

## **MEETING OF DECEMBER 3, 2002**

(The meeting convened at 10:00 a.m. and adjourned at 12:42 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commission Vice Chair Ilene Lieberman.

### **CALL TO ORDER**

### **CONSENT AGENDA**

#### **BOARD APPOINTMENTS**

1. MOTION TO APPOINT Fernando Alicea, Jr. to the Board of Adjustment. (Commissioner Scott)

*ACTION: (Time-10:19 AM) Approved.*

#### **AVIATION DEPARTMENT**

2. MOTION TO APPROVE fuel system lease between Broward County, Florida and JetBlue Airways Corporation, at the Fort Lauderdale-Hollywood International Airport, effective upon Board approval, for a period of one year and month-to-month thereafter, not to exceed five years; and authorize the Chair and Clerk to execute same.

*ACTION: (Time-10:19 AM) Approved.*

3. MOTION TO APPROVE consent by Broward County, Florida to Bank One, NA to a leasehold mortgage and loan documents collateralized by the lease agreement between Broward County, Florida and Aero Lauderdale, LLC in the amount of \$9.5 million; and authorize the Chair and Clerk to execute same.

*ACTION: (Time-10:19 AM) Approved.*

#### **PUBLIC WORKS DEPARTMENT**

##### **OFFICE OF ENVIRONMENTAL SERVICES**

##### **ENVIRONMENTAL ENGINEERING DIVISION**

4. MOTION TO DIRECT County Attorney's Office to Amend Chapter 34 of the Broward County Code of Ordinances to adopt a permitting process to hook up to the County water and wastewater system.

*ACTION: (Time-10:19 AM) Approved.*

##### **OFFICE OF TRANSPORTATION**

##### **ENGINEERING DIVISION**

5. A. MOTION TO ADOPT Resolution 2002-1062 accepting a warranty deed, at a nominal cost

of \$10 to the County, executed by Wheelabrator North Broward Inc., for right-of-way for NW 48<sup>th</sup> Street (Wiles Road - County Project No. 5145) (south side) located approximately 1,860 feet west of Powerline Road. **(Commission District 2)**

***ACTION: (Time-10:19 AM) Approved.***

B. MOTION TO ADOPT Resolution 2002-1063 accepting utility easement, at a nominal cost of \$10 to the County, executed by Wheelabrator North Broward Inc., for utility purposes for NW 48<sup>th</sup> Street (Wiles Road - County Project No. 5145) (south side) located approximately 1,860 feet west of Powerline Road. **(Commission District 2)**

***ACTION: (Time-10:19 AM) Approved.***

### **STREETS AND HIGHWAYS DIVISION**

6. A. MOTION TO APPROVE by certified signature and certified seal of the Board of County Commissioners, an agreement between the State of Florida Department of Agriculture and Consumer Services and Broward County, and the letter acknowledging the notification of State approved funds in the amount of \$46,945.20, for Fiscal Year 2002 - 2003 for Arthropod Control.

***ACTION: (Time-10:19 AM) Approved.***

B. MOTION TO ADOPT unanticipated revenue Resolution 2002-1064 within the CSFA42003 Mosquito Control Arthropod/Mosquito Control Aid (0100) Fund for mosquito control-State in the amount of \$43,054 to recognize a decrease in State funds.

***ACTION: (Time-10:19 AM) Approved.***

7. MOTION TO ADOPT unanticipated revenue Resolution 2002-1065 within the Streets and Highways Division Capital Outlay Fund/Office of Transportation Special Road Projects (3110-127-3383-6410) for Streets and Highways Division in the amount of \$307,830 for purchase of road maintenance equipment.

***ACTION: (Time-10:19 AM) Approved.***

### **FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

8. A. MOTION TO NOTE AND FILE FOR RECORD declaration of official intent for reimbursement from tax-exempt bonds/notes for capital expenditures associated with the various capital projects of the third phase of the Airport Expansion Program and the expansion of the public parking area of the consolidated rental car facility.

***ACTION: (Time-10:19 AM) Approved.***

B. MOTION TO ADOPT Resolution 2002-1066 of the Board of County Commissioners of Broward County, Florida relating to the County's Multi- Purpose Commercial Paper Program providing for the issuance from time to time of commercial paper notes to finance capital improvement projects for the County's Aviation Department as such projects are described and authorized in the County's Capital Budget for Fiscal Year 2003; authorizing other necessary actions; providing severability and effective date.

***ACTION: (Time-10:19 AM) Approved.***

**ACCOUNTING DIVISION**

9. MOTION TO FILE Annual Report of Interest Payment made under the Prompt Payment Act pursuant to Florida Statute 218 and County Ordinance No. 89-49.

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

10. MOTION TO APPROVE travel for County employees on the attached list, in accordance with Administrative Code Chapter 3, Part II - County employee travel.

***ACTION: (Time-10:19 AM) Approved.***

**REVENUE COLLECTION DIVISION**

11. MOTION TO ACKNOWLEDGE Receipt of Notice of Lands Available for Taxes submitted per Florida Statutes 197.502(7), 197.542(2) and 12D-13.064(1)(2)(3).

***ACTION: (Time-10:19 AM) Approved.***

12. MOTION TO APPROVE AND EXECUTE Satisfactions and Release of Claims of Lien.

***ACTION: (Time-10:19 AM) Approved.***

**PURCHASING DIVISION**

For Aviation Department

13. MOTION TO APPROVE first amendment to Work Authorization WA01-11 in accordance with the agreement approved by the Board on November 10, 1998, Item No. 13, between Broward County and Williams, Hatfield & Stoner, Inc. (WHS) for Resident Project Representative Services for expansion joint replacement, West Garage at Fort Lauderdale-Hollywood International Airport, Contract H-4-02-095-CF, for an increase of \$84,150 from \$75,000 to \$159,150; and an increase in time of 180 calendar days from 90 calendar days to 270 calendar days, including project closeout; and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:19 AM) Approved.***

14. MOTION TO APPROVE first amendment to agreement between Broward County and Singer Architects, Inc. (SAI) for consultant services for architect, engineering and interior design services at the Fort Lauderdale-Hollywood International Airport, RLI No. 121300-RB, approved by the Board on November 27, 2001, Item No. 18, increasing the maximum not-to-exceed (NTE) amount of the agreement by \$1,200,000 from \$2,095,100 to \$3,295,100; with no increase in time, and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:19 AM) Approved.***

For Community Services Department

15. A. MOTION TO APPROVE Work Authorization No. 1A in accordance with the first amendment to the agreement approved by the Board on February 26, 2002, Item No. 41, between Broward County and Recreational Design & Construction, Inc. (RDC) for design/build for accessibility compliance and miscellaneous small projects at various park sites, RLI No. 111599-RB, for the Parks and Recreation Division in an amount not to exceed \$145,768 for second floor building deck replacement at Fern Forest Nature Center, with a 150 day calendar term; and authorize the Chair and Clerk to execute same. **(Commission District 2)**

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

B. MOTION TO APPROVE Work Authorization No. 3A in accordance with the first amendment to the agreement approved by the Board on February 26, 2002, Item No. 41, between Broward County and RDC for design/build for accessibility compliance and miscellaneous small projects at various park sites, RLI No. 111599-RB, for the Parks and Recreation Division in an amount not to exceed \$63,702.17, to design and install safety/security lighting for open field area around newly constructed restroom building at Delevoe Park with a 90 day calendar term; and authorize the Chair and Clerk to execute same. **(Commission District 7)**

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

C. MOTION TO APPROVE Work Authorization No. 4A in accordance with the first amendment to the agreement approved by the Board on February 26, 2002, Item No. 41, between Broward County and RDC for design/build for accessibility compliance and miscellaneous small projects at various park sites, RLI No. 111599-RB, for the Parks and Recreation Division in an amount not to exceed \$803,870 for the replacement of decayed wood boardwalk sections at Deerfield Island Park with a 360 day calendar term; and authorize the Chair and Clerk to execute same. **(Commission District 4)**

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

D. MOTION TO APPROVE Work Authorization No. 5A in accordance with the first amendment to the agreement approved by the Board on February 26, 2002, Item No. 41, between Broward County and RDC for design/build for accessibility compliance and miscellaneous small projects at various park sites, RLI No. 111599-RB, for the Parks and Recreation Division in an amount not to exceed \$1,050,668 for construction of two new restroom buildings, renovation of three restroom facilities located in park administration building, the softball complex and the South Corporate Shelter; walkway construction and parking lot enhancements to comply with ADA requirements at Tradewinds Park (South) with a 295 day calendar term; and authorize the Chair and Clerk to execute same. **(Commission District 2)**

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

E. MOTION TO APPROVE Work Authorization No. 6A in accordance with the first amendment to the agreement approved by the Board on February 26, 2002, Item No. 41, between Broward County and RDC for design/build for accessibility compliance and miscellaneous small projects at various park sites, RLI No. 111599-RB, for the Parks and Recreation Division in an amount not to exceed \$1,482,183 for construction of one new restroom building, renovation of restroom facility located in park administration building, construct three new single shelters, construct three new double-wide shelters, parking lot and access walkways at Plantation Heritage Park with a 265 day calendar term; and authorize the Chair and Clerk to execute same. **(Commission District 7)**

***ACTION: (Time-10:23 AM) Approved. See Page \*\*\*\*\****

For Public Works Department

16. MOTION TO APPROVE Work Authorization GS0121 in accordance with the agreement approved by the Board on April 2, 2002, Item Number 11, between Broward County and Hazen and Sawyer, P.C., RLI No. 110800RB, in the amount of \$67,210 and a time period of 210 calendar days, to provide design services for the replacement of motor control centers and electrical load centers at the North Regional Wastewater Treatment Plant (NRWWTP) for the Environmental Engineering Division; and authorize the Chair and Clerk to execute same. (BCOES Project No. 8945) **(Commission District 2)**

***ACTION: (Time-10:19 AM) Approved.***

17. MOTION TO APPROVE Unilateral Change Order No. 18 to Contract No. H-5-99-102- CF with Ric Man International, Inc. for the construction of North Andrews Gardens Neighborhood Improvement Project - Bid Package No. 2 (Section 2) for a decrease of \$309,537.41, from \$6,044,552.64, to \$5,735,015.23, with no change in contract time; and authorize the Chair and Clerk to execute same. **(Commission District 4)**

***ACTION: (Time-10:19 AM) Approved.***

18. MOTION TO APPROVE Work Authorization No. GS0117 in accordance with the agreement between Broward County and Hazen and Sawyer, P.C. for consultant services for general professional consultant services for Office of Environmental Services, RLI No. 110800RB, approved by the Board on April 2, 2002, Item No. 11, for a lump sum amount of \$114,160; and a time period of 120 calendar days, and authorize the Chair and Clerk to execute same. **(Commission Districts 2, 6, 7, 8, 9)**

***ACTION: (Time-10:19 AM) Approved.***

19. MOTION TO APPROVE Work Authorization No. 3 in accordance with the fourth amendment, approved by the Board August 14, 2001 to the agreement approved by the Board on June 27, 1995, between Broward County and Johnson Controls, Inc., (JCI) for energy conservation measures and indoor environmental improvements at the Broward County Judicial Complex (BCJC) Midrise Building in the amount of \$920,144 and a time period of 365 calendar days, for the Facilities Management Division (FMD); and authorize the Chair and Clerk to execute same. (FMD Project No. 1069) **(Commission District 7 )**

***ACTION: (Time-10:19 AM) Approved, as corrected. (Scrivener's error - See County Administrator's report: On the second line of the motion after August 14, 2001, please add "and the fifth amendment, approved by the Board June 6, 2002.")***

## **HUMAN SERVICES DEPARTMENT**

### **COMMUNITY DEVELOPMENT DIVISION**

20. MOTION TO APPROVE agreement between Broward County and the Town of Davie, in the amount of \$10,375 from date of execution to September 30, 2003, for the purpose of procuring the services of Broward County's Community Development Division to implement and administer the Town's Single Family Housing Rehabilitation Program for residents within the municipal limits of the Town of Davie, Florida, and authorize the Chair and Clerk to execute the same. The Town of Davie agrees to reimburse the County \$10,375 for services. **(Commission Districts 4 and 5)**

***ACTION: (Time-10:19 AM) Approved.***

**ELDERLY AND VETERANS SERVICES DIVISION**

21. A. MOTION TO APPROVE Agreement No. JA003-15-2003 between Areawide Council on Aging of Broward County, Inc. and Broward County from January 1, 2003 to December 31, 2003 for the provision of in-home respite services through the National Family Caregivers Support Program in the amount of \$222,222; and authorize the Chair to execute same. Total revenue includes \$200,000 Federal dollars and \$22,222 Sub-Contractor In-Kind. No County cash match is required.

***ACTION: (Time-10:19 AM) Approved.***

B. MOTION TO ADOPT unanticipated revenue Resolution 2002-1067 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$222,222 for the provision of in-home respite through the National Family Caregivers Support Program services.

***ACTION: (Time-10:19 AM) Approved.***

22. MOTION TO APPROVE non-financial, Master Agreement No. JM003-15-2003 between Areawide Council on Aging of Broward County, Inc. and Broward County from January 1, 2003 to December 31, 2003, and authorize the Chair to execute same. All subsequent contracts executed between Broward County and the Areawide Council on Aging of Broward County, Inc. will be subject to the conditions set forth in this master agreement.

***ACTION: (Time-10:19 AM) Approved.***

23. MOTION TO APPROVE first amendment to non-financial Agreement No. JS002-15- 2003 between Areawide Council on Aging of Broward County, Inc. and Broward County for the purpose of increasing the Medicaid Waiver Program Spending Authority for the Elderly and Veterans Services Division to correct the original contract number to read JS003-15-2003; and authorize the Chair to execute same. No County funds are required. All other terms and conditions of the original agreement remain in full force.

***ACTION: (Time-10:19 AM) Approved.***

24. MOTION TO APPROVE first amendment to Agreement No. JC002-15-2002 between Areawide Council on Aging of Broward County, Inc. and Broward County for the purpose of modifying the language in Attachment I to the contract, and authorize the Chair to execute same. All other terms and conditions of the original agreement remain in full force.

***ACTION: (Time-10:19 AM) Approved.***

25. MOTION TO ADOPT Resolution 2002-1068 of the Board of County Commissioners of Broward County, Florida, approving the use of funds under Contract No. JA003-15- 2003 between Broward County and Areawide Council on Aging of Broward County, Inc. for Older Americans Act Caregiver Respite services for Fiscal Year 2003; authorizing the County Administrator or authorized designee to execute an appropriate agreement and subsequent amendments; providing for severability; and providing for an effective date.

***ACTION: (Time-10:19 AM) Approved.***

## **FAMILY SUCCESS ADMINISTRATION DIVISION**

26. MOTION TO APPROVE addition of one grant position, Social Worker I, within the Family Success Administration Division, Community Action Agency (Community Services Block Grant Fund 9210-024-1726), for the purpose of providing self sufficiency case management to low income residents in Broward County. This position will be exempt from civil service and will expire upon termination of the grant.

***ACTION: (Time-10:19 AM) Approved.***

27. MOTION TO APPROVE interlocal agreement between Broward County and the City of Fort Lauderdale from the date of execution to September 30, 2003, for the purpose of preventing homelessness by allowing Broward County to make referrals to the City of Fort Lauderdale for the payment of \$78,200 in emergency rent, mortgage and/ or utility assistance to Broward County clients who are residents of the City of Fort Lauderdale; and authorize the Chair and Clerk to execute same. (No County Funds required.) This agreement requires a County in-kind match of \$28,200 which shall be provided through current personnel resources. **(Commission Districts 4, 7 and 9)**

***ACTION: (Time-10:19 AM) Approved.***

## **HOMELESS INITIATIVE PROGRAM**

28. MOTION TO APPROVE lease agreement between Broward County and Broward Partnership for the Homeless, Inc., (BPHI) for the Central Homeless Assistance Center located at 920 Northwest 7<sup>th</sup> Avenue in the City of Fort Lauderdale, in the amount of \$1 per year, beginning on January 1, 2003 through September 30, 2007; and authorizing the Chair and Clerk to execute same.

***ACTION: (Time-10:19 AM) Approved.***

## **OFFICE OF HOUSING FINANCE**

29. MOTION TO ADOPT Resolution 2002-1069 of the Board of County Commissioners of Broward County, Florida, authorizing the issuance by the Housing Finance Authority of Broward County, Florida of not to exceed \$56,331,000 of its Multifamily Housing Revenue Bonds for various projects specified herein; authorizing the execution of a Request for Bond Allocation on behalf of the Housing Finance Authority of Broward County, Florida in connection with the issuance of Multifamily Housing Revenue Bonds for each project specified herein for the purpose of providing funds to finance the acquisition and construction of multifamily rental housing developments to be located in the County, to provide rental housing for persons and families of low and moderate income to be owned and operated by the parties specified herein; approving the public hearings held in respect of such issuances; and providing an effective date.

***ACTION: (Time-10:19 AM) Approved.***

30. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, approving and authorizing execution of first amendment to the agreement between the Housing Finance Authority of Broward County, Florida and Fortson Eisenach Associates, Inc. for financial advisory services; and providing for an effective date.

***ACTION: (Time-10:21 AM) Deferred to Tuesday, December 10, 2002 at the request of the***

*Commission Auditor. See Page \*\*\*\*\**

### **COMMUNITY SERVICES DEPARTMENT**

31. A. MOTION TO ADOPT Resolution 2002-1070 of the Board of County Commissioners of Broward County, Florida; authorizing the acceptance of a donation of \$1,250 from the Silverlakes Community Association for the Extension Education Division to provide educational outreach to Broward residents; and authorizing the County Administrator to take all necessary administrative actions to implement same.

***ACTION: (Time-10:19 AM) Approved, as corrected. (Scrivener's error - See County Administrator's report: This agenda item should be noted under Extension Education Division and not Community Services Department.)***

B. MOTION TO ADOPT unanticipated revenue Resolution 2002-1071 within the General Fund for Extension Education in the amount of \$1,250 for the purpose of educational outreach to Broward County residents.

***ACTION: (Time-10:19 AM) Approved, as corrected. (Scrivener's error - See County Administrator's report: This agenda item should be noted under Extension Education Division and not Community Services Department.)***

### **DEPARTMENT OF SAFETY AND EMERGENCY SERVICES**

#### **ZONING CODE SERVICES DIVISION**

32. MOTION TO APPROVE interlocal agreement between Broward County and the Town of Hillsboro Beach to provide code inspection and zoning plan review services to the Town upon execution by both parties through September 30, 2004, and authorize the Chair and Clerk to execute same. Broward County will recapture the cost of providing these services through revenues collected from fees charged to the Town. (**Commission District 4**)

***ACTION: (Time-10:19 AM) Approved.***

### **PORT EVERGLADES DEPARTMENT**

33. MOTION TO APPROVE new 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, 2003 through December 31, 2003, with annual rent in the amount of \$31,240.64; and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:19 AM) Approved.***

34. MOTION TO APPROVE renewal of a lease agreement between Broward County and Bounty International, Inc., reducing its space from 800 square feet to 400 square feet of office space in Suite No. 208 in Building 611 at Port Everglades, for the period of January 1, 2003 through December 31, 2003, at an annual rental amount of \$7,212; and authorize the Chair and Clerk to execute same.

***ACTION: (Time-10:19 AM) Approved.***

## OFFICE OF BUDGET SERVICES

35. A. MOTION TO APPROVE agreement between Broward County and the City of Fort Lauderdale related to annexation of the Riverland Area.

*ACTION: (Time-10:19 AM) Approved.*

B. MOTION TO APPROVE agreement between Broward County and the City of Fort Lauderdale related to the annexation of the Melrose Park area.

*ACTION: (Time-10:19 AM) Approved.*

## COURT ADMINISTRATION

36. MOTION TO APPROVE Grant-In-Aid Agreement between the Office of the State Courts Administrator, the Seventeenth Judicial Circuit, and the Broward County Board of County Commissioners, in the amount of \$24,000 for on-site family mediators, and authorize the Chair and Clerk to execute same; and authorize the County Administrator to execute the necessary budgetary and administrative actions to implement same.

*ACTION: (Time-10:19 AM) Approved.*

## COUNTY ATTORNEY

37. MOTION TO APPROVE settlement in the amount of \$65,000, including costs and attorney's fees, of a lawsuit filed in Broward County Circuit Court, Nosrat and James Scott v. Broward County, Case No: 01-00226 (13).

*ACTION: (Time-10:19 AM) Approved.*

38. MOTION TO APPROVE legal services agreement retaining Fowler, White, Boggs and Banker to represent Broward County in litigation matters involving the Beach Renourishment Project; and authorize the County Attorney to execute same on behalf of the County.

*ACTION: (Time-10:25 AM) Approved. See Page \*\*\*\*\**

39. MOTION TO DIRECT County Attorney to draft an Ordinance amending Chapter 9, Article XI, of the Broward County Code of Ordinances, Regulation of Tree Trimmers, to add tree removal and relocation to the definition of tree trimming and to add the State of Florida to the definition of governmental agency.

*ACTION: (Time-10:19 AM) Approved.*

## COUNTY COMMISSION

40. MOTION TO SUPPORT House Financial Services Committee approval of the Housing Affordable for America Act of 2002 (H.R. 3995) that was approved on July 10, 2002. (Commissioner Lieberman)

*ACTION: (Time-10:19 AM) Approved.*

41. MOTION TO FILE Resolution 2002-22 of the City of Hallandale Beach requesting the Broward County Metropolitan Planning Organization to give priority to safety issues and intersection and roadway improvements in ranking its unfunded priority projects list. (Chair)

***ACTION: (Time-10:19 AM) Approved.***

42. MOTION TO FILE Resolution No. 2002-23 of the City of Hallandale Beach recommending the Broward County Commission reconvene the Regional Fire/EMS Task Force to review the proposed Broward County Regional Fire Rescue Services Delivery Plan beginning Fiscal Year 2003, to study the implementation and funding methodology of the plan, to enable the Regional Fire/EMS Task Force to promulgate recommendations for implementation, staffing and funding, and opposing the use of County-wide General Funds except where recommended. (Chair)

***ACTION: (Time-10:19 AM) Approved.***

### **REQUEST TO SET FOR PUBLIC HEARING**

43. A. MOTION TO ADOPT Resolution 2002-1072 directing the County Administrator to publish Notices of Public Hearings to be held January 14, 2003 and January 28, 2003, at 2:00 p.m., respectively, in Room 422 of the Governmental Center, to consider a Consent to Assign and Transfer Interest in the Restated Lease Agreement from Continental Cement of Florida, Inc. to and Assumption of Obligations by Continental Florida Materials, Inc., at Broward County's Port Everglades.

***ACTION: (Time-10:19 AM) Approved.***

B. MOTION TO ADOPT Resolution 2002-1073 directing the County Administrator to publish Notices of Public Hearings to be held January 14, 2003 and January 28, 2003, at 2:00 p.m., respectively, in Room 422 of the Governmental Center, to consider the approval of a First Amendment to the Restated Lease Agreement with Continental Florida Materials, Inc. at Broward County's Port Everglades.

***ACTION: (Time-10:19 AM) Approved.***

44. MOTION TO ADOPT Resolution 2002-1074 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, January 14, 2003, 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, AMENDING CHAPTER 27, ARTICLE X, "STORAGE TANKS," BROWARD COUNTY CODE OF ORDINANCES, SECTION 27-307(a), RELATING TO "PERFORMANCE STANDARDS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsored by the Board of County Commissioners)

***ACTION: (Time-10:19 AM) Approved.***

### **DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

#### **AIR QUALITY DIVISION**

45. MOTION TO APPROVE Florida Department of Environmental Protection Grant Agreement G0028 (Ambient Mercury Speciation) between Broward County Board of County Commissioners and the Florida Department of Environmental Protection in the amount of \$30,904 to support field operations of an atmospheric mercury speciation research study; and authorize the Chair and Clerk execute same.

***ACTION: (Time-10:19 AM) Approved.***

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**QUASI-JUDICIAL CONSENT HEARING**

**DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

**DEVELOPMENT MANAGEMENT DIVISION**

46. DISCUSSION: of plat entitled “A. B. C. C. Plat” - **Commission District 2**, (017-MP-02).

***ACTION: (Time-10:19 AM) Deferred to July 8, 2003 or sooner, under Section 5- 181(i) of the Land Development Code, to study transportation concurrency.***

47. DISCUSSION: of plat entitled “Ness Plat” - **Commission District 7**, (020-MP-02).

***ACTION: (Time-10:19 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

48. DISCUSSION: of plat entitled “Griffin Lakes” - **Commission District 7**, (040-MP-02). (Deferred from November 4, 2002).

***ACTION: (Time-10:19 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.***

49. DELEGATION: Mario Bernard regarding request to amend the note on the Encore Senior Village of Coconut Creek Plat - **Commission District 2**, (077-MP-98).

***ACTION: (Time-10:19 AM) Deferred to July 8, 2003 or sooner, under Section 5- 181(i) of the Land Development Code, to study transportation concurrency and conformity to County Land Use Plan.***

50. DELEGATION: Dan Ayers, representing the Broward County Construction Management Division, regarding request to amend the note on the Kimberley Village - Section Three Plat - **Commission District 9**.

***ACTION: (Time-10:19 AM) Deferred to July 8, 2003 or sooner, under Section 5- 181(i) of the Land Development Code, to study transportation concurrency and conformity to County Land Use Plan.***

51. DELEGATION: Paul R. Alfieri regarding request to amend the note on the Kelley Plat -

**Commission District 9**, (175-MP-87).

**ACTION:** *(Time-10:19 AM) Deferred to July 8, 2003 or sooner, under Section 5- 181(i) of the Land Development Code, to study transportation concurrency.*

52. **DELEGATION:** John M. Milledge regarding request to amend the note on the Piccadilly Cafeteria - Deerfield Plat - **Commission District 4**, (030-MP-83).

**ACTION:** *(Time-10:19 AM) Approved subject to staff's recommendations.*

53. **DELEGATION:** Joel K. Gustafson regarding request to amend the note on the Hospitality Center No. 2 Plat - **Commission District 7**, (113-MP-88). (Deferred from May 7, 2002).

**ACTION:** *(Time-10:19 AM) Approved subject to staff's recommendations.*

54. **DELEGATION:** Daniel A. Fee regarding request to amend the note on the Administrative Facility Plat - **Commission District 7**, (078-MP-87).

**ACTION:** *(Time-10:19 AM) Deferred to January 7, 2003 at the applicant's request.*

55. **DELEGATION:** Daniel A. Fee regarding request to amend the non-vehicular access line on the Administrative Facility Plat - **Commission District 7**, (078-MP-87).

**ACTION:** *(Time-10:19 AM) Approved subject to staff's recommendation.*

56. **DELEGATION:** Leigh R. Kerr regarding request to amend the non-vehicular access line on the Sunrise Industrial Parcels 9 and 25 Plat - **Commission District 3**, (078-MP-84).

**ACTION:** *(Time-10:19 AM) Deferred to January 7, 2003 at staff's recommendation.*

57. **DELEGATION:** Karen Lynch, representing the School Board of Broward County, regarding request to revise the non-vehicular access line on the Silver Shores Plat - **Commission District 8**, (103-MP-95).

**ACTION:** *(Time-10:19 AM) Approved subject to staff's recommendations.*

58. **DELEGATION:** Jeff S. Hodapp regarding request to waive sidewalk requirements on the Isles at Weston Plat - **Commission District 8**, (048-MP-01). (Deferred from October 1, 2002).

**ACTION:** *(Time-10:19 AM) Approved subject to staff's recommendations.*

59. **DELEGATION:** Terry McCaghren regarding request to amend the non-vehicular access line on the Young World Plat - **Commission District 7**, (104-MP-83). (Deferred from April 16, 2002).

**ACTION:** *(Time-10:19 AM) Withdrawn at the applicant's request.*

**END OF QUASI-JUDICIAL CONSENT HEARING**

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**REGULAR AGENDA**

60. **COUNTY ADMINISTRATOR’S REPORT** County Administrator Roger J. Desjarlais informed the Board there was nothing to report.

***ACTION: (Time-10:30 AM) No Board action was necessary.***

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**PUBLIC HEARING**

**The following items have been scheduled for Public Hearing in the 10:00 AM meeting.**

61. **MOTION TO CONSIDER** adoption of Resolution 2002-1075 , the title of which is as follows:

A RESOLUTION OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING CHAPTER 31 OF THE BROWARD COUNTY ADMINISTRATIVE CODE TO CREATE RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS RELATING TO FARM CLAIM DETERMINATIONS AS SET OUT IN CHAPTER 5 AND CHAPTER 39 OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR DEFINITIONS, THE PROCEDURES FOR THE APPEAL OF FARM DETERMINATION; ESTABLISHING THE PROCEDURES FOR THE CONDUCT OF HEARINGS; ESTABLISHING THE ELEMENTS WHICH MUST BE CONTAINED IN A HEARING OFFICER’S ORDER; SETTING FORTH THE MEANS OF APPEAL; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

***ACTION: (Time-10:30 AM) Approved.***

**SAFE PARKS AND LAND PRESERVATION BOND PROGRAM**

62. **MOTION TO APPROVE** contract for sale and purchase between DEAL Investments and MEC Personnel Consultants Inc. and Broward County, in the amount of \$938,685 for purchase of 2.53 acres (110,108 square feet) known as Green Space 370C; the property is located on the northeast corner of Oakland Park Boulevard and NW 90<sup>th</sup> Terrace, Sunrise, Florida; authorizes Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; authorize the Chair and Clerk to execute contract for sale and purchase; and authorize acceptance and recording of deed. **(Commission District 3)**

***ACTION: (Time-10:30 AM) Approved.***

63. **MOTION TO APPROVE** contract for sale and purchase between Value Recovery Group II, LLC and Broward County, in the amount of \$697,000 for purchase of 3.94 acres (171,815 square feet) known as Green Space 370A.1; the property is located on the south side of NW 38<sup>th</sup> Street, east of NW 90<sup>th</sup>

Terrace, Sunrise, Florida; authorizes Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; authorize the Chair and Clerk to execute contract for sale and purchase; and authorize acceptance and recordation of deed. **(Commission District 3)**

**ACTION: (Time-10:30 AM) Approved.**

64. MOTION TO APPROVE contract for sale and purchase between Real Estators of America, Inc. and John C. Frusciante and Broward County, in the amount of \$394,157 for purchase of 1.39 acres (60,536 square feet) known as Green Spaces 370A.2 and 370A.3; the property is located on the east side of NW 90<sup>th</sup> Terrace, approximately 268 feet north of Oakland Park Boulevard, Sunrise, Florida; authorizes Real Property Section to acquire this property using GOB Safe Parks and Land Preservation Bond Issue funds; authorize the Chair and Clerk to execute contract for sale and purchase; and authorize acceptance and recording of deed. **(Commission District 3)**

**ACTION: (Time-10:31 AM) Approved.**

65. MOTION TO CONTINUE Public Hearing to consider the Contract for Sale and Purchase between Howard Torn, Leslie Mishner, Dianne Duffy, Douglas Torn, Lori Segaux, Felicia Keller, and Manfred Franz, and Broward County, in the amount of \$604,200 for purchase of 22.92 acres (998,395 square feet) of Conservation Land known as Site 121 in the Broward County Land Preservation Inventory, located directly west of NW 9<sup>th</sup> Avenue, on the north side of Mills Pond Park, between I-95 and the C-13 Canal, Fort Lauderdale, Florida, to 10:00 a.m. on January 28, 2003. **(Commission District 9)**

**ACTION: (Time-10:31 AM) Approved. See Page \*\*\*\*\***

**END OF AM PUBLIC HEARING**

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**SAFE PARKS AND LAND PRESERVATION BOND PROGRAM**

66. A. MOTION TO DIRECT County Administrator to publish Notice of Public Hearing to be held at 10:00 AM Tuesday, January 7, 2003, in Room 422 of the Government Center, to consider the purchase of GOB Safe Parks and Land Preservation Bond Issue Open Space Site OS-70.1 pursuant to Florida Statute 125.355.

**ACTION: (Time-10:32 AM) Approved. See Page \*\*\*\*\***

B. MOTION TO ACKNOWLEDGE to the Board of County Commissioners that the Office of General Services, Real Property Section, intends to present for consideration on or after January 7, 2003, a purchase and sale contract for real property known as Site OS-70.1 (.94 acre land area with six apartment buildings containing a total of 26 apartment units) in the Broward County Land Preservation Inventory, and located at 2820, 2821, 2823, 2824, and 2825 NW 11<sup>th</sup> St, unincorporated Broward County, Florida; at a total purchase price of \$499,999.99, plus closing costs. **(Commission District 9)**

**ACTION: (Time-10:32 AM) Approved. See Page \*\*\*\*\***

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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 PLANNING AND ENVIRONMENTAL PROTECTION**

**DEVELOPMENT MANAGEMENT DIVISION**

67. **DELEGATION:** Howard Jablon regarding request to waive sidewalk requirements on the Ocean Grande Plat - **Commission District 4**, (082-MP-99). (Deferred from November 19, 2002 - Item No. 49).

**ACTION: (Time-10:53 AM) Approved subject to the applicant entering into a recorded agreement for future sidewalk construction. This will require the owner to construct or pay for the construction of future sidewalks when the sidewalks are to be constructed on the adjacent parcels or along streets adjacent to such parcels. See Page \*\*\*\*\***

68. **DELEGATION:** Ifhat Benayoun and Marcus Frankel regarding request to amend the note on the Temple B’nai Sephardim Plat - **Commission District 7**, (016-UP-92). (Deferred from November 19, 2002 - Item No. 47).

**ACTION: (Time-11:11AM) Approved subject to staff’s recommendation.**

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

**END OF QUASI-JUDICIAL HEARING**

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**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT**

**PURCHASING DIVISION**

For Community Services Department

69. MOTION TO APPOINT Selection/Negotiation Committee (S/NC) to recommend the most qualified firm to provide holiday light displays at Tradewinds Park, and approve Request for Letters of Interest (RLI) No. 20021004-2-PA-01.

***ACTION: (Time-11:17 AM) Approved the following to serve on the Selection/Negotiation Committee: Director, Parks and Recreation Division (Chair); Director, Animal Care and Regulation Division, Director, Streets and Highways Division and Director, Public Communications. Plus, administrative support staff from the offices of County Attorney, Commission Auditor, Equal Opportunity, Risk Management, Purchasing and the using agency.***

For Finance and Administrative Services Department

70. A. MOTION TO ADOPT budget Resolution 2002-1076 transferring \$1,132,704 within the General Capital Outlay Fund (3010) from the reserve previously established for this project for the development and implementation of the STAR system for Fiscal Year 2002-2003.

***ACTION: (Time-11:18 AM) Approved. See Page \*\*\*\*\****

B. MOTION TO APPROVE agreement between Broward County and iXmatch, Inc., RLI No. 090600-RB, in the not to exceed amount of \$764,505 for the procurement, development, implementation, and subsequent support of an automated recruitment, applicant tracking, candidate evaluation/testing, and referral management system for the Human Resources Division; and authorize the Chair and Clerk to execute the same.

***ACTION: (Time-11:18 AM) Approved. See Page \*\*\*\*\****

For Public Works Department

71. MOTION TO APPROVE third amendment to agreement between Broward County and PAWA Complex Int'l Inc., RLI No. 101895-RB, for a cost of living increase in the amount of \$86,000.00, from \$817,212.64, to \$903,212.64, due to the extended time required for design services for the African American Research Library and Cultural Center (Project No. 7615); and authorize the Chair and Clerk to execute same. (**Commission District 7**)

***ACTION: (Time-10:19 AM) Withdrawn for at least one week (Tuesday, December 10, 2002) for further staff review.***

## **DEPARTMENT OF PLANNING AND ENVIRONMENTAL PROTECTION**

### **PLANNING SERVICES DIVISION**

72. MOTION TO DIRECT Office of the County Attorney to prepare an Ordinance for the creation of a Neighborhood Preservation and Enhancement District for the Roosevelt Gardens neighborhood.

***ACTION: (Time-11:19 AM) Approved.***

73. MOTION TO DIRECT County Attorney to draft an Ordinance establishing a moratorium prohibiting the issuance of building permits for the construction of new residential dwelling units within the Roosevelt Gardens neighborhood for a period of 18 months.

**ACTION: (Time-11:19 AM) Approved.**

**BROWARD COUNTY PLANNING COUNCIL**

74. DISCUSSION: regarding the inclusion of sites No. 11 and No. 30 as part of amendment PCNRM 02-1 to the Cultural Resources/Local Areas of Particular Concern Map Series, Historic Resources Map, of the Broward County Land Use Plan.

**ACTION: (Time-11:20 AM) The Board voted not to include sites No. 11 and No. 30 as part of the amendment PCNRM 02-1 to the Cultural Resources/Local Areas of Particular Concern Map Series, Historic Resources Map, of the Broward County Land Use Plan. See Page \*\*\*\*\***

**COUNTY COMMISSION**

75. DISCUSSION: Broward County's participation in Broward Days 2003. (Commissioner Lieberman)

**ACTION: (Time-11:46 AM) Commissioner Lieberman gave a progress report on Broward County's participation in Broward Days 2003, which included an update on the luncheon the County is co-sponsoring with the Broward League of Cities, the multi-ethnic menu and the Sites and Sounds of Broward events.**

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

76. MOTION TO RE-CONSIDER slated sunseting of the Children's Services Board for January, 2003. (Commissioner Gunzburger)

**ACTION: (Time-11:57 AM) The Board directed the County Attorney to draft an emergency ordinance pursuant to state law to reconstitute the Children's Services Board slated for sunseting on January, 2003, to be considered at the Tuesday, December 10, 2002 Commission meeting. See Page \*\*\*\*\***

77. MOTION TO APPROVE nomination of Brion Blackwelder to the Water Advisory Board. (Commissioner Gunzburger)

**ACTION: (Time-10:19 AM) Approved. (Transferred to the Consent Agenda.)**

**NON AGENDA**

78. INFORMATIONAL - AD HOC COMMITTEE ON ANNEXATION - COMMISSIONER JACOBS

**ACTION: (Time-12:25 PM) The chairing of the Partnership Committees will be addressed at the Tuesday, December 10, 2002 Commission meeting.**

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

79. NATURESCAPE BROWARD - COMMISSIONER JACOBS

**ACTION: (Time-12:27 PM) Commissioner Jacobs informed the Board that Home Depot will highlight the County's Naturescape Broward program at all of its Broward stores. See Page \*\*\*\*\***

80. DEMONSTRATION FOR HOMEOWNERS - INCREASE BIRD AND BUTTERFLY ACTIVITY IN THEIR YARDS - COMMISSIONER JACOBS

***ACTION: (Time-12:28 PM) A member of the Naturescape Broward Task Force will teach homeowners how to use native plants and wildlife attracting materials to increase bird and butterfly activity in their yards. The class is scheduled for Saturday, December 14, 2002, from 10:30 a.m. to 12:00 p.m. at the Bonnet House Museum. See Page \*\*\*\*\****

81. BROADVIEW PARK - WATER DELIVERY - EXPEDITE STUDY - COMMISSIONER RODSTROM

***ACTION: (Time-12:30 PM) Commissioner Rodstrom will meet with the County Administrator for an update on the issue. See Page \*\*\*\*\****

82. PUBLIC RECORDS EXEMPTION - COUNTY'S AIRPORT STUDY - COMMISSIONER RODSTROM

***ACTION: (Time-12:33 PM) No Board action was taken. See Page \*\*\*\*\****

83. FREE SPAYING/NEUTERING EVENT - COMMISSIONER LIEBERMAN

***ACTION: (Time-12:33 PM) There will be a free spaying and neutering event on Saturday, December 7, 2002, beginning at 10:00 a.m. at the Broward County Family Success Center, 900 NW 31<sup>st</sup> Avenue. The Board directed staff to place the information on the County's web site. See Page \*\*\*\*\****

84. INDEPENDENT OPINIONS FROM ADVISORY BOARDS - COMMISSIONER LIEBERMAN

***ACTION: (Time-12:34 PM) The Board directed staff to return with recommendations/guidelines for Board approval, regarding when it is appropriate for an Advisory Board Chair to send letters on behalf of their respective Advisory Board. See Page \*\*\*\*\****

85. COMMENTARY - MIAMI HERALD NEWS ARTICLE BY BETH REINHARD - THE CHAIR

***ACTION: (Time-12:29 PM) No Board action was taken. See Page \*\*\*\*\****

86. REMOVE FROM SELECTION/NEGOTIATION COMMITTEE - THE CHAIR

***ACTION: (Time-12:40 PM) Commissioner Wasserman-Rubin requested that she be removed from the Selection/Negotiation Committee for office space at the African American Research Library and Cultural Center.***

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

87. COUNTY INVOLVEMENT IN GIFT/FOOD PROGRAMS TO HELP THE LESS FORTUNATE DURING THE HOLIDAY SEASON - THE CHAIR

***ACTION: (Time-12:41 PM) The County Administrator affirmed that the County and its employees are actively involved in various food drives/gift programs to help those less fortunate during the holiday season. See Page \*\*\*\*\****

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**MEETING/WORKSHOP REMINDER**

**SELECTION/NEGOTIATION COMMITTEE**

**PARKS GO BONDS UNDERWRITER**

**RLI No. 20020829-0-FA-GO**

Tuesday, December 3rd at 9:30 AM, in Room 430

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