

MEETING OF OCTOBER 28, 2008

(Meeting convened at 10:08 a.m.; recessed at 12:12 p.m.; reconvened at 2:54 p.m., and adjourned at 5:46 p.m.)

PLEDGE OF ALLEGIANCE was led by Broward County Commissioner Kristin D. Jacobs, District 2.

MOMENT OF SILENCE:

In memory of Ron Doerseln, a former Broward County employee for over 23 years.

In memory of Broward Judge Charles Kaplan.

In memory of James Gary Brown, a Fort Lauderdale lawyer and son of Broward County Property Appraiser Lori Parrish.

In memory of Minnette Brown, the wife of Lauderdale Lakes Mayor Samuel Brown.

In memory of David Stern, former Assistant County Attorney for Broward County.

In memory of those brave men and women who are serving in the Middle East and for those we've lost in the line of duty.

CALL TO ORDER: Mayor Wexler called the meeting to order and declared a quorum present.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Josephus Eggelletion, Jr.	9	Present
Sue Gunzburger	6	Present
Kristin D. Jacobs	2	Present
Ken Keechl	4	Present
Ilene Lieberman	1	Present
Stacy Ritter	3	Present
John E. Rodstrom, Jr.	7	Present
Diana Wasserman-Rubin	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Gunzburger, seconded by Commissioner Jacobs and unanimously carried to approve the Consent Agenda consisting of items 1 through 52. At the request of the Mayor, Regular Agenda Items 59, 62, and 63, along with Supplemental Items 72 and 74 were transferred to the Consent Agenda.



Icon indicates that the item is related to an established Commission Goal.

The following items were withdrawn/deferred: 4, 38, 51, and 66.

The following items were pulled by the Board and considered separately: 17 and 27.

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Mr. Gary Plancher to serve on the Health and Sanitary Control Board. (Commissioner Rodstrom)

ACTION: (T-10:22 AM) Approved.
- B. MOTION TO APPOINT Mr. Jack Mathison to serve on the Parks and Recreation Advisory Board. (Commissioner Rodstrom)

ACTION: (T-10:22 AM) Approved.
- C. MOTION TO APPOINT Roger Handevitd to the Unsafe Structures Minimum Housing Board for the category of real estate property manager. (Vice Mayor Ritter)

ACTION: (T-10:22 AM) Approved.
- D. MOTION TO APPOINT Christopher Del Campo to the Broward EMS Council. (Commissioner Wasserman-Rubin)

ACTION: (T-10:22 AM) Approved.

PUBLIC WORKS DEPARTMENT

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

2. MOTION TO APPROVE Agreement between Broward County and the City of Oakland Park for Right-of-Way Beautification for NW 21st Avenue, from Prospect Road to NW 33rd Court, at no cost to the County, effective upon execution; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:22 AM) Approved.
3. MOTION TO APPROVE Agreement between Broward County and the City of Coconut Creek for Right-of-Way Beautification for Lyons Road and Wiles Road, at no cost to the County, effective upon execution; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:22 AM) Approved.

REAL PROPERTY SECTION

4. **MOTION TO APPROVE** Release of Declaration of Covenants and Restrictions for Affordable Housing, pursuant to the County's transfer of an escheated property to the City of Pompano Beach, in exchange for the imposition of the Affordable Housing Declaration of Restrictive Covenants on a recently constructed townhome located at 432 NE 1st Avenue, Pompano Beach. Authorize the Mayor and Clerk to execute Release of Declaration of Covenants and Restrictions and new Declaration of Restrictive Covenants, and authorize acceptance and recordation of Documents. **(Commission District 2)**

(Commissioner Jacobs commented on this item.)

ACTION: (T-10:17 AM) Withdrawn for further staff review. (Refer to minutes for full discussion.)

5. **MOTION TO APPROVE** Tenant Estoppel Certificate, and Subordination, Non-Disturbance and Attornment Agreement, pursuant to Lease between Broward County, Tenant, and CBSA Justice Building, L.L.C., Landlord, for premises occupied by the Guardian ad Litem Program located at 524 S. Andrews Avenue, Fort Lauderdale, Florida; and authorize the Mayor and Clerk to execute same **(Commission District 7)**

ACTION: (T-10:22 AM) Approved.

WASTE AND RECYCLING SERVICES

RECYCLING AND CONTRACT ADMINISTRATION DIVISION

6. **MOTION TO APPROVE** Joint Participation Agreement Form between Broward County and various municipalities for Household Hazardous Waste Collection Events, effective upon Board execution and terminating August 5, 2010, with three optional one-year renewal periods and at no cost to the County; and authorize the Mayor and Clerk to execute same upon receipt from the respective municipalities.

ACTION: (T-10:22 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Finance and Administrative Services Department

7. MOTION TO APPROVE Fourth Amendment to the Software License Agreement between Broward County and Computronix (U.S.A), Inc., for licensed software maintenance services, Request for Letters of Interest (RLI) No. 031799-RB, to extend the Agreement from January 10, 2009 to January 10, 2010 in the estimated annual amount of \$58,860.00, with the option to renew for up to four one-year terms, with maintenance services amounts increasing by up to three % from the prior annual term, for the estimated potential total agreement amount of \$308,495.73, and an estimated potential total Agreement amount of \$1,367,141.73, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:22 AM) Approved.

8. MOTION TO AWARD open-end multiple contracts to all responsive, responsible bidders, The Butler Group of South Florida d/b/a NEXTAFF, Executrain, Storsoft Technology, COCHHBHA Enterprises, Inc., and Guillaume Group, LLC d/b/a Sunrise Staffing, all certified Small Business Enterprises, for Temporary Personnel for Microcomputer Services, Bid No. J608189B1, in the estimated annual amount of \$405,000 for the Enterprise Technology Services Division and authorize the Director of Purchasing to renew the contract for two, one-year periods, for a potential three-year estimated contract amount of \$1,215,000. The initial contract period shall start on November 8, 2008, and shall terminate one year from that date.

ACTION: (T-10:22 AM) Approved.

For Public Works Department

9. MOTION TO AWARD open-end contract to low responsive and responsible bidder, Line-Tec, Inc., for Fire Hydrant Service and Repair (Re-Bid), Bid No. M-4-08-116-B1, in the estimated annual amount of \$376,864.64, for the Water and Wastewater Operations Division; and authorize the Director of Purchasing to renew the contract for two one-year periods for a potential three-year amount of \$1,130,593.92. The initial contract period shall begin on the date of award and shall terminate one year from that date subject to the receipt and acceptance of insurance.

ACTION: (T-10:22 AM) Approved.

10. MOTION TO AWARD fixed contract to low bidder, National Roofing of South Florida, Inc. for the West Lake Park/Anne Kolb Nature Center Roof Replacement Project, Bid No. T608198CAF, for the total amount of \$473,703.93, for all items, for the Parks and Recreation Division, subject to the receipt and acceptance of insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 6)**

ACTION: (T-10:22 AM) Approved.

11. MOTION TO AWARD fixed contract to low bidder, MBR Construction, Inc. for the Vista View Park Expansion Project, Bid No. T808260CAF, in the total amount of \$6,890,000 for base bid, for the Parks and Recreation Division, subject to the receipt and acceptance of insurance/performance and payment guarantee; and authorize the Mayor and Clerk to execute same. **(Commission District 5)**

ACTION: (T-10:22 AM) Approved.

HUMAN SERVICES DEPARTMENT

12. MOTION TO APPROVE Exercise of Option contained in Business Lease between Broward County, Tenant, and LM TIC I, II, III, IV LLC, Florida limited liability companies, Landlord, successor to DIASOG Corporation, to relinquish 4,392 square feet of an 11,017 square foot leasehold interest located at 4200 NW 16th Street, Lauderhill, for and on behalf of Human Services, Broward Addiction Recovery Division, by providing 60 days prior written notice to Landlord; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:22 AM) Approved. (Scrivener's error – See County Administrator's Report:

1. **What Action Accomplishes section:**

First line reads...savings of approximately \$142,372 and it should read savings of approximately \$137,471.49.

2. **In the Summary Explanation/Background section:**

Paragraph 1, second line reads...4,329 feet and it should read 4,392 feet.

Paragraph 2, second line reads...4,329 feet and it should read 4, 392 feet.

Paragraph 2, last line reads...of \$142,372 and it should read of \$137,471.49.

3. **Fiscal Impact/Cost Summary section:**

The line reads...of \$142,372 and it should read of \$137,471.49.

COMMUNITY SERVICES DEPARTMENT

PARKS AND RECREATION DIVISION

13. A. MOTION TO APPROVE Agreement between the Children's Services Council of Broward County (CSCBC) and Broward County (County), in the amount of \$400,000 for the County's SWIM Central Program, to provide for reimbursements to contracting agencies for water safety education and instruction for children countywide, from October 1, 2008, to September 30, 2009; and authorize the Mayor and Clerk to execute same (Requires a \$600,000 County cash match of which \$200,000 has already been provided to the County by the School Board of Broward County Florida).

ACTION: (T-10:22 AM) Approved.

- B. MOTION TO ADOPT unanticipated revenue Resolution 2008-758 in the General Fund for the Parks and Recreation Division in the amount of \$400,000 for the benefit of the County's SWIM Central Program.

ACTION: (T-10:22 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

14. MOTION TO ADOPT unanticipated revenue Resolution 2008-759 within the Law Enforcement Trust Fund in the amount of \$117,432 to provide funding to purchase 233 air cards for the Pompano Beach District personnel laptops.

ACTION: (T-10:22 AM) Approved.

15. MOTION TO ADOPT unanticipated revenue Resolution 2008-760 within the Law Enforcement Trust Fund in the amount of \$140,000 to provide funding for the purchase of Automatic Locking System (ALS) duty holsters for all deputy sheriffs and weapons-qualified detention deputies.

ACTION: (T-10:22 AM) Approved.

PORT EVERGLADES DEPARTMENT

16. MOTION TO APPROVE Agreement for the Termination of the Business Lease between Broward County and Exclusive Millwork, Inc., for premises consisting of approximately 2,511 square feet of office space, located at 3200 S.E. 14th Avenue, Dania Beach; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:22 AM) Approved.

TRANSPORTATION DEPARTMENT

17. MOTION TO ADOPT Resolution 2008-761 of the Board of County Commissioners of Broward County, Florida approving the Broward County Fiscal Year 2009-2018 Transit Development Plan (TDP); and providing for an effective date.

(This item was pulled by Commissioner Jacobs and Eggelletion.)

ACTION: (T-10:22 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

18. A. MOTION TO APPROVE First Amendment to Agreement between Broward County and CVE Master Management, Inc. (CVE) for Bus Transportation Services to and from Century Village at Deerfield Beach; to extend the expiration date of the agreement from December 31, 2008 to January 10, 2009; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:22 AM) Approved.

- B. MOTION TO APPROVE Second Amendment to Agreement between Broward County and Pines Master Management, Inc. (PINES) for Bus Transportation Services to and from Century Village at Pembroke Pines; to extend the expiration date of the agreement from December 31, 2008 to January 10, 2009; and authorize the Mayor and Clerk to execute same.
(Commission Districts 2 and 6)

ACTION: (T-10:22 AM) Approved.

COUNTY ADMINISTRATION

19. MOTION TO APPROVE payment of \$7,750 to OneBroward Network Initiative to fund the County's proportionate share of \$62,000 of the development of an RFP and management of the RFP process.

ACTION: (T-10:22 AM) Approved.

COUNTY COMMISSION

20. MOTION TO FILE Resolution No. 2008-115 adopted by the City Commission of the City of Coconut Creek, Florida, urging the 2009 Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of state funding; providing for conflicts; providing for severability; providing for an effective date. (Mayor Wexler)

ACTION: (T-10:22 AM) Approved.

21. MOTION TO FILE Resolution No. 2008-129 adopted by the City Commission of the City of Weston, Florida, urging the Legislature of the State of Florida to fully fund and sustain Broward County's Traffic Magistrate Citation Program; providing for conflict; providing for severability; providing for an effective date. (Mayor Wexler)

ACTION: (T-10:22 AM) Approved.

22. MOTION TO FILE Resolution No. 08-10-5377 adopted by the City Commission of the City of North Lauderdale, Florida urging the 2009 Florida Legislature to equalize funding based on population to provide each region of Florida, including South Florida, its fair share of state funding; providing for severability; providing for an effective date. (Mayor Wexler)

ACTION: (T-10:22 AM) Approved.

23. MOTION TO FILE Resolution No. 08-10-5376 adopted by the City Commission of the City of North Lauderdale, Florida, urging the Legislature of the State of Florida to fully fund and sustain Broward County Court System in general and to specifically provide sufficient funding to sustain Broward County's Traffic Magistrate Citation Program; directing the City Clerk to transmit a copy of this Resolution to the Governor of the State of Florida, the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Broward League of Cities, and the Florida League of Cities; providing for conflict; providing for severability; providing for an effective date. (Mayor Wexler)

ACTION: (T-10:22 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

24. MOTION TO ADOPT Resolution 2008-762 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, December 9, 2008, at 2:00 P.M., in Room 422 of the Governmental Center, to vacate a 6-foot wide platted utility easement, lying within, over and across Lots 8 through 11, Block 7, Melrose Park Section 8 Plat, located east of State Road 7 and SW 2nd Court, in the City of Plantation; at no cost to the County. Petitioners: P.C. Plantation, LLLP. (Altman Development Corporation, Agent) (2008-V-16) **(Commission District 9)**

ACTION: (T-10:22 AM) Approved.

25. MOTION TO ADOPT Resolution 2008-763 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, December 9, 2008 at 2:00 P.M. in Room 422 of the Governmental Center, to vacate a platted, 50-foot wide access easement, and a deeded 25-foot wide ingress/egress easement, lying within, over and across, Parcel A, Haas Addition Plat, located on the west side of SW 12th Avenue, south of SW 3rd Street, City of Pompano Beach; at no cost to the County. Petitioner: Linktech II, LLC (DeRose Design Consultants, Agent) (2008-V-17) **(Commission District 9)**

ACTION: (T-10:22 AM) Approved.

26. MOTION TO DIRECT County Administrator to publish notice of a public hearing to be held Thursday, November 13, 2008, at 2:00 P.M. in Room 422 of the Governmental Center to consider the renewal of Nonemergency Medical Transportation Service (NEMTS) licenses to Allied Medical Transportation, Inc., Classic Non-Emergency Transportation, Inc., ED Transportation, Inc., Medex Transport, Inc., Support Management, Inc., and Ultimate Transportation, Inc.

ACTION: (T-10:22 AM) Approved.

27. MOTION TO ADOPT Resolution 2008-764 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application to renew the non-exclusive franchise of Port Consolidated, Inc. to provide vessel bunkering services for a five-year term at Port Everglades.

(This item was pulled by Commissioners Keechl and Lieberman.)

ACTION: (T-11:00 AM) Approved. The Board bifurcated the motion to adopt the Resolution to an A. and B., with "A." being approval to notice the renewal of the non-exclusive franchise to be held on November 13, 2008 at 2:00 p.m. and to have as a part "B." a discussion to be held during that public hearing on whether or not the special franchise conditions will be removed. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

28. MOTION TO ADOPT Resolution 2008-765 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application to renew the non-exclusive franchise of Transmontaigne Product Services, Inc., to provide vessel bunkering services for a five-year term at Port Everglades.

ACTION: (T-10:22 AM) Approved. (Scrivener's error – See County Administrator's Report: The company's name Transmontaigne Product Services, Inc., is misspelled throughout Agenda Report, Exhibit 2 and Exhibit 3. The correct spelling should read TransMontaigne Product Services, Inc.

29. MOTION TO ADOPT Resolution 2008-766 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M.. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application to renew the non-exclusive franchise of Tropic Oil Company, to provide vessel bunkering services for a five-year term at Port Everglades.

ACTION: (T-10:22 AM) Approved.

30. MOTION TO ADOPT Resolution 2008-767 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application from American Guard Services, Inc., to provide marine terminal security services at Port Everglades.

ACTION: (T-10:22 AM) Approved.

31. MOTION TO ADOPT Resolution 2008-768 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application from Maxi Security and Investigation, Inc., to provide marine terminal security services at Port Everglades.

ACTION: (T-10:22 AM) Approved.

32. MOTION TO ADOPT Resolution 2008-769 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 P.M. in the County Commissioners' Meeting Room (Room 422), Governmental Center, to consider an application from McRoberts Protective Agency, Inc., to provide marine terminal security services at Port Everglades.

ACTION: (T-10:22 AM) Approved.

33. MOTION TO ADOPT Resolution 2008-770 directing the County Administrator to publish Notice of a Public Hearing to be held on Thursday, November 13, 2008 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 BROWARD COUNTY, FLORIDA,
ADOPTING AN AMENDMENT TO THE BROWARD COUNTY
COMPREHENSIVE PLAN BY AMENDING THE CAPITAL
IMPROVEMENT ELEMENT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:22 AM) Approved. (Scrivener's error – See County Administrator's Report: Environmental Protection and Growth Management Department removed the capital improvements element tables (beginning at Page 14-2 through Page 14-145 of Exhibit 3) from this agenda report because they did not incorporate the most recent five year capital improvements program approved by the County Commission with the FY 2008/2009 budget. Staff is revising the tables to incorporate this information. The revised tables will be distributed with the public hearing agenda item to be heard November 13, 2008.

34. MOTION TO ADOPT Resolution 2008-771 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, November 13, 2008, 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, PERTAINING TO FIRE PREVENTION AND PROTECTION; AMENDING VARIOUS SECTIONS OF CHAPTER 12, "FIRE PREVENTION AND PROTECTION", ARTICLE II, "EXPLOSIVES", OF THE BROWARD COUNTY CODE OF ORDINANCES, PROVIDING FOR CONSISTENCY WITH STATE REGULATIONS, UPDATING DIVISION NAMES, AND ADDING PROVISIONS REGARDING DEMOLITION IMPLOSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:22 AM) Approved.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

35. MOTION TO APPROVE agreement between Broward County and the City of West Park disbursing up to \$4,808 from the Tree Preservation Trust Fund; and authorizing the Mayor and Clerk to execute same. **(Commission District 8)**

ACTION: (T-10:22 AM) Approved.

36. MOTION TO ACKNOWLEDGE use of the South Dade/Everglades Mitigation Bank by Poinciana Homes of Broward Inc. as a site for compensatory mitigation for wetland impacts for the construction of a residential development in the City of Miramar. **(Commission District 8)**

ACTION: (T-10:22 AM) Approved.

37. MOTION TO APPROVE Quit Claim deed between Broward County and FLR Company, LLC, for a wetland mitigation area comprising 2.21 acres of real property located east of SW 82nd Avenue and south of Griffin Road in the Town of Davie to correct an improperly transferred title by the County; and authorizing the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:22 AM) Approved.

ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION

38. MOTION TO APPROVE Settlement Agreement in the estimated amount of \$93,850 between Broward County and Savannah Landings FL., L.L.C. for tree removal violations of Chapter 27 of the Broward County Code of Ordinances in the City of North Lauderdale; and authorize the Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:11 AM) Withdrawn for further staff review.

39. MOTION TO APPROVE Settlement Agreement in the estimated amount of \$128,621 between Broward County and Lennar Homes, LLC for wetland violations of Chapter 27 of the Broward County Code of Ordinances in the City of Coconut Creek; and authorize the Mayor and Clerk to execute same. **(Commission District 2)**

ACTION: (T-10:22 AM) Approved.

HOUSING FINANCE AND COMMUNITY DEVELOPMENT DIVISION

40. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Coral Springs for Preparation, Implementation and Administration of the U. S. Department of Housing and Urban Development (HUD) funded Community Development Block Grant (CDBG) for Program Years 2009, 2010 and 2011 for the City of Coral Springs; and authorize the Mayor and Clerk to execute the same. **(Commission Districts 1 and 3)**

ACTION: (T-10:22 AM) Approved.

41. MOTION TO ADOPT Resolution 2008-772 of the Board of County Commissioners of Broward County, Florida, authorizing the issuance by the Housing Finance Authority of Broward County, Florida (the "HFA") of not to exceed \$97,750,000 of its Multifamily Housing Revenue Bonds for various projects specified herein; authorizing the execution of a request for bond allocation on behalf of the HFA 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, construction and/or rehabilitation 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 by the parties specified herein; approving the public hearings held in respect of such issuances; and providing an effective date; and authorize the Mayor and Clerk to execute the same. **(Commission Districts 1, 4, 5 and 9)**

ACTION: (T-10:22 AM) Approved.

42. MOTION TO APPROVE Ninth Amendment to the Cooperation Agreement between Broward County and the Broward County Housing Authority (Authority) dated November 10, 1970, to waive the requirement for Payment In Lieu of Taxes (PILOT) for the Fiscal Years ending September 30, 2009, September 30, 2010 and September 30, 2011; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:22 AM) Approved.

NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION

43. MOTION TO APPROVE Amendment No. 1 to Florida Department of Environmental Protection (FDEP) Agreement No. 07BO4 for cost-sharing of the Broward County Segment III Beach Nourishment Project, providing for the addition of \$299,658 in State of Florida Fiscal Year 2008-2009 Legislative appropriations for ongoing monitoring of the project; adjusting the estimated federal and local shares of project costs accordingly; extending the Agreement's expiration date from June 30, 2010 to June 30, 2012; and authorizing the Mayor and Clerk to execute same. **(Commission Districts 4 and 6)**

ACTION: (T-10:22 AM) Approved.

44. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Deerfield Beach related to Sharing in the Non-Federal Costs of Preparation of a General Reevaluation Report and Environmental Impact Statement by the US Army Corps of Engineers at a maximum County cost of \$250,000 over the estimated three-year life of the study; and authorize the Mayor and Clerk to execute same. **(Commission District 4)**

ACTION: (T-10:22 AM) Approved.

POLLUTION PREVENTION, REMEDIATION & AIR QUALITY DIVISION

45. MOTION TO APPROVE retroactively, Florida Department of Environmental Protection (FDEP) Agreement S0405, between FDEP and the Broward County Board of County Commissioners, to provide funding for the ambient air monitoring program in the amount of \$152,854 from July 1, 2008 to June 30, 2009; and authorize the Mayor and Clerk to execute the same.

ACTION: (T-10:22 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT
DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

46. **DISCUSSION:** of plat entitled "Endicott Plat" (005-MP-08). **(Commission District 4)**

ACTION: (T-10:22 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

47. **DISCUSSION:** of plat entitled "Giacobbe Plat" (019-MP-08). **(Commission District 4)**

ACTION: (T-10:22 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

48. **DISCUSSION:** of plat entitled "Twice Blessed" (031-MP-08). **(Commission District 4)**

ACTION: (T-10:22 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

49. **DISCUSSION:** of plat entitled "Lincoln Park / Elementary School 'C' Plat" (024-MP-08). **(Commission District 6)**

ACTION: (T-10:22 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

50. **DELEGATION:** James Goggins regarding request to amend the note on the Miramar Park of Commerce Phase V Plat (050-MP-99). **(Commission District 8)**

ACTION: (T-10:22 AM) Approved, subject to staff's recommendations.

51. **DELEGATION:** Michael D. Rose regarding request to amend the non-vehicular access line on the Central Park of Commerce Plat (052-MP-83). **(Commission District 2)**

ACTION: (T-10:11 AM) Deferred to November 13, 2008, at the applicant's request.

52. **DELEGATION:** Craig Bencz regarding request to revise the non-vehicular access line on the Deerfield Station TOD Plat (008-MP-07). **(Commission District 2)**

ACTION: (T-10:22 AM) Approved, subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

PORT EVERGLADES DEPARTMENT

- 53. MOTION TO APPROVE First Amendment to the Passenger Cruise Terminal and Berth User Agreement between Broward County and Royal Caribbean Cruises Ltd. (RCL) for multi-day cruise services at Port Everglades and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:09 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

- 54. MOTION TO ADOPT unanticipated revenue Resolution 2008-773 within the Port Everglades Capital Fund for Port Everglades capital project cruise Terminal 18 in the amount of \$62,000,000 from anticipated revenue bond proceeds.

ACTION: (T-11:10 AM) Approved.

VOTE: 9 – 0.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Public Works Department

- 55. MOTION TO APPROVE Second Amendment to the Agreement between Broward County and Bermello, Ajamil & Partners, Inc., Request for Letters of Interest (RLI) No. 20050927-CPD-1, to provide Professional General Architectural Consulting Services for a specific task identified in the Fiscal Year 2009 Budget, in the not-to-exceed amount of \$1,173,000.00, increasing the total Agreement amount from \$3,841,757.89 to \$5,014,757.89, and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:10 AM) Approved.

VOTE: 9 – 0.

56. MOTION TO APPROVE Agreement between Broward County and Hewett-Kier Construction, Inc., for Construction Manager @ Risk Services for the completion of Phase II of the Cruise Terminal No. 18 Baggage Expansion Project for the Public Works Department, Request for Letters of Interest (RLI) No. 20070525-0-CPD-01, for a guaranteed maximum price of \$55,351,495, and authorize the Mayor and Clerk to execute same (Project No. 654910).

ACTION: (T-11:10 AM) Approved. (Refer to minutes for full discussion.)

For County Administration

57. A. MOTION TO ADOPT budget Resolution 2008-774 transferring \$16,945,625 within the General Capital Outlay Fund to consolidate the funding for the Supervisor of Elections project into one project account.

ACTION: (T-11:10 AM) Approved. The Board directed staff to prepare a response to the media outlining the Board's decision. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

- B. MOTION TO APPROVE Agreement between Broward County and Broward Barron, Inc. to provide a build to suit facility to house the operations of the Supervisor of Elections, Request for Letters of Interest (RLI) No. 20061027-0-CA-1, for a total cost of \$22,800,000 due at closing, effective from the date of execution; and authorize the Mayor and Clerk to execute the same.

ACTION: (T-11:10 AM) Approved. The Board directed staff to prepare a response to the media outlining the Board's decision. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

For Finance and Administrative Services Department

58. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Agent/Broker for Insurance Services for the Risk Management Division, and approve Request for Letters of Interest (RLI) No. 20080620-0-RM-1. (Deferred from October 14, 2008 – Item No. 42)

ACTION: (T-11:35 AM) Approved. The Board approved the following to serve on the Selection Committee (S/C): Mayor Wexler, Vice Mayor Ritter, Commissioners Gunzburger, Keechl, Lieberman, and Rodstrom; CFO/Director, Finance and Administration Services Department (Chair); Director, Business Division, Aviation Department; Assistant Director, Public Works Department, plus administrative support staff from the offices of the County Attorney, County Auditor, Equal Opportunity, Purchasing Division, and Risk Management Division. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

59. A. MOTION TO APPROVE increase of the threshold amount of the Telephone System Master Agreement No. A0TL001 with BellSouth Communications Systems, L.L.C. for Maintenance, Service Support, and Equipment, Request for Letters of Interest (RLI) No. 060597-RB in the estimated amount of \$1,300,000; increasing the estimated agreement amount from \$2,519,635 to \$3,819,635 in order to expedite a TSA-funded Airport Security project for the Aviation Department.

ACTION: (T-10:22 AM) Approved. (Transferred to the Consent Agenda.)

- B. MOTION TO APPROVE Fourth Amendment to the Telephone Master Maintenance Agreement between Broward County and BellSouth Communication Systems, L.L.C., for maintenance, service, support, and equipment of all Telecommunication Systems and Subsystems, for Request for Letters of Interest (RLI) No. 060597-RB for Broward County, in the estimated amount of \$1,068,000 increasing the agreement amount from \$3,819,635 to \$4,887,635; (which includes the \$1,300,000 from Motion A) and extending the end of the agreement from November 30, 2008 to November 30, 2009 to allow for time for a competitive procurement for maintenance, service, support, and equipment of all Telecommunication Systems and Subsystems, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:22 AM) Approved. (Transferred to the Consent Agenda.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

60. MOTION TO ADOPT recommended cap on consequential damages of no less than 100% of contract cost for certain Airport construction projects subject to Board approval on each project.

ACTION: (T-12:10 PM) No Board action taken. (Refer to minutes for full discussion.)

PUBLIC WORKS DEPARTMENT

TRAFFIC ENGINEERING DIVISION

61. MOTION TO DISCUSS issuance of a Revocable License Agreement, between Broward County and the City of Pembroke Pines, to allow for the installation of signs by the City in the County's right-of-ways, within the City's limits, and an approval letter from Broward County Traffic Engineering, for installation of signs by the City in the City's rights-of-way pursuant to the Inter-Local Agreement for Traffic Engineering Services with the City, to notify motorists of the City's use of traffic infraction cameras to identify "red light runners" for the purpose of issuing citations for code violations. **(Commission Districts 5, 6, and 8)**

ACTION: (T-2:55 PM) The Board requested that an indemnity clause be put in place for the Revocable License Agreement as it relates to the language of signs, and placement of signs, as well as a reserved right in the Agreement that addresses potential future changes in language. (Refer to minutes for full discussion.)

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

62. MOTION TO APPROVE Agreements with the Capitol Hill Group, LLP, (Tony Carvalho) and four lobbying firms recommended by the Selection Committee for State Legislative and Executive Branch Lobbyist Services, and authorizing the County Administrator to execute same.

ACTION: (T-10:22 AM) Approved. (Transferred to the Consent Agenda.)

GREATER FORT LAUDERDALE CONVENTION AND VISITORS BUREAU

63. MOTION TO ADOPT Resolution 2008-775 of the Board of County Commissioners of Broward County, Florida, approving and authorizing "Plan•It Green; waiving Section 18.63a. of the Broward County Administrative Code; providing for the Greater Fort Lauderdale Convention and Visitors Bureau to furnish the County Administrator with an annual report and update to submit to the Board reflecting the annual donations and contributions; providing for severability; and providing for an effective date.

ACTION: (T-10:16 AM) Approved, including the recommendations made by the County Auditor, as cited in his memorandum dated October 28, 2008. (Transferred to the Consent Agenda.) (Refer to minutes for full discussion.)

TRANSPORTATION DEPARTMENT

64. A. MOTION TO ADOPT additional funding of \$218,348 from Commission Reserves to increase the County's contribution to the SFRTA for Tri-Rail Fiscal Year 2008 – 2009 commuter train operations from the \$3,916,950 appropriated in the County's Fiscal Year 2009 Budget to \$4,135,298 consistent and contingent upon operating contributions to SFRTA from Palm Beach and Miami-Dade Counties in the same amount.

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

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

- B. MOTION TO APPROVE additional funding of \$312,242 from Commission Reserves and Aviation for SFRTA Tri-Rail feeder bus service for Fiscal Year 2009.

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

VOTE: 6-2. Commissioners Gunzburger and Keechl voted no. Commissioner Rodstrom was out of the room during the vote.

- C. MOTION TO ADOPT Budget Resolution 2008-776 within the General Fund in the amount of \$374,469 to transfer from the Commission Reserve to the Transit Operating Fund for costs of SFRTA Tri-Rail feeder bus service (\$156,121), and commuter train operations (\$218,348) for Fiscal Year 2009 (SFRTA Fiscal Year July 1, 2008 to June 30, 2009).

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

VOTE: 6-2. Commissioners Gunzburger and Keechl voted no. Commissioner Rodstrom was out of the room during the vote.

- D. MOTION TO ADOPT Budget Resolution 2008-777 within the Aviation Operating Fund in the amount of \$156,121 to transfer funds to the Transit Operating Fund for SFRTA Tri-Rail feeder bus service dedicated to servicing the Fort Lauderdale/Hollywood International Airport.

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

VOTE: 6-2. Commissioners Gunzburger and Keechl voted no. Commissioner Rodstrom was out of the room during the vote.

- E. MOTION TO APPROVE unanticipated revenue Resolution 2008-778 within the Transit Operating Fund in the amount of \$530,590 (\$374,469 from Commission Reserves in General Fund and \$156,121 from Aviation Operating Fund) to fund Tri-Rail feeder bus service, and Tri-Rail commuter train operations.

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

VOTE: 6-2. Commissioners Gunzburger and Keechl voted no. Commissioner Rodstrom was out of the room during the vote.

ACTION: (T-3:19 PM) The Board directed staff to insert a Section F and requested the SFRTA look at other methods of providing for fares on their feeder buses until they get fare boxes installed, and for staff to work with the cities on developing an equal fare-based solution for all bus ridership including community buses and feeder buses, and bring a report back to the Board as soon as possible. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Rodstrom was out of the room during the vote.

65. MOTION TO NOTE FOR THE RECORD outcome of staff re-examination of fixed route bus truncations, route eliminations, and community bus service.

ACTION: (T-4:07 PM) The Board approved continuing the two routes in Coconut Creek and Davie until additional information is provided to the Board at the Tuesday, November 13, 2008, Commission Meeting. The Board directed staff to include data as to which neighborhoods have no bus service availability as a result of the community bus cuts and eliminated bus routes. (Refer to minutes for full discussion.)

COUNTY ADMINISTRATION

66. MOTION TO APPROVE payment of certain pre-development costs incurred by Faulkner USA in connection with the proposed Convention Center Hilton Hotel Project in the amount of \$1,149,760.

ACTION: (T-10:22 AM) Deferred at the request of the Mayor pending Faulkner USA providing more specificity and documentation of hours performed specifically by Faulkner USA's employees on the Broward Convention Center Hotel Project.

The Mayor also requests if any other Commissioners have additional requests relating to the invoices contained in the agenda item to notify County Administration by the close of business on Thursday, October 30, 2008, for the additional request for data to be made.

COUNTY COMMISSION

67. MOTION TO DISCUSS request of the Broward County Emergency Coordinating Council (ECC) for certain amendments to Chapter 8, Civil Defense and Emergencies, Article III, Intergovernmental Emergency Coordinating Council, Broward County Code of Ordinances. (Mayor Wexler)

ACTION: (T-5:05 PM) The Board approved inclusion to the primary membership of the American Red Cross, both hospitals districts, Florida Power & Light, BellSouth, South Florida Water Management, and Florida Department of Transportation. (Refer to minutes for full discussion.) (Scrivener's error – See County Administrator's Report: In the Summary Explanation/Background section, the correct spelling of the ECC Chairperson's name is Jeff Maslan.

VOTE: 7-0. Commissioners Jacobs and Wasserman-Rubin were out of the room during the vote.

68. MOTION TO EVALUATE the County Attorney and establish salary for Fiscal Year 2009, effective October 1, 2008. (Mayor Wexler)

ACTION: (T-10:20 AM) Deferred until a yet to be determined date. (Refer to minutes for full discussion.)

69. MOTION TO EVALUATE the County Auditor and establish salary for Fiscal Year 2009, effective October 1, 2008. (Mayor Wexler)

ACTION: (T-10:20 AM) Deferred until a yet to be determined date. (Refer to minutes for full discussion.)

70.

COUNTY ADMINISTRATOR'S REPORT

A. **ELECTION UPDATE**

ACTION: (T-5:16 PM) County Administrator Bertha Henry referenced the yellow-sheeted back up, and pointed out the financial impacts of the current unprecedented election. Ms. Henry will bring information back to the Board when all expenses have been accumulated. (Refer to minutes for full discussion.)

B. **CHILDREN'S SERVICES COUNCIL**

ACTION: (T-5:17 PM) County Administrator Bertha Henry announced that applications are continuing to be accepted for the Children's Services Council. The deadline for submitting applications is Thursday, November 6, 2008. Applications can be obtained online at www.broward.org through the Human Services Department. (Refer to minutes for full discussion.)

71.

MAYOR'S REPORT

A. **HOSE UNCOUPLING**

ACTION: (T-5:17 PM) Mayor Wexler announced the upcoming hose uncoupling on Thursday, October 30, 2008, in Weston, Florida, at Mile Marker 34, in the Conservation Area. (Refer to minutes for full discussion.)

B. **EMERGENCY ORDER BY GOVERNOR CRIST EXPANDING VOTING HOURS**

ACTION: (T-5:19 PM) Mayor Wexler referenced an email that the Board received regarding Governor Crist signing an emergency order expanding hours of voting (12 hours per day) between today and Sunday, November 2, 2008. Supervisor of Elections Dr. Brenda Snipes will most likely begin extended hours of voting starting today from 10:00 a.m. to 7:00 p.m., with weekend hours consisting of 10:00 a.m. to 4:00 p.m. (Refer to minutes for full discussion.)

SUPPLEMENTAL AGENDA

COUNTY ATTORNEY

72. **MOTION TO ADOPT** Resolution 2008-779 directing the County Administrator to publish Notice of Public Hearing to be held on Thursday, November 13, 2008, at 2:00 P.M. in Room 422 of the Governmental Center to consider adoption of a proposed Resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CREATION OF THE ANIMAL CARE ADVISORY COMMITTEE; AMENDING CHAPTER 12 OF THE BROWARD COUNTY ADMINISTRATIVE CODE RELATING TO ORGANIZATIONS, COUNCILS, BOARDS, AND COMMITTEES; CREATING THE BROWARD COUNTY ANIMAL CARE ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP AND APPOINTMENT; PROVIDING FOR TERM OF APPOINTMENT; PROVIDING FOR OFFICERS; AUTHORIZING THE ADOPTION OF RULES OF PROCEDURES; ESTABLISHING THE FUNCTION, POWERS, AND DUTIES OF THE COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-10:22 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY COMMISSION

73. **MOTION TO ADOPT** Resolution 3008-780 directing the County Administrator to publish a Notice of Public Hearing to be held November 13, 2008 at 2:00 p.m. in the County Commissioners' Meeting Room (Room 422), 115 South Andrews Avenue, Governmental Center, to consider an application from Metro Cruise Services, LLC, for a non-exclusive, non-restricted franchise to provide stevedore services for a one-year term at Port Everglades. (Vice Mayor Ritter)

ACTION: (T-5:14 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Wasserman-Rubin was out of the room during the vote.

74. MOTION TO AFFIRM that the use of the “Old Tyrone Bryant Library” for civic, cultural and educational purposes would not be inconsistent with the deed restriction included in the transfer of Osswald Park to the City of Fort Lauderdale. (Commissioner Eggelletion)

ACTION: (T-10:22 AM) Approved. (Transferred to the Consent Agenda.)

NON-AGENDA

75. SELECTION COMMITTEE- COMMISSIONER KEECHL

ACTION: (T-5:22 PM) Commissioner Keechl requested serving on the Selection Committee, RLI Number 20070924-7-CM-1. (Refer to minutes for full discussion.)

76. UNITED RESEARCH SERVICES (URS)- COMMISSIONER KEECHL

ACTION: (T-5:22 PM) Commissioner Keechl referenced emails that have been received as it relates to URS. Commissioner Keechl stated that Director of Aviation Kent George is doing a wonderful job. (Refer to minutes for full discussion.)

77. STATE LEGISLATIVE PROPOSAL- COMMISSIONER GUNZBURGER

ACTION: (T-5:23 PM) Commissioner Gunzburger pointed out that condominium associations are bearing the burden of foreclosures, and encouraged legislation be passed that when units go into foreclosure that banks pick up their share of responsibility in terms of maintenance fees. Commission Gunzburger asked Mayor Wexler to bring the State Legislative Proposal to the League of Cities. (Refer to minutes for full discussion.)

78. SWIM CENTRAL- COMMISSIONER GUNZBURGER

ACTION: (T-5:25 PM) Commissioner Gunzburger asked Commissioner Lieberman to have staff contact Nova as it relates to Swim Central, as Nova will have a swimming pool at their primary school. (Refer to minutes for full discussion.)

79. FORECLOSURES – COMMISSIONERS LIEBERMAN, RODSTROM,

ACTION: (T-5:27 PM) Commissioner Lieberman and Rodstrom referenced potential upcoming foreclosures, as well as commercial properties, and stated that any future expenditure should be closely scrutinized. (Refer to minutes for full discussion.)

80. CONSTITUTIONAL OFFICERS' BUDGET – VICE MAYOR RITTER

ACTION: (T-5:31 PM) Vice Mayor Ritter encouraged more control over Constitutional Officers' budgets, and in addition asked staff to look into Constitutional Officers' budgets for potential savings. (Refer to minutes for full discussion.)

81. PARK ENTRANCE FEES FOR HORSES FOR THE HANDICAPPED COMMISSIONER LIEBERMAN

ACTION: (T-5:37 PM) Commissioner Lieberman asked County Administrator Bertha Henry to look into utilization numbers as it relates to how many people are impacted by park entrance fees for the Horses for the Handicapped events, as well as asked the County Administrator to look into potential ADA implications. (Refer to minutes for full discussion.)

82. VOTING LINES – COMMISSIONER JACOBS

ACTION: (T-5:39 PM) Commissioner Jacobs asked the County Administrator to help accommodate people in voting lines at County facilities where there is no relief as to shade or sitting areas. (Refer to minutes for full discussion.)

83. REIMBURSEMENT FOR MONIES IN CRIME LABS- COMMISSIONER EGGELLETON

ACTION: (T-5:43 PM) Commissioner Eggelletion asked County Auditor Evan Lukic to examine legitimacy as to reimbursement for monies in crime labs. (Refer to minutes for full discussion.)

84. GANG WARFARE – COMMISSIONERS EGGELLETON AND JACOBS

ACTION: (T-5:44 PM) Commissioner Eggelletion referenced complaints of gang warfare in Commissioner Jacobs District. Commissioner Eggelletion asked County Administrator Bertha. Henry to provide information to the Board as to gang warfare. Commissioner Jacobs will follow up as to gang warfare concerns. (Refer to minutes for full discussion.)

85. VOTING- COMMISSIONER EGGELLETON

ACTION: (T-5:46 PM) Commissioner Eggelletion noted the younger persons in the community voting. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

**SELECTION COMMITTEE
ARCHITECTURAL/ENGINEERING CONSULTING SERVICES
FOR PARKS AND RECREATION**

RLI No. 20041109-0-PA-01

Tuesday, October 28th, in Room 430 at 9:00 AM

**EVALUATION COMMITTEE
COMPREHENSIVE OPERATIONAL ANALYSIS**

RLI No. 20070515-0-MT-1

Tuesday, October 28th, in Room 430 at 9:30 AM

COMMISSION PRE-TRIAL ORDINANCE WORKSHOP

Tuesday, October 28th, in Room 430 at 12:00 PM