

MEETING OF NOVEMBER 10, 1998

(The meeting convened at 10:00 a.m., recessed at 12:29 p.m., reconvened at 1:30 p.m., recessed at 2:20 p.m., reconvened at 4:38 p.m. and adjourned at 6:05 p.m.)

PLEDGE OF ALLEGIANCE - *led by Kasey Michele Schmidt, granddaughter of*

Commissioner Lori N. Parrish, Broward County Chair

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO APPROVE the appointment of Commissioner Gilbert Stein to the Library Advisory Board. Commissioner Stein replaces Ms. Jean Cook. (Commissioner Gunzburger)

ACTION: *(A-2745) Approved as corrected to read: "Personnel Advisory Board".*

B. MOTION TO APPROVE the appointment of Ms. Barbara L. Beatty to the Broward Beautiful Committee, filling a vacancy. (Commissioner Abramowitz)

ACTION: (A-2745) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE the consent to a sublease between International Jet Cargo Center Inc., and Flying Boat Inc., at International Jet Cargo Center Inc.'s leasehold at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

3. MOTION TO APPROVE the second amendment to the advertising concession agreement between Broward County, Florida and In-Ter-Space Services Inc. d/b/a Interspace Airport Advertising, which provides for the right to install, sell and maintain advertising in the New Fourth Terminal, potential advertising concepts for installation in the New Fourth Terminal, extension of term and a capital investment for the New Fourth Terminal at the Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

4. MOTION TO APPROVE a license agreement between Broward County, Florida and State of Florida

Department of Transportation for the use of 0.365 acres of land at North Perry Airport for the construction of a right turn lane on Southwest 72 Avenue, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

5. MOTION TO APPROVE conveyance of an easement to Florida Power & Light Company to relocate power poles (from a perimeter trail area) necessary for Imagination Farms at Pasadena Inc. to install the power poles on an undeveloped portion of the Flamingo Road natural area, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

6. MOTION TO ADOPT Resolution 1998-1102 accepting lease renewal for Human Services Department, 101 Northeast 3 Avenue, Fort Lauderdale, Florida, 8,197 square feet at \$15.25 per square foot, \$10,417.02, monthly, \$125,004.25, annually for first year; \$16 per square foot, \$10,929.33, monthly, \$131,152 yearly for second year; \$16.80, per square foot, \$11,475.80, monthly, \$137,709.60, yearly for third year; landlord: Michigan Third Avenue Corporation, a Michigan Corporation; term of lease: March 15, 1999 through March 14, 2002, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved and amended Section 7, Assignment or Subletting to reflect that the landlord consents in advance to allow any other local government to occupy the space as a condition of approving the lease; if the county decides to vacate the premises earlier than the three-year term of the lease.

(Note: The landlord would not agree to the amendment, thereby terminating the lease at its expiration of March 14, 1999.)

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

7. MOTION TO APPROVE an amendment to the roadway improvement phasing agreement among Broward County, DCA Homes Inc., and the City of Sunrise relating to the construction of off-site roadway improvements for the Sunset Plaza Plat (059-MP-91), and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

8. MOTION TO APPROVE an agreement between Broward County and the City of Weston providing for the city to complete the required right-of-way improvements for the Bonaventure Tract 33 Plat, along Blatt Boulevard, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

9. A. MOTION TO ADOPT budget Resolution 1998-1103 within the Engineering Capital Outlay fund (315) transferring \$241,160 from reserve for future capital outlay to fund the settlement agreement with the de Moya Group Inc. involving the construction of the McNab Road improvement from Powerline Road to Dixie Highway.

ACTION: (A-3354) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1104 within the 1978 Bond Issue Capital Fund (313) in the amount of \$241,160 to appropriate funds for the settlement agreement with the de Moya Group Inc.

ACTION: (A-3354) Approved.

C. MOTION TO APPROVE the settlement agreement between Broward County and the de Moya Group Inc. in the amount of \$320,000 to resolve all claims that the Contractor has raised arising out of, or relating to, the construction of the McNab Road Improvement Project, Contract Number P-02-93-18-OF, and authorize the Chair and Clerk to execute same.

ACTION: (A-3354) Approved.

STREETS AND HIGHWAYS DIVISION

10. MOTION TO ADOPT budget Resolution 1998-1105 transferring funds within Streets and Highways' Capital Outlay Fund for Streets and Highways Division in the amount of \$200,000 to resurface Peters Road (University Drive to Southwest 54 Avenue) in the City of Plantation. (Project 9902)

ACTION: (A-2745) Approved.

11. MOTION TO ADOPT budget Resolution 1998-1106 transferring funds within Streets and Highways' Capital Outlay Fund for Streets and Highways Division in the amount of \$161,000 for drainage improvements in West Ken Lark and Roosevelt Gardens in Unincorporated Broward County. (Project 9901)

ACTION: (A-2745) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

12. MOTION TO APPROVE the satisfactions and releases of anti litter liens.

ACTION: (A-2745) Approved.

13. MOTION TO APPROVE the satisfactions and releases of land clearance liens.

ACTION: (A-2745) Approved.

14. MOTION TO APPROVE the satisfactions and releases of land clearance liens and releases of Notices of Non-compliance with the Land Clearing Code of Broward County.

ACTION: (A-2745) Approved.

15. MOTION TO FILE the Semi-Annual Financial Summary for the Park, Open Space and Recreational Trust Fund for the six-month period ending September 30, 1998.

ACTION: (A-2745) Approved.

COUNTY RECORDS DIVISION

16. MOTION TO APPROVE minutes of the 10:00 a.m. Board of County Commission meetings of September 8, September 15, and October 13 and the minutes of the 2:00 p.m. Public Hearing of September 15, 1998.

ACTION: (A-2745) Approved.

OFFICE OF INFORMATION TECHNOLOGY

17. MOTION TO APPROVE agreement between Broward County and AT&T Corp. for procurement of Long Distance Telephone Services providing an estimated cost savings of \$4,800 per month for a term of 36 months and two renewable terms of 12 months, and authorize the Chair and Clerk to execute same.

ACTION: (A-3435) Approved.

PURCHASING DIVISION

For Aviation Department

18. MOTION TO APPROVE the first amendment to the amended and restated agreement for heating-ventilation-air conditioning equipment between Broward County and Johnson Controls Inc. for replacement of Page 2, Exhibit "A" with updated equipment list and to amend Section 5.1 to reduce the monthly rate for system inspection from \$2,095 to \$1,700, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

19. MOTION TO APPROVE the first amendment to agreement between Broward County and McHarry & Associates Inc. for additional consultant services at the Fort Lauderdale-Hollywood International Airport in the amount of \$171,341 and a time extension of 251 days increasing the total agreement amount from \$355,448 to the maximum not to exceed the amount of \$526,789, and authorize the Chair and Clerk to execute the same.

ACTION: (A-2745) Approved.

For Port Everglades Department

20. MOTION TO AWARD a fixed contract to single bidder, Sun Coast Glass Protection, for Security Film Mechanical Installation (Bid No. T-6-98-123-C-F) in the amount of \$128,997 for the Port Everglades Department, subject to receipt and acceptance by the county of performance and payment guaranty.

ACTION: (A-2745) Approved.

For Public Works Department

21. MOTION TO APPROVE the amendment to an agreement between Broward County and Consul-Tech Engineering Inc. for professional services to redesign the Wiles Road Project, State Road 7 to Lyons Road, to eliminate drainage ex-filtration trenches allowing a lower road elevation for cost savings and to provide construction progress photo records for an increase in the lump sum fee of \$21,900 from a lump sum fee of \$477,000 to a lump sum fee of \$498,900 with no increase in contract time, and authorize the Chair and the Clerk to execute same. (BCED Project No. 5153)

ACTION: (A-2745) Approved.

REVENUE COLLECTION DIVISION

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

ACTION: (A-2745) Approved.

HUMAN SERVICES DEPARTMENT

23. A. MOTION TO APPROVE an agreement between Broward County and the State of Florida Department of Children and Families from October 1, 1998 to September 30, 1999 in the amount of \$500,000 for the purpose of implementing a common database, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved. The Chair requested that the Office of Legislative and Intergovernmental Management staff write a letter, on behalf of the Board, thanking State Senator Jim Scott and Representative Debby Sanderson who worked for years on the subject issue.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1107 within the Grant Fund for the Human Services Department in the amount of \$500,000 for the implementation of a common database.

ACTION: (A-2745) Approved.

GRANTS MANAGEMENT RESEARCH AND DEVELOPMENT SERVICES

24. A. MOTION TO APPROVE an interlocal agreement between Broward County and the State of Florida Department of Veterans Affairs from the date of execution and for three years thereafter in the amount of up to \$1 million for the purpose of meeting the county's match for the construction of a Veteran's Administration (VA) nursing home in the City of Pembroke Pines, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

B. MOTION TO ADOPT budget Resolution 1998-1108 transferring \$500,000 within the General Capital Outlay Fund (301) to provide funding for site preparation for the new VA nursing home. The \$500,000 reflects one-half of the funds Broward County has committed to this project.

ACTION: (A-2745) Approved.

COMMUNITY SERVICES DEPARTMENT

ANIMAL CARE AND REGULATION DIVISION

25. MOTION TO APPROVE an agreement between Broward County and Pet Supermarket Inc. to provide adoption services at Pet Supermarket stores at no cost to the county from date of execution through September 30, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

CULTURAL AFFAIRS DIVISION

26. MOTION TO FILE a report for the fourth quarter of Fiscal Year 1998 in accordance with Section 29.17h of the Broward County Administrative Code relating to the Broward County Cultural Grant Agreements.

ACTION: (A-2745) Approved.

EMERGENCY MANAGEMENT DIVISION

27. A. MOTION TO APPROVE a grant agreement between Broward County and the State of Florida, Department of Community Affairs, in the amount of \$124,758 to implement and administer Broward County's Emergency Management and Preparedness Program from October 1, 1998 to September 30, 1999, and authorize the Chair and Clerk to execute same. (County in-kind match is the existing program funding and cannot be used to supplant existing funds.)

ACTION: (A-2745) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1109 within the Grant Fund for the Emergency Management Division in the amount of \$124,758 for the purpose of enhancing Broward County's Emergency Management and Preparedness Program.

ACTION: (A-2745) Approved.

MASS TRANSIT DIVISION

28. MOTION TO APPROVE an agreement between Broward County and the City of Margate in the amount of \$20,000 per vehicle, per year, for lease of five wheelchair- accessible passenger vehicles for public transportation services, effective September 12, 1998, and extending for a five-year period commencing the date the city takes possession of the first replacement vehicle, subject to the availability of county funds at the end of any fiscal year, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

29. MOTION TO APPROVE an agreement between Broward County and the City of Pembroke Pines in the amount of \$20,000 per year, for the lease of one wheelchair- accessible passenger vehicle for public transportation services, effective October 1, 1998 through September 30, 2000, subject to the availability of county funds at the end of any fiscal year, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

PARKS AND RECREATION DIVISION

30. MOTION TO ADOPT Resolution 1998-1110 of the Board of County Commissioners of Broward County, Florida authorizing the acceptance of a donation of 14 Nautilus weight training machines from the Young Men's Christian Association (YMCA) of Broward County, Florida Inc. for the use and benefit of the Parks and Recreation Division's Central District; authorizing the County Administrator to take all necessary actions to implement same, and providing for an effective date.

ACTION: (A-2745) Approved.

31. MOTION TO ADOPT Resolution 1998-1111 of the Board of County Commissioners of Broward County, Florida authorizing the acceptance of a donation of \$3,000 from Jefferson at Wyndham Lakes, Apartment Home Properties in Coral Springs for the use and benefit of the Parks and Recreation Division's 1998 Holiday Fantasy of Lights to be held at Tradewinds Park from November 22, 1998 through January 2, 1999 in exchange for promotional services; authorizing the County Administrator to take all administrative actions to implement same, and providing for an effective date.

ACTION: (A-2745) Approved.

32. MOTION TO APPROVE an agreement between Broward County and the City of Miramar in the amount not to exceed \$368,000 for the city to reimburse the county for one-half of the redesign costs for the regional park in Miramar, and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved.

33. A. MOTION TO ADOPT budget Resolution 1998-1112 within the Broward County Park, Open Space and Recreational Trust Fund 630 for the Parks and Recreation Division transferring \$275,000 for additional Phase I construction change orders and permit fee costs at the regional park at Miramar.

ACTION: (A-2745) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1113 within Capital Fund 301 for the Parks and Recreation Division in the amount of \$275,000 for additional Phase I construction and permit fee costs at the regional park at Miramar.

ACTION: (A-2745) Approved.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

34. MOTION TO APPROVE the settlement agreements between Broward County and the listed respondents for violations of Broward County Code of Ordinances for Department of Natural Resource Protection (DNRP). The Respondents were cited for violations of the Broward County Code of Ordinances the attached violations and have agreed to pay Broward County for any penalties in full:

A. City Management Corporation d/b/a City Environmental Services Inc. of Florida.

ACTION: (A-2745) Approved.

B. Rinker Materials Corporation.

ACTION: (A-2745) Approved.

C. Pompano Silica and Sand Inc., Pompano Transfer and Recycling, L.C., United Waste Services and Recycling Inc. d/b/a United Waste Management and Recycling Inc., United Waste Management Inc. d/b/a United Waste Management and Recycling Inc.

ACTION: (A-2745) Withdrawn at the County Administrator's request for further staff review.

DEPARTMENT OF STRATEGIC PLANNING

AND GROWTH MANAGEMENT

BUILDING AND PERMITTING DIVISION

35. MOTION TO APPROVE an interlocal agreement between Broward County and the Town of Hillsboro Beach to provide the Town of Hillsboro Beach South Florida Building Code (SFBC) inspection, plan review and/or building official services to be performed by the Broward County Building and Permitting Division from October 1, 1998 to September 30, 2000 (with full costs reimbursed to the county), and authorize the Chair and Clerk to execute same.

ACTION: (A-2745) Approved Subsection 3.6, Hours of Service and Compensation as corrected to read: "In consideration for the performance . . . the total sum of Three Thousand Dollars (\$3,000) annually."

COMMUNITY DEVELOPMENT DIVISION

36. MOTION TO FILE the quarterly foreclosure report for the Housing Rehabilitation Programs administered by the Community Development Division.

ACTION: (A-2745) Approved.

37. MOTION TO APPROVE an agreement between Broward County and the Broward County Community Development Corporation for the State Housing Initiatives Partnership (SHIP) Program for funding in the amount of \$120,000 for acquisition of a six-unit apartment building located at 8800 Northwest 38 Drive in the City of Coral Springs, Florida, under the Rental Acquisition and Rehabilitation Program.

ACTION: (A-2745) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

38. MOTION TO APPROVE the business travel for county employees in accordance with Administrative Order 105.

ACTION: (A-2745) Approved.

COUNTY ATTORNEY

39. MOTION TO NOTE FOR THE RECORD a notice of proposed settlement in the amount of \$12,000 in Linda Lerner and Stan Lerner v. Broward County, Case No. 98-3952 (02).

ACTION: (A-2745) Approved.

COUNTY ADMINISTRATOR

40. MOTION TO APPROVE the Elected Official Bonds for Commissioners Scott I. Cowan, Suzanne N. Gunzburger and Kristin Jacobs.

ACTION: (A-3534) Approved no longer having bonds of this type for county commissioners and directed the Commission Auditor and the County Attorney's Office to pursue the indemnification policy issue.

REQUEST TO SET FOR PUBLIC HEARING

41. MOTION TO ADOPT Resolution 1998-1114 directing the County Administrator to publish a notice of public hearings to be held at 2:00 p.m. on Tuesday, November 24, 1998 and Tuesday, December 8, 1998 in Room 422 of the Governmental Center to consider an amendment to the lease and operating agreement between Broward County and King Ocean Service De Venezuela, S.A.

ACTION: (A-2745) Approved.

42. MOTION TO ADOPT Resolution 1998-1115 directing the County Administrator to publish notice of public hearing to be held on Tuesday, November 24, 1998, at 2:00 p.m. 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, RELATING TO SUNSET OF BOARDS, AUTHORITIES, AND AGENCIES; SUNSETTING VARIOUS BOARDS AND REVISING THE BROWARD COUNTY CODE OF ORDINANCES AND ADMINISTRATIVE CODE ACCORDINGLY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN

EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (A-2745) Approved.

43. MOTION TO INFORM Board of the proposed ordinance scheduled for Public Hearing on Tuesday, November 24, 1998, the title of which reads as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE SALE OF FIREARMS; PROVIDING FOR THE REQUIREMENT OF A FIVE-DAY WAITING PERIOD IN CONNECTION WITH THE SALE OF FIREARMS IN BROWARD COUNTY; PROVIDING FOR A PROHIBITION AGAINST THE TRANSFERRING OR RECEIVING OF A FIREARM FOR FIVE DAYS FROM THE HOUR OF THE SALE, EXCLUDING WEEKENDS AND HOLIDAYS, WHEN THE SALE IS A TRANSFER OF MONEY OR OTHER VALUABLE CONSIDERATION, AND ANY PART OF THE SALE TRANSACTION IS CONDUCTED ON PROPERTY TO WHICH THE PUBLIC HAS THE RIGHT OF ACCESS; PROVIDING FOR THE REQUIREMENT OF A CRIMINAL HISTORY RECORDS CHECK IN CONNECTION WITH THE SALE OF FIREARMS IN BROWARD COUNTY; PROVIDING FOR A PROHIBITION AGAINST THE TRANSFERRING OR RECEIVING OF A FIREARM UNLESS A CRIMINAL HISTORY RECORDS CHECK IS PERFORMED IN CONNECTION WITH A SALE, WHICH IS A TRANSFER OF MONEY OR OTHER VALUABLE CONSIDERATION, AND ANY PART OF THE SALE TRANSACTION IS CONDUCTED ON PROPERTY TO WHICH THE PUBLIC HAS THE RIGHT OF ACCESS; PROVIDING FOR NON- APPLICABILITY OF THE ORDINANCE TO HOLDERS OF FLORIDA CONCEALED WEAPON PERMITS WHEN HOLDERS ARE PURCHASING A FIREARM; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Board of County Commissioners)

ACTION: (A-2745) Approved.

REGULAR AGENDA

COUNTY ADMINISTRATOR'S REPORT

44. REPORT County Administrator Roger J. Desjarlais advised that he has nothing to report at this time.

ACTION: (A-3400) No action was necessary.

QUASI-JUDICIAL HEARING

Please be advised that the following items on the county 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 STRATEGIC PLANNING AND GROWTH MANAGEMENT

DEVELOPMENT MANAGEMENT DIVISION

45. DELEGATION: James Kahn regarding request to amend the note on the Alexander Plat (002-MP-96). (Deferred from April 7, 1998)

ACTION: (A-3406 & B-4447) At the 2:00 p.m. public hearing, the Board approved staff's recommendation of denial for not meeting the traffic concurrency standards under the Land Development Code.

46. DELEGATION: Mr. John E. Aurelius regarding request to amend the non-vehicular access line on the Gateway Industrial Center No. 21 Plat (090-PL-78). (Deferred from April 7, 1998)

ACTION: (A-2745) Withdrawn at the applicant's request.

END OF QUASI-JUDICIAL HEARING

AVIATION DEPARTMENT

47. A. MOTION TO TERMINATE a concession agreement between Broward County and A to Z Parking Services Inc. for provision of valet parking services at Fort Lauderdale-Hollywood International Airport for convenience, pursuant to Section 2.2 of the agreement, said termination to be effective on January 8, 1999, and direct the Director of Airports to send a Notice of Termination of Agreement to A to Z Parking Services Inc.

ACTION: (B-167 & B-3980) At the 2:00 p.m. public hearing, the Board approved staff's recommendations to support the offer of \$45,000 cash to terminate the agreement effective immediately, contingent upon A to Z removing its personal property, vacating the premises, and ceasing all employee identification cards and other items belonging to the Broward County Aviation Department (BCAD) escorted by BCAD. Additionally, the Board authorized BCAD to operate the valet parking service until such time as USA Parking Associates III, is approved.

B. MOTION TO AUTHORIZE Aviation Department and the Office of the County Attorney to take such actions as may be necessary or desirable to collect all sums owed under the Concession Agreement, including all past due privilege fees, plus interest and audit costs, if all such amounts are not paid in full by January 8, 1999, the county's rights under the agreement would be enforced, including without

limitation drawing down and applying any security deposits, and taking eviction and collection proceedings, if necessary.

ACTION: (B-167 & B-3980) At the 2:00 p.m. public hearing, the Board directed the County Attorney's Office to draft an agreement, as outlined by the negotiated settlement, and authorized the Chair and clerk to execute same.

C. MOTION TO AUTHORIZE Aviation Department, pursuant to Section 26.2.b.3, Broward County Administrative Code, Statement of Policy for Awarding Concessions and Consumer Service Privileges, to negotiate with the current management company for the Airport public parking facilities, USA Parking Associates III, to provide valet services at the Fort Lauderdale- Hollywood International Airport, to include a 50 percent Small Disadvantaged Business Enterprise (SDBE) participation goal for provision of this valet service.

ACTION: (B-167, B-3980, & B-4658) At the 2:00 p.m. public hearing, the Board approved the subject item and suggested that a provision for termination for cause be included in the valet portion of the contract.

D. MOTION TO ADOPT Resolution 1998-1127 directing the County Administrator to publish a notice of public hearing to be held on Tuesday, November 24, 1998 at 2:00 p.m. in Room 422 of the Governmental Center amending Chapter 39, Broward County Administrative Code, "Fees and Other Charges, Aviation" amending the schedule of rates, fees and charges for Fort Lauderdale-Hollywood International Airport to provide for valet parking charges; providing for severability; providing for inclusion in the administrative code, and providing for an effective date.

ACTION: (B-167 & B-4379) At the 2:00 p.m. public hearing, the Board approved the subject item.

PUBLIC WORKS DEPARTMENT

OFFICE OF GENERAL SERVICES

ENERGY MANAGEMENT DIVISION

48. A. MOTION TO ADOPT budget Resolution 1998-1116 transferring \$1,074,788 within the General Capital Fund (301) for the purpose of establishing a transfer to the Commercial Paper Fund account (306) (includes a transfer of \$228,581 from General Capital Reserve).

ACTION: (A-3937) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1117 within the Commercial Paper Fund (306) in the amount of \$2,425,021 for the purpose of financing the performance contract and re-appropriating related pay-as-you-go projects.

ACTION: (A-3937) Approved.

C. MOTION TO APPROVE a contract between Broward County and Johnson Controls Inc. in the amount of \$2,425,021 providing for the installation of energy conservation and facility improvement measures at the locations selected for the Broward Sheriff's Office Energy Performance Contract for Detention Facilities, and authorize the Chair and Clerk to execute same.

ACTION: (A-3937) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

49. MOTION TO ADOPT Resolution 1998-1118 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 Financing for certain projects for airport purposes, including the issuance of the county's Airport System Revenue Bonds, Series G, in the aggregate principal amount not exceeding \$80,000,000, and Passenger Facility Charge /Airport System Revenue Convertible Lien Bonds, Series 1998 H, in the aggregate principal amount not exceeding \$150,000,000 in one or more series; delegating to the Director of the Finance and Administrative Services Department the responsibility of holding such hearing, and providing an effective date.

ACTION: (A-3944) Approved.

PURCHASING DIVISION

For Aviation Department

50. MOTION TO APPOINT a Selection/Negotiation Committee to select a firm to provide Design-Build services for the design, procurement and installation of passenger loading bridges at the Fort Lauderdale-Hollywood International Airport.

ACTION: (A-3948) Approved with the appointments of Commissioners Abramowitz and Rodstrom, Aviation Department's Planning and Development Division Director, Chair; Public Works Department's Engineering Division Director, Aviation Department's Maintenance Division's Director; plus, administrative support staff from the County Attorney's Office, Commission Auditor's Office, Office of Equal Opportunity, Risk Management Division, Purchasing Division, and the Airport Program Manager, O'Brien Kreitzberg Inc.

For Finance and Administrative Services Department

51. MOTION TO APPOINT a Selection/Negotiation Committee to recommend the most qualified firm to perform a Competitive Assessment/Efficiency Study for the Office of Environmental Services.

ACTION: (A-2745) Approved with the appointments of Commissioner Parrish; the Office of Environmental Services Director (Chair); Aviation Department Director; Human Resources Division Director; Office of Budget and Management Policy Director, and approved as corrected to substitute Port Everglades Business Administration Division Director for Port Everglades Department Director; plus administrative support staff from the County Attorney's Office, Commission Auditor's Office, Office of Equal Opportunity, Risk Management Division, and the Purchasing Division.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT

CODE AND ZONING ENFORCEMENT DIVISION

52. MOTION TO ADOPT Resolution 1998-1121 to amend Chapter 40 “Fees and Other Charges, Strategic Planning and Growth Management”, Part VI “Code and Zoning Enforcement” of the Broward County Administrative Code amending the Schedule of Fees and Charges for certain permits and services provided by the Code and Zoning Enforcement Division, in order to recover the costs of providing various services.

ACTION: (B-1418) At the 2:00 p.m. public hearing, the Board adopted the resolution, as amended to reflect the change to subsection 40.23.b.5., Schedule of Fees and Charges, “Places of assembly . . . (. . . churches”, to “(. . . houses of worship . . .) . . .”. Staff confirmed that they will submit data, based from the industry’s standards, on numerous services that were not assessed and provided before.

COMPREHENSIVE AND NEIGHBORHOOD PLANNING DIVISION

53. MOTION TO FIND Application 98-RF-02 for the allocation of 50 reserve dwelling units in the Town of Davie compatible with the adjacent land uses, provided potential incompatibilities are appropriately mitigated as required by the Town of Davie Land Development Code, and that impacts on public school facilities have been adequately considered.

ACTION: (A-1660) At the 2:00 p.m. public hearing, the Board deferred the item to the November 24, 1998 meeting for the Town of Davie to address the county’s existing compatibility issues on adjacent designated land uses and the impacts to the public school facility and provide a response justifying how said incompatibility could be mitigated.

OFFICE OF BUDGET AND MANAGEMENT POLICY

54. MOTION TO APPROVE the travel for county employees on the attached list, in accordance with Administrative Order 105.

ACTION: (A-4100) Approved with addendum.

GREATER FORT LAUDERDALE CONVENTION AND VISITORS BUREAU

55. MOTION TO APPROVE the first amendment to the architectural consulting agreement between Broward County and HNTB Corporation of Convention Center Expansion Design Criteria Professional Services in order to increase the lump sum fee from \$400,000 to \$444,343 to account for additional services required of the consultant in order to expedite transmittal of site plan to the City of Fort Lauderdale for review by Development Review Committee (DRC) as well as project coordination and increased overhead.

ACTION: (A-2745) Withdrawn at the County Administrator's request for further staff review.

COUNTY ATTORNEY

56. MOTION TO APPROVE Settlement Offer of entry of judgment for \$20,000, conditioned upon dismissal with prejudice of defendant's counterclaim in the case Broward County v. Airways International Inc., Circuit Court Case No. 97-13656 (05).

ACTION: (B-2348) At the 2:00 p.m. public hearing, the Board approved the item. County Administrator Roger J. Desjarlais agreed to provide a report verifying whether vendors are similarly operating on the county's property without paying rent and whether action is taken to obtain payments according to the terms of the lease.

57. A. MOTION TO ADOPT budget Resolution 1998-1119 within the General Capital Outlay Fund (No. 301) transferring \$559,350 from the reserve for future capital outlay to fund the settlement with South Florida Construction Services Inc., involving the construction of the Medical Examiner's Building.

ACTION: (A-4115) Approved.

B. MOTION TO APPROVE a Settlement Memorandum with South Florida Construction Services Inc. (contractor), providing for a \$559,350 payment and assignment of county rights against N-Y Associates, architect for the Broward County Medical Examiner's Building project, to the contractor with the provision that the county receives 30 percent of any gross recovery greater than \$150,000 and less than \$300,000 and 40 percent of any gross recovery greater than \$300,000 that the contractor obtains from the architect in subsequent settlement or court actions, and authorize the Chair and Clerk to execute same.

ACTION: (A-4115) Approved.

COUNTY ADMINISTRATOR

58. A. MOTION TO APPROVE recommendation of the Integrated Justice Information System (IJIS) Selection/Negotiation Committee (S/NC) to extend the time period granted to Unisys Corporation by the Board to cure the default under the IJIS agreement with respect to the Court Management System for a period up to 60 days to provide county staff time to negotiate a contract amendment for a court management system that is acceptable to the S/NC and county staff and present same to the Board of County Commissioners for its approval.

ACTION: (B-2421) At the 2:00 p.m. public hearing, the Board declared Unisys Corporation in default under the Integrated Justice Information System (IJIS) Agreement for failure to cure the noncompliance identified in the letter dated September 9, 1998 to Unisys and failure to provide Broward County with an acceptable proposal in accordance with the terms of the subsequent motion of the Board of County Commissioners on

October 6, 1998 and to provide funding to the Clerk of the Courts up to \$1 million on a reimbursement basis for additional contractual services in order to make the civil systems year 2000 compliant.

The Board directed staff and the County Attorney's Office to negotiate the termination of the Court Management System ("Civil System") with Unisys Corporation and the Surety Company under the IJIS agreement.

The Board directed the County Administrator to report to the Board on November 24, 1998 with a recommendation to establish an Ad Hoc Committee with representatives from the county commission and user agencies to determine funding for the next five years, and an alternative solution that provides user agencies with access to the new Broward Sheriff's Office (BSO)'s Jail Management System which is due to be operational by March 1999.

B. MOTION TO ADOPT budget Resolution as recommended by the IJIS S/NC transferring funds within the General Capital Outlay Fund for reimbursement to the Clerk of Courts in the amount of \$1,000,000 for Year 2000 renovations to the Clerk's civil systems.

ACTION: (B-2421) (See action under Item 58A.)

C. MOTION TO APPROVE the recommendation of the IJIS S/NC to proceed under the IJIS Agreement with the Jail Management System and direct staff to negotiate a contract amendment to include a provision for additional damages for any delays in completion of the Jail Management System beyond March 5, 1999.

ACTION: (B-2421) At the 2:00 p.m. public hearing, the Board expressed support for the continuation for the Jail Management System under a separate Unisys BSO agreement.

COUNTY COMMISSION

59. DISCUSSION: Letter dated October 22, 1998 from Commissioner E. Pat Larkins, Chair, Broward County Planning Council, advising that the Planning Council voted to recommend that the Board of County Commissioners explore a "Purchase of Development Rights" program with regard to agricultural lands. (Chair)

ACTION: (A-4128) Approved requesting that the Planning Council pursue exploring a "Purchase Development Rights" program with regard to agricultural lands and direct the Agriculture and Extension Education Division staff to work in cooperation in this respect.

COMMISSION AUDITOR

60. DISCUSSION: The selection of County Attorney. (Deferred from November 3, 1998, Item 60)

ACTION: (C-25 & C-1788) *After the 2:00 p.m. public hearing, the Board offered the position of the County Attorney to Ms. René Francis Lee and directed the County Attorney's Office to prepare an executed contract from Broward County to arrive at her office in Charlotte County and at her place of residence by Federal Express on the morning of Wednesday, November 11, 1998 that provides the following:*

- **salary of \$165,000 per annum;**

- *guaranteed term of 36 months minimum;*

- *termination on one meeting of super majority and two meetings of simple majority;*

- *deferred compensation \$8,000 per annum;*

- *evaluation, September 1999 and after that annually in September (or as close to said date as possible);*

- *annual leave county policy for senior employees credited at the beginning of the contract (which includes the 40 hours annual leave);*

- *benefits:health all county attorney and dependents*

- **life insurance two times salary**

- **disability short and long term;**

- *retirement (senior management class);*

- **dues/memberships;**

- *car: lease, insurance and maintenance - \$450 a month or a leased car;*

- *moving expenses - county policy up to a maximum of \$19,800;*

- *temporary housing - \$9,000 (up to \$1,500 a month for an additional six months if original residence is unsold; however, the additional \$1,500 would cease when the property is sold);*

- *\$10,000 after 30 days of county service returned if she leaves before six months;*

- *travel/per diem (seminar/county-related) in accordance to Chapter 112 of the Florida Statutes;*

- **cellular phone, and**

- *the following severance based on salary reducing the percentage according to years of service:*

- 35 months after being employed with the county for 30 days;

- **two years after 12 months, and**

- **90 days after three years.**

Additionally, the Board approved including a moral turpitude clause for dismissal with cause if suspended from the Bar and if the County Attorney is no longer duly qualified and licensed to practice law in the State of Florida, has been convicted or judged guilty of a felony or a misdemeanor involving the moral turpitude of an attorney, or is elected or appointed to a public office, or is guilty of flagrant or neglective duty.

Further the Board determined that the contract offer will expire on Tuesday, November 17, 1998 at 10:00 a.m. and the County Attorney's start date would be on the first business day, Monday, January 4, 1999.

SUPPLEMENTAL AGENDA

PORT EVERGLADES DEPARTMENT

61. MOTION TO ADOPT Resolution 1998-1120 for the waiver of all port tariff charges in an amount not to exceed \$20,000 for the carriage of humanitarian relief supplies on board the Hvide Marine offshore supply vessel "Seabulk Tennessee" to Honduras for victims of Hurricane Mitch.

REASON FOR SUPPLEMENTAL: Late on the afternoon of Friday, November 6, 1998, senior port staff received a request for consideration of the waiving of tariff charges associated with the carriage of relief supplies to the victims of Hurricane Mitch in Honduras.

ACTION: (A-2861) *Approved and directed the County Administrator to thank the Port Everglades staff for their efforts.*

COUNTY COMMISSION

62. MOTION TO AUTHORIZE the Planning Council to initiate an amendment to the Broward County Land Use Plan to address a hazardous substance pipeline use. (Commissioner Gunzburger)

ACTION: (A-4144) **Approved.**

GOOD AND WELFARE

63. A. SPECIAL PRESENTATION On behalf of the Children's Services Board, the children from the Peter Pan Child Development Center in the City of Pompano Beach gave a special presentation in singing to Commissioner Poitier thanking her for caring and helping the children of Broward County.

ACTION: (A-158) Commissioner Poitier expressed her gratitude for such honor.

B. PLAQUE On behalf of the Children's Consortium, Mses. Julie Radlauer, Henderson Mental Health Center, and Ellyn Okrent, Kids in Distress, presented Commissioner Poitier with a plaque thanking her for her dedication and support throughout her tenure.

ACTION: (A-250) Commissioner Poitier accepted the plaque with much appreciation.

C. PROCLAMATION Representatives from the Cities of Coconut Creek, Cooper City, Dania Beach, Deerfield Beach, Fort Lauderdale, Hallandale, Hollywood, Lauderdale Lakes, Lauderdale Hill, Margate, Miramar, North Lauderdale, Parkland, Pembroke Pines, Plantation, Pompano Beach, Sunrise, Tamarac, Weston, Wilton Manors, and the Town of Davie, presented proclamations, plaques and certificates of appreciation honoring Commissioner Poitier for her lifelong commitment; dedication and compassion to the community, and many years of outstanding public service and civic involvement and declared Tuesday, November 10, 1998 as "*Sylvia Poitier Appreciation Days*" in their respective municipalities.

ACTION: (A-289) Commissioner Poitier accepted the proclamations, plaques and certificates of appreciations with high esteem and thanked the municipal representatives.

D. ANNOUNCEMENT Mr. William Markham, Property Appraiser, recognized Commissioner Poitier's supreme efforts in representing the taxpayers of the county and announced that every day is *Sylvia Poitier Day* at the Broward County Property Appraiser's Office.

On behalf of the Board, the Chair requested that Mr. Markham convey the Board's condolences to the family of Mr. Bill Boyd, an employee from the Property Appraiser's Office, who passed away on Sunday, November 8. Mr. Markham gave information on the funeral service to take place on Thursday, November 12, 1998.

ACTION: (A-1209 & B-1396) At the 2:00 p.m. public hearing, the Board held a moment of silence in memory of Mr. Boyd.

E. PROCLAMATION On behalf of the Board, the Chair acknowledged Commissioner Poitier's accomplishments to the community and presented her with a proclamation designating Tuesday, November 10, 1998 as "*Commissioner Sylvia Laurretta Poitier Appreciation Day*" in Broward County, Florida. The Board joined the community in applauding her selfless and exemplary service and wished her continued success and good health in her future endeavors.

ACTION: (A-1239) Commissioner Poitier accepted the proclamation with much appreciation.

F. SPECIAL PRESENTATION On behalf of the Board, the Chair recognized one of Commissioner Poitier's advocations as the historical commission and other related issues. The Chair noted that a church building (Vinnacle Carroll Theater) on 503 Southeast 6 Street in Fort Lauderdale was saved as a historical site by the late County Commissioner Ann Kolb.

The Chair and County Administrator Roger J. Desjarlais, on behalf of the county staff, presented Commissioner Poitier with a gift to keep, which was also to be secured on the back of the church pew on Southeast 6 Street.

ACTION: (A-1209) The gift was highly appreciated and accepted by Commissioner Poitier with esteemed honor.

G. SPECIAL RECOGNITION On behalf of the Board, Commissioner Cowan expressed honor recognizing the farewell and recognition of Commissioner Poitier who leaves office by people's vote which did not tarnish her work or numerous accomplishments during her tenure and he gave examples of notables who left office under similar circumstances.

Commissioner Cowan highlighted her accomplishments on improved code enforcement in the unincorporated area, the homeless assistance center, paratransit service, Broward Employment and Training Administration (BETA), equal employment opportunity, health care for disadvantaged, the Sawgrass Expressway, the South Florida Affordable Housing Committee (the State Housing Initiatives Partnership (SHIP) program), emergency assistance for the poor by the community partnership program and the Community Action Agency, economic development and empowerment, increased opportunities for minority firms to obtain contracts in the county, an early proponent of Child Service Board funding, the Port Everglades hotel (known as the Broward County Convention Center Hotel), and The African American Cultural Library at Sistrunk Boulevard.

Commissioner Cowan recognized Commissioner Poitier's service on the commission for the first 13 months before the term of then retired Commissioner Marcia Beach who served at the commission for 13 years. He noted Commissioner Poitier's 13 accomplishments during her tenure; recognized the 13 commissioners that she served with on the dias, and indicated that she would leave the county with some repass that will provide nourishment to the community for many more than 13 years.

On behalf of the Board, Commissioner Cowan presented a plaque which lists 12 other commissioners and Poitier who served during the period she served, *"To Broward County Commissioner Sylvia Poitier in recognition of 24 years of dedicated public service to promote economic advancement and social equality throughout Broward County and as a tireless advocate for those individuals with special needs presented by the entire seated Broward County Commissioners . . . "*. He recognized the presence of two former colleagues, Commissioners Nicki E. Grossman, John P. Hart and the other commissioners who could not be present; namely, Gerald F. Thompson, Howard Forman, Howard Craft, and Ed Kennedy *" . . . to a commissioner a job well done!"*.

ACTION: (A-1395 & C-1551) Commissioner Poitier thanked the Board for this esteemed recognition. She indicated that at this day's meeting the idea she had previously formulated has been solidified to continue to be an advocate for the poor, fairness, justice and equality as well as voicing the power to vote.

64. PRESENTATION On behalf of the Board, Commissioner Cowan presented a Certificate of Appreciation to Mr. Leroy Cohen, Volunteer of the Month for September 1998 in recognition of his devotion to the community and his untiring efforts to promote a more prosperous and vital environment for all the people in Broward County.

ACTION: (A-1948) Mr. Cohen accepted the award and thanked the Board.

65. PROCLAMATION On behalf of the Board, Commissioner Rodstrom read into the record a proclamation dedicating November 14, 1998 as *"Jack Kaye Park Day"* in Broward County, Florida.

ACTION: (A-1979) Mrs. Harriet Kaye accepted the proclamation and thanked the Board for the honor. She announced that the Little George Park will be dedicated to the late Mr. Kaye on Saturday, November 14, 1998 at 11:30 a.m. and welcomed the county commissioners to attend.

66. SPECIAL PRESENTATION Nicki E. Grossman, Greater Fort Lauderdale Convention and Visitors

Bureau (GFLCVB), President and Chief Executive Officer, recognized the successful tourism promotion “Be Our Guest” featuring Beauty and the Beast; noted the first time in the community that the hospitality industry and the cultural community have joined to create an exciting multi-disciplined program of arts and culture for the visitors to enjoy the sun with more emphasis on the fun. She described the promotional program requesting that tourists write to the GFLCVB and enter into a contest drawing to find out why they should be eligible.

ACTION: (A-2100) The prize winners (drawn by the Chair, on behalf of the Board, and Ms. Grossman) were: Meses. Carol Wucker, Gainesville, Florida; Helen Berman, Port St. Lucie, Florida, and Jacqueline Howell, Melbourne, Florida to “Be Our Guest” at Broward County.

67. AWARD On behalf of the Chair of the American Public Transit Association (APTA), Mr. John Bartosiewicz, First Vice Chair of APTA, recognized 1998 as the “Banner Year” for the Broward County’s public transportation and celebrated it with APTA’s theme “Transit Makes Difference”. He acknowledged Broward County transit’s (BCT’s) leadership, dedication, hard work, commitment and example in focusing on its customers, especially to the disabled users. Mr. Bartosiewicz noted the challenge

experienced while working in cooperation with the users and policy-makers to completely restructure the paratransit service that yielded dramatic results in the TOPS program indicated that it has become a model for the industry.

ACTION: (A-2247) Mr. Bartosiewicz presented to the Broward County Mass Transit Division Director the APTA Award for the best paratransit system in the United States. On behalf of the Board, the Chair thanked the Mass Transit Division staff; members of the Broward County Coordinating Board (BCCB) for Transportation Disadvantaged Services (TDS) and the Chair, Commissioner Poitier; the Advisory Board for Persons with Disabilities (ABPD), the former Selection/ Negotiation Committee (S/NC) on Transportation Disadvantage Services, and the providers for their joint efforts and hard work.

68. PLAQUE On behalf of the Board, Commissioner Poitier presented to the Pompano Harness Track a plaque in appreciation for their service to the large animal owners of Broward County during Hurricane Georges on September 24 through 26, 1998. In

addition, the Chair, on behalf of the Board, thanked Pompano Harness Track for their efforts on the several ongoing economic development projects.

ACTION: (A-2556) Mr. Ted Snell, Pompano Harness Track, thanked the Board on behalf of the dedicated workers at the track for the plaque.

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