

MEETING OF DECEMBER 22, 1998

(The meeting convened at 10:08 a.m.; recessed at 12:43 p.m.; reconvened at 4:26 p.m. and adjourned at 7:40 p.m.)

PLEDGE OF ALLEGIANCE *led by Commissioner Kristin D. Jacobs*

CALL TO ORDER

CONSENT AGENDA

BOARD APPOINTMENTS

1. A. MOTION TO APPROVE the appointment of Mr. Stuart H. Krantz to the Broward County Bicycling Advisory Committee. (Commissioner Jacobs)

ACTION: (A-2958) Approved.

B. MOTION TO APPROVE the appointment of Ms. Brenda L. Chalifour to the Brownfields Redevelopment Task Force. M. Chalifour replaces Mr. Peter Hernandez who has resigned. (Commissioner Gunzburger)

ACTION: (A-2958) Approved.

C. MOTION TO REAPPOINT Mr. James G. Kane to the Broward County Planning Council effective November 18, 1998. (Commissioner Cowan)

ACTION: (A-2958) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE the field usage agreement between Broward County, Florida and Pan American Airlines Inc., f/k/a Pan American Airways, Corp., 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-2958) Approved.

3. MOTION TO APPROVE Amendment No. 3 to the agreement of lease between Broward County, Florida and Pan American Airlines Inc., f/k/a Pan American Airways, Corp., extending the termination date to December 31, 1999 and return a portion of the leased premises at the Fort Lauderdale-

Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

4. MOTION TO APPROVE Amendment No. 1 to the amended and restated agreement between Broward County, Florida and Paradies - Fort Lauderdale Inc., a Florida corporation, providing for an extension of the construction term of the PGA Store from December 31, 1998 to December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

5. MOTION TO APPROVE the consent to a sublease between Sheltair Aviation Center Inc. and Partners in Health Care Management at Sheltair Aviation Center Inc.'s leasehold at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

6. MOTION TO APPROVE the consent to a sublease between Sheltair Aviation Center Inc. and CRS Equities at Sheltair Aviation Center Inc.'s leasehold at Fort Lauderdale- Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

7. MOTION TO APPROVE the consent to a sublease between Sheltair Aviation Center Inc. and General Electric Capital-SimuFlite at Sheltair Aviation Center Inc.'s leasehold at Fort Lauderdale-Hollywood International Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

8. MOTION TO APPROVE the consent to a sublease between Cresair Inc. and Florida Suncoast Aviation Inc. at Cresair Inc.'s leasehold at North Perry Airport, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

9. MOTION TO APPROVE the second amendment to an agreement between Broward County and Bermello, Ajamil and Partners Inc. for Consultant Services for Airfield Improvements (Interim Capacity Enhancements) at the Fort Lauderdale - Hollywood International Airport to extend the term of the contract by two years with no increase in the Agreement amount, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

PUBLIC WORKS DEPARTMENT

REAL PROPERTY SECTION

10. MOTION TO APPROVE the contract for sale and purchase executed by Marilou Dorf, a single woman, and H. James Sander, a married man, in the amount of \$5,700 for the purchase of a lot for West Lake Park, Parcel 377; Parks and Recreation Division authorizes the Real Property Section to acquire this property using Parks and Recreation Division funds; authorize the Chair and Clerk to execute contract for sale and purchase, and authorize acceptance and recordation of deed.

ACTION: (A-2958) Deferred at the County Administrator's request for further review.

11. MOTION TO APPROVE the compensation, as required under Federal procedures, for moving costs in the amount of \$54,509.54, associated with the relocation of Lancaster Steel Co. Inc. located on Land Parcel 1411.001 of the Fort Lauderdale- Hollywood International Airport South Runway Expansion.

ACTION: (A-2958) Approved.

12. MOTION TO RESCIND the approval of a lease agreement executed at the Board of County Commissioners' meeting of September 15, 1998, Item No. 2 and to approve a new lease agreement for the Libraries Division located at 4257 Northwest 12 Street, Lauderhill, Florida with the City of Lauderhill; term of lease: October 1, 1998 through September 30, 1999 (the City of Lauderhill provides \$83,300 for staffing and operational expenses as outlined in Schedule A and Article X of the lease), and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

OFFICE OF ENVIRONMENTAL SERVICES

ENVIRONMENTAL ENGINEERING DIVISION

13. MOTION TO APPROVE an agreement between Broward County and Miami-Dade County for the purpose of transferring the Sanitary Sewer Service in the Lynn Park area from the Miami-Dade Water and Sewer Department to the Broward County Public Works Department, Office of Environmental Services at no cost, and authorize the Chair and Clerk to execute same. (BCOES Project Number: 1148/8600 - South County Neighborhood Improvement Project)

ACTION: (A-2958) Approved.

OFFICE OF TRANSPORTATION

ENGINEERING DIVISION

14. MOTION TO ADOPT Resolution 1998-1243 of the Board of County Commissioners declaring certain county-owned property to be public road right-of-way; subject property is to be used for the reconstruction and widening of Sistrunk Boulevard and is a part of Dye Two, as recorded in Plat Book 150, Page 49 of the Public Records of Broward County, Florida; the subject parcel is located at the southeast corner of Sistrunk Boulevard and Northwest 27 Avenue.

ACTION: (A-2958) Approved.

15. MOTION TO ADOPT Resolution 1998-1244 accepting an access easement executed by Ronald Martinez and Alexandra M. Martinez donating a permanent access easement for service and emergency vehicles and for maintenance of public and semi- public utilities and an easement for ingress and egress to all parcels and/or lots of the Project for Southwest 210 Terrace in Section 34, Township 50 South, Range 39 East, and being located approximately 650 feet north of Stirling Road.

ACTION: (A-2958) Approved.

OFFICE OF PROJECT MANAGEMENT

AND CONSTRUCTION

16. MOTION TO GIVE a Notice of Default to Church & Tower Inc. for the design/build of a 1,024 bed corrections facility (Conte); provide notice to the surety company; allow Church & Tower 10 days to cure, and authorize the Contract Administrator to issue a notice of termination in the event Church & Tower fails to comply with the notice.

ACTION: (A-4242) Approved and amended the ten days to cure the deficiencies to exclude Christmas Eve, Christmas Day, New Year's Eve and New Year's Day and provide to the Board Church & Tower's obligation on additional prisoner housing costs. The Board directed Administration to provide a written matrix, by the end of business this day, the facility's projected opening date; the worse case scenario of retaining a contractor and sources for additional funding; the best case scenario, if the job is completed with Church & Tower's projected finishing and opening date on the facility, and the additional cost of housing prisoners.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

COUNTY RECORDS DIVISION

17. MOTION TO APPROVE FOR FILING supplemental papers pertaining to the plats and other items listed below that were approved in prior years.

ACTION: (A-2958) Approved.

PURCHASING DIVISION

For Community Services Department

18. A. MOTION TO ADOPT budget Resolution 1998-1245 transferring within the Unincorporated Area Capital Fund (342) the amount of \$25,314 for the Parks and Recreation Division to increase funding for the Carver Ranches Park Building Addition Project, for a total project amount of \$176,065 - Bid No. H-3-98-064-CF.

ACTION: (A-2958) Approved.

B. MOTION TO AWARD a fixed contract to low bidder, NCI Construction Co., for the Carver Ranches Park Community Center Addition (H-03-98-064-CF) for the total bid amount of \$176,065 for the Parks and Recreation Division, subject to receipt and acceptance of insurance/performance and payment guaranty.

ACTION: (A-2958) Approved.

C. MOTION TO APPROVE eight percent Change Order Contingency.

ACTION: (A-2958) Approved.

For Port Everglades Department

19. MOTION TO AWARD open-end contracts to low bidders, Young Oil Company Inc., Items 1-4 and 6, in the estimated amount of \$174,440 and Choice Products Inc., Item No. 5 in the estimated amount of \$164,647.50, for Mobil Oil Products, (Bid No. D-8-98-197-B-1) in the total estimated amount of \$339,422.50, for the Port Everglades Department, and authorize the Purchasing Division Director to renew the contract for a one-year period. The initial contract period shall start on date of award and shall terminate one year from that date.

ACTION: (A-2958) Approved.

20. A. MOTION TO WAIVE as a technicality, the requirement for the Trench Safety Act in Bid No. H-9-98-208-CF, Berth 29 Cargo Yard Lighting Improvements.

ACTION: (A-2958) Approved.

B. MOTION TO AWARD a fixed contract to low bidder, Designed Traffic Installation Co., for Berth 29 Cargo Yard Lighting Improvements (Bid No. H-9-98-208-CF) for the total bid amount of \$309,620.26 for the Port Everglades Department, subject to receipt and acceptance of insurance/ performance and payment guaranty.

ACTION: (A-2958) Approved.

For Public Works Department

21. MOTION TO APPROVE an agreement between Broward County and Singer Architects for a continuing contract to provide Architectural and Engineering Consulting Services for the Construction Management Division of the Public Works Department with cumulative fees not exceeding an amount of \$500,000 per annual fiscal year (the term of this agreement begins upon execution and ends on September 30, 1999); authorize the Contract Administrator to extend the agreement for two additional one-year terms, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

22. MOTION TO APPROVE an agreement between Broward County and Dade Test and Balance Corp. for a continuing contract to provide General Professional Test and Balance Services for the Construction Management Division of the Public Works Department with cumulative fees not exceeding an amount of \$500,000 per annual fiscal year; the term of this agreement begins upon execution and ends on September 30, 1999; authorize Contract Administrator to extend the agreement for two additional one-year terms, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

23. MOTION TO APPROVE the second amendment to Work Authorization No. 1 in accordance with the agreement dated February 4, 1997 between Broward County and Hanson Engineers Inc., from the Library of Professional Services, for design revisions to the original scope of the project for the renovations of Room 240 Broward County Judicial Center and adjacent corridor, for an increase of \$3,500 increasing the contract amount from \$30,200 to \$33,700 with an increase in time of 44 working days, from 314 working days to 358 working days; approve an amount not exceeding \$5,000 for additional services to Hanson Engineers Inc. to be used on an as needed basis during the construction phase of the above project upon written approval of the Contract Administrator, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

24. MOTION TO APPROVE an increase in the change order allowance in the amount of \$1,333 from \$1,042 (five percent) to \$2,375 or 11.4 percent of the original contract amount of \$20,847 for Contract No. H6-98-131-CF, Landscape Development of Cresthaven Community with contractor Environmental Care Inc.

ACTION: (A-2958) Approved.

REVENUE COLLECTION DIVISION

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

ACTION: (A-2958) Approved.

HUMAN SERVICES DEPARTMENT

HEALTH CARE MANAGEMENT DIVISION

26. MOTION TO APPROVE an agreement between the State of Florida Department of Health and Broward County from date of execution to September 30, 1999 in the amount of a cash contribution not to exceed \$1,628,560, for the purpose of enabling the County Health Department (CHD) to promote, protect, maintain, and improve the health and safety of the citizens and visitors of Broward County, and authorize the Chair and Clerk to execute same. This agreement is in accordance with Florida Statute, Chapter 154.001, and the funds have been allocated and approved in the Fiscal Year 1999 budget.

ACTION: (B-4741) Approved and directed staff to work with the groups providing services on their strategic outcomes, results, and performance measures to reduce the percentages on the baselines and goals established for the years 1999 and 2000.

COMMUNITY SERVICES DEPARTMENT

CULTURAL AFFAIRS DIVISION

27. A. MOTION TO APPROVE the South Florida Cultural Consortium Fiscal Year 1999 Budget in accordance with Section 7 of the South Florida Cultural Consortium Interlocal Agreement for the period October 1, 1998 to September 30, 1999 in the amount of \$211,000.

ACTION: (A-2958) Deferred at the County Administrator's request for further review.

B. MOTION TO FILE the annual financial report for the Fiscal Year ending September 30, 1998 in accordance with Section 8 of the South Florida Cultural Consortium Interlocal Agreement.

ACTION: (A-2958) Deferred at the County Administrator's request for further review.

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

ACTION: (A-2958) Deferred at the County Administrator's request for further review.

EMERGENCY MANAGEMENT DIVISION

28. A. MOTION TO APPROVE an interlocal agreement between Broward County and the Town of Davie in the amount of \$15,000 to provide local mitigation strategy services from the county from date of execution through August 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

B. MOTION TO APPROVE an interlocal agreement between Broward County and the City of Oakland Park in the amount of \$15,000 to provide local mitigation strategy services from the county from date of execution through August 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

C. MOTION TO APPROVE an interlocal agreement between Broward County and the City of Hallandale in the amount of \$30,000 to provide local mitigation strategy services from the county from date of execution through August 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

LIBRARIES DIVISION

29. A. MOTION TO APPROVE a grant agreement between Broward County and the Florida Department of State, Division of Library and Information Services, in the amount of \$50,000, for the construction of the African-American Research Library and Cultural Center, for a period of 270 days commencing on the date the grant agreement is fully executed, and authorize the Chair and Clerk to execute same. No county match is required.

ACTION: (A-2958) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1246 within the General Capital Outlay Fund (301) in the amount of \$50,000 for the construction of the African-American Research Library and Cultural Center.

ACTION: (A-2958) Approved.

MASS TRANSIT DIVISION

30. MOTION TO APPROVE the amendment to an agreement between Broward County and City of Dania Beach for public transportation services, extending the term of the agreement from December 22, 1998 until March 1, 1999, with no increase in the contract amount, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

31. MOTION TO APPROVE an assignment of the paratransit service agreement between Broward County and Coach USA Inc., d/b/a Comprehensive Paratransit Services (CPS), from CPS to AAA Wheelchair Service Inc. (AAA), and delegate authority to execute the same to the Mass Transit Division

Director or designee as Contract Administrator, effective upon approval by the Board and execution by the Contract Administrator.

ACTION: (A-2958) Approved.

PARKS AND RECREATION DIVISION

32. MOTION TO APPROVE the Tamarac Utilities Water and Sewer Developer's Agreement between Broward County and the City of Tamarac in the amount of \$7,000 for the County's installation of a water irrigation line relating to enhancement of the Woodmont/Bonaire Natural Area, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

33. 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 for the attached violations and have agreed to pay Broward County for any penalties in full:

A. Cable Marine Inc.

B. Bates & Daly Company

C. Gold Coast Beverage Distributors Inc.

D. Richard Lieberman d/b/a Cruise N' Cool & Jose E. Arias & Vilma A. Arias

E. H&K Auto Inc.

ACTION: (B-4787) Approved.

DEPARTMENT OF STRATEGIC PLANNING

AND GROWTH MANAGEMENT

COMMUNITY DEVELOPMENT DIVISION

34. MOTION TO APPROVE the first amendment to an agreement between Broward County and Rucker Investment Properties for the State Housing Initiatives Partnership (SHIP) Program utilizing the funds in the amount of \$80,000 for rehabilitation of a multifamily property containing four units located at 4101 Riverside Drive, Coral Springs, Florida and extending the termination date from December 31,

1998 to April 30, 1999, and authorize the Chair and Clerk to execute the same.

ACTION: (A-2958) Approved.

35. MOTION TO APPROVE an agreement between Broward County and the Broward County Housing Authority in the amount of \$283,501 for the Tenant-Based Rental Assistance Program for a term of two years beginning October 8, 1998, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

36. MOTION TO APPROVE the second amendment to an agreement between Broward County and the State of Florida, Executive Office of the Governor's Office of Tourism, Trade and Economic Development, in the amount of \$100,000 for the County's Facade Renovation Program for West Broward Boulevard, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

37. MOTION TO ADOPT Resolution 1998-1247 of the Board of County Commissioners accepting the gracious donation of certain property described in Exhibit "A" from the Estate of Pauline Boyles; authorizing recordation of the deed in Public Records of Broward County, Florida; providing for severability; and providing for an effective date.

ACTION: (A-2958) Approved.

38. MOTION TO APPROVE an agreement between Broward County and the Town of Pembroke Park for the stormwater drainage system on SW 30th Avenue in the amount of \$100,000, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

39. MOTION TO APPROVE the modification to a grant agreement between the State of Florida, Department of Community Affairs (DCA) and Broward County for the purpose of reducing the contract amount from \$990,000 to \$639,523.60, due to a reduction in State of Florida funding, and authorize the Chair, and Clerk to execute same.

ACTION: (A-2958) Approved.

PORT EVERGLADES DEPARTMENT

40. MOTION TO APPROVE the renewal of the Port Everglades Taxi/Limo/Bus Service Business Permits between Broward County, Florida and the companies listed on Schedule A attached hereto, effective January 1, 1999 through December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (B-5035) Approved and directed staff to review and provide a report to the Board on increasing the business permit fees schedule to reflect the Consumer Price Index and whether rate increases were given to the permittees during the ten- year period.

41. MOTION TO APPROVE the renewal of the Port Everglades Motor Vehicle Rental Service Business Permits between Broward County, Florida and the companies listed on Schedule A attached hereto, effective January 1, 1999 through December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (B-5035) Approved and directed staff to review and provide a report to the Board on increasing the business permit fees schedule to reflect the Consumer Price Index and whether rate increases were given to the permittees during the ten- year period.

42. MOTION TO APPROVE the renewal of the Port Everglades Crane Service Business Permits between Broward County, Florida and Anthony Crane Rental, L.P., d/b/a Anthony Crane Rental of Florida; Gold Coast Crane Service Inc.; and Miami Crane Service Inc., respectively, effective January 1, 1999 through December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (B-5035) Approved and directed staff to review and provide a report to the Board on increasing the business permit fees schedule to reflect the Consumer Price Index and whether rate increases were given to the permittees during the ten- year period.

43. MOTION TO APPROVE the renewal of the Port Everglades Mobile Motorized Food/Drink Service Business Permits between Broward County, Florida and Evelio Collazo, d/b/a E.A.C. Box Lunch; Ulysses McClover, Sr., d/b/a McClover Catering; and Osmundo Sanchez, d/b/a Osmundo Sanchez Box Lunch, respectively, effective January 1, 1999 through December 31, 1999, and authorize the Chair and Clerk to execute same.

ACTION: (B-5035) Approved and directed staff to review and provide a report to the Board on increasing the business permit fees schedule to reflect the Consumer Price Index and whether rate increases were given to the permittees during the ten- year period.

OFFICE OF BUDGET SERVICES

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

ACTION: (A-2958) Approved.

45. MOTION TO ADOPT unanticipated budget Resolution 1998-1248 within the General Fund in the amount of \$467,660 for the Broward Sheriff's Office to appropriate State Criminal Assistance Program funds to reimburse the costs for imprisonment of undocumented aliens for the purchase of equipment and building maintenance for corrections facilities.

ACTION: (A-2958) Approved.

OFFICE OF ECONOMIC DEVELOPMENT

46. MOTION TO ADOPT Resolution 1998-1249 recommending that Spirit Airlines Inc. be approved as a qualified applicant for participation in the State of Florida Qualified Target Industry Tax Refund Program for the Fiscal Years 1999 through 2002 based on the creation of the minimum requisite jobs within Broward County subject to the condition that the City of Fort Lauderdale provides 40 percent of the required local participation.

ACTION: (A-2958) Approved.

47. MOTION TO AUTHORIZE the Chair to submit, on behalf of the Broward County Board of County Commissioners, a letter stating no objection to the City of Fort Lauderdale's application for a second foreign trade zone (FTZ) in Broward County subject to a formal agreement by the City not to compete with FTZ No. 25, which is the zone granted to the Port Everglades Department under the jurisdiction of the Board of County Commissioners.

ACTION: (A-2958) Approved.

48. MOTION TO APPROVE an agreement between Broward County and Dickey Consulting Services for one year with two additional one-year periods, at the option of the county, for brownfields redevelopment coordination services pursuant to a grant between Broward County and the State of Florida, Office of Tourism, Trade, and Economic Development in a lump sum amount of \$80,000, and authorize the Chair and Clerk to execute same.

ACTION: (A-2958) Approved.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL MANAGEMENT

49. A. MOTION TO ADOPT budget Resolution 1998-1250 transferring within the General Fund the amount of \$44,000 from the Commission Reserve to the Office of Legislative and Intergovernmental Management for State Lobbyist.

ACTION: (A-2958) Approved.

B. MOTION TO APPROVE a contract between Broward County and Pennington, Moore, Wilkinson, Bell & Dunbar, P.A., for State Lobbyist services for the 1999 Legislative Session.

ACTION: (A-2958) Approved.

COURT ADMINISTRATION

50. A. MOTION TO APPROVE a grant-in-aid match agreement between the Office of State Courts Administrator, the Seventeenth Judicial Circuit and the Broward County Board of County

Commissioners in the amount of \$63,650 for the Civil Traffic Hearing Officer Program.

ACTION: (A-2958) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1998-1251 within the general fund for \$63,650 to recognize the Civil Traffic Hearing Officer grant-in-aid which will fund additional hearing officer hours to reduce the backlog of traffic cases and provide an increase in hearing officer compensation from \$20 to \$25 an hour.

ACTION: (A-2958) Approved.

COUNTY COMMISSION

51. MOTION TO APPROVE IN CONCEPT the development of a Basic Water Safety Program for children prior to entering the first grade in association with The School Board of Broward County, municipalities, and various private and non-profit organizations. (Commissioner Lieberman)

ACTION: (A-2997) Approved with addendum.

52. MOTION TO FILE City of Deerfield Beach Resolution No. C-1 998/176 dated November 10, 1998 entitled:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, URGING THE BROWARD COUNTY COMMISSION AND COMPREHENSIVE AND NEIGHBORHOOD PLANNING DIVISION OF BROWARD COUNTY TO SUPPORT THE LOCAL BILLS FILED BY THE LAKES HOMEOWNERS ASSOCIATION AND THE CRYSTAL LAKE GOLF VILLAS ASSOCIATION Inc., PHASE I AND II; PROVIDING FOR AN EFFECTIVE DATE.

(Commissioner Lieberman)

ACTION: (B-5100) Approved.

53. MOTION TO FILE City of Margate Resolution No. 8688 dated December 2, 1998 entitled:

A RESOLUTION OF THE CITY OF MARGATE, FLORIDA, OPPOSING RECOMMENDATIONS OF BROWARD COUNTY STAFF TO THE BOARD OF COMMISSIONS OF BROWARD COUNTY REGARDING PROCEDURES FOR REVIEW OF CRA APPLICATIONS AND PLANS.

(Commissioner Lieberman)

ACTION: (A-2958) Approved.

REQUEST TO SET FOR PUBLIC HEARING

54. MOTION TO CANCEL the Public Hearing to consider approval of a development agreement among Broward County and Arvida/JMB Partners, which was scheduled for December 22, 1998.

ACTION: (A-2958) Approved.

55. MOTION TO ADOPT Resolution 1998-1252 directing the County Administrator to publish a notice of public hearings to be held at 2:00 p.m. on Tuesday, January 12, 1999 and Tuesday, January 26, 1999 in Room 422 of the Governmental Center to consider an Amendment to Lease between Broward County and Hvide Marine Incorporated due to the realignment and expansion of Eller Drive.

ACTION: (A-2958) Approved.

56. MOTION TO ADOPT Resolution 1998-1253 directing the County Administrator to publish notice of public hearing to be held on Tuesday, January 12, 1999 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 RESOLUTIONS OF DISPUTES REGARDING THE TOURIST DEVELOPMENT TAX; AMENDING CHAPTER 31½, ARTICLE II, RELATING TO TOURIST DEVELOPMENT TAX TO PROVIDE FOR A METHOD OF DISPUTE RESOLUTION REGARDING TOURIST DEVELOPMENT TAX; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-5124) Approved as amended.

REGULAR AGENDA

COUNTY ADMINISTRATOR'S REPORT

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

ACTION: (B-5291) No action was necessary.

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 AND GROWTH MANAGEMENT DEVELOPMENT MANAGEMENT DIVISION

58. DISCUSSION: of plat entitled "The Alton Plat" - District 5, (027-MP-97). (Deferred from May 19, 1998, Item 59)

ACTION: (B-5369) Approved staff's amended recommendation of approval subject to the county receiving by noon Thursday, December 24, 1998 a letter from the City of Pembroke Pines' attorney confirming its authority to accept the financial responsibility due to the missing Letter of Credit and the applicant's voluntary commitment, during the City of Pembroke Pines' site plan application process, to the buffer requirements for the site compatible to the uses on the northwest; that the application would be made in the city's name and that the residents would receive proper notice.

59. DISCUSSION: of plat entitled "McNab Marketplace" - District 3, (061-MP-97). (Deferred from May 19, 1998, Item 58)

ACTION: (B-5964) Approved staff's recommendation of denial.

60. MOTION TO ADOPT Resolution 1998-1256 of the Board of County Commissioners of Broward County, Florida making a finding that no impact fees shall be assessed for a portion of the Franklin Park Redevelopment Program; providing for severability and an effective date.

ACTION: (B-6460) Approved.

61. DISCUSSION: of plat entitled "CT Industrial Plat" - District 5, (020-MP-98). (Deferred from December 15, 1998, Item 34)

ACTION: (B-6486) Deferred to January 19, 1999 to study safe and adequate access.

END OF QUASI-JUDICIAL HEARING

COMPREHENSIVE AND NEIGHBORHOOD PLANNING DIVISION

62. 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 December 15, 1998, Item 43)

ACTION: (C-64) Rolled over to the January 5, 1999 meeting at the applicant's request.

63. 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 December 15, 1998, Item 44)

ACTION: (C-95) Approved as amended.

AVIATION DEPARTMENT

64. MOTION TO DIRECT the Office of the County Attorney to draft an ordinance amending Chapter 2, Broward County Code of Ordinances, Airports and Aircraft, Article III, Division 2, Sections 2-44 through 2-69, relating to Prearranged Ground Transportation services at the Fort Lauderdale-Hollywood International Airport.

ACTION: (C-301) Deferred to the January 12, 1999 meeting.

PUBLIC WORKS DEPARTMENT

OFFICE OF TRANSPORTATION

65. MOTION TO ADOPT Resolution 1998-1257 amending Chapter 6 of the Broward County Administrative Code, creating a new Subsection 6.48(n), relating to policy on the placement of landscaping and mailboxes within swale areas in the unincorporated area.

ACTION: (C-371) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

66. MOTION TO ADOPT Resolution 1998-1258 of the Board of County Commissioners of Broward County, Florida, amending the Broward County Administrative Code at Volume 3, Chapter 35, Part III, which establishes the copying fees for the Broward County Records Division; by amending Section 35.20 "Copying Fees" Subsection (d) relating to the fees charged for copies of the daily official records and Subsection (f) relating to surplus data and media; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

ACTION: (C-380) Approved.

OFFICE OF HOUSING FINANCE

67. MOTION TO ADOPT Resolution 1998-1259 of the Board of County Commissioners of Broward County, Florida authorizing the issuance by the Housing Finance Authority of Broward County, Florida not to exceed \$32,950,000 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: (C-385) Approved.

HUMAN RESOURCES DIVISION

68. A. MOTION TO APPROVE a new compensation methodology for unrepresented employees replacing the current “merit pay system” as described in Exhibit 1.

ACTION: (C-390) Approved and requested that staff provide a report after one year and clarify the response that the one-time performance bonus received once in 20 years was not the intent.

B. MOTION TO APPROVE the limited continuation of the current “merit pay system” for unrepresented Executive and Management employees (E and Y pay plans) through February 28, 1999 and through September 30, 1999 for all other unrepresented employees in order to accommodate the phase in of the new unrepresented compensation policy.

ACTION: (C-390) Approved.

PURCHASING DIVISION

For Community Services Department

69. A. MOTION TO WAIVE as a technicality the Award Criteria as specified in the bid solicitation.

ACTION: (C-416) Approved.

B. MOTION TO AWARD an open-end contract to the single bidder, Florida Detroit Diesel-Allison Inc. for Engines, Detroit Diesel, Rebuilt/Exchange, Bid No. C-O-98-236-B-1, for Groups I, II, and III, in the estimated amount of \$1,166,384.58, for the Mass Transit Division, and authorize the Purchasing Division Director to renew the contract for one one-year period. The initial contract period shall start on date of award, and shall terminate one year from that date.

ACTION: (C-416) Approved.

For Finance and Administrative Services Department

70. MOTION TO APPOINT a Selection/Negotiation Committee to recommend the most qualified Architectural and/or Architectural/Engineering firm to provide professional services for the new Entrepreneurial Complex project.

ACTION: (C-426) The Board directed the County Administrator to schedule a County Commission workshop.

71. A. MOTION TO APPOINT a Selection/Negotiation Committee to recommend the most qualified firm to provide consultant services for an Accelerated Process Improvement Program. Agreement will be on a contingency basis.

ACTION: (C-450) Approved with the appointments of Commissioner Parrish; Office of Budget Services Director, Chair; Assistant to the County Administrator, and Department of Finance and Administrative Services Director; plus administrative support from the County Attorney's Office, Commission Auditor's Office, Office of Equal Opportunity, Risk Management Division and Purchasing Division.

B. MOTION TO APPROVE the Request for Letters of Interest (RLI) for an Accelerated Process Improvement Program (see Exhibit 1).

ACTION: (C-450) Approved.

For Port Everglades Department

72. MOTION TO APPOINT a Selection/Negotiation Committee to recommend the most qualified firm to provide professional engineering services for the design of an expansion and access ramps to the Northport Parking Facility at Port Everglades. (Deferred from December 15, 1998, Item 48)

ACTION: (C-462) Approved with the appointments of Commissioner Abramowitz; Port Everglades Department Deputy Director, Chair; Port Everglades Department's Director of Operations Division, and the Greater Fort Lauderdale Convention and Visitors Bureau Deputy Director; plus administrative support from the County Attorney's Office, Commission Auditor's Office, Office of Equal Opportunity, Risk Management Division and Purchasing Division.

For Public Works Department

73. A. MOTION TO WAIVE as a technicality, the requirement for a mandatory pre- bid meeting in Bid No. N-01-97-03-CF, Chula Vista Outfall Canal Seawall - Blue Lake Culverting.

ACTION: (C-477) Approved.

B. MOTION TO AWARD a fixed contract to the low bidder, Shoreline Foundation Inc. for Chula Vista Outfall Canal Seawall - Blue Lake Culverting (Bid No. N-01-97-03-CF) for the total base bid amount of \$3,089,956 for the Office of Environmental Services subject to receipt and acceptance of Insurance/Payment and Performance Guarantee).

ACTION: (C-477) Approved.

HUMAN SERVICES DEPARTMENT

74. MOTION TO APPROVE the extension of a Primary Health Care agreement with the North and South Hospital Districts for an additional 60 days.

ACTION: (C-484) Conceptually approved the extension for 45 days and directed the County Attorney's Office to prepare an amended agreement with the same terms and conditions, not to be retroactive to January 1, 1999.

FIRE RESCUE DIVISION

75. A. MOTION TO APPROVE Memorandum of Understanding No.2 between Broward County and the City of Fort Lauderdale relating to the city's inclusion in the Emergency Medical Services Municipal Service Benefit Subunit (EMS MSBU) extending the date in which the City of Fort Lauderdale must provide Broward County with written notice of its intent not to renew its inclusion in the EMS MSBU from January 1, 1999 to February 3, 1999.

ACTION: (C-658) Approved.

B. MOTION TO APPROVE Amendment No. 2 to the MSBU Interlocal Agreement between Broward County and the City of Coconut Creek providing for cooperative delivery of EMS within the MSBU Utilizing First Responder Units extending the date in which the city must provide Broward County with written notice of its intent not to renew its inclusion in the EMS MSBU from January 1, 1999 to March 1, 1999.

ACTION: (C-658) Approved.

C. MOTION TO APPROVE Amendment No. 1 to the MSBU Interlocal Agreement between Broward County and the City of Cooper City providing for cooperative delivery of EMS within the MSBU Utilizing Advanced Life Support (ALS) First Responder Units extending the date in which the city must provide Broward County with written notice of its intent not to renew its inclusion in the EMS MSBU from January 1, 1999 to March 1, 1999.

ACTION: (C-658) Approved.

D. MOTION TO APPROVE Amendment No. 1 to the MSBU Interlocal Agreement between Broward County and the Town of Lauderdale-By-The-Sea providing for delivery of EMS by Broward County extending the date in which the town must provide Broward County with written notice of its intent not to renew its inclusion in the EMS MSBU from January 1, 1999 to March 1, 1999.

ACTION: (C-658) Approved.

76. A. MOTION TO APPROVE a Letter of Understanding between Broward County and International Association of Fire Fighters (IAFF) Local 3333 resolving long-standing grievances concerning the performance of 911 "Caller Aid" work.

ACTION: (C-694) Approved.

B. MOTION TO ADOPT budget Resolution 1998-1260 transferring within the Emergency Services (014) the amount of \$25,000 from the Fire Rescue Reserve for the purpose of providing for settlement of the caller aid grievance with IAFF Local 3333.

ACTION: (C-694) Approved.

C. MOTION TO ADOPT unanticipated revenue Resolution 1998-1261 within the Emergency Services Fund (014) for the Fire Rescue Division in the amount of \$200,000 for the purpose of providing increased levels of emergency medical service within the Municipal Services Benefit Unit (MSBU).

ACTION: (C-694) Approved.

D. MOTION TO INCREASE personnel cap within the Emergency Services Fund (014) by eight positions to provide for increased levels of emergency medical service within the MSBU and for settlement of the caller aid grievance with IAFF Local 3333.

ACTION: (C-694) Approved.

COMMUNITY SERVICES DEPARTMENT

ANIMAL CARE AND REGULATION DIVISION

77. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, amending Section 37.61, Broward County Administrative Code, relating to the fee schedule for Animal Care and Regulation; providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

ACTION: (C-702) Deferred to the January 12, 1999 meeting.

LIBRARIES DIVISION

78. DISCUSSION: Nova Southeastern University Proposal for a Joint Use Public Library, Research and Information Technology Center. (Deferred from December 8, 1998, Item 36)

ACTION: (A-2958) Deferred at the County Administrator's request for further review.

DEPARTMENT OF NATURAL RESOURCE PROTECTION

AIR QUALITY DIVISION

79. MOTION TO DIRECT the County Attorney to amend Chapter 27, Natural Resource Protection Code, by: revising Article IV entitled “Air Pollution,” to facilitate implementation of the Clean Air Act Amendments of 1990 and of the air quality programs delegated to Department of Natural Resource Protection (DNRP) by the State of Florida; to promote pollution prevention planning; to provide consistency with the state and federal regulations; to improve the effectiveness of the Indirect Source Rule; to regulate hazardous air pollutants; and to streamline the licensing process and improve customer service.

ACTION: (C-778) Approved.

WATER RESOURCES DIVISION

80. MOTION TO DIRECT the County Attorney to draft an ordinance amending portions of Chapter 34, Article 11.5, Sections 34-42 through 34-49 (Water and Septic Tank Ordinance) of the Broward County Code, pertaining to the requirements for installing sanitary sewer facilities based on development lot size. The intent of this ordinance is to maintain the stricter standard previously held in Broward County and the State of Florida.

ACTION: (C-784) Deferred until it has been referred to the Municipal Services Advisory Board to notify the ranch homeowners’ associations in the unincorporated area and for consideration on the next City/County Liaison’s agenda to be submitted to the Broward County League of Cities.

81. MOTION TO ADOPT Resolution 1998-1262 of the Board of County Commissioners of Broward County, Florida exempting from classified civil service the vacant position of Natural Resource Specialist II (BPN No. 4651) for the Department of Natural Resource Protection.

ACTION: (C-835) Approved.

PORT EVERGLADES DEPARTMENT

82. MOTION TO APPROVE the consent to transfer of the general and limited partnership interests in World Gate Associates Limited Partnership (now known as Port Everglades Commerce Center Associates Limited Partnership) to Swerdlow Real Estate Group (SREG) Port Everglades Commerce Center Inc., as to the general partnership interest, and to SREG Operating Limited Partnership, as to the limited partnership interest, subject to a closing of the sale of the partnership interests on the same terms contained in the agreement for purchase and sale, the Private Placement Memorandum and the Organizational Documents displaying the ownership of Port Everglades Commerce Center Associated Limited Partnership, and authorize the Chair and Clerk to execute same.

ACTION: (C-843) Deferred for additional information.

OFFICE OF BUDGET SERVICES

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

ACTION: (C-1289) Approved with addendum.

84. MOTION TO ADOPT budget Resolution 1998-1263 transferring within the General Fund the amount of \$328,397 from the Commission Reserve for the purpose of funding the balance required for the Community Redevelopment Agency (CRA) tax increments for the Fiscal Year 1999.

ACTION: (C-1296) Approved.

OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL MANAGEMENT

85. DISCUSSION: Allowing the Multi-Ethnic Advisory Board to remain with 21 members or reducing the size of the board to 14 members.

ACTION: (C-1303) The Board approved the membership of 21.

COMMISSION AUDITOR

86. A. MOTION TO APPROVE the contract in the amount of \$25,000 with Norman Roberts & Associates Inc. for the executive recruitment of a County Attorney.

ACTION: (C-1405) Approved.

B. MOTION TO ADOPT budget Resolution 1998-1264 transferring \$25,000 from the Board's Contingency Account.

ACTION: (C-1405) Approved.

COUNTY ATTORNEY

87. DISCUSSION: Prevailing Wage Litigation.

ACTION: (C-1466) The Board directed the County Attorney's Office to submit the following provisions to the Arena Development Company Ltd. (ADC) for execution and submit same to be considered at the January 5, 1999 meeting:

amend the proposal, as offered in the letter dated December 21, 1998 from Akerman, Senterfitt & Eidson, regarding ADC's proposal to release the amount of \$407,117, as non debatable due to the previous compromise and the requirements under the existing Art in Public Places Ordinance and separate by carving out the accumulated interest for prevailing wages as disputed funds and retain enough funds until payment is received to pay for the other disputed issues;

amend the draft Stipulation for Payment of Prevailing Wages (as outlined in the summary

paragraphs of the December 14, 1998 memorandum) by defining the term “reasonable”; having a process for a special master by selecting a lawyer with mediation experience; determining a triggering event and specific date for payment of prevailing wages; indicating the developer’s reason requesting 60 days to make its \$2 million payment; attach the Arthur Andersen protocols and change time-frames and terms to reflect the county’s proposals; defining the phrase “all reasonable efforts” to locate all affected workers, and indicating that final disbursement will not be made unless every bona fide claim has been paid;

with respect to the location of the arena funds and the segregation of the \$407,117 in accordance to the county’s existing art ordinance, propose that ADC annually fund the renewal replacement account, under the county’s operating and license agreements with the team, to be inclusive of the arts and the expenditure of funds for the art maintenance -- directed as a yearly inventory by Cultural Affairs Division for determination -- and provide same to the Board and the team;

place the amount of \$407,117 in a separate account in order to accrue interest, and

research under current state law as to whether there is a five-year statute of limitations to pay the employees according to the Prevailing Wage Ordinance and negotiate with ADC to agree to extend past the two-year statute of limitations.

88. A. MOTION TO DIRECT the County Attorney to amend Chapter 20, Article XII, Private Auto Tag Agencies, by amending Section 20-247, Subsection (e), to address equipment provided by the State of Florida, Division of Highway Safety and Motor Vehicles; by amending Section 20-251, Subsection (d), to amend the period of time when reports and remittances shall be made by the Private Tag Agency.

ACTION: (C-3036) Approved.

B. MOTION TO ADOPT Resolution 1998-1268 directing the County Administrator to publish notice of public hearing to be held on Tuesday, January 12, 1999 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 20, ARTICLE XII, PRIVATE AUTO TAG AGENCIES, BY AMENDING SECTION 20-247, SUBSECTION (e), TO ADDRESS EQUIPMENT PROVIDED BY THE STATE OF FLORIDA, DIVISION OF HIGHWAY SAFETY AND MOTOR VEHICLES; BY AMENDING SECTION 20-251, SUBSECTION (d), TO AMEND THE PERIOD OF TIME WHEN REPORTS AND REMITTANCES SHALL BE MADE BY THE PRIVATE TAG AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (C-3036) Approved.

COUNTY ADMINISTRATOR

89. A. MOTION TO ADOPT unanticipated revenue Resolution 1998-1265 within the General Capital

Outlay Fund for the Integrated Justice Information System (IJIS) Project in the amount of \$4,722,066 to reduce the amount transferred to the capital fund for the Broward Sheriff's Office (BSO) Jail Management System.

ACTION: (C-3076) Approved and directed the Chair not to execute the Jail Management System Agreement until Unisys Corporation submits an executed termination agreement, acceptable to the County Attorney's Office, for the Board's January 5, 1999 agenda.

B. MOTION TO ADOPT budget Resolution 1998-1266 transferring funds within the General Fund to re-budget funds in the Jail Management System within the Broward Sheriff Office's budget in the amount of \$4,722,066.

ACTION: (C-3076) Approved as corrected and directed the Chair not to execute the Jail Management System Agreement until Unisys Corporation submits an executed termination agreement, acceptable to the County Attorney's Office, for the Board's January 5, 1999 agenda.

COUNTY COMMISSION

90. DISCUSSION: Straw ballot questions related to County Governance issues. (Commissioner Gunzburger)

ACTION: (C-3235) Deferred to the January 5, 1999 meeting to determine the number of hearings to be held and adequate time to educate the voters; how placing the subject issue on the ballot would affect the outcome of the March 1999 Library Bond issue, and direct the County Attorney's Office to prepare the ballot questions on the single-member and at-large districts and review and include the proposals on district limits on the straw ballot questions.

91. DISCUSSION: Gubernatorial appointment term of District Medical Examiner in District 17. (Commissioner Lieberman)

ACTION: (B-5235) Approved the Chair responding to the Florida Department of Law Enforcement (FDLE) advising that the Board grants Dr. Joshua A. Perper a favorable recommendation for reappointment.

GOOD AND WELFARE

92. PROCLAMATION On behalf of the Board, Commissioner Jacobs read into the record a proclamation designating Saturday, January 30, 1999 as "TASTE OF THE NFL HUNGER RELIEF DAY" in Broward County, Florida.

ACTION: (A-122) Ms. Brenda Williamson, Daily Food Bank, accepted the proclamation and thanked the Board for such honor.

93. PROCLAMATION On behalf of the Board, Commissioner Rodstrom read into the record a proclamation designating Tuesday, December 22, 1998 as *PHYLLIS HERTZBERG APPRECIATION DAY* in Broward County. The Board applauded the career of Ms. Hertzberg, County Records Division, and wished her all the best in her retirement, offering her a big THANK YOU for all of the good work that she has done.

ACTION: (A-222) Ms. Hertzberg accepted the proclamation with much appreciation and thanked the Board.

94. SPECIAL PRESENTATION On behalf of the Board and staff, Broward County Administrator Roger J. Desjarlais presented a plaque to Mr. Don Kowell, Metropolitan Program Coordination Director, recognizing 18 years of devoted service and wishing him well on his retirement from the county.

ACTION: (A-340) Mr. Kowell accepted the plaque and thanked the Board.

95. SPECIAL PRESENTATION On behalf of the Board and staff, Broward County Administrator Roger J. Desjarlais recognized Mr. Michael D. Wanchick, Department of Strategic Planning and Growth Management Director, and presented him with a memento of appreciation for his ten years of devoted service with the county. The Board wished him much success in his future position as Assistant City Manager of Richardson City in Texas.

ACTION: (A-392) Mr. Wanchick expressed appreciation of the Board's support; accepted the gift, and thanked the board.

96. A. RECOGNITION On behalf of the Board, the Chair read into the record a letter dated December 21, 1998 from United States Senator, Bob Graham, congratulating Ms. Lee Rechter, Friends of Children United Serve (FOCUS), on her efforts to promote and establish a permanent day of recognition for *National Child's Day* which demonstrates the country's respect and appreciation for all children.

ACTION: (A-497) Ms. Rechter expressed gratitude in receiving Senator Graham's letter; reported on the passage of the subject legislation, and indicated the wishes conveyed to her by Governor-Elect Jeb Bush to have the permanent National Child's Day focused in Broward County. She thanked the Board for its support.

B. PROCLAMATION Ms. Rechter presented the Board with a proclamation by the President of the United States of America, William J. Clinton, proclaiming October 11, 1998 as *National Children's Day*; urging the American people to express their love and appreciation for children on that day and every day throughout the year, and inviting federal, state, local governments, communities, and families to join together in observing said day with appropriate ceremonies and activities that honor the nation's children.

ACTION: (A-582) The Chair accepted the proclamation and indicated that the Bureau of Children and Family Services Division will continue the efforts that Ms. Rechter started in Broward County.

NON AGENDA

97. MOMENT OF SILENCE Upon Commissioner Parrish's suggestion, the Board recognized the unexpected death of Mr. Gary A. Fox, Office of Environmental Services Assistant Director, who passed away on Saturday, December 19, 1998.

ACTION: (A-611) The Board held a moment of silence in Mr. Fox's memory and expressed their condolences to his family.

98. DISCUSSION The Board discussed its actions at its December 15, 1998 appealing on behalf of Broward County, Broward Circuit Court's ruling granting City of Hollywood's Motions for Partial

Summary Judgment as to Liability on Counts I and II of the city's complaint in the matter of City of Hollywood, Florida v. Broward County, Florida, Seventeenth Judicial Circuit Court Case No. 98-01859-18; ratifying the selection of Conrad & Scherer as special counsel to provide legal services in said matter as lead attorney and appellate counsel (Items 56 A and B); ratifying the selection of Tripp Scott as special counsel to provide legal services in the matter of Broward County v. William Markham, Seventeenth Judicial Circuit Court Case No. 95-17060-04, as lead attorney (Item 57), and directing the County Attorney's Office to submit a monthly summary of the case's expenditures in costs and fees. (Commissioner Cowan)

Referring to the contract for legal services for both firms, concerns were expressed on the serious breach of trust by the Interim County Attorney due to the deletion of indemnification clauses, without initially consulting with the Board and without its consent, when the agreements were approved and executed by the Board; the law firms' execution of the agreements which included differences in endorsements on the signature pages; and the extensions of the upper limits of the insurance provisions although neither the County Attorney's Office nor the Risk Management Division had reviewed the insurance policies.

ACTION: (A-631 and C-5270) The Board directed the County Attorney's Office to contact the law firms of Conrad & Scherer and Tripp Scott and request that they agree and return, in writing by 3:00 p.m. this day, to include with the legal services contract the reinstatement of the indemnification clauses and the insurance policies from each firm as an exhibit to the contracts. If there is an insurance conflict, the law firms are requested to resolve the issue with the insurers and include new signature pages by each law firm, if necessary. Furthermore, the Board directed the Risk Management Division to review the law firms' insurance policies.

(Later in the meeting, the inclusion of the executed standard contracts for legal services which included the standard indemnification clause, the standard insurance clause, and exhibits of insurance policies for each law firm were submitted to the Board.)

99. MOTION TO ACCEPT the resignation of Mr. Russell J. Morrison from the position of Interim County Attorney effective immediately.

ACTION: (A-2312) Approved.

100. MOTION TO APPOINT Mr. Noel M. Pfeffer, Deputy County Attorney, to serve as Interim County Attorney effective immediately to January 31, 1999 with the same compensation package as the prior Interim County Attorneys.

ACTION: (A-2892) After Mr. Pfeffer declined the position due to a 6-1 vote, he concurred with the Chair's request to serve as legal counsel for this day's regular meeting.

The Board considered the naming of an Interim County Attorney at the 2:00 p.m. Public Hearing, Supplemental Agenda, Item 6, at which time, with Mr. Pfeffer's consent, the Board appointed Deputy County Attorney Noel M. Pfeffer as the Interim County Attorney, effective immediately with the same compensation package as the prior Interim County Attorneys.

101. JANUARY 1999 SUPER BOWL BOYCOTT Commissioner Parrish referred to the December 11, 1998 editorial article "When should a city face a black economic boycott?" from The Broward Times which featured the possible boycott in Fort Lauderdale in connection with the Super Bowl in January 1999. The Chair and Commissioner Carlton Moore, City of Fort Lauderdale, agreed to meet to resolve

the issue raised by Mr. Maurice A. Dawkins, an activist.

ACTION: (C-5115) No Board action was necessary.

102. INFORMATIONAL Commissioner Abramowitz relayed the late Governor Lawton Chiles' previous request to visit New York's Jacob Javitz Center in December 1998 to celebrate Israel's 50th Anniversary Jubilee at the World Jewish Expo '98 whereby "The Flag of 50" (for the United States crystalizing 50 independent states' hopes for peace and Israel's celebration of 50 years of statehood) will be presented to senior Israeli officials to reinforce peace in the Middle East. Commissioner Abramowitz requested that the Board send a representative to attend the event and a "State Flag Portion" in memory of Governor Chiles.

ACTION: (5179) The Board had no objections to the request.

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