

MEETING OF NOVEMBER 24, 1998

(The meeting convened at 10:00 a.m. and adjourned at 12:55 p.m.)

PLEDGE OF ALLEGIANCE was led by Christine Cameron, Wingate Oaks Center. Third Place winner of the "Manatee Survival Is Up to You! Poster Contest 1998.

CALL TO ORDER

CONSENT AGENDA

1. BOARD APPOINTMENTS

A. MOTION TO APPOINT Sylvia Poitier to the Cultural Affairs Council, effective December 1, 1998. Ms. Poitier replaces Dot Cobb, who has resigned. (Commissioner Cowan)

ACTION: (A-0394) Approved.

B. MOTION TO NOMINATE Diana L. Fletcher for appointment to the Brownfields Redevelopment Task Force. Ms. Fletcher will fill an existing vacancy. (Commissioner Parrish)

ACTION: (A-0394) Approved.

C. MOTION TO NOMINATE Carl Myers for appointment to the Brownfields Redevelopment Task Force. Mr. Myers will fill an existing vacancy. (Commissioner Parrish)

ACTION: (A-0394) Approved.

D. MOTION TO APPROVE appointment of Ms. Alanna O. Mersinger to the Parks and Recreation Advisory Board. She replaces Mr. Gerald Dubin in the out-of-district slot. (Commissioner Gunzburger)

ACTION: (A-0394) Approved.

E. MOTION TO APPROVE appointment of Ms. Claire Satin to the Library Advisory Board. Ms. Satin replaces Ms. Billie Grover. (Commissioner Gunzburger)

ACTION: (A-0394) Approved.

F. MOTION TO APPOINT Janice Boursiquot to the remaining term for Commission District 1 on the Florida Department of Children & Families District 10 Health & Human Services Board and to a full four-year term beginning February 13, 1999. (Commissioner Lieberman)

ACTION: (A-0394) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE consent to sublease between Sheltair Aviation Center, Inc. and JJ Kelly Charter Bus Service Co., d/b/a Travelways, at Sheltair Aviation Center, Inc.'s leasehold at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

3. MOTION TO APPROVE consent to sublease between International Jet Cargo Center, Inc., and R.P.m. Airlift Inc., d/b/a Geo Air 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-0394) Approved.

4. MOTION TO APPROVE field usage agreement between Broward County, Florida and National Jets, Inc. at the Fort Lauderdale-Hollywood International Airport effective upon Board approval and shall terminate on the fifth annual anniversary of the effective date with a 30-day cancellation notice, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

5. MOTION TO APPROVE field usage agreement between Broward County, Florida and Airtran Airways, Inc., f/k/a Valujet Airlines, Inc., at the Fort Lauderdale- Hollywood International Airport effective upon Board approval and shall terminate on the fifth annual anniversary of the effective date with a 30-day cancellation notice, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

6. MOTION TO APPROVE Amendment No. 1 to the License Agreement between Broward County, Florida and P-95/Fed Limited Partnership, successors in interest to Codina Development Corporation, for the use of 1.288 acres of land at the Fort Lauderdale-Hollywood International Airport commencing on December 1, 1998 and terminating on April 30, 2013, with an option to renew the term for an additional 15 years, with prior written approval of the County, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

7. MOTION TO APPROVE Amendment No. 1 to the License Agreement between Broward County, Florida and Federal Express Corporation for the use of 1.288 acres of land at the Fort Lauderdale-Hollywood International Airport commencing on December 1, 1998 and terminating on April 30, 2013, with an option to renew the term for an additional 15 years, with prior written approval of the County,

and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

8. MOTION TO AUTHORIZE execution by Director of Airports of a Memorandum of Understanding between Broward County and the Naval Air Station Fort Lauderdale Historical Association for the relocation and use of "Building No. 8", also known as the "Link Trainer Building" at Fort Lauderdale-Hollywood International Airport.

ACTION: (A-0394) Approved.

PUBLIC WORKS DEPARTMENT

**OFFICE OF INTEGRATED WASTE
MANAGEMENT**

RECYCLING & CONTRACT ADMINISTRATION DIVISION

9. MOTION TO APPROVE Third Amendment to the Agreement between Broward County and BFI Waste Systems of North America (BFI) for Materials Recovery Facility (MRF) which involves previous mixed paper/phone book issues, by excluding phone books from net revenue calculations, reducing revenue share based on a mixed paper adjustment, and reducing phone book disposal payment to \$32,500 for 1999 from \$45,788 in 1998, allowing for contractual CPI Adjustments, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

10. MOTION TO APPROVE revocable license agreement between Broward County and Cornerstone Church, a Florida Corporation, for the installation of a sign that is permitted under applicable sign ordinances and laws in the right-of-way of Orange Drive, just east of SW 92nd Avenue, in the Town of Davie, adjacent to the Church of Christ Plat (120-4); and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

11. MOTION TO ADOPT Resolution 1998-1155 accepting an access easement executed by Big Horn Associates Limited, donating said easement for access control to Prospect Field Road in Section 18, Township 49 South, Range 42 East, and being located on the south side of Prospect Field Road

approximately 1,460 feet east of State Road 7.

ACTION: (A-0394) Approved.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

COUNTY RECORDS DIVISION

12. MOTION TO APPROVE minutes of the 2:00 p.m. of County Commissioners' Public Hearing of October 13, 1998.

ACTION: (A-0394) Approved.

OFFICE OF INFORMATION TECHNOLOGY

13. MOTION TO APPROVE release of retainage for Phase I and Phase IIA of the Integrated Judicial Information System project, payable to The Warner Group in the amount of \$153,920.

ACTION: (A-0448) Deferred. The County Attorney's Office was directed to research the contract to ensure that all contractual requirements have been met by the Warner Group and to determine whether there are any legal remedies. When the item returns before the Board for consideration, that a copy of the agenda item, as it originally appeared on the agenda, creating the Selection/Negotiation Committee, be attached as backup in its entirety. Further, staff was directed to research whether, as a result of the default, on the part of the contractor hired to implement the system, that there is any recourse in recouping monies from that contractor (Unisys).

PURCHASING DIVISION

For Finance and Administrative Services Department

14. A. MOTION TO RESCIND award of fixed contract to low bidder United Transportation Service for Bookmobile (Bid No. C-09-96-12-OF).

ACTION: (A-0394) Approved.

B. MOTION TO AWARD fixed contract to Pride of Florida (Prison Rehabilitative Industries) in the amount of \$124,116 for one Bookmobile for the Libraries, and Fleet Services Division.

ACTION: (A-0394) Approved.

REVENUE COLLECTION DIVISION

15. MOTION TO ADOPT one Resolution 1998-1156 authorizing cancellation of warrants from Central Account No. 2079940003785.

ACTION: (A-0394) Approved.

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

ACTION: (A-0394) Approved.

COMMUNITY SERVICES DEPARTMENT

ANIMAL CARE AND REGULATION DIVISION

17. MOTION TO APPROVE agreement between Broward County and Dr. Michael Braun, Veterinarian at Lakeside Animal Hospital, for adoption services to place animals impounded by Broward County at no cost to the County, from date of execution to September 30, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

CULTURAL AFFAIRS DIVISION

18. MOTION TO APPROVE agreement among Broward County and Downtown Hollywood Community Redevelopment Agency, City of Fort Lauderdale, and Artspace Projects, Inc. for site feasibility studies for an artist live/work space project, Step One, in the amount of \$22,000 of which the County will contribute \$7,334 with a time of performance of 24 months from date of execution, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Withdrawn for further staff review.

PORT EVERGLADES DEPARTMENT

19. MOTION TO APPROVE three-year lease agreement between Broward County and J. P. Reynolds Co., Inc. for Suite No. 401 in the Port Administration Building at Port Everglades, consisting of 2,880 square feet of office space, for the period of December 1, 1998 through November 30, 2001, and authorize the Chair and Clerk to execute same.

ACTION: (A-0394) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

20. MOTION TO APPROVE business travel for County employees in accordance with Administrative Order 105.

ACTION: (A-0394) Approved.

21. MOTION TO ADOPT unanticipated revenue Resolution 1998-1157 within the Broward Sheriff's Office (BSO) general fund in the amount of \$618,900 to provide funds for ten positions to expand police services within the City of Deerfield Beach with the full cost of the positions funded by revenues received from the City of Deerfield Beach.

ACTION: (A-0394) Approved.

REQUEST TO SET FOR PUBLIC HEARING/MEETING SCHEDULE

22. MOTION TO APPROVE meeting schedule for December, 1998.

ACTION: (A-0876) Approved.

23. MOTION TO DIRECT County Administrator to publish notice of public hearing to be held on Tuesday, December 8, 1998, at 2:00 p.m. in Room 422 of the Governmental Center to consider a Nonemergency Medical Transportation Service (NEMTS) license (new) for Safe Ride Services, Inc., Inc.

ACTION: (A-0394) Approved.

24. MOTION TO DIRECT County Administrator to publish notice of public hearing to be held on Tuesday, December 8, 1998, at 2:00 p.m. in Room 422 of the Governmental Center to consider Nonemergency Medical Transportation Service (NEMTS) licenses (renewals) for Tender Care Center, Inc. and B & L Services, Inc. d/b/a Healthcare Transportation, Inc.

ACTION: (A-0394) Approved.

25. MOTION TO ADOPT Resolution 1198-1158 directing the County Administrator to publish a notice of public hearing to be held at 2:00 p.m. on Tuesday, December 8, 1998 and Tuesday, December 22, 1998 in Room 422 of the Governmental Center to consider an amendment to lease between Broward County and Hvide Marine Inc. due to the realignment and expansion of Eller Drive.

ACTION: (A-0394) Approved.

REGULAR AGENDA

26. **COUNTY ADMINISTRATOR'S REPORT:** County Administrator Roger J. Desjarlais informed the Board that there was nothing to report.

ACTION: (A-0932) No Board action was necessary.

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QUASI-JUDICIAL HEARING

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

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT DEVELOPMENT MANAGEMENT DIVISION

27. **DELEGATION:** Leigh R. Kerr regarding request to amend the note on the Westwind Plat (014-MP-93). (Deferred from November 17, 1998, Item 57)

ACTION: (A-0975) Approved subject to staff's recommendations.

28. **DELEGATION:** Emerson Allsworth regarding request to amend the note on the AHS Plat (155-MP-86). (Deferred from November 17, 1998, Item 45)

ACTION: (A-1015) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL HEARING

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COMMUNITY DEVELOPMENT DIVISION

29. **A. MOTION TO ACCEPT \$11,000 as full satisfaction on a \$15,000 deferred payment loan made to**

Gerald Ciciarelli and Donna L. Stiles.

ACTION: (A-1061) Approved.

B. MOTION TO APPROVE satisfaction of mortgage on a deferred payment loan in the amount of \$15,000 made to Gerald Ciciarelli and Donna L. Stiles, and authorize the Chair and Clerk to execute same.

ACTION: (A-1061) Approved.

COMPREHENSIVE AND NEIGHBORHOOD PLANNING DIVISION

30. 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. (Deferred from November 10, 1998, Item 53)

ACTION: (A-0394) Withdrawn by the applicant.

31. MOTION TO FIND Application 98-RF-05 for the allocation of 56 reserve dwelling units in the City of Tamarac compatible with adjacent land uses and that impacts upon public school facilities have been adequately considered, provided that the note on the King's Point Commercial Plat is amended restricting the use to 56 adult only units. (Deferred from November 17, 1998, Item 48)

ACTION: (A-0394) Withdrawn by the applicant.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Aviation Department

32. MOTION TO APPOINT Selection/Negotiation Committee to hire a firm to serve as managing general contractor for the refurbishment of the existing Terminals 1 and 2 at the Fort Lauderdale-Hollywood International Airport.

ACTION: (A-1071) Appointed the following to serve on the Selection/Negotiation Committee: Commissioners Abramowitz, Gunzburger, and Rodstrom; Director of Airports (Chair); Director, Planning and Development Division BCAD; Director, Public Works Department. Plus, administrative support staff from the offices of the County Attorney, Commissioner Auditor, Equal Opportunity, Risk Management, Purchasing and the Airport Program Manager, O'Brien Kreitzberg.

33. MOTION TO DISCUSS merits of Design/Build v. Competitive Sealed Bid for the procurement of loading bridges for Fort Lauderdale-Hollywood International Airport.

ACTION: (A-1085) Commissioner Parrish volunteered to serve on the Selection/Negotiation Committee (first two meetings), in addition to Commissioners Abramowitz and Rodstrom who

presently serve on said committee. Further, the Board directed staff to prepare a comparative analysis for the Selection/Negotiation Committee of the cost to negotiate for sole source versus the Selection/Negotiation Committee process.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

34. MOTION TO ADOPT Resolution 1998-1159 of the Board of County Commissioners of Broward County, Florida exempting from the classified civil service the positions of Systems Network Analyst III (BPN No. 6564), and Natural Resource Specialist III (BPN No. 7138) for the Department of Natural Resource Protection.

ACTION: (A-1853) Approved.

OFFICE OF BUDGET AND MANAGEMENT POLICY

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

ACTION: (A-1862) Approved, as amended.

OFFICE OF LEGISLATIVE & INTERGOVERNMENTAL MANAGEMENT

36. A. MOTION TO APPROVE following lobbying contract(s) for the 1999 Legislative Session, subject to the concurrence of approved lobbyist(s): A.) Ericks Consultants, Inc., as lead lobbyist; B.) Ronald L. Book, P.A.; C.) Carole L. Duncanson; D.) Fowler, White, Gillen, Boggs, Villareal and Banker, P.A.; E.) Public Private Partnership, Inc. (Deferred from November 3, 1998, Item 62)

ACTION: (A-1870) Approved lobbyist(s) contracts, as amended. Removed Fowler, White, Gillen, Boggs, Villareal, and Banker, P.A. as a Broward County lobbying firm. The Board directed appropriate staff to work with the County's lobbyists to make recommendations to the Board regarding Republican lobbying firms. Staff was requested to return at a later date information on the following issues: (1) Urban counties working on Revision 7 Implementation. (2) Coordinating lobbying efforts on annexation bills. (3) Federal appropriations efforts, specifically, to review lobbying efforts, and federal grant-writing efforts. Further, the Commission Auditor was directed to independently review the federal airport expansion grants (the amount originally expected in federal grants, the amount received from the federal government, and what the County is expected to receive in the future).

B. MOTION TO ALLOCATE budgeted amount of \$120,000 among the approved lobbyists.

ACTION: (A-1870) Approved.

C. MOTION TO AUTHORIZE County Administrator to execute all contracts with approved lobbyists.

ACTION: (A-1870) Approved.

COUNTY ADMINISTRATOR

37. MOTION TO APPOINT Ad Hoc Committee consisting of representatives from the County Commission and user agencies to develop options for the implementation of an Integrated Justice Information System.

ACTION: (A-4597) Appointed the following to serve on the Selection/Negotiation Committee: Commissioner Parrish and Commissioner Rodstrom, as an alternate; Judiciary - Chief Judge or designee; Sheriff's Office - Sheriff or designee; State Attorney or designee; Public Defender or designee; Clerk of Court or designee; County Administrator or designee. Staff support will be provided by the Office of Information Technology, Budget Office, and the Commissioner Auditor.

COUNTY COMMISSION

38. DISCUSSION: Impact and implementation of Florida Constitutional Revision 1 (Tax advantages for historic buildings). (Commissioner Lieberman)

ACTION: (A-0394) Withdrawn at the request of Commissioner Lieberman.

39. DISCUSSION: Impact and implementation of Florida Constitutional Revision 3 (Additional homestead exemption for senior citizens). (Commissioner Lieberman)

ACTION: (A-0394) Withdrawn at the request of Commissioner Lieberman.

40. DISCUSSION: Impact and implementation of Florida Constitutional Revision 7 (State funding of courts). (Commissioner Lieberman)

ACTION: (A-0394) Withdrawn at the request of Commissioner Lieberman.

SUPPLEMENTAL AGENDA

OFFICE OF BUDGET AND MANAGEMENT POLICY

41. MOTION TO ADOPT unanticipated revenue Resolution 1998-1160 within the Law Enforcement Trust Fund in the amount of \$96,310 for a 'safe neighborhood' initiative in Broward Sheriff's Office (BSO) District II (Dania) and for use and benefit of the District VIII Community Council, Inc.

REASON FOR SUPPLEMENTAL: Request of Commissioner Lieberman.

ACTION: (A-4642) Approved.

COUNTY COMMISSION

42. MOTION TO DIRECT County Attorney's Office to draft Domestic Partnership Ordinance.
(Commissioner Parrish)

ACTION: (A-4807) Approved. By a unanimous consensus, the Board of County Commissioners will sponsor the drafting of the ordinance. The County Attorney's Office was directed to place the proposed ordinance on the public hearing agenda of Tuesday, January 12, 1999 if possible.

GOOD & WELFARE

43. **PROCLAMATION:** Commissioner Abramowitz, on behalf of the Board, read into the record a proclamation designating the month of November as **MANATEE MONTH in Broward County** and called upon the citizens of Broward County to join in recognizing the good works of the Manatee Survival Foundation. Commissioner Abramowitz noted that November 15 through March 31 is officially considered the manatee season.

ACTION: (A-0084) Mary Ann Gray, President, Manatee Survival Foundation, acknowledged all those involved with the Manatee Survival Foundation and the "Manatee Survival is Up to You!" Poster Contest 1998. Ms. Gray thanked the Board and accepted the proclamation with great appreciation. Further, Ms. Gray thanked Heather Schaefer, Pasadena Lakes Elementary School and Suzanne Frazier, Sterling Elementary School, Co-chairs of the poster contest.

The winners of the "Manatee Survival is Up to You!" Poster Contest 1998 were announced. Commissioner Parrish, Honorary Chair to the Manatee Survival Foundation, presented the winners with their respective checks. Ms. Gray encouraged everyone to visit the Governmental Center lobby where the winning posters are on display. She thanked Hvide Marine, along with the Manatee Survival Foundation for sponsoring the poster contest.

44. **CERTIFICATE OF ACHIEVEMENT:** The Chair, on behalf of the Board, presented Commissioner Lori Nance Parrish with a Certificate of Achievement recognizing ten years of dedicated service to Broward County.

ACTION: (A-0358) Commissioner Parrish thanked the Board and accepted the Certificate with great appreciation.

NON AGENDA

45. **INFORMATIONAL:** Commissioner Abramowitz informed the Board that he and Commissioner Parrish have been asked to serve on the Naming Committee for the new Veterans Home. Commissioner Parrish stated that it is a tradition that the facility be named after an outstanding local veteran. Suggestions would be welcomed.

ACTION: (A-4932) No Board action was necessary.

46. **DISCUSSION - WATER ADVISORY BOARD** Commissioner Abramowitz commented that for the past three Water Advisory Board (WAB) meetings there was no quorum. He expressed concerns that

little is being accomplished. The Technical Advisory Committee to the Water Advisory Board was given the task to make recommendations. He distributed copies of TAC's recommendations and requested that the Board review its report. Specifically, TAC recommended that the Board consider combining the members of TAC with the Water Advisory Board.

ACTION: (A-4949) No Board action was taken.

47. DISCUSSION - WATER ADVISORY BOARD/VALUE ADJUSTMENT BOARD

Commissioner Parrish commented that she did not attend the Water Advisory Board or the Value Adjustment Board (VAB) meetings because her office was never advised of the meeting dates. New Board members usually assume respective board appointments after December 1. Commissioner Parrish stated that she serves as a member on the Governor's Commission on a Sustainable South Florida and was at Fairchild Tropical Gardens the day of the Water Advisory Board meeting. With respect to the TAC recommendations, Commissioner Parrish relayed that rather than changing the makeup of the Water Advisory Board, she would like its members to consider changing the date. Commissioner Parrish further commented that the WAB may need to change its focus and the issues studied.

Relative to the VAB, Commissioner Parrish stated that, philosophically, she believes in Agriculture exemption and has requested that the VAB reconsider two petitions.

ACTION: (A-5096) No Board action was taken.

48. DISCUSSION - CITY OF HOLLYWOOD Board members discussed the Summary Judgment handed down by Seventeenth Judicial Circuit Court Judge W. Herbert Moriarty involving Broward County and the City of Hollywood with respect to alleged local property taxes owed to the City. Board members discussed the Interim County Attorney position and whether to reconsider a motion made at the previous commission meeting (November 17) to appoint Russell Morrison. Interim County Attorney Sharon L. Cruz answered questions posed by members of the Board relative to Board members' concerns.

Further, brief discussion ensued regarding whether to conduct a closed Executive Session/Shade meeting pursuant to 286.011(8) F.S. Board members were polled individually to determine whether each would attend an Executive Session.

ACTION: (A-5218) Staff was directed to place an agenda item on the December 1, 1998 commission meeting regarding the Interim County Attorney position.

Further, the Interim County Attorney was asked to research and return with the following information at this day's 2:00 p.m. public hearing meeting: 1) whether a Board member had the authority to review the previous transcript of the last Closed Attorney/Client Session (Shade meeting); and whether a Board member is allowed to bring his or her own litigator to the Closed Attorney/Client meeting (litigator's services would be donated).

49. DISCUSSION - PLANNING COUNCIL The Chair briefly reviewed a previous Planning Council issue regarding the Council's "Employment Center" designation. The Chair stated that Planning Council Administrator Susan M. Tramer expressed concerns regarding light manufacturing being permitted in the "Employment Center" designation adjacent to residential for compatibility reasons. Ms. Tramer suggested that the Planning Council create a second "Employment Center" land use designation which excludes light manufacturing. The Chair asked if there was any objection from the Board. There was none.

ACTION: (A-6485) By a consensus of the Board, the Planning Council will begin creating a second “Employment Center” land use designation which excludes light manufacturing.

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