; to continue the implementation of a Medical Reserve Corps, from the date of acceptance through September 30, 2005; and authorize the County Administrator to make necessary administrative and budgetary actions to execute the grant.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-941 within the Grant Fund for the Broward Emergency Management Agency in the amount of \$50,000 for the purpose of implementation of a medical personnel roster.

ACTION: (T-10:08 AM) Approved.

PORT EVERGLADES DEPARTMENT

35. MOTION TO APPROVE renewal of a one-year lease agreement between Broward County and Universal Warehouse and Distribution Services, Inc., for 3,728 square feet of warehouse space in Building "A" of Foreign Trade Zone No. 25 at Port Everglades, for the period of January 1, 2005 through December 31, 2005, with annual rent in the amount of \$31,240.64; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

36. MOTION TO APPROVE amendment of Right-Of-Way Agreement entitled "Easement To Design, Construct and Maintain Perimeter Security Barrier" dated August 7, 2003 with Dynegy Midstream Services, L.P. (Dynegy) which will permit the County to install and operate security monitoring equipment on Dynegy property; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved.

37. MOTION TO FILE Quarterly Report for Business Permits issued at Port Everglades for the period July 1, 2004 through September 30, 2004.

ACTION: (T-10:08 AM) Approved.

38. MOTION TO ADOPT Resolution 2004-942 waiving certain dockage charges on the one non-revenue day in port during the period of December 2 – December 4, 2004 in an amount not to exceed \$12,000; and reducing by 50% the parking fees during that period in an amount not to exceed \$10,000 for the inaugural activities associated with the maiden voyage call of MSC Italian Cruises' newest ship, "MSC Opera".

ACTION: (T-10:08 AM) Approved.

39. MOTION TO ADOPT Resolution 2004-943 waiving certain dockage charges on the one non-revenue day in port during the period of November 29 - December 2, 2004, in an amount not to exceed \$12,000; and reducing by 50% the parking fees during that period in an amount not to exceed \$10,000 for the inaugural activities associated with the maiden voyage call of Holland America Line's newest ship, "Westerdam".

ACTION: (T-10:08 AM) Approved.

OFFICE OF BUDGET SERVICES

40. A. MOTION TO APPROVE first amendment to agreement between Broward County and the City of Pompano Beach to implement annexation of Pompano Beach Highlands into the City.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2004-944 within the Municipal Service District Fund (0020) in the amount of -\$301,620; to reduce the amount the City of Pompano Beach will pay for services provided to the Pompano Beach Highlands neighborhood by the County after the annexation date of September 15, 2004.

ACTION: (T-10:08 AM) Approved.

COUNTY AUDITOR

41. A. MOTION TO FILE County Auditor's Review of the Internal Controls for Employee Medical Reimbursement Accounts.

ACTION: (T-10:08 AM) Approved.

- B. MOTION TO ADOPT County Auditor's recommendations.

ACTION: (T-10:08 AM) Approved.

COUNTY COMMISSION

42. MOTION TO FILE City of Pompano Beach Resolution 2005-20, dated October 12, 2004, encouraging registered voters to utilize the early voting process; advising registered voters of the dates and locations available for early voting for the November 2, 2004 election providing an effective date. (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

43. MOTION TO FILE City of Lauderdale Lakes Resolution 04-156, respecting the "voluntary" annexation procedure directed to annex the property generally known as the "Swap Shop;" providing for directions for the City Clerk; providing for the adoption of representations providing an effective date. (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

44. MOTION TO FILE City of Lauderhill Resolution 04-9-227, reiterating its prior expressions of intent to annex the unincorporated area known as St. George; expressing the City's intention to offer the registered voters of the contiguous, reasonably compact and unincorporated area known as St. George, the opportunity to be annexed into the City of Lauderhill pursuant to Florida Statutes, Section 171.0413 by way of a vote of the registered electors by referendum to appear on the election ballot on March 8, 2005; directing the City Clerk to forward copies of this Resolution; providing for an effective date (requested by the City Commission) (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

45. MOTION TO FILE City of Lauderhill Resolution 04-9-228, reiterating its prior expressions of intent to annex the unincorporated area known as West Ken Lark; expressing the City's intention to offer the registered voters of the contiguous, reasonably compact and unincorporated area known as West Ken Lark (excluding the Commercial properties along Sunrise Boulevard which are the subject of voluntary annexation), the opportunity to be annexed into the City of Lauderhill pursuant to Florida Statutes, Section 171.0413 by way of a vote of the registered electors by referendum to appear on the election ballot on March 8, 2005; directing the City Clerk to forward copies of this Resolution; providing for an effective date (requested by the City Commission) (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

46. MOTION TO FILE City of Lauderhill Resolution 04-10-217, approving the voluntary annexation of the proposed annexation area, as more particularly described in the legal description and sketch attached hereto as composite exhibit "1" and more commonly known as "The Swap Shop", pursuant to Florida Statutes, Section 171.044, into the City of Lauderhill; authorizing staff to redefine the official boundary lines of the City of Lauderhill to include the proposed annexation area; providing that all notice requirements have been met; approving and accepting the annexation agreement between 3290 Sunrise Investment, Inc. and 3291 Sunrise Investments, Inc. and the City of Lauderhill; requesting a Public Hearing by the Broward County Legislative Delegation as required by Chapters 965-542 and 99-447, Law of Florida; providing for the filing of said Ordinance as required by Florida Statutes; Directing the City Clerk to forward copies of this Ordinance; providing for conflicts; providing for severability; providing that the voluntary annexation of the proposed area shall be effective September 15, 2005 (requested by the City Commission). (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

47. MOTION TO FILE City of Lauderhill Resolution 04-10-244, amending Resolution No. 04R-09-218 to substitute the attached composite Exhibit "B" in lieu of the legal description and sketch previously provided by the owners of the Swap Shop at their request; ratifying and adopting the remainder of Resolution No. 04R-09-218 as it was previously passed and adopted by the City Commission; providing for an effective date. (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

48. MOTION TO ADOPT Resolution 2004-945 directing the County Administrator to publish a Notice of Public Hearing to be held on December 14, 2004, at 2:00 PM in Room 422 of the Governmental Center, to consider amending the Broward County Administrative Code, Volume Two, Chapter 42, Sections Two, Six and Seven of Port Everglades Tariff No. 11, codified as Exhibit 42.A and incorporated in Section 42.25 of the Broward County Administrative Code providing for revision and consolidation of exclusion of liability provisions; creation of disclaimers of implied warranties provision; revision of damage to Port Everglades property provision; revision of insurance provision; revision of indemnity provision and providing for revision of U.S. Customs automated manifest system interface provision; at Port Everglades.

ACTION: (T-10:08 AM) Approved.

49. MOTION TO ADOPT Resolution 2004-946 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, December 14, 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, DELETING SECTION 9-163, GOVERNMENTAL AGENCIES, SECTION 9-166, STANDARDS FOR LICENSURE, SECTION 9-169, COMPLAINTS, DISCIPLINARY ACTIONS, PROCESS, SECTION 9-170, NOTICE AND SERVICE OF PROCESS, SECTION 9-171, EVIDENCE, SECTION 9-172, HEARING PROCEDURES, SECTION 9-173, ORDERS OF THE HEARING OFFICER, SECTION 9-174, PENALTIES AND DISCIPLINARY ACTIONS; CREATING CHAPTER 27, ARTICLE XV, REGULATION OF TREE TRIMMERS, SECTIONS 27-419 THROUGH 27-427; TRANSFERRING SECTION 9-160 TO CREATE SECTION 27-419, PURPOSE; TRANSFERRING AND AMENDING SECTION 9-161 TO CREATE SECTION 27-420, DEFINITIONS; TRANSFERRING AND AMENDING SECTION 9-162, LICENSURE REQUIREMENTS TO CREATE SECTION 27-421, REQUIREMENTS AND STANDARDS FOR LICENSURE; TRANSFERRING AND AMENDING SECTION 9-164, ISSUANCE OF CLASS A OR CLASS B LICENSES AND RENEWALS TO CREATE SECTION 27-422, ISSUANCE OF CLASS A AND CLASS B LICENSES AND TRAINING REQUIREMENTS, RENEWALS; TRANSFERRING AND AMENDING SECTION 9-165 TO CREATE SECTION 27-423, LICENSE APPLICATION; TRANSFERRING AND AMENDING SECTION 9-167 TO CREATE SECTION 27 424,

MAINTENANCE OF QUALIFICATIONS; TRANSFERRING AND AMENDING SECTION 9-168 TO CREATE SECTION 27-425, ADVERTISING; CREATING SECTION 27-426, VIOLATIONS; TRANSFERRING SECTION 9-175 TO CREATE SECTION 27-427, STOP WORK ORDERS; AMENDING SECTION 27 38(h), SCHEDULE FOR CIVIL PENALTIES FOR CITATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:08 AM) Approved.

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

DEVELOPMENT MANAGEMENT DIVISION

- 50. MOTION TO DIRECT County Attorney to prepare amendments to the Land Development Code and Chapter 27 to implement transit concurrency.

ACTION: (T-10:08 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

DEVELOPMENT MANAGEMENT DIVISION

- 51. DISCUSSION: of plat entitled "Hyder Plat" - **Commission District 2, (001-UP-03).**

ACTION: (T-10:08 AM) Deferred to June 21, 2005 or sooner under Section 5-181(j)(2) to receive city approval subsequent to annexation.

- 52. DISCUSSION: of plat entitled "Foxford Trails" - **Commission District 2, (055-MP-03).** (Deferred from September 28, 2004).

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review report.

- 53. DISCUSSION: of plat entitled "Chiesa Estates" - **Commission District 2, (071-MP-03).**

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review report.

54. DISCUSSION: of plat entitled "Parkland Golf and Country Club Replat #2" - **Commission District 3**, (069-MP-03).

ACTION: (T-10:08 AM) Approved the plat, as amended, and subject to staff's recommendations as outlined in the Development Review report. Staff has been advised by the City of Parkland, that the developer will be responsible for constructing Trafficway roads adjacent to this plat. Therefore, sidewalk construction requirements have been added to the Development Review Report after Staff Recommendation 19. See Page *****

55. DISCUSSION: of plat entitled "Metropica Phase 1" - **Commission District 5**, (075-MP-03).

ACTION: (T-10:08 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review report.

56. DELEGATION: Edward P. Ploski regarding request to amend the note on the Port Business Center Plat - **Commission District 4**, (027-MP-99).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

57. DELEGATION: Frank Shear regarding request to amend the note on the S & Z Subdivision Plat - **Commission District 7**, (014-MP-84).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

58. DELEGATION: Allan Milledge regarding request to amend the note on the Miramar Park of Commerce Phase III Plat - **Commission District 8**, (088-MP-95).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

59. DELEGATION: Manuel Synalovski regarding request to amend the note on the Maimonides Day School Campus Plat - **Commission District 7**, (009-UP-94). (Deferred from October 19, 2004).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

60. DELEGATION: Russell C. Morrison regarding request to amend the non-vehicular access line on the Hasey Center Plat - **Commission District 2**, (125-MP-86). (Deferred from October 19, 2004).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

61. DELEGATION: Cary D. Winningham regarding request to modify conditions of plat approval on the Oakland-Sawgrass Expressway Plat - **Commission District 5**, (106-MP-86).

ACTION: (T-10:08 AM) Deferred to December 14, 2004 under Section 5-182(j)(1) at the applicant's request.

62. DELEGATION: Cary D. Winningham regarding request to modify conditions of plat approval on the Sawgrass Lakes Plat - **Commission District 5**, (034-MP-91).

ACTION: (T-10:08 AM) Deferred to December 14, 2004 under Section 5-182(j)(1) at the applicant's request

63. DELEGATION: Paul Lovesky regarding request to revise the non-vehicular access line on the Faith Farm/Powerline Plat - **Commission District 9**, (029-MP-02).

ACTION: (T-10:08 AM) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM



64. MOTION TO APPROVE contract for sale and purchase between Ron Janis and Estelle Janis, his wife, and Broward County in the amount of \$1,031,250 for the purchase of 2.967 acres (129,242 square feet), known as Green Space Site (GS) 451 in the Broward County Safe Parks and Land Preservation Bond Program Inventory; unimproved vacant land located on the north side of Hillsboro Boulevard, 1,750 feet west of Lyons Road, in the City of Coconut Creek, Broward County, 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 contract for sale and purchase; and authorize acceptance and recordation of deed. **(Commission District 2)**

ACTION: (T-10:54 AM) Approved.



65. MOTION TO APPROVE contract for sale and purchase between Don Wilkin and Sharon Wilkin, his wife, and Broward County in the amount of \$550,000 for the purchase of 0.527 acres (22,951 square feet), known as Conservation Land Site (CL) 142B.1 in the Broward County Land Preservation Program; vacant land located at the NW quadrant of SW 2nd Court and SW 14th Way, City of 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 contract for sale and purchase; and authorize acceptance and recordation of deed. **(Commission District 7)**

***ACTION: (T-10:54 AM) Filed proof of publication and continued the Public Hearing to Tuesday, December 7, 2004 to enable staff to attempt to renegotiate the contract within 10 percent of the appraised value.
See Page ********

END PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM



66. MOTION TO ACCEPT addition of Site 459, located within the City of Coconut Creek, into the Conservation Land and Green Space Inventory as a Green Space and authorize the Real Property Section to initiate the acquisition process on the property. **(Commission District 2)**

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

67. A. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held Tuesday, December 14, 2004, at 10:00 AM, in Room 422 of the Governmental Center, to consider the purchase of Safe Parks and Land Preservation Bond Program Open Space Site (OS) 94 (0.945 acre; 41,170 square feet), vacant land located at 1754 SW 29th Avenue, Fort Lauderdale, Florida. **(Commission District 7)**

***ACTION: (T-10:14M) Approved. (Transferred to the Consent Agenda.)
See Page ********

- B. MOTION TO ACKNOWLEDGE to the Broward County Board of County Commissioners that Public Works and Transportation Department, Real Property Section intends to present for consideration on or after December 14, 2004, a Contract for Sale and Purchase to acquire Site OS-94 for a purchase price of \$360,000. **(Commission District 7)**

***ACTION: (T-10:14M) Approved. (Transferred to the Consent Agenda.)
See Page ********



68. MOTION TO ADOPT Resolution 2004-947 of the Board of County Commissioners of Broward County, Florida, authorizing the placement of six conservation and green space sites acquired through the County's 2000 Safe Parks and Land Preservation Bond Program, and one natural area site, for a total of seven sites, on the Broward County Urban Wilderness Inventory list pursuant to Chapter 25-1/2, Article II, Broward County Code; and providing for an effective date. **(Commission Districts 2, 3, 6, 8)**

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

COMMUNITY SERVICES DEPARTMENT

ANIMAL CARE AND REGULATION DIVISION

69. A. MOTION TO APPROVE five-year Oral Rabies Vaccine (ORV) Bait Program proposal and County initiative for obtaining grant funding, and authorize the Mayor to submit the proposal to the State of Florida for approval.

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

- B. MOTION TO ADOPT budget Resolution 2004-948 transferring within the General Fund (0010), the amount of \$360,000 from the Reserve for the County Commission, for the Animal Care and Regulation Division to begin implementing the first-year of the five-year ORV Bait Program.

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

DEPARTMENT OF URBAN PLANNING AND REDEVELOPMENT

PLANNING SERVICES DIVISION

70. MOTION TO FIND application 04-CF-03 for the allocation of 3.827 acres of commercial flexibility in the City of Sunrise compatible with adjacent uses, and that impacts upon public school facilities have been adequately considered. **(Commission District 5)**

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

AVIATION DEPARTMENT

71. MOTION TO APPROVE agreement between Broward County and Clean Airport Partnership, Inc. (CAP) for consultant services for environmental quality and enhancement initiatives at the Fort Lauderdale-Hollywood International Airport ("Airport") (RLI No. 20040225-0-AV-01), in the maximum amount not-to-exceed \$760,425; for a period of approximately two years, effective upon execution by the parties and terminating on November 30, 2006; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY COMMISSION

72. MOTION TO NOMINATE Emilio Benitez, Esq., appointment to Legal Aid Service of Broward County. (Commissioner Wasserman-Rubin)

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

73. MAYOR'S REPORT

- A. "THIS IS YOUR LIFE" – A TRIBUTE TO COMMISSIONER PARRISH

ACTION: (T-10:58 AM) The Mayor lead the Board in a "This is Your Life – Lori Nance Parrish" tribute as Commissioner Parrish leaves her 16-year tenure as County Commissioner for District 5 to serve as the new Broward County Property Appraiser. See Page *****

- B. JEWEL OF THE SEAS

ACTION: (Time-3:34 PM) Mayor Lieberman discussed the welcoming of the newest Royal Caribbean cruise ship, Jewel of the Seas, on Saturday, November 6, 2004, to Port Everglades. She mentioned that an estimated 4 million cruise passengers are expected at Port Everglades this coming year. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

- C. NEW CONSOLIDATED RENTAL CAR FACILITY

ACTION: (Time-3:35 PM) Mayor Lieberman was happy to announce that the new consolidated rental car facility is under budget and ahead of schedule. With only one mini-van traveling around the airport for all rental car companies, there will be an approximate savings of 1 million gallons of gasoline per year. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

- D. ADVANCED DELEGATION FROM THE ORGANIZATION OF AMERICAN STATES

ACTION: (Time-3:36 PM) Mayor Lieberman informed the Board that the advanced delegation from the Organization of American States (OAS) was welcomed to Broward County on November 8, 2004. See Page*****

- E. PRESS CONFERENCE

ACTION: (Time-3:37 PM) Mayor Lieberman discussed a recent press conference with DHL, who has decided to expand its local headquarters in Broward County. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

F. LEAGUE OF CITIES

ACTION: (Time-3:37 PM) Mayor Lieberman and Vice Mayor Jacobs recently met with representatives of the League of Cities and reached agreements on resolving some growth management issues. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

G. JEWELS AND JEANS GALA

ACTION: (Time-3:38 PM) Mayor Lieberman thanked those who were present at the recent Mayor's Jewels and Jeans Gala on November 7, 2004, and mentioned that approximately \$1.3 million had been raised for the new Transplant House of Broward County. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

74. COUNTY COMMISSION LIAISON REPORT

A. ONE COMMUNITY PARTNERSHIP HELPING CHILDREN WITH SPECIAL NEEDS – COMMISSIONER GUNZBURGER

ACTION: (Time-3:40 PM) Commissioner Gunzburger mentioned that One Community Partnership is helping children with special needs by providing after-school programs. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

B. SOUTH BROWARD HOSPITAL DISTRICT- COMMISSIONER WASSERMAN-RUBIN

ACTION: (Time-3:48 PM) Commissioner Wasserman-Rubin discussed a recent meeting with the South Broward Hospital District, where they requested that their staff be included in meetings relating to emergency management procedures for hurricane situations. The South Broward Hospital District felt their staff would be able to assist with the safety of Broward County residents. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

C. SPECIAL NEEDS SHELTERS – COMMISSIONER WASSERMAN-RUBIN

ACTION: (Time-3:48 PM) Commissioner Wasserman-Rubin also discussed revisiting the role of Special Needs Shelters, where a lot of people were housed in Emergency Rooms that didn't belong there, causing a burden to those facilities. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

D. \$2 MILLION DOLLAR GRANT – COMMISSIONER WASSERMAN-RUBIN

ACTION: (Time-3:49 PM) Commissioner Wasserman-Rubin also discussed a letter of request supporting a \$2 million grant that is being applied for by the South Florida Hospital District for a mobile hospital.

Mayor Lieberman agreed to have her office send a letter of support, on behalf of the Board of County Commissioners. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

E. UPCOMING SPECIAL SESSION – COMMISSIONER SCOTT

ACTION: (Time-3:55 PM) Commissioner Scott discussed an upcoming Special Session taking place on December 13, 2004, and urged everyone, including lobbyists, to get together with an agenda.

Commissioner Gunzburger added that the Special Session will also be looking at Pre-K, and how important it is to have a program in place that will prepare children for school. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

75.

COUNTY ADMINISTRATOR’S REPORT

ACTION: (T-3:56 PM) County Administrator Roger J. Desjarlais informed the Board there was nothing to report. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page *****

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

76. MOTION TO DIRECT County Attorney to draft amendment to the Ordinance relating to special purpose funds for the Broward Cultural Council to include four additional sales tax categories: graphic arts (\$404,843); photographers (\$140,801); bookstores (\$221,335) and newsstands (\$20,598) for funding of the Broward Cultural Division for Countywide programs. (Commissioner Gunzburger)

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

ACTION: (T-10:38 AM) The Board asked that Commissioner Scott, the Board's liaison for Cultural Affairs and Commissioner Gunzburger, the Board's representative on the Tourist Development Council, send a formal request to the Cultural Affairs Council requesting a review of the criteria for grants and what other funding sources can be applied. Further, that the Cultural Affairs Council review the parity and per capita issues of Miami-Dade and Palm Beach Counties and the financial recommendations of the Vision Broward Creative Industries Task Force, and that they provide recommendations to the Board. See Page *****

77. MOTION TO APPOINT Will Trower, President/CEO of the North Broward Hospital District, to serve on the Tri-County Task Force on Medicaid, Health Care and Indigent Care Costs. (Mayor Lieberman)

ACTION: (T-10:08 AM) Approved. (Transferred to the Consent Agenda.)

NON AGENDA

78. CONGRATULATIONS TO MAYOR LIEBERMAN – COMMISSIONER GUNZBURGER

ACTION: (Time-3:41 PM) Commissioner Gunzburger congratulated Mayor Lieberman for her role in helping people during her term as Mayor and for all her hard work during the recent elections. She suggested the voter lists get purged every odd year.

Mayor Lieberman added how smoothly the elections went for Broward County.

Furthermore, Commissioner Parrish mentioned her frustration due to the large amount of election mail she had returned which came to approximately \$40,000. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

79. LEGAL AIDS - OPENING OF NEW FACILITY– COMMISSIONER PARRISH

ACTION: (Time-3:45 PM) Commissioner Parrish mentioned attending the opening of the new facility for Legal Aids, where Broward County was recognized. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

80. THANK YOU TO PETE CORWIN AND ALL COUNTY WORKERS WHO SUPPORTED COMMISSIONER PARRISH IN THE RECENT ELECTIONS - COMMISSIONER PARRISH

ACTION: (Time-3:45PM) Commissioner Parrish thanked Pete Corwin for his hard work and dedication to Broward County, and to all county workers and their families who supported Commissioner Parrish during the recent elections. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

81. CONGRATULATIONS TO MAYOR LIEBERMAN – COMMISSIONER WASSERMAN-RUBIN

ACTION: (Time-3:47 PM) Commissioner Wasserman-Rubin congratulated Mayor Lieberman for her hard work and leadership during the past year.

Commissioner Scott also congratulated Mayor Lieberman and commented on her tireless efforts on behalf of Broward County. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

82. FLORIDA ASSOCIATION OF COUNTIES MEETING – COMMISSIONER EGELLETON

ACTION: (Time-3:50 PM) Commissioner Eggleton discussed his attendance, along with Vice Mayor Jacobs, at a recent Florida Association of Counties meeting in Orlando, where discussions took place concerning housing for people with special needs. Additionally, affordable housing was a major issue that was discussed, along with other issues such as FEMA reimbursement and hurricane debris removal. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

83. LAND USE ISSUES – COMMISSIONER SCOTT

ACTION: (Time-3:54 PM) Commissioner Scott discussed meeting with local Mayors concerning land use issues to ease some of their concerns. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

84. OUTCOME OF JUVENILE DETENTION LITIGATION – VICE MAYOR JACOBS

ACTION: (Time-3:56 PM) County Attorney Edward A. Dion advised the Board that the case was heard this morning and a ruling is expected later this week. Mr. Dion stated he would inform the Board of the outcome. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

85. SENATE COMMITTEE - TASK FORCE MEETINGS ON GROWTH MANAGEMENT - VICE MAYOR JACOBS

ACTION: (Time-3:57 PM) Vice Mayor Jacobs expressed concern that the Senate Committee Hearings on Growth were not accurately hearing the issues and concerns of Broward County and other large urban counties. She suggested that county staff testify before the Senate Hearings. Vice Mayor Jacobs wanted to know when the next meetings are expected to take place and who from county staff would be attending the meetings. Assistant to the County Administrator Pamela Madison explained that the Senate Committee had asked for stakeholders to meet as a task force to discuss growth management. The meetings convened had staff from the Florida Association of Counties (FAC), the League of Cities and other stakeholders throughout the state. County staff has communicated to FAC the Broward County Commission's growth policy statements. Staff will continue to do so and in addition, will find out if there are any other meetings where testimony would be appropriate. (Transferred to the conclusion of the 2:00 p.m. Public Hearing.) See Page*****

MEETING/WORKSHOP NOTICES

SELECTION/NEGOTIATION COMMITTEE
BROWARD COUNTY WATER MANAGEMENT PRACTICES
Tuesday, November 9th, in Room 430 at 9:00 AM

