

PUBLIC HEARING OF MARCH 9, 1999

(The meeting convened at 2:00 p.m.; recessed at 4:00 p.m.; reconvened at 4:10 p.m. and adjourned at 4:20 p.m.)

NOTE: Items 33, 35 thru 43, and 46 from the 10:00 a.m. commission meeting were considered following and at the conclusion of the 2:00 p.m. public hearing meeting.

PLEDGE OF ALLEGIANCE was led by Commissioner John E. Rodstrom, Jr.

CALL TO ORDER

1. MOTION TO ADOPT Resolutions 1999-226 thru 1999-413 to assess land clearance liens.

ACTION: (B-0093) Approved.

NOTE: Staff was requested to develop a way to address properties where there are multiple liens and to reduce the time frame of placing liens on properties.

2. MOTION TO CONSIDER award or denial of a Class 1 - ALS Rescue Certificate of Public Convenience and Necessity (COPCN) to the City of Coconut Creek.

ACTION: (B-0132) Approved.

3. MOTION TO CONSIDER transference of a Class 3 - ALS Transfer and a Class 4 - BLS Transport Certificate of Public Convenience and Necessity (COPCN) from Dennis Magaro, majority stockholder of American Ambulance Service, Inc., to Raul Medina, Jr. as the majority stockholder and president.

ACTION: (B-0138) Approved.

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 quasi-judicial items 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.

4. MOTION TO ENACT ordinance changing the Zoning District of certain lands within the Unincorporated Area of Broward County, Florida. (This is the second of two public hearings. The first

public hearing was held on Tuesday, February 23, 1999 at 5:05 p.m.)

REZONING PETITION 17-Z-98

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BROWARD COUNTY, FLORIDA, CONTAINING FIVE HUNDRED FIFTEEN (515) ACRES, MORE OR LESS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "1"; FROM A-3, AGRICULTURAL-UTILITY DISTRICT; E-1, AGRICULTURAL ESTATE DISTRICT; R-4B, PLANNED APARTMENT DISTRICT; AND S-2, OPEN SPACE DISTRICT; TO PLANNED DEVELOPMENT DISTRICT ("P.D.D.") PURSUANT TO CHAPTER 39 OF THE BROWARD COUNTY ZONING CODE, ARTICLE LXXXI; PROVIDING FOR LIMITATIONS, CONDITIONS, AND QUALIFICATIONS; PROVIDING THAT THE MASTER DEVELOPMENT PLAN FOR PINE ISLAND RIDGE WHICH IS ATTACHED AS EXHIBIT "2" IS INCORPORATED INTO THIS ORDINANCE; PROVIDING THAT ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPROVED MASTER DEVELOPMENT PLAN FOR PINE ISLAND RIDGE AND SUBJECT TO THE LIMITATIONS, CONDITIONS, AND QUALIFICATIONS SET FORTH IN THIS ORDINANCE; PROVIDING CRITERIA FOR DETERMINING MINOR CHANGE AND DEVIATIONS TO THE MASTER DEVELOPMENT PLAN; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF

OTHER LAND DEVELOPMENT REGULATIONS; PROVIDING FORSEVERABILITY AND AN EFFECTIVE DATE.

(Sponsored by the Code and Zoning Enforcement Division)

ACTION: (B-0147) Filed proof of publication and enacted Ordinance 1999-1Z to become effective as provided by law.

END OF QUASI-JUDICIAL HEARING

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5. MOTION TO CONSIDER enactment of an ordinance, the title of which is as follows: (Continued from February 9, 1999 Public Hearing, Item 5)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, REPEALING CHAPTER 27, ARTICLE XV, SECTIONS 421 THROUGH 429, "TREE ABUSE"; AND CHAPTER 27, ARTICLE XI, SECTION 342, "TREE PRESERVATION"; CREATING CHAPTER 27, ARTICLE XIV, SECTIONS 401 THROUGH 430, "BROWARD COUNTY TREE PRESERVATION AND ABUSE ORDINANCE"; PROVIDING FOR A DECLARATION OF INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR

DOCUMENTS INCORPORATED BY REFERENCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROHIBITIONS; PROVIDING FOR GENERAL EXEMPTIONS; PROVIDING FOR THE MUNICIPAL CERTIFICATION; PROVIDING FOR TREE REMOVAL LICENSE REQUIREMENTS AND STANDARDS; PROVIDING FOR CONSTRUCTION AND LAND CLEARING REQUIREMENTS; PROVIDING FOR TREE ABUSE; PROVIDING CRITERIA FOR NATURAL FOREST COMMUNITIES; PROVIDING CRITERIA FOR HISTORICAL TREES; PROVIDING FOR THE TREE

PRESERVATION TRUST FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (B-0504) Filed proof of publication and enacted Ordinance 1999-07, as amended, to become effective as provided by law. The following language shall be added in all appropriate places of the ordinance: "The mayor and where such position exists, the city manager or equivalent position."

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10:00 A.M. COMMISSION MEETING

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT

ACCOUNTING DIVISION

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

ACTION: (B-1611) Approved, as amended. (Note: Travel of Dick Brossard, Director, Public Works Department, to Tallahassee, March 12, 1999, is withdrawn.)

HUMAN SERVICES DEPARTMENT

BUREAU OF CHILDREN AND FAMILY SERVICES

35. A. MOTION TO APPROVE Amendment No. 1 to Agreement No. 99SB-9C- 11-16-01-003 between the State of Florida, Department of Community Affairs and Broward County, increasing the value of the agreement by \$75,273 (which includes the unanticipated revenue, County Cash Match and County In-Kind Services Match) from \$803,592 to \$878,865 for the purpose of providing additional child care and summer camp scholarships for Broward County residents at or below the national poverty guidelines, for increasing automation abilities directly related to the Community Service Block Grant (CSBG)

funded programs and one additional clerical staff position; and authorize the Chair and Clerk to execute same. All other terms and conditions of the Agreement remain unchanged.

ACTION: (B-1626) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 1999-414 in the amount of \$75,273 within the CSBG Fund for the Bureau of Children and Family Services. The County is required to provide a cash match of \$1,255 and an In-kind match of \$11,291 resulting in a total increase of \$75,275 in the CSBG grant fund, increasing the value to \$878,865 from \$803,592 for Fiscal Year 1999 programs. The County match has been allocated and approved in the Fiscal Year 1999 budget process.

ACTION: (B-1626) Approved.

C. MOTION TO APPROVE addition of one new Clerk Typist-II grant position within the CSBG Grant Fund for the Bureau of Children and Family Services for the purpose of providing additional clerical support to handle the increased processing duties associated with the increased grant funding and increased number of clients to be served as a result. Funding for this position is allocated in the unanticipated revenue from the State and has been preliminarily approved by the grantor pending Board approval. This position would be exempt from civil service and will expire upon termination of the CSBG funding.

ACTION: (B-1626) Approved.

DEPARTMENT OF STRATEGIC PLANNING

& GROWTH MANAGEMENT

TRANSPORTATION PLANNING DIVISION

36. MOTION TO ADOPT Resolution approving a revised Interlocal Agreement for Creation of the Broward County Metropolitan Planning Organization adding the Town of Davie, the City of Margate, and the Broward County School Board as voting members and changing the City of Deerfield Beach's status from voting member to alternate, and authorizing the chair and clerk to execute same.

ACTION: (B-1636) Deferred to the first commission meeting in May (May 4, 1999) for the outcome of the local annexation bill to determine population.

OFFICE OF EQUAL OPPORTUNITY

37. MOTION TO APPROVE selection and ranking of the Broward County Disparity Study Selection/Negotiation Committee.

ACTION: (B-2555) Approved.

COMMISSION AUDITOR

38. MOTION TO FILE List of candidates for the County Attorney position.

ACTION: (B-3375) Approved.

39. MOTION TO FILE Report on Internal Controls at the National Car Rental Center.

ACTION: (B-3388) Approved.

40. A. MOTION TO FILE Report on Cellular Telephones.

ACTION: (B-3574) Approved.

B. MOTION TO DIRECT County Administrator to respond to the Board at a regular Commission Meeting within 30 days in accordance with Section 1.11.1e of the Broward County Administrative Code.

ACTION: (B-3574) Approved.

COUNTY ATTORNEY

41. MOTION TO RATIFY selection of Heinrich, Gordon, Hargrove, Weihe & James, P.A., as Special Counsel to provide legal services in the matter of City of Dania Beach, Florida, et al. v. Broward County, Florida, Seventeenth Judicial Circuit Court Case No. 98-17841-13, as lead attorney.

ACTION: (B-3584) Approved.

42. MOTION TO RATIFY selection of Jackson, Lewis, Schnitzler & Krupman as Special Counsel to represent the County in the matter of John D. O'Hara v. Broward County; United States District Court Case No. 97-06744-CIV-DAVIS on behalf of Broward County.

ACTION: (B-3592) Approved.

REQUEST TO SET FOR PUBLIC HEARING

43. MOTION TO ADOPT Resolution 1999-415 directing the County Administrator to publish a notice of public hearings to be held at 2:00 p.m. on Tuesday, March 23, 1999 and Tuesday, April 13, 1999 in

Room 422 of the Governmental Center to consider the Third Amendment to Agreement of Lease between Broward County and BCCC Hotel Limited Partnership.

ACTION: (B-3599) Approved.

NON AGENDA

54. CRUISES TO NOWHERE ACT: Commissioner Gunzburger informed the Board that Representative Frank Wolf has introduced the "Cruises to Nowhere Act of 1999," banning day cruises. Commissioner Gunzburger stated that it is critical that the County Commission oppose this bill; it could significantly impact the County's revenues at the Port.

ACTION: (B-3615) The County Administrator was directed to address the issue during the Legislative Session.

55. NATIONAL CAR RENTAL ARENA: Commissioner Gunzburger relayed that while attending a Cultural Affairs Board meeting she discovered that the artist commissioned for the National Car Rental Arena has not been paid. She would like staff to research the matter.

ACTION: (B-3635) Staff was directed to research the matter.

56. ROBERT'S RULES OF ORDER: Commissioner Cowan briefly commented on Robert's Rules of Order as it relates to motions to Call the Question being in order.

ACTION: (B-3739) No Board action was necessary.

2:00 P.M. PUBLIC HEARING CONTINUED

SUPPLEMENTAL AGENDA

FROM 10:00 A.M. COMMISSION MEETING

46. DISCUSSION of Broward County Sheriff's Office Conte Facility. (Commissioner Lieberman)

ACTION: (A-0646) Deferred to the end of this day's 2:00 p.m. public hearing meeting. The County Administrator (in conjunction with Sheriff Jenne) was directed to return before the Board with a written recommendation and with the concurrence, if possible, of the Interim County Attorney, as to how to proceed with the issue.

ACTION: (B-3737) It now being the 2:00 p.m. public hearing meeting, the Board accepted the County Administrator's recommendation to terminate the contract between Broward County and Church and Tower, Inc.

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