

PUBLIC HEARING OF OCTOBER 11, 2005

(Meeting convened at 2:00 p.m. and adjourned at 4:50 p.m.)

PLEDGE OF ALLEGIANCE was led by 90-year-old Broward County resident, Beryl Jacobson.

MOMENT OF SILENCE In memory of Lawrence A. Dalrymple, Jr., son of Reverend Dr. Lawrence A, Dalrymple, Sr.

CALL TO ORDER

1. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Cliff Berry, Inc., for a one-year term, to provide vessel sanitary waste water removal services at Port Everglades, unless sooner terminated in accordance with Chapter 32 of the Broward County Administrative Code; for reasons including those enumerated factors provided in Section 32.29 of the Broward County Administrative Code and where Franchisee or an officer, director, executive, partner, shareholder, employee or agent who is active in the management of franchisee is found guilty or convicted of illegal conduct or activity (with or without an adjudication of guilt) as a result of a jury verdict, nonjury trial, entry of a plea of guilty or nolo contendere where the illegal conduct or activity (1) is considered to be a public entity crime as defined by Ch. 287, Florida Statutes, as amended, or (2) is customarily considered to be a "white collar crime" or theft related crime such as fraud, smuggling, embezzlement or misappropriation of funds, or (3) results in a felony conviction; providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on September 20, 2005 (Item 39).

ACTION: (Time-2:57 PM) Continued to October 25, 2005.

2. MOTION TO ADOPT Resolution 2005-787 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Eller & Company, Inc., for a five-year term, to provide steamship agent services at Port Everglades, providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on September 20, 2005 (Item 40).

ACTION: (Time-2:58 PM) Approved.

3. MOTION TO ADOPT Resolution 2005-788 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Florida Transportation Services, Inc., for a five-year term, to provide steamship agent services at Port Everglades, providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on September 20, 2005(Item 41).

ACTION: (Time-2:59 PM) Approved.

4. MOTION TO ADOPT Resolution 2005-789 of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Royal Caribbean Cruises, Ltd., for a five-year term, to provide steamship agent services at Port Everglades, providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on September 27, 2005 (Item 50).

ACTION: (Time-2:59 PM) Approved.

5. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, granting renewal of a non-exclusive franchise to Safety-Kleen Systems, Inc., for a five-year term, to provide vessel oily waste removal services at Port Everglades, providing for severability; providing for an effective date; and authorizing the Mayor and Clerk to execute the franchise. The Resolution setting this Public Hearing was adopted on September 27, 2005 (Item 51).

ACTION: (Time-3:00 PM) Continued to October 25, 2005.

6. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, TO BE KNOWN AS "THE BROWARD COUNTY AUTOMATED EXTERNAL DEFIBRILLATOR (AED) ACCESS PROGRAM"; PROVIDING FOR FINDINGS AND PURPOSE; PROVIDING FOR APPLICABILITY; PROVIDING THE ESTABLISHMENT OF STANDARDS FOR TRAINING, USE, AND DATA COLLECTION; PROVIDING REQUIREMENTS AND PROCEDURES FOR IMPLEMENTATION OF THE USE OF AEDS; PROVIDING FOR VIOLATIONS OF SAID ORDINANCE TO BE PROSECUTED IN THE SAME MANNER AS MISDEMEANORS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Ben Graber)

ACTION: (Time-3:00 PM) Withdrawn. (Refer to minutes for full discussion.)

7. MOTION TO CONSIDER enactment of an Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE STATE JUDICIAL SYSTEM AND TEEN COURT PROGRAMS; CREATING SECTION 10-5 OF THE CODE RELATING TO TEEN COURT PROGRAMS; INCORPORATING BY REFERENCE THE PROVISIONS OF SECTION 938.19 (TEEN COURTS), FLORIDA STATUTES (2005); PROVIDING FOR A \$2.00 ASSESSMENT AS A COURT COST IN THE CIRCUIT AND COUNTY COURT AGAINST EACH PERSON WHO PLEADS GUILTY OR NOLO CONTENDERE (NO CONTEST) TO, OR IS CONVICTED OF, A VIOLATION OF A CRIMINAL LAW OR A MUNICIPAL OR COUNTY ORDINANCE, REGARDLESS OF ADJUDICATION OF GUILTY, OR WHO PAYS A FINE OR CIVIL PENALTY FOR ANY VIOLATION OF CHAPTER 316 (THE FLORIDA UNIFORM TRAFFIC CONTROL LAW), FLORIDA STATUTES (2005), OR EACH PERSON WHOSE ADJUDICATION OF GUILTY IS WITHHELD UNDER SECTION 318.14(9) OR SECTION 318.14(10), FLORIDA STATUTES (2005); AMENDING SECTION 10-3(b)(4) OF THE CODE RELATING TO TEEN COURT PROGRAMS; PROVIDING FOR DELETION OF TEEN COURT PROGRAMS AS PROGRAMS SUPPORTED BY COURT COSTS COLLECTED UNDER SECTION 939.185(1)(A)(4), FLORIDA STATUTES (2005); PROVIDING FOR

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

(Sponsored by the Board of County Commissioners)

ACTION: (Time-3:19 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

- 8. MOTION TO HOLD a drawing to award 13 taxicab certificates, and 6 luxury sedan certificates to qualified applicants, as authorized by the Board of County Commissioners on June 14, 2005, Item No. 9, of the Public Hearing.

ACTION: (Time-3:19 PM) Approved. (Refer to minutes for full discussion.)

- 9. MOTION TO ADOPT Resolution 2005-790 of the Board of County Commissioners of Broward County, Florida, amending Chapter 37, "Fees and Other Charges," Part III, "Mass Transit," by amending Section 37.26, "Ferry Boat Fare Structure," to amend the fee schedule for the ferry boat; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

ACTION: (Time-4:37 PM) Approved the following fare increases; 1) up to \$8.75 on the all-day pass; up to \$5 on the one-way pass; up to \$12 on the three- day pass, with no other changes being made at this time to any other passes. Additionally, the Board agreed to waive the Procurement Code so the Port can negotiate for space. (Refer to minutes for full discussion.)

END OF PUBLIC HEARING

- 10. DELEGATION: Robert Bekoff request regarding Water Taxi operating subsidy, and storage at Port Everglades, Berth No. 1A.

ACTION: (Time-3:31 PM) 1) The Board directed staff to meet with Water Taxi and assist them with locating a dockage and storage location for the water taxi, whether it be on or off port property. 2) Authorize an increase of fares up to \$8.75 on the all day pass; up to \$5 on the one-way pass and up to \$12 on a three-day pass, with no other changes to any other passes. 3) Ask staff to explore Convention and Visitor's Bureau (CVB) being a partner in funding. 4) Have staff review what is anticipated in National Transportation Database (NTD) dollars based on ridership in 04 and to look at that as a funding source. 5) Add to Broward County's Federal Legislative Platform, support for the grant for 2006 and any future years a grant is applied for, for Water Taxi.

As a condition of amending the agreement, Mr. Bekoff agrees to open his books to a full audit by the County Auditor. Mr. Bekoff agrees to limits on his profit and overhead, to what is reasonably expected for a contractor; that Broward County explore naming rights on the eight Broward County owned boats, to see whether additional revenue can be collected by selling naming rights and to have staff look at the operations to possibly consider the number of boats in conjunction with Water Taxi; to see if that offsets operating costs, and to come back to this Board in two weeks with a status. (Refer to minutes for full discussion.)