

February 14, 1995  
Meeting 10 AM

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Meeting of

February 14, 1995

A meeting of the Board of County Commissioners of Broward County, Florida was held in Room 422 of the Governmental Center, Fort Lauderdale, Florida, at 10 a.m., Tuesday, February 14, 1995, with the following members present: Commissioners Suzanne N. Gunzburger, Chair; John E. Rodstrom Jr., Vice Chair; Scott I. Cowan, John P. Hart, Lori N. Parrish, Sylvia Poitier, and Gerald F. Thompson. Also present were County Administrator B. Jack Osterholt; County Attorney John J. Copelan Jr.; Commission Auditor Norman Thabit; and Deputy Josephine A. Bieber.

PLEDGE OF ALLEGIANCE was led by Commissioner Cowan.

EMPLOYEE SUGGESTION PROGRAM GRAND AWARD PRESENTATION (50)

County Administrator B. Jack Osterholt presented the following Certificates of Appreciation: For **Most Active Division**, Samuel Morrison, Director, Libraries Division, Community Services Department; 12% of the employee suggestions FY94 were received from the Libraries Division. **Most Active Department**, John Touchstone, Public Works Department; 32% of the employee suggestions FY94 were received from the Public Works Department.

In addition, Mr. Osterholt announced the finalists for the Employee Suggestion Program Grand Award, and presented Certificates of Appreciation to: **Andy Berkowitz**, Fire Rescue Division, for in-house maintenance repair of self-contained breathing apparatus equipment; **Raymond Molt**, Mass Transit Division, for replacing wheelchair lift cover plates with aluminum plates fabricated in-house; and **Glenn Reyes**, Office of Environmental Services, for recycling abandoned elevated water tanks.

Mr. Osterholt announced that **Glenn Reyes** was the recipient of the Employee Suggestion Program Grand Award FY94, receiving an award of \$3,000.

All recipients of Certificates of Appreciation thanked the Board. Mr. Reyes thanked the Board with appreciation and stated that he would like to see the Employee Suggestion Program continue.

PROCLAMATION - MAY 14 THRU MAY 20, 1995 - ASSOCIATION FOR RESEARCH IN VISION AND OPHTHALMOLOGY (ARVO) WEEK (51)

The Chair read into the record a proclamation designating the week of May 14 through May 20, 1995, as ASSOCIATION FOR RESEARCH IN VISION AND OPHTHALMOLOGY (ARVO) WEEK in Broward County. The Board wished to acknowledge ARVO's great contribution to the health and well-being of mankind.

Christopher Paterson, Ph.d., D.Sc., accepted the proclamation with appreciation and thanked the Board.

PRESENTATION TO THE BOARD OF COUNTY COMMISSIONERS (52)

Kerry James, Supervisor of Donations for Broward County, Community Blood Centers of South Florida, presented a plaque to the Board for the Board's support during the blood drive. Additionally, Ms. James stated that the Governmental Center has been nominated for the Special Public Service Award for its contribution to the Blood Center during the year. The awards ceremony will take place, Wednesday, March 15, 1995. Ms. James acknowledged Dick Cummings and Tony DeMatteo, Purchasing Division, as the individuals who organized the blood drive.

The Chair, on behalf of the Board of County Commissioners, accepted the plaque with appreciation and thanked Ms. James.

County Administrator B. Jack Osterholt thanked Mr. Cummings and Mr. DeMatteo for their time and efforts organizing the blood drive.

PUBLIC WORKS DEPARTMENT - OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - AGREEMENT - CITY OF FORT LAUDERDALE - STREET LIGHTING - BCED PROJECT 5030 (1)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved an agreement between Broward County and the City of Fort Lauderdale for street lighting on NE 62 Street from Dixie Highway to NE 18 Avenue, and authorized the Chair and Clerk to execute same. BCED Project 5030.

PUBLIC WORKS DEPARTMENT - OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - BUDGET RESOLUTION 95-157 - TRANSFER FUNDS WITHIN ENGINEERING CAPITAL PROJECTS FUND (315) - BONAVENTURE SWALE DRAINAGE IMPROVEMENT PROJECT, PHASE II: INCREASE IN CHANGE ORDER ALLOWANCE - L.C. MENEFFEE, INC. (2 A & B)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted budget resolution 95-157 transferring funds within the Engineering Capital Projects Fund (315) for the Engineering Division in the amount of \$85,000 to enable timely completion of the current Bonaventure Swale Drainage Improvement Project, Phase II.

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved an increase in the Change Order allowance in the amount of \$85,000 from \$4,643.30 (5.0%) to \$89,643.30 (96.53%) on Contract H-07-94-24-OF awarded to L.C. Menefee, Inc. for Bonaventure Swale Drainage Improvement Project on September 30, 1994 in the original amount of \$92,866 by the Director of Purchasing.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - APPROVE COMMISSION MINUTES (3)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved the minutes of the Commission meetings of December 6, 1994 and December 20, 1994, and the 2 p.m. and 5:15 p.m. public hearings of January 10, 1995.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - FILING SUPPLEMENTAL PAPERS - PLATS AND OTHER ITEMS APPROVED IN PRIOR YEARS (4)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved for filing supplemental papers pertaining to the plats and other items listed below that were approved in prior years:

06/27/78	No.#	Corrective Satisfaction Folio 1219-01-339
07/19/88	109	Broward Cultural Affairs 1995 Grant, Gold Coast Opera, \$8,900; Gold Coast Opera, \$12,600; Story Theatre Productions, \$28,900; City of Ft. Laud.Govn'tl.Entity, \$19,500; Story Theatre \$15,400
08/11/92	29	Budget Reso. RBUD 95-142, \$26,825

05/11/93	48	Non Vehicular Ingress & Egress Line Agreement for Coral Creek
01/11/94	26	Budget Reso. RBUD 95-130, \$3,259,178
06/07/94	1	Reso. #94-597 Fla. East Coast Railway N.E. 33 St.
06/07/94	8	Reso. #94-596 Fla. East Coast Railway N.E. 48 St.
06/21/94	33	Budget Reso. RBUD 95-126, \$700,000
06/28/94	55	EPA Assistance Agreement/Amendment \$583,300

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - RELEASE OF RETAINAGE AND FINAL PAYMENT - IACOBELLI UNDERGROUND CONTRACTING CORPORATION - BCOES PROJECT 1134 (5)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved release of retainage and final payment in the amount of \$96,431.88 to Iacobelli Underground Contracting Corporation for the construction of regional water supply pipeline under Contract N-06-93-30-OF, North System Transmission Main C, Bid Package No. 9. BCOES Project 1134 - Regional Water Supply Project Bid Package No. 9.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - NOTE FOR THE RECORD - USAGE NO. 3 - EMERGENCY INSTALLATION AND REPAIR SERVICES - W. JACKSON & SONS CONSTRUCTION COMPANY - BCOES PROJECT 8635 (6)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board noted for the record, Usage No. 3 of Contract P-03-92-29-12, emergency installation and repair services for water and sewer systems by W. Jackson & Sons Construction Company, for the replacement of 1,200 linear feet of 4-inch DIP forcemain with 6-inch PVC that serves the Broward Sheriff's Office Detention Center, Department of Corrections Work Release Program Facility, and Department of Transportation's Maintenance Facility in the amount of \$23,546.73 for the Environmental Engineering Division, approval being given under the conditions of the contract and the emergency provisions of the Broward County Procurement Code. BCOES Project 8635.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - SECOND AMENDMENT TO AGREEMENT - CRAIG A. SMITH & ASSOCIATES, INC. - PROFESSIONAL SERVICES - BCED PROJECT 5030 (7)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved the second amendment to the agreement between Broward County and Craig A. Smith & Associates, Inc. for professional services to improve NE 62 Street (Cypress Creek Road) between NE 7 Avenue and NE 18 Avenue in the amount of \$44,705.23, changing the total contract amount from \$306,747.95 to \$351,453.18 with no increase in contract time for street lighting, signalization and landscaping/irrigation design, and authorized the Chair and Clerk to execute same. BCED Project 5030.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - FINAL PAYMENT - M & J CONSTRUCTION COMPANY OF PINELLAS COUNTY, INC. - ANDREWS AVENUE BRIDGE (8)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved final payment in the amount of \$146,252 on Contract H-02-94-91-OF with M&J Construction Company of Pinellas County, Inc. for the cleaning and painting of Andrews Avenue Bridge over New River in Fort Lauderdale.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - REVENUE COLLECTION DIVISION - SATISFACTION OF CLAIM OF LIENS (9)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved and executed satisfaction of claim of liens against James Robert McDonald, Lazarus Jackson (a child), Johnny Lee Felts, and John Sweetman.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - RISK MANAGEMENT DIVISION - FULL AND FINAL SETTLEMENT - WORKERS' COMPENSATION CLAIM (10)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board authorized full and final settlement of Workers' Compensation Claim #93WC1210SM in the amount of \$95,000, as corrected, to reflect the amount of \$94,000.

HUMAN SERVICES DEPARTMENT - MEDICAL EXAMINER'S DIVISION - AGREEMENT - UNIVERSITY OF MIAMI - RESEARCH PROJECT (11)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board deferred to February 21, 1995 for additional study, at the request of Human Services Department, an agreement between Broward County and University of Miami which begins upon execution of agreement by Broward County and shall terminate upon completion of the research project for the purpose of providing medical research involving the Broward County Medical Examiner's Office, and authorize the Chair and Clerk to execute same.

COMMUNITY SERVICES DEPARTMENT - CONSUMER AFFAIRS DIVISION - CHANGE OF OWNERSHIP - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 121 (12)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved the change of ownership of Certificate of Public Convenience and Necessity No. 121 currently issued to Abdul Shad. One taxi permit currently issued to Abdul Shad will be transferred to Martha Kramer.

COMMUNITY SERVICES DEPARTMENT - CULTURAL AFFAIRS DIVISION - AGREEMENT - SPECTRUM PROGRAMS, INC. - CHILDREN'S CULTURAL PROGRAM GRANT (13)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved an agreement between Broward County and Spectrum Programs, Inc. in the amount of \$8,660 for a Children's Cultural Program Grant from February 1, 1995 through September 30, 1995, and authorized the Chair and Clerk to execute same.

COMMUNITY SERVICES DEPARTMENT - CULTURAL AFFAIRS DIVISION - AGREEMENT - BOY'S CLUB OF BROWARD COUNTY, INC. d/b/a BOYS AND GIRLS CLUBS OF BROWARD COUNTY, INC. - CHILDREN'S CULTURAL PROGRAM GRANT (14)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved an agreement between Broward County and the Boys Club of Broward County, Inc. d/b/a Boys and Girls Clubs of Broward County, Inc. in the amount of \$21,000 for a Children's Cultural Program Grant from February 1, 1995 through September 30, 1995, and authorized the Chair and Clerk to execute same.

COMMUNITY SERVICES DEPARTMENT - CULTURAL AFFAIRS DIVISION - AGREEMENT - HOUSING AUTHORITY OF THE CITY OF FORT LAUDERDALE - CHILDREN'S CULTURAL PROGRAM GRANT (15)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved an agreement between Broward County and the Housing Authority of the City of Fort Lauderdale in the amount of \$9,810 for a Children's Cultural Program Grant from February 1, 1995 through September 30, 1995, and authorized the Chair and Clerk to execute same.

Commissioner Parrish referred to items 13 through 15 and commented that the County Commission, passed by motion and order, the requirement that goals and outcomes had to be attached to cultural grant award agreements. Commissioner Parrish stated that the attachments submitted with the above-mentioned grant award agreements regarding specific goals and outcomes were limited. Commissioner Parrish relayed that the Commission was searching for a specific number of clients served for a specific percentage, enabling the Commission to recognize if there was a remarkable difference/impact of a program.

COMMUNITY SERVICES DEPARTMENT - PARKS AND RECREATION DIVISION - RESOLUTION 95-158 - COUNTY COMMISSION - ACCEPTANCE OF DONATION AND INSTALLATION - TWO (2) CONCRETE LIGHT POLES WITH LIGHTS - SCOUTMASTERS CAMPOREE COMMITTEE OF THE SOUTH FLORIDA COUNCIL, BOY SCOUTS OF AMERICA (16)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 158 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of the donation and installation of two 50-foot concrete light poles with lights from the Scoutmasters Camporee Committee of the South Florida Council, Boy Scouts of America, to the Parks and Recreation Division; to authorize the County Administrator to take all administrative actions to implement same; and providing for an effective date.

DEPARTMENT OF NATURAL RESOURCE PROTECTION - SETTLEMENT AGREEMENTS - VIOLATIONS OF BROWARD COUNTY ORDINANCES (17)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved the settlement agreements between Broward County and the listed respondents for violations of Broward County ordinances:

- A. Amerada Hess Corporation
- B. G.A. Braun, Inc.
- C. G.A. Braun, Inc.
- D. Modern Concrete, Inc.
- E. Modern Concrete, Inc.
- F. Jones Chemicals, Inc.
- G. North Springs Improvement District
- H. Seneca Land Company

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT - TRANSPORTATION PLANNING - RESOLUTION 95-159 - LOCAL GOVERNMENT COOPERATIVE ASSISTANCE PROGRAM MEMORANDUM OF AGREEMENT AND JOINT PARTICIPATION AGREEMENT - DEPARTMENT OF TRANSPORTATION (18)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 159 authorizing the Chief Executive Officer and the Chief Fiscal Officer to enter into a Local Government Cooperative Assistance Program Memorandum of Agreement and Joint Participation Agreement with the Department of Transportation for road construction projects.

PORT EVERGLADES DEPARTMENT - RENEWAL - TAXI/LIMO/BUS SERVICE BUSINESS PERMITS - LE BUS, INC. AND M.C.R. HOLDINGS, INC. (19)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved the renewal of Port Everglades taxi/limo/bus service business permits between Broward County, Florida, and Le Bus, Inc. and M.C.R. Holdings, Inc., respectively, effective January 1, 1995 through December 31, 1995, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - AMENDMENT NO. 1 - AGREEMENT - PORT EVERGLADES AUTHORITY AND PEACOCK-COURTNEY ARCHITECTS, P.A. - ARCHITECTURAL SERVICES - TERMINAL NO. 1 (20)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved Amendment No. 1 to the agreement between Port Everglades Authority and Peacock- Courtney Architects, P.A., for additional architectural services associated with the Terminal No. 1 improvements - Phase 2, at an increase of \$5,000 from \$90,000 to \$95,000, and authorize the Chair and Clerk to execute same. Port Everglades Department Project No. 471-470-6475-6510.

CITIZENS SERVICES CENTER - AGREEMENT - THE SERVICE AGENCY FOR SENIOR CITIZENS OF BROWARD COUNTY, INC. - RETIRED SENIOR VOLUNTEER PROGRAM (21)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved agreement between The Service Agency for Senior Citizens of Broward County, Inc., sponsor of the Retired Senior Volunteer Program, and Broward County; and authorized the Chair and County Administrator to execute same.

OFFICE OF BUDGET AND MANAGEMENT POLICY - BUSINESS TRAVEL - COUNTY EMPLOYEES - APPROVED TRAVEL LIST (22)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved business travel and trips on the approved travel list for county employees in accordance with Administrative Order 105.

COUNTY COMMISSION - FILE RESOLUTION - POMPANO BEACH CHAMBER OF COMMERCE (23)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board filed a Resolution that Pompano Beach Chamber of Commerce supports the efforts of the City Commissioners of Pompano Beach to maintain and operate their own emergency medical services ("EMS") as they presently do, and supports their resistance to the EMS services being taken over by Broward County.

COUNTY COMMISSION - BOARD APPOINTMENTS - REAPPOINTMENT - HAROLD WISHNA - ALCOHOL AND DRUG ABUSE ADVISORY BOARD (24)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved reappointment of Harold Wishna to the Alcohol and Drug Abuse Advisory Board.

COUNTY COMMISSION - BOARD APPOINTMENTS - FELIX WONG - MINORITY ECONOMIC DEVELOPMENT ADVISORY BOARD (25)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved appointment of Mr. Felix Wong to the Minority Economic Development Advisory Board. Mr. Wong fills a vacant slot.

COUNTY COMMISSION - BOARD APPOINTMENTS - REAPPOINTMENT - DR. STEPHEN Z. GERVIN  
- BROWARD REGIONAL HEALTH PLANNING COUNCIL, INC. (26)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board approved reappointment of Dr. Stephen Z. Gervin to the Broward Regional Health Planning Council, Inc.

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION 95-160 - PUBLISH NOTICE OF PUBLIC HEARING - TUESDAY, MARCH 14, 1995 - 2 P.M. - VACATE AND ABANDON - DRAINAGE EASEMENT - CITY OF DEERFIELD BEACH - PETITIONER: LEDDS ENTERPRISES (27)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 160 directing the County Administrator to publish notice of hearing to be held on Tuesday, March 14, 1995 at 2:00 p.m. to vacate and abandon a drainage easement lying and being in Broward County, Florida, located at 4801 North Powerline Road in the City of Deerfield Beach. Petitioner: Ledds Enterprises (Daniel Mancini - Agent) 3-V-95.

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION 95-161 - PUBLISH NOTICE OF PUBLIC HEARING - TUESDAY, FEBRUARY 28, 1995 - 2 P.M. - ADOPTION OF SEVERAL "SMALL SCALE" AMENDMENTS - BROWARD COUNTY COMPREHENSIVE PLAN (28)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 161 directing the County Administrator to publish notice of public hearing to be held on Tuesday, February 28, 1995 at 2:00 p.m. to consider adoption of several "Small-Scale" amendments to the Broward County Comprehensive Plan per Chapter 163, Section 163.3187(1)(c), Florida Statutes.

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION 95-162 - PUBLISH NOTICE OF PUBLIC HEARING - TUESDAY, FEBRUARY 28, 1995 - 2 P.M. - TRANSMITTAL OF AMENDMENT - STATE DEPARTMENT OF COMMUNITY AFFAIRS - CHAPEL TRAIL DEVELOPMENT OF REGIONAL IMPACT (DRI) (29)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 162 directing the County Administrator to publish notice of public hearing to be held on Tuesday, February 28, 1995 at 2:00 p.m. to consider transmittal to the State of Florida Department of Community Affairs of an amendment to the Broward County Comprehensive Plan related to proposed changes to the Chapel Trail Development of Regional Impact (DRI).

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION - PUBLISH NOTICE OF PUBLIC HEARING - CONSIDER ENACTMENT OF PROPOSED ORDINANCE - RELATING TO ART IN PUBLIC PLACES PROGRAM - DEFERRED TO 3/7/95 (30)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board deferred to March 7, 1995, for additional study, at the request of Office of Budget & Management Policy, a Resolution directing the County Administrator to publish notice of public hearing to be held on Tuesday, March 14, 1995 at 2 p.m. to consider enactment of proposed ordinance.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 1, ARTICLE V, SECTION 1-88, OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO ART IN PUBLIC PLACES PROGRAM; PROVIDING FOR NAME CHANGE FROM ART IN PUBLIC PLACES PROGRAM TO PUBLIC ART AND DESIGN PROGRAM; PROVIDING FOR ART ALLOCATION AND METHOD OF CALCULATION, PROVIDING FOR MAINTENANCE AND PROJECT MANAGEMENT FUNDS; PROVIDING FOR POOLING OF RESOURCES; PROVIDING FOR PARTNERSHIPS WITH OTHER PUBLIC AND PRIVATE ENTITIES FOR PUBLIC ART; PROVIDING APPLICABILITY TO CAPITAL PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Commissioner Lori N. Parrish)

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION 95-163 - PUBLISH NOTICE OF PUBLIC HEARING - TUESDAY, MARCH 14, 1995 - 2 P.M. - CONSIDER ENACTMENT OF PROPOSED ORDINANCE - RELATING TO BROWARD CLEAN AND BEAUTIFUL TRUST FUND (31)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 163, as corrected, directing the County Administrator to publish notice of public hearing to be held on Tuesday, March 14, 1995 at 2 p.m. to consider enactment of proposed ordinance.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 27-432 OF THE BROWARD COUNTY CODE TO ALLOW THE BOARD TO EXPEND MONIES FROM THE BROWARD CLEAN AND BEAUTIFUL TRUST FUND ACCOUNT IN SPECIFIC INSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COUNTY COMMISSION - COUNTY ADMINISTRATOR - RESOLUTION 95-164 - PUBLISH NOTICE OF PUBLIC HEARING - TUESDAY - MARCH 14, 1995 - 2 P.M. - CONSIDER ENACTMENT OF PROPOSED ORDINANCE - AMENDING CHAPTER 20 OF COUNTY CODE - INCORPORATION BY REFERENCE OF VIOLATIONS OF MOTOR VEHICLE REPAIR ACT (32)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 164, as corrected, directing the County Administrator to publish notice of public hearing to be held on Tuesday, March 14, 1995 at 2 p.m. to consider enactment of proposed ordinance.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 20 OF THE BROWARD COUNTY CODE; PROVIDING FOR INCORPORATION BY REFERENCE OF VIOLATIONS OF FLORIDA MOTOR VEHICLE REPAIR ACT AS UNFAIR OR DECEPTIVE TRADE ACTS OR PRACTICES WHICH VIOLATE THE BROWARD COUNTY CONSUMER PROTECTION CODE; REQUIRING A MOTOR VEHICLE REPAIR FACILITY TO NOTE SPECIFIC INFORMATION IN WRITING IF THE FACILITY DETERMINES THROUGH DIAGNOSTIC OR REPAIR WORK THAT ACTUAL REPAIR COST WILL EXCEED A PRIOR ESTIMATE; DELETING LANGUAGE CONCERNING USED MOTOR VEHICLE SHOPS WHICH REPAIR THEIR OWN VEHICLES FOR RESALE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COUNTY ADMINISTRATOR'S REPORT (33)

Relating to the EMS discussions, County Administrator B. Jack Osterholt informed the Board that significant progress is being made towards attaining better service. Better service will be predicated upon a more equitable funding formula for all parties, and more units in the field. Mr. Osterholt thanked Commissioner Cowan for all his time, efforts and leadership regarding his involvement in the discussions.

Submitted, for the record, was the jail report, which is 3,517 (139 under) the cap of 3,656.

No board action taken.

COUNTY COMMISSION - DELEGATION - DR. ROSA LAWSON, PRESIDENT, THE GOLD COAST OPERA, INC. (34)

The Chair now took under discussion at this day's meeting the delegation request of Dr. Rosa Lawson, President, The Gold Coast Opera, Inc. regarding request for waiver of deadline of the Broward County Tourism Grant.

Commissioner Parrish wanted to know if the delegation has previously requested waiver of the deadline of the Broward County Tourism Grant, and if so, how many times. Commissioner Parrish commented that The Gold Coast Opera has had difficulties obtaining funding through Cultural Affairs due to the requirement that a percentage of their board of directors must be Broward County residents to maintain their funding. In light of the organization's past history, they should be aware of the requirements.

Responding to Commissioner Parrish queries and comments, Dr. Lawson explained that the delegation request is due to an inadvertent error. The attorney, who is a member of the Gold Coast Opera board, has his business office located in Palm Beach County. It was Dr. Lawson's understanding that the attorney's secretary made an error in the paperwork. The error has been corrected. Dr. Lawson stated that The Gold Coast Opera, Inc. is an outreach of Broward Community College, Coconut Creek, Florida, and has been for the past 15 years. Dr. Lawson further stated that she was not able to answer Commissioner Parrish's question pertaining to the number of times a request for waiver has been made, because she has been on the board for one and a half years.

In answer to Commissioner Parrish's question relating to the requirement that board members be Broward County residents, Dr. Lawson relayed that there are 13 members on the Board, of which three (3) members are not Broward County residents.

Mary Becht, Cultural Affairs, stated that The Gold Coast Opera, Inc. has not requested previous waivers. Prior to the waiver system, there were some administrative problems.

On motion of Commissioner Hart, seconded by Commissioner Poitier and unanimously carried, the Board approved the delegation request of Dr. Rosa Lawson, President, The Gold Coast Opera, Inc. regarding request for waiver of deadline of the Broward County Tourism Grant.

DEPARTMENT OF STRATEGIC PLANNING AND GROWTH MANAGEMENT - QUASI- JUDICIAL HEARING - DELEGATION - PATRICIA Z. HITCHCOCK - REQUEST APPROVAL OF AGREEMENT - ISSUANCE OF BUILDING PERMITS PRIOR TO PLAT RECORDATION - HERON BAY ONE PLAT (35)

Quasi-judicial hearing on the delegation request of Patricia Hitchcock regarding motion to approve agreement for the issuance of building permits prior to plat recordation for the Heron Bay One Plat (084-MP-94).

Submitted, for the record, was a brochure of Heron Bay that each Commissioner received from George Platt, Eckert, Seamans, et al, representing the applicant, prior to this day's meeting.

The Chair advised those present of the procedures to be taken relative to testimony of witnesses and those wishing to address the Commission.

The Chair asked if there was anyone who wanted to comment or object, for the record, to any provisions of the staff report relating to this item. The Chair acknowledged that Rochelle Nierman, Hallandale, Florida, wished to speak regarding this item.

At this time, Tammy Turner, court reporter, Jack Besoner & Associates, Inc., swore in the following people in order to give testimony regarding this item: Elliot Auerhahn, Director, Development Management Division; George Platt, Eckert, Seamans, et al, and Patricia Z. Hitchcock, Florida National Properties, Inc., representing the applicant; and Rochelle Nierman, Hollywood, Florida.

Mr. Auerhahn apprised the Board that the plat was previously approved for a 400 room hotel, 330,000 sq. ft. conference center, and 12,000 sq. ft. clubhouse. The applicant is requesting permission to begin construction of the club house and ancillary facilities in order for the 1996 Honda Classic Golf Tournament to commence on time. Staff has recommended approval of the agreement.

George Platt relayed that the applicant has agreed to all of the staff recommendations and conditions of the County's standard form agreement. The plat was previously approved at the 2/7/95 Commission meeting. Mr. Platt stated that he would answer any questions by interested parties.

Referring to the transit impact fee, Rochelle Nierman asked how many buses would be contributed by the applicant.

County Attorney John J. Copelan advised Ms. Nierman that the questions asked of the applicant must be relevant to the issue being discussed. Referring to the back up material filed with the supplemental papers to the minutes of this meeting, Mr. Copelan stated that it does not discuss the issue of buses. Mr. Copelan further stated that the applicant has met all the requirements of traffic concurrency and the question posed by Ms. Nierman is out of order.

The Chair concurred with Mr. Copelan and reiterated that the question Ms. Nierman posed to Mr. Platt was not relevant to the issue being discussed, and ruled Ms. Nierman out of order.

At this time, the Chair asked if there were any further questions of staff and the applicant relating to the item.

Commissioner Thompson commented that the issue before the Commission related to issuing a building permit prior to plat recordation. Mr. Platt conveyed that the applicant could not receive a Certificate of Occupancy (CO) on the clubhouse unless all conditions of plat approval have been fulfilled.

The Chair now closed the public hearing and announced that the commissioners heard the testimony and the staff recommendations and would now deliberate.

On motion of Commissioner Hart, seconded by Commissioner Rodstrom and unanimously carried, the Board approved the delegation request of Patricia Hitchcock regarding motion to approve agreement for the issuance of building permits prior to plat recordation for the Heron Bay One Plat (084-MP-94).

Responding to a question posed by Commissioner Cowan relating to the issuance of a building permit prior to recordation requiring a quasi-judicial hearing, Mr. Copelan advised that in this particular matter, the applicant is coming before the Commission before the plat recordation. The plat would have been a quasi-judicial matter; therefore, since the Commission is taking an exception in this plat, this item should also be covered under a quasi-judicial hearing.

END OF QUASI-JUDICIAL HEARING

COUNTY COMMISSION - COMMISSION AUDITOR - FILE REPORT - SPECTRUM PROGRAMS, INC.:  
IMPLEMENT RECOMMENDATIONS CONTAINED IN THE REPORT (36 A & B)

A motion was made by Commissioner Hart, and seconded by Commissioner Cowan to file the Commission Auditor report entitled Spectrum Programs, Inc. dated January 23, 1995, and to implement recommendations contained in the Commission Auditor report entitled Spectrum Programs, Inc. dated January 23, 1995.

Referring to page 4, last paragraph, Recommendation; to wit: "...and submit annually to the Board of County Commissioners a report of non profit organization program results funded by the County." Commissioner Parrish commented a report (red book/binder) was already submitted by Human Services Department staff a few weeks ago.

In reference to the memorandum dated January 17, 1995, from Carolyn Graham, Director, Human Services Department, last paragraph; to wit: "...detailing the activities of all non profit organizations funded by the County under the jurisdiction of the Department of Human Services." Commissioner Parrish relayed that the information in the red book/binder was very difficult to interpret.

The Chair stated that the report initiated was the first annual report, and that she would review it and make suggestions to Ms. Graham on how the Commission would like the report improved for the future.

Commission Auditor Norman Thabit commented that the book issued to the Commission was almost simultaneous with the Spectrum report. Information was sought in a comparative form so that staff could evaluate all the programs with comparative statistics. That information was not seen prior to the development of the Spectrum report. Staff thought it would be very useful for most of the programs.

After discussion, the Chair called for a vote on the motion on the floor, as previously cited, that the Board file the Commission Auditor report entitled Spectrum Programs, Inc. dated January 23, 1995, and declared the motion unanimously carried.

The Chair called for a vote on the motion on the floor, as previously cited, that the Board implement recommendations contained in Commission Auditor report entitled Spectrum Programs, Inc. dated January 23, 1995, and declared the motion unanimously carried.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - OFFICE OF HOUSING FINANCE - RESOLUTION 95-165 - APPROVE FORM - PURCHASE AND SALE AGREEMENT - SCHECTER PROPERTIES, INC. - PURCHASE OF OFFICE BUILDING: RESOLUTION - 95-166 - APPROVE AGREEMENT FOR FINANCING AND PURCHASE OF OFFICE BUILDING: RESOLUTION 95-167 - UNANTICIPATED REVENUE RESOLUTION 95-167 - WITHIN CAPITAL PROJECTS FUND (FUND 306) - RECOGNIZE PROCEEDS TO BE LOANED TO HOUSING FINANCE AUTHORITY (37 A, B & C)

The Board now took under discussion at this day's meeting motions to adopt Resolutions approving the form of a Purchase and Sale Agreement with Schecter Properties, Inc. to purchase an office building; approving the agreement between the Housing Finance Authority of Broward County and the County; and Capital Projects Fund (Fund 306) to recognize Commercial Paper proceeds to be loaned to the Housing Finance Authority.

Commissioner Parrish commented that she believed the rental rate of the office building was estimated at \$16.50 a square foot, and that it was her understanding that rates are approximately \$13.48 a square foot.

Commissioner Parrish requested information regarding market comparables. Commissioner Parrish further commented that in order to sign off on the purchase of another building, that building needs to go through the acquisition guidelines process that the County Commission established. Commissioner Parrish stated that the proposed office building was not put out to bid and she could not support a land acquisition unless it goes through the process; there should be no exceptions.

Responding to Commissioner Parrish's comments regarding market rates, Phillip C. Allen, Director, Finance & Administrative Services Department, advised that both appraisals assumed market rates at \$16 a square foot. Staff relies upon professional appraisals to receive the information regarding property. There were two independent appraisals at \$1.5 million. In 1993, there was an appraisal for \$1.7 million. The appraisals were provided as part of the documents and are available for review by the Commission.

In response to Commissioner Parrish's comments relating to whether this purchase follows the acquisition guidelines established by the Commission for the purchase of property, Mr. Allen conveyed that this is a purchase by the Housing Finance Authority. The County enters into the agreement because the Commission must approve all items approved by the Housing Finance Authority; and secondly, it is proposed as part of this agreement, that the County loan the Housing Finance Authority the money utilizing the County's existing purchasing guidelines program.

Mr. Allen commented that staff from the Public Works Department has been utilized heavily on input regarding a review of the mechanicals of the building, releasing a report stating that the building was in excellent condition. The appraisals were provided to and reviewed by the Public Works Department, Facilities Management Division.

Commissioner Rodstrom commented on the real estate market, and stated that he visited the proposed office building and it is in good condition.

Responding to Commissioner Hart's question with respect to the Commission's responsibilities involving the Housing Finance Authority's activities, County Attorney John J. Copelan, Jr. advised that the County Commission reviews and has to adopt resolutions prior to this land acquisition being consummated. Mr. Copelan continued to explain the actions (36 A, B, and C) for consideration before the Commission.

Commissioner Hart inquired if the Housing Finance Authority and its activities is a direct obligation of Broward County. In answer to Commissioner Hart's query, Mr. Copelan stated that it is not a direct obligation, in that even if the Housing Finance Authority consummates the purchase and the

Commission ultimately approves it, the County is not directly liable. The Housing Finance Authority would have the privity of the contract, and they would be directly involved in the transaction. The County does have a fiduciary duty, which is represented by the action taken today in overseeing the transaction.

Commissioner Hart referred to the point raised by Commissioner Parrish relating to the proposed purchase not falling under the purchasing guidelines established by the Commission for County purchases, and asked how the process fits into the County's responsibility levels.

Mr. Copelan advised that the interpretation of this agreement did not fall under that particular provision established by the Commission. Appraisals were submitted as part of the back up material. The County is not really leasing the property in a technical sense; what the County is doing is financing the property by the commercial paper. If the County does not finance the acquisition, then the lease is not consummated.

Referring to the concerns expressed as to the fair value of the property, Mr. Allen stated that is the reason two independent appraisals were performed and were provided as back up material. Mr. Allen relayed that it fulfills both the spirit of the County's policy for acquisition in determining fair value. A requirement of the County's acquisition program is two independent appraisals.

Secondly, the appraisals serve to fulfill the fiduciary responsibility of the County serving as the banker to the Housing Finance Authority. These were appraisals that were performed from a prospective of a mortgage banker as to what would be a legitimate loan value to be placed on the facility. The \$1.5 million figure was concurred by two independent appraisals. The appraisals were undertaken at the direction of Sun Bank through the County's suggestion, because the County was considering utilizing Sun Bank for a commercial loan. When staff determined that it was more cost effective for the County to conduct the loaning of the funds to the Housing Finance Authority, staff utilized the same appraisal. Due to the fact that Sun Bank established two independent appraisals at \$1.5 million for the loan value, staff felt it was a legitimate reason for the County to accept those same appraisals.

In response to Commissioner Hart's question with respect to the appraisers being certified and knowledgeable of the Broward County area, Mr. Allen answered in the affirmative.

Lennard N. Robinson, Housing Finance Authority, relayed that the appraisers were taken from the County's list of approved appraiser's. Sun Bank's appraiser reviewed the two appraisals and concurred with the appraised values.

After discussion, a motion was made by Commissioner Poitier and seconded by Commissioner Hart that the Board adopt Resolution 95-165 of the Board of County Commissioners of Broward County, Florida, approving the form of a Purchase and Sale Agreement between the Housing Finance Authority of Broward County, Florida, and Schecter Properties, Inc., a Florida corporation, for the purchase of an office building; and providing for an effective date.

The Chair now called for a vote on the motion on the floor, as cited above, with the members voting as follows:

Commissioner Cowan	Yes	
Commissioner Hart		Yes
Commissioner Parrish	No	
Commissioner Poitier	Yes	
Commissioner Rodstrom		Yes
Commissioner Thompson		Yes
Commissioner Gunzburger		Yes

The Chair declared the motion carried.

A motion was made by Commissioner Poitier and seconded by Commissioner Hart that the Board adopt Resolution 95-166 of the Board of County Commissioners of Broward County, Florida, as amended, approving the agreement between the Housing Finance Authority of Broward County, Florida, and Broward County, Florida, for the financing of the purchase of an office building, authorizing the execution of the agreement; and providing for an effective date.

The Chair now called for a vote on the motion on the floor as cited above, with the members voting as follows:

Commissioner Cowan		Yes
Commissioner Hart		Yes
Commissioner Parrish	No	
Commissioner Poitier	Yes	
Commissioner Rodstrom		Yes
Commissioner Thompson		Yes
Commissioner Gunzburger		Yes

The Chair declared the motion carried.

A motion was made by Commissioner Poitier and seconded by Commissioner Hart that the Board adopt unanticipated revenue resolution 95-167 within the Capital Projects Fund (Fund 306) in the amount of \$1,500,000 to recognize Commercial Paper proceeds to be loaned to the Housing Finance Authority of Broward County, Florida, for the purchase of an office building.

The Chair now called for a vote on the motion on the floor as cited above, with the members voting as follows:

Commissioner Cowan		Yes
Commissioner Hart		Yes
Commissioner Parrish	No	
Commissioner Poitier	Yes	
Commissioner Rodstrom		Yes
Commissioner Thompson		Yes
Commissioner Gunzburger		Yes

The Chair declared the motion carried.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - DIVISION OF HUMAN RESOURCES/PURCHASING DIVISION - AUTHORIZE DIRECTOR OF HUMAN RESOURCES TO PURCHASE TRAINING SERVICES - GOVERNMENTAL AND NON- PROFIT AGENCIES - WITHDRAWN (38)

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board withdrew the motion to authorize the Director of Human Resources to purchase training services from governmental and non-profit agencies in an amount not to exceed the mandatory bid amount as specified in the Procurement Code of Broward County.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SELECTION/NEGOTIATION COMMITTEE - HIRE PROFESSIONAL ENGINEERING CONSULTING FIRM - DAVIE ROAD IMPROVEMENTS (39)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board appointed a selection/negotiation committee to hire a professional engineering consulting firm to make improvements to Davie Road from University Drive to Stirling Road.

The following were appointed to subject Selection/Negotiation Committee: Commissioner Parrish; Commissioner Rodstrom; Director, Engineering Division, Public Works (Chair); Director, Transportation Planning Division, Strategic Planning; Director, Streets & Highways Division, Public Works.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION -  
SELECTION/NEGOTIATION COMMITTEE - HIRE PROFESSIONAL ENGINEERING CONSULTING  
FIRM - WILES ROAD IMPROVEMENTS (40)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board appointed a selection/negotiation committee to hire a professional engineering consulting firm to make improvements to Wiles Road from Lyons Road to Powerline Road.

The following were appointed to subject Selection/Negotiation Committee: Commissioner Hart; Commissioner Poitier; Commissioner Rodstrom; Director, Engineering Division, Public Works (Chair); Director, Development Management Division, Strategic Planning; Director, Traffic Engineering Division, Public Works.

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SELECTION/NEGOTIATION COMMITTEE - HIRE PROFESSIONAL ENGINEERING CONSULTING FIRM - PINE ISLAND ROAD IMPROVEMENTS (41)**

On motion of Commissioner Parrish, seconded by Commissioner Poitier and unanimously carried, the Board appointed a selection/negotiation committee to hire a professional engineering consulting firm to make improvements to Pine Island Road from Sheridan Street to Stirling Road.

The following were appointed to subject Selection/Negotiation Committee: Commissioner Parrish; Commissioner Poitier; Director, Engineering Division, Public Works (Chair); Director, Development Management Division, Strategic Planning; Director, Traffic Engineering Division, Public Works.

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SELECTION/NEGOTIATION COMMITTEE - HIRE PROFESSIONAL ENGINEERING CONSULTING FIRM - HIATUS ROAD IMPROVEMENTS (42)**

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board appointed a selection/negotiation committee to hire a professional engineering consulting firm to make improvements to Hiatus Road from I-595 to Broward Boulevard.

The following were appointed to subject Selection/Negotiation Committee: Commissioner Cowan; Commissioner Rodstrom; Director, Engineering Division, Public Works (Chair); Director, Development Management Division, Strategic Planning; Director, Traffic Engineering Division, Public Works.

**FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SELECTION/NEGOTIATION COMMITTEE - HIRE PROFESSIONAL ENGINEERING CONSULTING FIRM - DOUGLAS ROAD IMPROVEMENTS (43)**

On motion of Commissioner Parrish, seconded by Commissioner Poitier and unanimously carried, the Board appointed a selection/negotiation committee to hire a professional engineering consulting firm to make improvements to Douglas Road from County line to Pembroke Road.

The following were appointed to subject Selection/Negotiation Committee: Commissioner Parrish; Commissioner Poitier; Director, Engineering Division, Public Works (Chair); Director, Streets & Highways, Public Works; Director, Transportation Planning, Strategic Planning Department.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PORT EVERGLADES DEPARTMENT - RESOLUTION 95-168 - CONVEYANCE OF SIXTY-SIX (66) FIREARMS - TO BROWARD SHERIFF'S OFFICE (44)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board adopted Resolution 95-168 of the Board of County Commissioners of Broward County, Florida, concerning the conveyance of sixty-six (66) firearms to the Broward Sheriff's Office, providing severability, and providing for an effective date.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - PUBLIC WORKS DEPARTMENT - UNILATERAL CREDIT CHANGE ORDER NO. 81 - KAJIMA'S RETAINAGE - COST INCURRED BY CONSULTANT, MICHAEL A. SHIFF: REIMBURSEMENT - CONSTRUCTION ACCOUNT 321-124-7213-6500 (45 A & B)

County Attorney John J. Copelan, Jr. advised the Commission of potential litigation regarding this item.

On motion of Commissioner Parrish, seconded by Commissioner Poitier and unanimously carried, the Board approved unilateral credit Change Order No. 81 which provides for the reimbursement of \$989,703.69 from Kajima's retainage for cost incurred by the consultant, Michael A. Shiff, for services beyond the approved completion date for the construction of the Main Courthouse, Contract N-08-90-17-OF, and authorized the Chair and Clerk to execute same.

On motion of Commissioner Parrish, seconded by Commissioner Poitier and unanimously carried, the Board approved reimbursement of \$989,703.69 in the Construction Account 321-124- 7213-6500, which account was charged for the payment to Michael A. Shiff cited in the above motion.

COMMUNITY SERVICES DEPARTMENT - EMERGENCY MANAGEMENT DIVISION - RESOLUTION 95-169 - AMENDING CHAPTER 37, VOLUME 3 - ADMINISTRATIVE CODE: INCREASE PERSONNEL CAP - FOR HEALTH CARE FACILITIES COMPREHENSIVE EMERGENCY MANAGEMENT PLAN REVIEW: UNANTICIPATED REVENUE RESOLUTION 95-170 - WITHIN GENERAL FUND - ESTABLISHMENT OF POSITIONS (46 A, B, & C)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board adopted Resolution 95-169 of the Board of County Commissioners of Broward County, Florida, amending Chapter 37 (Community Services), Volume 3 (Fees and Other Charges), of the Broward County Administrative Code; providing for the establishment of a fee schedule for Broward County Emergency Management Division's review and approval of comprehensive emergency management plans of facilities such as health care facilities, hospitals, nursing homes, ambulatory surgical centers, group homes, adult congregate living facilities, intermediate care facilities for the developmentally disabled and all other facilities now or in the future required by law or regulation to submit emergency management plans for review and approval; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board increased the personnel cap within the Emergency Management Division by three positions, two Assistant Planners and one Data Control Operator II, to support the health care facilities comprehensive emergency management plan review.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board adopted unanticipated revenue resolution 95-170 within the General Fund for the Emergency Management Division in the amount of \$22,500 for the establishment of the positions to support the health care facilities comprehensive emergency plan review.

OFFICE OF BUDGET AND MANAGEMENT POLICY - TRAVEL FOR COUNTY EMPLOYEES - AS AMENDED (47)

On motion of Commissioner Parrish, seconded by Commissioner Rodstrom and unanimously carried, the Board approved travel for county employees on the attached list in accordance with Administrative Order 105, as amended.

COUNTY COMMISSION - COMMISSIONER THOMPSON - TO SERVE ON LOGIC & ACCURACY TEST - MUNICIPAL ELECTIONS - MONDAY, MARCH 13, 1995 (48)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board appointed Commissioner Thompson to serve as a member of the Canvassing Board for the Logic & Accuracy Test for the municipal elections on Monday, March 13, 1995 at 10 a.m.

COUNTY COMMISSION - ACCEPT APPROVED APPLICANT LIST - HRS/DISTRICT TEN NOMINEE QUALIFICATIONS REVIEW COMMITTEE (NQRC): SEVEN (7) MEMBERS - FOUR (4) YEAR TERMS - HRS/DISTRICT TEN HEALTH AND HUMAN SERVICES BOARD (49 A & B)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board accepted the approved applicant list of the HRS/District Ten Nominee Qualifications Review Committee (NQRC), Commissioner Sylvia Poitier, Chair, for consideration for appointment to the HRS/District Ten Health and Human Services Board.

The Board now took under discussion at this days' meeting a motion to appoint seven (7) members for four (4) year terms to the HRS/District Ten Health and Human Services Board.

Commissioner Parrish wanted to know if there would be a conflict reappointing Nan Rich to serve on the HRS/District Ten Health and Human Services Board while she serves on the Children's Services Board.

Discussion ensued regarding appointments to the HRS/District Ten Health and Human Services Board and the possibility of appointees having conflicts of interest while serving on other boards.

Andrea Guy, Acting District Administrator, HRS, advised that the Commission's role is to fill the vacant slots for said board. The list before the Commission is the listing of the 21 applicants approved by the Nominee Qualifications Review Committee (NQRC). The individuals on the list are not in conflict with appointment to the Health and Human Services Board according to the law that formed said board.

Responding to a question posed by Commissioner Poitier regarding the county statutes addressing dual office holders, County Attorney John J. Copelan, Jr. answered that it is a County policy. Mr. Copelan stated that the issue is if the Commission appoints from the list, would it affect an individuals' ability to sit on other boards.

Without objection, the Board continued item 49B to the 2 p.m. public hearing of this day's meeting to receive further information from the County Attorney's Office.

It being later in the meeting, County Attorney John J. Copelan, Jr. advised that distinction can be made, in that the board the Commission is currently considering appointments to, is a state board and not subject to the restrictions of the Broward County Code, Section 1-233.

After discussion, the following individuals were appointed to the HRS/District Ten Health and Human Services Board: Hilario Rojas, appointed by Commissioner Thompson; Walter Morgan, reappointed by Commissioner Rodstrom; Nan Rich, reappointed by Commissioner Gunzburger; Gloria Wetherington, reappointed by Commissioner Parrish.

Commissioner Parrish mentioned that Gloria Wetherington and Hilario Rojas fill the board requirements that two (2) appointees must be consumers.

Commissioner Hart requested to announce his appointee at the Commission meeting of February 21, 1995. He received many applications and is in the process of reviewing them. Commissioner Hart acknowledged the services of Rocky Rodriguez on the HRS/District Ten Health and Human Services Board. Mr. Rodriguez was not able to continue his appointment.

After discussion, and without objection, the Chair relayed that Item 49B would be placed on the agenda for the February 21, 1995 meeting, for submission of the remaining appointments of Commissioner Hart, Commissioner Poitier, and Commissioner Cowan.

#### COUNTY COMMISSION - MOTION TO APPOINT - COMMITTEE FOR COMMUNITY DEVELOPMENT (53)

On motion of Commissioner Poitier, seconded by Commissioner Parrish and unanimously carried, the Board appointed the Honorable Gwyndolen A. "Gwen" Clarke-Reed to serve on the Committee for Community Development.

#### COUNTY COMMISSION - INFORMATIONAL - FEBRUARY 13, 1995 MEETING - EMS ISSUE (54)

Commissioner Cowan apprised the Board of the meeting held at the Governmental Center on Monday, February 13, 1995, regarding the Emergency Medical Services (EMS) issue. In attendance were three city participants, [cities of Hollywood (Mayor Mara Giuliani); Plantation (Mayor Frank Veltri); and the Town of Davie, (Frank D'Andrea)]; House Representative Ben Graber; and Commissioner Cowan.

Commissioner Cowan reported that the cities have suggested that if the County changes to a Municipal Service Taxing Unit (MSTU), to take the \$20 million that the County is currently collecting in ad valorem taxes for EMS, and adding it to the expenditure items on the upcoming budget without having to exhibit it as a tax increase. Commissioner Cowan commented that the cities are failing to recognize that at the same time, a new item (MSTU) will be placed on the tax bill, and if a new tax item is added on to the tax bill, then it would make sense to indicate a decrease somewhere else in the budget. Commissioner Cowan stated that the cities wanted a guarantee regarding this matter, which he was not prepared to do on the Commission's behalf.

The other issue discussed was that the representative of the 11 minnet cities stated that there is nothing in the County's proposal that aids the minnet cities. They will lose minnet dollars. Commissioner Cowan pointed out that the 11 minnet cities are supporting the Certificate of Need (CON) licenses for the six cities, and added that if the six cities leave the County's EMS system, it will have an affect on the remaining minnet cities. Commissioner Cowan remarked that he foresees there would be a one-time increase in taxes for the 11 cities to offset what the County will no longer provide in minnet dollars.

Commissioner Cowan offered, on the Commission's behalf, the option of the County instituting the MSTU with an effective date of three years. The cities would have a gradual increase in taxes for three years, enabling them to steadily increase their taxes to where they need to be for their EMS systems, without the burden of a one-time tax increase. Commissioner Cowan stated that he has not had a response from the cities regarding this proposal.

Commissioner Cowan relayed that there will be a meeting in one week and he would report back to the Commission regarding the outcome.

Commissioner Hart raised the issue of maintaining level of service in certain areas and ensuring that there are a sufficient number of units on the street during any interim period of time. The County's commitment was to attempt to enhance the level of service for EMS on an immediate basis, regardless of the outcome of discussions. Commissioner Cowan stated that before adding EMS units, the County must know what will be anticipated in the number of units necessary to provide adequate service at that point in time when the County is responsible only for those members of the MSTU.

Commissioner Cowan conveyed that Bruce Moeller, Director, Fire Rescue Division, is assessing the issue. Commissioner Hart commented that the County should attempt to deploy the number of service units necessary to the areas in need. He would like to move forward and enhance the system.

Regarding the issue of the level of service for EMS, Commissioner Cowan further commented that the level of service will never fall below acceptable standards for EMS response.

Discussion followed with respect to whether it would be beneficial to the cities to extend institution of MSTU taxes over a three-year period as opposed to a one time tax increase. In a related discussion, Commissioner Cowan stated that he was not suggesting that the Commission postpone any vote. The MSTU issue is set for vote on March 21, 1995.

(Commissioner Poitier left the meeting room at this time.)

Commissioner Parrish commented that she did not wish to delay the implementation of the minnet decision. Commissioner Parrish stated that southwest Broward has experienced rapid growth, which is one of the reasons attributing to the unrest regarding this issue. The elected officials in that area have to deal with their constituency. A fire station is needed to serve Plantation, which can also back up the extreme western quarter for Cooper City and Davie, in addition to a fire station in Weston.

No Board actin was taken.

There being no further business to come before the Board at this time, and on motion made, seconded and unanimously carried, the meeting adjourned at 11:30 a.m.

This meeting was recorded on cassette 95-16A.

## Meeting 2 PM

### MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Meeting of

February 14, 1995

A meeting of the Board of County Commissioners of Broward County, Florida was held in Room 422 of the Governmental Center, Fort Lauderdale, Florida, at 2 p.m., Tuesday, February 14, 1995, with the following members present: Commissioners Suzanne N. Gunzburger, Chair; John E. Rodstrom Jr., Vice Chair; John P. Hart, Lori N. Parrish, and Gerald F. Thompson. Also present were County Administrator B. Jack Osterholt; County Attorney John J. Copelan Jr.; Commission Auditor Norman Thabit; and Deputy Josephine A. Bieber.

(Commissioner Scott I. Cowan and Commissioner Sylvia Poitier entered the meeting room as reflected in the minutes of this meeting.)

PLEDGE OF ALLEGIANCE Commissioner Hart led in reciting the Pledge of Allegiance to the Flag.

### PUBLIC HEARING - PROOF OF PUBLICATION - PUBLIC HEARING OPENED

By unanimous consent, the Chair directed the Clerk to file proof of publication of this day's public hearings and opened the public hearings.

CONTINUATION OF ITEM 49B - HRS/DISTRICT TEN HEALTH AND HUMAN SERVICES BOARD APPOINTMENTS (49B)

Item 49B was continued from the 10 a.m. meeting and is addressed in the regular minutes of February 14, 1995.

PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - PUBLIC HEARING - RESOLUTION 95-171 - VACATE AND ABANDON UTILITY EASEMENT - NW 18 AVENUE - CITY OF OAKLAND PARK PETITIONER: HOME DEPOT, USA, INC. (1)

It now being the time advertised to hold a public hearing to consider adoption of Resolution 95-171 to vacate and abandon a utility easement, lying and being in Broward County, Florida, located along the east side of NW 18 Avenue between West Oakland Park Boulevard and NW 36 Street in the City of Oakland Park. Petitioner: Home Depot, USA, Inc. (Ken Baye - Agent) 2-V-95; the Chair called for interested parties to be heard:

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 171 to vacate and abandon a utility easement, lying and being in Broward County, Florida, located along the east side of NW 18 Avenue between West Oakland Park Boulevard and NW 36 Street in the City of Oakland Park. Petitioner: Home Depot, USA, Inc. (Ken Baye - Agent) 2-V-95.

PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - PUBLIC HEARING - RESOLUTION 95-172 - VACATE AND ABANDON ROAD RIGHT-OF-WAY - 911 SOUTH PARK ROAD - CITY OF HOLLYWOOD - PETITIONER: PARK ROAD ACQUISITION CORP. (2)

It now being the time advertised to hold a public hearing to consider adoption of Resolution 95-172 to vacate and abandon utility easements and road right-of-way, lying and being in Broward County, Florida, located at 911 South Park Road in the City of Hollywood. Petitioner: Park Road Acquisition Corp., Inc. (Alvin Sherman - Agent) 4-V-95; the Chair called for interested parties to be heard:

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 172 to vacate and abandon utility easements and road right-of-way, lying and being in Broward County, Florida, located at 911 South Park Road in the City of Hollywood. Petitioner: Park Road Acquisition Corp., Inc. (Alvin Sherman - Agent) 4-V-95.

PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - PUBLIC HEARING - RESOLUTION 95-173 - VACATE AND ABANDON ROAD RIGHT-OF-WAY - SOUTH OF SHERIDAN STREET, WEST OF 184 AVENUE, NORTH OF JOHNSON STREET - CITY OF PEMBROKE PINES - PETITIONER: BIG SKY LAKE CORPORATION (3)

It now being the time advertised to hold a public hearing to consider adoption of Resolution 95-173 to vacate and abandon road right-of-way, lying and being in Broward County, Florida, located south of Sheridan Street, west of 184 Avenue and north of Johnson Street in the City of Pembroke Pines. Petitioner: Big Sky Lake Corporation (R.P. Legg & Assoc. - Agent) 16-V-94; the Chair called for interested parties to be heard:

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Hart, seconded by Commissioner Parrish and unanimously carried, the Board adopted Resolution 95- 173 to vacate and abandon road right-of-way, lying and being in Broward County, Florida, located south of Sheridan Street, west of 184 Avenue and north of Johnson Street in the City of Pembroke Pines. Petitioner: Big Sky Lake Corporation (R.P. Legg & Assoc. - Agent) 16-V-94.

(Commissioner Cowan entered the meeting room at this time.)

ENACTMENT OF ORDINANCE 95-06 - PUBLIC HEARING - RELATING TO BIDDING PREFERENCE FOR LOCAL VENDORS (6)

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 95-06, the substance of which is as follows; the Chair called for interested parties to be heard:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 1-74 OF THE BROWARD COUNTY CODE, AS AMENDED, RELATING TO BIDDING PREFERENCE FOR LOCAL VENDORS; SPECIFICALLY AMENDING THE DEFINITIONS OF LOCAL BUSINESS AND PRINCIPAL BUSINESS LOCATION APPLICABLE TO THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Parrish, seconded by Commissioner Hart and unanimously carried, the Board filed proof of publication and enacted Ordinance 95-06 to become effective as provided by law.

ENACTMENT OF ORDINANCE 95-09 - PUBLIC HEARING - AMENDING CHAPTER 16", ARTICLES I, II, AND III - BROWARD COUNTY CODE OF ORDINANCES - PROHIBITING CERTAIN DISCRIMINATORY PRACTICES (7)

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 95-09, the substance of which is as follows; the Chair called for interested parties to be heard:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 16", ARTICLES I, II, AND III OF THE BROWARD COUNTY CODE OF ORDINANCES PROHIBITING CERTAIN DISCRIMINATORY PRACTICES WITH RESPECT TO EMPLOYMENT, PUBLIC ACCOMMODATIONS, REAL ESTATE TRANSACTIONS, FINANCIAL PRACTICES, AND OTHER ACTS; PRESCRIBING DUTIES OF THE BROWARD COUNTY HUMAN RIGHTS BOARD, THE BROWARD COUNTY HUMAN RIGHTS DIVISION, AND OTHER ENTITIES; PROVIDING REMEDIES FOR AGGRIEVED PERSONS; PRESCRIBING PROCEDURES; PROVIDING EXEMPTIONS; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Parrish, seconded by Commissioner Hart and unanimously carried, the Board filed proof of publication and enacted Ordinance 95-09 to become effective as provided by law.

ENACTMENT OF ORDINANCE 95-07 - PUBLIC HEARING - AMENDING CHAPTER 15, ARTICLE XII - BROWARD COUNTY CODE OF ORDINANCES - RELATING TO THE HEALTH FACILITIES AUTHORITY (8)

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 95-07, the substance of which is as follows; the Chair called for interested parties to be heard:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 15, ARTICLE XII, OF THE BROWARD COUNTY CODE RELATING TO THE HEALTH FACILITIES AUTHORITY; PROVIDING FOR AN AMENDMENT TO CHAPTER 15, SECTION 15-176(n), TO PROVIDE FOR THE DONATION OF ANY SURPLUS FUNDS OF THE HEALTH FACILITIES AUTHORITY TO BROWARD COUNTY TO APPROPRIATE AND DISBURSE TO NONPROFIT HUMAN HEALTH SERVICE AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Parrish, seconded by Commissioner Hart and unanimously carried, the Board filed proof of publication and enacted Ordinance 95-07 to become effective as provided by law.

ENACTMENT OF ORDINANCE 95-08 - PUBLIC HEARING - CREATING NEW DIVISION - CHAPTER 23 - BROWARD COUNTY CODE OF ORDINANCES - REGULATION OF PARKING AND TRAFFIC WITHIN PORT EVERGLADES (10)

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 95-08, the substance of which is as follows; the Chair called for interested parties to be heard:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING A NEW DIVISION OF CHAPTER 23 OF THE BROWARD COUNTY CODE OF ORDINANCES FOR REGULATION OF PARKING AND TRAFFIC WITHIN PORT EVERGLADES; PROVIDING FOR THE CONTINUED APPLICABILITY OF OTHER LAWS; PROHIBITING STOPPING OR PARKING ON PLACES OTHER THAN AS SPECIFIED BY SIGN OR PAVEMENT MARKINGS; PROHIBITING THE OBSTRUCTION OF TRAFFIC; PROHIBITING STOPPING OR PARKING FOR CERTAIN PURPOSES; PROVIDING PARKING FOR DISABLED PERSONS; PROHIBITING PARKING EXCEPT IN DESIGNATED AREAS; PROHIBITING PARKING IN RESTRICTED ZONES; PROVIDING FOR THE ISSUANCE OF NOTICE ON ILLEGALLY STOPPED OR PARKED VEHICLES; PROHIBITING THE OPERATION OF A VEHICLE AT AN UNLAWFUL SPEED; REQUIRING OBEDIENCE TO POLICE AND PUBLIC SAFETY OFFICIALS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR AUTHORITY TO IMPOUND OR REMOVE VEHICLES; PROVIDING FOR FINES AND PENALTIES; IMPOSING LIABILITY FOR THE PAYMENT OF PARKING VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

There being no comments from the public and by unanimous consent, the Chair closed the public hearing.

On motion of Commissioner Parrish, seconded by Commissioner Hart and unanimously carried, the Board filed proof of publication and enacted Ordinance 95-08 to become effective as provided by law.

COMMUNITY SERVICES DEPARTMENT - MASS TRANSIT DIVISION - PUBLIC HEARING -  
RESOLUTION 95-174 - AMENDING BROWARD COUNTY ADMINISTRATIVE CODE - ADDRESSING  
FIXED-ROUTE, DIRECTLY-OPERATED FARE STRUCTURE: RESOLUTION 95-175 - AUTHORIZE  
MASS TRANSIT TO ISSUE COMPLIMENTARY BUS PASSES - SOCIAL SERVICES  
TRANSPORTATION (SST) PROGRAM AND OTHERS AS DEEMED APPROPRIATE (4 A, B, & C)

It now being the time advertised to hold a public hearing to file proof of publication of a public hearing to receive public input on proposed increases to BCT fixed-route, directly-operated full fares, reduced fares and transfers, restructuring service and increasing fares for paratransit services; the Chair called for interested parties to be heard:

The Chair introduced Michael Scanlon, Director, Mass Transit Division, who proceeded to give an overview of the proposed changes.

Mr. Scanlon cited the proposed change in fare structure as follows: Regular - \$.85 to \$1.00; Student - \$.40 to \$.50; Senior/Disabled - \$.40 to \$.50; and Transfers - \$.10 to \$.15. The result of the fare increase would amount to increased revenue of approximately \$500,000. The implementation date of the fare increase is scheduled for April 9, 1995.

Mr. Scanlon stated that Paratransit is proposing to restructure the services. This will be accomplished by eliminating the Social Services Transportation (SST) funding designation. Many of the services performed by SST are duplicated in either ADA or the Community Transportation Coordination program (CTC). Prescheduled fares will increase changing from \$1.00 to \$1.50. "Real-time" taxi service trips will be recognized as a premium service, priced at \$5.00 for an individual, with incentives for multi-loading. This service is above and beyond the scope of ADA.

Mr. Scanlon conveyed that all the actions recommended are aimed at preserving fixed-route transit and paratransit services for the County.

Mr. Scanlon stated that the County is facing a serious financial dilemma due to a reduction in the amount of federal operating assistance for Mass Transit and skyrocketing paratransit costs.

Mass Transit is attempting to mainstream disabled individuals, and to encourage people to take the least expensive, most efficient mode of transportation in all cases.

Mr. Scanlon relayed that although the County is proposing to raise the fixed route fares, they are not proposing to raise the price of the weekly or monthly bus passes. Fare increases can be avoided by purchasing weekly or monthly passes. Additionally, Mass Transit is proposing to provide complimentary bus passes to individuals who opt out of the paratransit program and agree to be travel trained so they can be mainstreamed to travel on fixed routes.

Mr. Scanlon indicated that the demand for paratransit services has grown by leaps and bounds. This demand has resulted in very serious delivery issues. Not only is financial consideration a problem, but the ability of the County to deliver a decent product has been severely strained. On behalf of the County, Mr. Scanlon apologized for any service inconvenience that anyone may have experienced, and pledged that the County would do their utmost to work towards solving individual service problems.

At this time, submitted for the record, was the following correspondence received from interested parties: E. Gitterman, Boca Raton, Florida; Brenda Azan, Plantation, Florida; Joel Fass, Esq., President, Areawide Council on Aging; Eileen and Gerald Roth, Plantation, Florida; Raymond and Eileen Smith, Tamarac, Florida; Central Cab, Oakland Park, Florida; and Friendly Checker Taxi, Hollywood, Florida. (A copy of which is filed with the supplemental papers to the minutes of this meeting.)

Commissioner Parrish relayed that Julie Shaw, Government Relations Director, Paralyzed Veterans Association of Florida, Inc., telephoned to support the fare increases, stating that they are modest as compared to other mass transit fares across the country.

(Commissioner Poitier entered the meeting room at this time.)

The following individuals came forward giving their respective comments regarding the proposed fixed-route, directly- operated fare structure changes: Ron Burns; Rochelle Nierman, Hallandale, Florida; Myra Goddard, Davie, Florida; John C. McQuaide, Margate, Florida; Samuel Albrecht, Margate, Florida; David W. Paszko, North Lauderdale, Florida; Carole S. Greenwald, Tamarac, Florida; Marie W. Holloway-Harrison, Public Service Corporation; Ronda Shore; Jack Shifrel, Regional Director, National Kidney Foundation, Fort Lauderdale, Florida; Rose Bagwell, Hollywood, Florida; Dianna Rose Gonzalez, Fort Lauderdale, Broward Community College, Progressive Mobility Club; Willie Hills; Mike Gilchrist; Charlotte Maynard; William B. Teague, National Federation of the Blind South Broward and Broward Blind Vets Association; and Edward Gitterman, Boca Raton, Florida.

Deborah Ryan, National Federation of the Blind, Fort Lauderdale; Tommy Ryan, National Federation of the Blind; Brenda Azan, Plantation, Florida; George Wymer, Davie, Florida; Merle Blumberg, Davie, Florida; Dennis Des Jardin, Victory Villas Programs; Conrad Walters, Hollywood, Florida; Dr. Thomas Walton, Licensed Family Therapist, Sunrise, Florida; and Richard W. Evans, volunteer, Broward Independent Living Center, Fort Lauderdale, Florida.

Responding to comments made by Mr. Evans, relating to the utilization of minority subcontractors using B & L vans, and not creating addition transportation to comply with the Americans with Disabilities Act (ADA), Mr. Scanlon stated that county staff is working with the contractor, B & L Services, Inc., to enforce provisions in the contract that require a minimum 10 percent minority participation.

In addition, and aside from the contract, the County has applied for a Section 3 grant from the Federal Transit Administration (FTA) to attempt to provide accessible taxi-cabs to the various taxi owners throughout the county. Mr. Scanlon advised that he has not had a response from FTA. Mr. Scanlon said that due to the current climate in Washington, D. C., he is not optimistic about that particular grant.

Mr. Scanlon conveyed that beyond the current contract, county staff is working on several other issues that would involve minority contractors providing shuttle bus-type service, particularly along the Broward corridor and also with some service in southwest Broward using a separate Congestion Management Mitigation and Air Quality (CMAQ) grant.

Continuing, County Administrator B. Jack Osterholt called the following interested parties, who wished to speak regarding this item: Lucille Palladino, Hollywood, Florida; Michael Young, Peoples' First of Dade County; Jaffrie Grossman, coordinator of Disability services at Broward Community College, Fort Lauderdale, Florida; Karen Caputo, AAA Wheelchair Wagon Service, Inc.; Abe Garr, President AARP, Kings Point, Tamarac, Florida; Mary Clauson, Fort Lauderdale Lighthouse for the Blind; Garpar Pernice, Hallandale, Florida, Lighthouse for the Blind; John Edwards, Hollywood, Florida; Vera Mosely, Fort Lauderdale Lighthouse for the Blind; Michelle Baum, Director of Advocacy Services, Broward Independent Living Center and Agency, Fort Lauderdale, Florida; Julie Cerney, Hollywood, Florida; Adam Shaible, Pompano Beach, Florida; Diane Schaut, Broward Community College, Progressive Mobility Club; Barry Barak, Checker Taxi, Pembroke Pines, Florida; Franca Pernice, Hallandale, Florida; Paul Braun; and Ruth Goldberg, Broward Independent Living Center and Agency.

There being no further comments from the public and by unanimous consent, the Chair closed the public hearing.

Commissioner Parrish commented that while serving along with Commissioner Poitier on the B & L contract Selection/Negotiation Committee, most transportation issues were accounted for in the contract, such as sensitivity training, multi-loading for wheelchair accessibility clients, "real-time" taxi service, dedicated telephone lines, and matching the appropriate vehicle to the appropriate client, etc. Commissioner Parrish stated that many hours were spent drafting the B & L contract, and after hearing the complaints regarding service level and quality expressed by the public at this day's meeting, she was displeased.

Commissioner Parrish addressed comments made regarding mobility instructors. She stated that mobility instruction is funded by the State, and as yet have not received a response from correspondence written to the Governor's office. Commissioner Parrish relayed that she has forwarded correspondence to the president of Flagler College, regarding the college's training program for visually and hearing impaired people, and the possibility of student internships at the County to train some of the citizens.

The Chair now called on Phillip E. Morgaman, President, B & L Services, Inc., to address the Commission's concerns regarding B & L's service to the clients.

Mr. Morgaman commented that he wanted to clarify any misconceptions that have arisen. Mr. Morgaman explained that the issue of rate increase was not a rate increase for B & L; it had nothing to do with the B & L contract.

Referring to the issue of multiple vehicles going to a destination to pick up a client, Mr. Morgaman relayed that there is a presumption that just because people request prescheduled service, it is not always routeable. When trips are not scheduled, the trips go to "open routes." The dispatcher attempts to dispatch those calls out in order to cover them. When there is no vehicle available that can meet the routes to provide timely service, taxi-cabs are dispatched, at no additional cost to the County to pick up the clients.

Mr. Morgaman pointed out that there are peak hours during the day, two hours in the morning and two hours in the afternoon. Mr. Morgaman stated that the price for the taxi cabs and sending more than one vehicle for the client is paid by B & L. In the last 12 months, B & L has paid over \$2.2 million. B & L does this to provide excess capacity and service relief. B & L would rather have excess capacity than stranding the people at a destination.

With respect to "no shows" for taxi-cabs, Mr. Morgaman stated that taxi-cab drivers do not get paid for "no shows."

Mr. Morgaman conveyed that he recognizes and is empathetic to the questions of service level and quality of service. He stated that he is a board member of the State Transportation Disadvantaged Commission and is involved with transportation issues.

Continuing, Mr. Morgaman relayed that in comparison to other major metropolitan jurisdictions in Florida, Broward has the highest quality, lowest cost levels, and the most reliable service in the State.

Mr. Morgaman explained that last time the Commission had such an outpouring of complaints was in 1990, when the Community Transportation Coordination program (CTC) program came on line, and the number of complaints increased to more than double to triple their normal level.

When the new system was implemented 15 months ago, the complaint level dropped by half. Mr. Morgaman stated that as of this day, the valid complaint level remains at 2/10ths to 3/10th of one percent. Mr. Morgaman indicated that the number of complaints have risen because the number of service delivers have risen from 18,000 to 20,000 trips per week and still growing. There are 200 plus new users

being subscribed into the system every week. The "on time" performance has held, as of this day, at the 93 to 95 percent range.

In conclusion, Mr. Morgaman stated that everyone involved in this program was aware that there would be an additional level of demand for services, but no one knew the level of demand increase would reach these levels and is still growing.

At this time, Mr. Morgaman answered questions posed to him by Commissioner Parrish regarding the following: Sensitivity training: Mr. Morgaman stated to his knowledge all of his employees undergo sensitivity training. Complaints from Broward Community College: Commissioner Parrish forwarded Ms. Grossman's complaint package to Jesse Gaddis, B & L, in addition to telephone communications. Mr. Morgaman stated he received the package, and contacted county staff and B & L staff. Mr. Morgaman reviewed the package in its entirety and found that all of the complaints, except two complaints in 1995 were duplications. Mr. Morgaman relayed that one of the 1995 complaints was erroneous on the part of BCC. Mr. Morgaman stated that he would investigate the 20 new complaints Ms. Grossman mentioned at this meeting.

Regarding the amendment relating to any taxi-cab company picking up clients if B & L is one hour late, Mr. Morgaman remarked that he believed people do not fully understand the way the system works and what their rights are under it. With respect to dedicated vehicles, Mr. Morgaman stated that the system began with 110 vehicles, presently, there are 160 vehicles fully dedicated to the system, including taxi-cabs.

In response to dedicated telephone lines, Mr. Morgaman indicated that prior to October 31, 1994, there were 10 telephone lines, at the present time there are 32 dedicated telephone lines.

Commissioner Parrish commented that complaints regarding late pick ups are the same complaints for the past three years.

After discussion, a motion was made by Commissioner Parrish and seconded by Commissioner Poitier to reconvene Selection/Negotiation Committee for the B & L, Inc. contract to review quality of services.

After further discussion, Commissioner Rodstrom suggested including in the motion, that the appropriate County staff will monitor and assess the entire operations of B & L on-site at B & L headquarters for 90 days, in conjunction with the outside consultant hired by the County to survey the clients using the service, and report to the County Commission.

Responding to a question posed by Commissioner Thompson with respect to request the swearing in of individuals on both sides of an issue to speak at subsequent meetings regarding the B & L contract, County Attorney John J. Copelan, Jr. advised that an individual or company has the general right to come before the County Commission without being sworn in and to give a statement. There are quasi-judicial proceedings, which this is not, where an individual or company is sworn in. Mr. Copelan added that requiring certification of certain documents from a person or company can be done. Certification attests that the contents of the document are true and accurate.

Commissioner Poitier commented that she worked extremely hard to provide quality transportation services, and opined that all that is needed is to reconvene the Selection/Negotiation Committee.

At this time, Commissioner Poitier withdrew from seconding the motion on the floor.

Commissioner Rodstrom seconded the motion to reconvene Selection/Negotiation Committee for the B & L, Inc. contract to review quality of services, with the inclusion of his suggestion to

have the appropriate County staff monitor and assess the entire operations of B & L on-site at B & L headquarters for 90 days, in conjunction with the outside consultant hired by the County to survey the clients using the service, and report to the County Commission.

Brief discussion followed regarding the issue of sending county staff to monitor and assess the entire operations of B & L on-site. Commissioner Poitier stated that county staff through Ed Wisniewski and Sylvia Smith, from Mass Transit and Dana Buker, ADA Coordinator should be monitoring the day-to-day operations of paratransit. Responding to a question posed by Commissioner Rodstrom regarding the amount of hours spent daily monitoring B & L operations on-site at their headquarters, Mr. Wisniewski, Manager, Paratransit Division, stated no hours were spent at B & L and no county staff have been to the location to do so.

In answer to a question posed by Commissioner Cowan regarding whether county staff could adequately assess the operations of B & L by not having county staff traveling to headquarters, Mr. Wisniewski relayed that the monitoring is assessed in a different manner. Mr. Wisniewski stated that he was aware of what he perceived to be a breakdown in service due to volume in the last two months.

In answer to Commissioner Thompson's question regarding the accuracy of the data relating to the high percentage of performance compared to completed trips, Mr. Wisniewski advised that the data was accurate. Mr. Wisniewski added that Mr. Morgaman quoted 93 to 95 percent for on-time performance, that percentage decreased to 92 percent in December 1994.

The Chair now called for a vote on the motion on the floor, as previously cited, that the Board will reconvene Selection/Negotiation Committee for the B & L, Inc. contract to review quality of services. In addition, appropriate County staff monitor and assess the entire operations of B & L on-site at B & L headquarters for 90 days, in conjunction with the outside consultant hired by the County to survey the clients using the service, and report to the County Commission.

The members voted as follows:

Commissioner Cowan		Yes
Commissioner Hart		Yes
Commissioner Parrish	Yes	
Commissioner Poitier	Yes	
Commissioner Rodstrom		Yes
Commissioner Thompson		No
Commissioner Gunzburger		Yes

The Chair declared the motion carried.

Commissioner Hart commented that the Commission, as a body, would never sanction a contract with a level of service where individuals have to wait for any period of time.

Responding to Commissioner Hart's query regarding the repeated complaints about telephone service, Mr. Morgaman reiterated that all employees undergo appropriate sensitivity training. Mr. Morgaman stated that all training is subject to review by the County and invited the County to do so. Mr. Morgaman further stated that B & L does not tolerate rudeness. When a complaint of rudeness is filed by a client, B & L will investigate the complaint if possible. If a specific complaint is filed relating to a specific individual, disciplinary action can be taken.

(Commissioner Parrish left the meeting room at this time.)

With respect to the action taken regarding this item, Mr. Scanlon conveyed that the actions will help staff ascertain better control to deal with and reduce the complaints. The growth has been so great and rapid that the contractor is having a difficult time meeting the demand. Mr. Scanlon commented that immediately after the contract went into effect, the complaints dropped. The complaints increased with the influx of ADA clients.

Discussion ensued relating to the B & L contract and meeting the demands of a rapidly changing system. Commissioner Hart asked staff if it was appropriate and or legally capable for the County to determine whether or not to give additional transportation contractors the opportunity to bid on the overload caused by the current demand increases.

(Commissioner Parrish returned to the meeting room at this time.)

Mr. Copelan advised that there is a contract that gives certain rights to B & L and a contract that gives certain rights to the County. The County can exercise its right to termination of the contract. There are two types of termination, termination for cause and termination for convenience, (where there is no cause). If the contract was terminated there are no longer any contractual rights which could be enforced. At that point, the County would be free to search for another contractor. Without termination of the contract, Mr. Copelan advised it would require a more lengthy explanation; there are certain contractual rights that must be analyzed before he could give a legal opinion.

Continuing, Mr. Copelan addressed Commissioner Hart's question relating to the Right of First Refusal. He advised that the Right of First Refusal was added in B & L's contract through negotiation. Mr. Copelan briefly explained the Right of First Refusal clause in the contract. Mr. Copelan

stated that B & L has the Right of First Refusal for certain types of service. Mr. Scanlon added that the price of the service has been set, but specifications for the service have not been determined. The County could develop a specification, for example, for a higher level of service, and the contractor would have to provide that higher level of service.

Commissioner Hart requested that the County Attorney's Office further research the Right of First Refusal Clause within the B & L contract, with respect to meeting the recent increase in demand for services, and possible need for a different level of services to be petitioned out by the County.

Mr. Morgaman mentioned that the contract provides that it is to be opened and reviewed annually by the Selection/Negotiation Committee. The point being, that the service could be adapted, changed, negotiated, and improved during the term of the contract.

After further discussion, and on motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried, the Board filed proof of publication of a public hearing to receive public input on proposed increases to BCT fixed-route, directly- operated full fares, reduced fares and transfers, restructuring service and increasing fares for paratransit services.

On motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried, the Board adopted, as revised, Resolution 95-174 of the Board of County Commissioners of Broward County, Florida, amending the Broward County Administrative Code, Volume 3, Part III, Section 37.22 A, B, D, E, F, G, and H addressing the fixed-route, directly-operated fare structure, to provide for increase of full fares, reduced fares and transfers; to revise for clarity Sections 37.22 and 37.24; to add Section 37.25, addressing the paratransit fare structure; providing for exclusivity of revisions; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

On motion of Commissioner Hart, seconded by Commissioner Cowan and unanimously carried, the Board adopted Resolution 95-175 of the Board of County Commissioners of Broward County, Florida authorizing the Mass Transit Division Director to issue complimentary bus passes to current users of the Social Service Transportation (SST) Program and to others, as he deems appropriate, as an incentive for riders to transfer from the more costly paratransit program to directly-operated fixed-route bus service; providing for severability and an effective date.

(Commissioner Poitier left the meeting room at this time.)

Commissioner Parrish explained that if an outside provider picks up a client after a "no show" (more than one hour), B & L is responsible for paying that provider.

ENACTMENT OF ORDINANCE 95-05 - PUBLIC HEARING - AMENDING BROWARD COUNTY CODE OF ORDINANCES - RELATING TO SOLICITATION OF FUNDS OR SERVICES AT FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT: RESOLUTION 95-176 - AMENDING CHAPTER 26 ADDING PART III TO BROWARD ADMINISTRATIVE CODE - PICKETING, DISTRIBUTION OF LITERATURE, OR SOLICITATION OF FUNDS (9 A & B)

It now being the time advertised to hold a public hearing to consider enactment of Ordinance 95-05 the substance of which is as follows, the Chair called for interested parties to be heard:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY CODE OF ORDINANCES REPEALING DIVISION 3 OF CHAPTER 2, ARTICLE III, SOLICITATION OF FUNDS OR SERVICES; ESTABLISHING A NEW DIVISION 3 WITHIN CHAPTER 2, ARTICLE III, ENTITLED "PICKETING, DISTRIBUTION OF LITERATURE, OR SOLICITATION OF FUNDS" AT THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT; CLARIFYING COMPLIANCE WITH CHAPTER 496 OF THE FLORIDA STATUTES; MODIFYING THE NUMBER OF PERSONS PERMITTED TO CONDUCT ACTIVITIES AT ONE TIME AND THE LOCATIONS AVAILABLE FOR PICKETING, DISTRIBUTION OF LITERATURE, OR SOLICITATION OF FUNDS; ESTABLISHING LIMITATIONS ON ACTIVITIES; REQUIRING A PERMITTEE TO INDEMNIFY THE COUNTY AGAINST PERMITTEE'S NEGLIGENCE; PROVIDING FOR REVOCATION OF PERMITS FOR GOOD CAUSE; PROVIDING PROCEDURES FOR HEARING OFFICERS IN THE EVENT OF REVOCATION OR DENIAL OF PERMIT; REFERENCING THE TERMINAL LAYOUT PLANS AS PROVIDED IN THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

A motion was made by Commissioner Cowan and seconded by Commissioner Hart to file proof of publication and enact Ordinance 95-05, as amended, to become effective as provided by law.

County Attorney John J. Copelan, Jr. advised that there is current, ongoing litigation filed by the group, "Jews for Jesus, Inc." in federal court, concerning the distribution of literature at the Fort Lauderdale-Hollywood Airport.

Commissioner Parrish requested that the Chair enforce the rule that any dialogue presented by interested parties is addressed specifically to the item before the Commission for consideration.

The following individuals came forward giving their respective comments regarding the proposed ordinance relating to solicitation of funds or services: Jay Field, Fort Lauderdale, Florida: Opposed to giving name, address and telephone number on permit. There should be a time limit when the County can review the applicant's books, records, and papers. Picketing areas are not sufficient. Steve Cohen, Florida Director, Jews for Jesus, Inc.: In favor of a proper process for registration, not a

permit. Robert M. Brake, Esq., representing Jews for Jesus, Inc.: In favor of registration rather than a permit. (A copy of back up material was submitted by Mr. Brake, for the record, and filed with the supplemental papers to the minutes of this meeting.)

There being no further comments from the public and by unanimous consent, the Chair closed the public hearing.

At this time, the Chair called for a vote on the motion on the floor to file proof of publication and enact Ordinance 95- 05, as amended, to become effective as provided by law. The Chair declared the motion unanimously carried.

On motion of Commissioner Cowan, seconded by Commissioner Hart and unanimously carried, the Board adopted, as amended, Resolution 95-176 amending Chapter 26 of the Broward County Administrative Code, adding Part III, Picketing, Distribution of Literature, or Solicitation of Funds at Fort Lauderdale-Hollywood International Airport, Section 26.24, relating to the designation of sites for picketing, distribution of literature, or solicitation of funds on the terminal layout plan for the Fort Lauderdale- Hollywood International Airport; providing for an application and permit form; providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

#### **BROWARD COUNTY'S 1995 LEGISLATIVE PROGRAM AND RELATED POSITIONS ON LEGISLATIVE ISSUES (5)**

On motion of Commissioner Parrish, seconded by Commissioner Rodstrom and unanimously carried, the Board adopted Broward County's 1995 Legislative Program and related positions on legislative issues.

There being no further business to come before the Board at this time, and on motion made, seconded and unanimously carried, the meeting adjourned at 5:30 p.m.