

**May 7, 1996**

MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

Meeting of

May 7, 1996

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, May 5, 1996, with the following members present: John E. Rodstrom, Jr., Chair; Scott I. Cowan, Vice Chair; Suzanne N. Gunzburger; 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 Vera Giles.

PLEDGE OF ALLEGIANCE

The County Administrator led in reciting the Pledge of Allegiance to the Flag.

COMMISSIONERS ABSENT (114)

The Chair advised that Commissioner John P. Hart is out of town and Commissioner Sylvia Poitier is attending a funeral in Ocala, so they will not be present at today's meeting.

PROCLAMATION - MAY 6 THROUGH 12, 1996 - CORRECTIONAL OFFICERS WEEK (115)

Commissioner Gunzburger read into the record a proclamation designating the week of May 6 through 12, 1996 as CORRECTIONAL OFFICERS WEEK in Broward County. Sheriff Ron Cochran accepted and thanked the Commission for the proclamation. He presented a few of the correctional officers present who he asked to stand and be recognized. Susan McCampbell, Director of Department of Corrections and Rehabilitation in the Broward Sheriff's office also appeared with Sheriff Cochran and was recognized.

PROCLAMATION - MAY 6 THROUGH 12, 1996 - NURSES WEEK (116)

Commissioner Parish read into the record a proclamation designating the week of May 6 through 12, 1996 as NURSES WEEK in Broward County. Arlene Rohr, R.N. and President of the Florida Nurses Association, District 21; Mickey Horton, ARNP, and Chair of the National Nurses Week Committee; and Kathy Mele, member of the Florida Nurses Association, all accepted and thanked the Commission for the proclamation. Ms. Mele introduced two students from Ely High School, attending the second graduating class of LPN's at the high school level in one of the first pilot programs at the high school level in the state.

**PROCLAMATION - MAY 19 THROUGH 25, 1996 - PUBLIC WORKS WEEK (117)**

Commissioner Thompson read into the record a proclamation designating the week of May 19 through 25, 1996 as PUBLIC WORKS WEEK in Broward County. The Board calls upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions that public works personnel make every day to our health, safety, comfort, and quality of life. Lee Billingsley, Director of Public Works Department, accepted and thanked the Commission for the proclamation on behalf of the 1380 employees of the Public Works Department and in memory of John Touchstone, former Director of Public Works Department who passed away recently.

**PROCLAMATION - MAY 15, 1996 - PASSENGER APPRECIATION DAY (118)**

Commissioner Cowan read into the record a proclamation designating May 15, 1996 as PASSENGER APPRECIATION DAY in Broward County. Michael Scanlon, Director of Broward County Mass Transit Division accepted and thanked the Commission for the proclamation on behalf of the 80,000 daily riders, and the 700 men and women of Broward County Transit.

**PROCLAMATION - MONTH OF MAY - BETTER HEARING AND SPEECH MONTH (119)**

Commissioner Gunzburger read into the record a proclamation designating the month of May as BETTER HEARING AND SPEECH MONTH in Broward County, and congratulated United Hearing and Deaf Services, Inc. upon the celebration of its fifteenth anniversary on May 9, 1996. Nancy Weintraub, with the United Hearing and Deaf Services introduced three members from their Board of Directors and Clyde Tucker, also with the Services, interpreted the proceedings for those persons present with hearing problems. Ms. Weintraub accepted and thanked the Commission for the proclamation.

**PROCLAMATION - MAY 18 THROUGH 24, 1996 - SAFE BOATING WEEK (120)**

Commissioner Rodstrom read into the record a proclamation designating the week of May 18 through 24, 1996 as SAFE BOATING WEEK in Broward County. The Board urges all citizens who use our waterways to take boating education courses and to operate their vessels responsibly. Accepting the proclamation were District Commander Kenneth Harding, U.S. Power Squadron Division 3; Staff Officer James L. Malkausky, U.S. Coast Guard Auxiliary; Board Member Edward J. Bohne, Marine Industry Association of South Florida; and Phillip C. Allen, Director of Finance & Administrative Services in Broward County.

**PROCLAMATION - MAY 5 THROUGH 11, 1996 - DRINKING WATER WEEK (121)**

Commissioner Rodstrom read into the record a proclamation declaring the week of May 5 through 11, 1996 as DRINKING WATER WEEK in Broward County and urging residents to participate in programs planned to celebrate this event. Willie Horton, Director, Office of Environmental Services Water Supply, accepted and thanked the Commission for the proclamation on behalf of the 540 employees of the Office of Environmental Services and all the utility representatives within Broward County.

**EMPLOYEE SERVICE RECOGNITION - YEARS OF COUNTY SERVICE (122)**

The County Administrator presented service pins to the following employees in recognition of their years of dedicated service to Broward County government: For twenty (20) years of service: Rodney Zancanata, Fire Captain with Fire Rescue; Alice Godio, Analyst, Budget & Management Policy; Gennie Pierce, Cook, with Alcohol & Drug Abuse Services; Easter Wilcher, Librarian IV, Libraries Division; Frank Palermo, Bus Operator, Mass Transit; Patricia Jackson, Division Secretary II, Public Works; and Melzar Gibbs, Auto Mechanic II, with Fleet Services; and for twenty five (25) years of service, Lynda Menter, Social Worker II, with Family development & Resource Division. Each of the employees accepted and thanked the Commission for the service pins and for the day off of their choice.

**REQUEST - RECONSIDERATION OF AMENDMENT HEARD ON MAY 1, 1990 - DENIED (123)**

Commissioner Thompson said that Dr. Ashok Patel had called him and asked whether the Commission would grant reconsideration of Amendment PC-95-37 heard on May 1, 1996 at a Quasi-Judicial Hearing which was amended.

After some discussion, a motion was made by Commissioner Thompson that the Board grant reconsideration of this item.

The motion died for lack of a second to the motion.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - RECONVEYANCE BY QUIT CLAIM DEED - MINNIE BREGMAN ET AL (1)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved reconveyance by quit claim deed under F.S. 255.22, of that right-of-way donated to Broward County to Minnie Bregman, et al., as successors in title to the donor; and authorized the Chair and Clerk to execute and record same.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - CONTRACT - BELL SOUTH TELECOMMUNICATIONS, INC. - R/W PURCHASE - PINE ISLAND ROAD (2)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved contract for sale and purchase executed by Bell South Telecommunications, Inc. in the amount of \$60,200 for purchase of right-of-way for Pine Island Road (Oakland Park Boulevard to Commercial Boulevard), Project No. 5121, Parcel 1; authorized the Chair and Clerk to execute contract for sale and purchase; and authorized acceptance and recordation of deed.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - CONTRACT - BELLAMARC INVESTMENTS INC. - R/W PURCHASE - McNAB ROAD (3)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved contract for sale and purchase executed by Bellamarc Investments, Inc. F/K/A 97161 Canada, Ltd. in the amount of \$2,500 for purchase of right-of-way and temporary construction easement for McNab Road (NW 89th Avenue to University Drive), Project No. 5117; Parcel 104/104TCE; authorized the Chair and Clerk to execute contract for sale and purchase; and authorized acceptance and recordation of deed.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - RESOLUTION 96- 0291 - QUIT CLAIM DEED - DELINQUENT REAL ESTATE TAXES - CITY OF MARGATE (4)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0291 authorizing the conveyance by quit claim deed, various tax deed properties that have escheated to Broward County for delinquent real estate taxes, to the city of Margate; and authorized the Chair and Clerk to execute and record this deed.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - SATISFACTION OF MORTGAGE - STATE OF FLORIDA V. PATRICK DORSETT (5)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved the Chair and Clerk to execute and deliver satisfaction of mortgage for certain mortgage deed executed by Mark Dorsett to Broward County as property bond in State of Florida v. Patrick Dorsett, Case No. 95- 19685CF10A.

**PUBLIC WORKS DEPARTMENT - REAL PROPERTY SECTION - PURCHASE AGREEMENT - FPL - R/W PURCHASE - PINE ISLAND ROAD (6)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement of purchase and sale executed by Florida Power & Light Company, a Florida corporation, in the amount of \$8,500 for purchase of right-of-way for Pine Island Road (Oakland Park Boulevard to Commercial Boulevard), Project No. 5121, Parcel 19; authorized the Chair and Clerk to execute agreement of purchase and sale; and authorized acceptance and recordation of deed.

OFFICE OF ENVIRONMENTAL SERVICES - ENVIRONMENTAL ENGINEERING DIVISION - DEVELOPER'S AGREEMENT - CYPRESS CREEK ASSOCIATES LIMITED PARTNERSHIP - UTILITY INSTALLATIONS (7)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved developer's agreement between the county and Cypress Creek Associates Limited Partnership, a Delaware limited partnership, providing for utility installations by the developer at an estimated installation cost of \$123,937 (at no cost to the county) to furnish water and sewer services, and authorized the Chair and Clerk to execute same. BCOES Project No. 8671.

OFFICE OF ENVIRONMENTAL SERVICES - FISCAL OPERATIONS DIVISION - SATISFACTIONS OF CLAIM OF LIEN - UNPAID WATER/SEWER CHARGES (8)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved and executed satisfactions of claim of lien to release liens recorded for unpaid water or sewer or water and sewer charges.

OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - AGREEMENT - CITY OF CORAL SPRINGS - TRAFFIC WAYS BEAUTIFICATION - RIVERSIDE DRIVE (9)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement between Broward County and the city of Coral Springs for traffic ways beautification for Riverside Drive (from Sample Road to north of Wiles Road), and authorized the Chair and Clerk to execute same.

OFFICE OF TRANSPORTATION - ENGINEERING DIVISION - RESOLUTION 96-0292 - PERPETUAL ACCESS ROAD EASEMENT - SOUTH FLORIDA WATER MANAGEMENT DISTRICT (10)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0292 authorizing conveyance of a perpetual access road easement located in Section 3, Township 49 South, Range 42 East, to South Florida Water Management District, and authorized the Chair and Clerk to execute and deliver said perpetual access road easement.

OFFICE OF TRANSPORTATION - AGREEMENT - CITY OF CORAL SPRINGS - LANDSCAPE DEVELOPMENT AND MAINTENANCE - CORAL RIDGE DRIVE (11)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement between Broward County and city of Coral Springs for landscape development and maintenance of Coral Ridge Drive from Atlantic Blvd. to Lakeview Drive and from Royal Palm Blvd. to Wiles Road, and authorized the Chair and Clerk to execute same.

OFFICE OF TRANSPORTATION - STREETS AND HIGHWAYS DIVISION - BUDGET RESOLUTION 96-0293 - TRANSFER FUNDS WITHIN CAPITAL OUTLAY FUND - RESURFACE SW 111TH TERRACE (12)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted budget Resolution 96-0293 transferring funds within Streets and Highways Capital Outlay Fund for Streets and Highways Division in the amount of \$38,000 to resurface SW 111th Terrace (SW 48th Street to Stirling Road) in unincorporated Broward County. Project 9611.

OFFICE OF TRANSPORTATION - STREETS AND HIGHWAYS DIVISION - BUDGET RESOLUTION 96-0294 - TRANSFER FUNDS WITHIN CAPITAL OUTLAY FUND - RESURFACE CRYSTAL LAKE DRIVE (13)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted budget Resolution 96-0294 transferring funds within Streets and Highways Capital Outlay Fund for Streets and Highways Division in the amount of \$42,000 to resurface Crystal Lake Drive (NW 9th Avenue to NW 45th Street) in unincorporated Broward County. Project 9612.

OFFICE OF TRANSPORTATION - STREETS AND HIGHWAYS DIVISION - BUDGET RESOLUTION 96-0295 - TRANSFER FUNDS WITHIN CAPITAL OUTLAY FUND - RESURFACE SUNRISE BOULEVARD (14)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted budget Resolution 96-0295 transferring funds within Streets and Highways Capital Outlay Fund for Streets and Highways Division in the amount of \$190,000 to resurface Sunrise Boulevard (Pine Island Road to Nob Hill Road) in the city of Plantation. Project 9613.

OFFICE OF TRANSPORTATION - STREETS AND HIGHWAYS DIVISION - BUDGET RESOLUTION 96-0296 - TRANSFER FUNDS - WITHIN CAPITAL OUTLAY FUND - RESURFACE ANDREWS AVENUE (15)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted budget Resolution 96-0296 transferring funds within Streets and Highways Capital Outlay Fund for Streets and Highways Division in the amount of \$165,000 to resurface Andrews Avenue (East Las Olas Boulevard to Sunrise Boulevard) in the city of Fort Lauderdale. Project 9614.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - ACCOUNTING DIVISION - FILE SEMI-ANNUAL FINANCIAL SUMMARY - PARK, OPEN SPACE AND RECREATIONAL TRUST FUND (16)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board filed semi-annual financial summary for the Park, Open Space and Recreational Trust Fund for the six-month period ended March 31, 1996.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - COUNTY RECORDS DIVISION - APPROVE COMMISSION MINUTES (17)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved minutes of the 10:00 a.m. Board of County Commission Meeting of March 12 and March 26, 1996; the minutes of 2:00 p.m. Public Hearing of March 12, 1996.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - NOTE FOR RECORD - AMENDMENT TO WORK AUTHORIZATION - EMERGENCY BASIS - ARDAMAN & ASSOCIATES, INC. - REMOVAL OF CONTAMINATED SOIL AND GROUNDWATER - KENAN TRANSPORTATION SITE - FLHIA (18)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to note for the record approval of Amendment No. 1 to Work Authorization No. 1 on an emergency basis with Ardaman & Associates, Inc. in the amount of \$37,068.70, for the removal and disposal of contaminated soil and groundwater around the 10,000 gallon UST tank at Kenan Transportation site at the Ft. Lauderdale/Hollywood International Airport, in accordance with the agreement of August 23, 1994 for the Library of Environmental Services, article 4.1.3. The agreement amount will be increased from \$15,514.49, to \$52,583.19, and the time for performance increased from 30 to 60 calendar days.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - AGREEMENTS AND FIRST AMENDMENT - VARIOUS FIRMS - ADDITIONS TO EXISTING RESOURCE LIBRARY FOR ENVIRONMENTAL SERVICES (19)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreements and first amendment between Broward County and Brown and Caldwell; Buck Eco-Logic Inc., Center for Applied Engineering, Inc., CH2M Hill Inc., Cliff Berry Inc., Coastal Engineering Consultants Inc., CZR Incorporated, Dennis W. Frazel PhD, Earth Advisors Inc., Environmental Management Services Inc., Early Geological Services Inc., EBS Engineering Inc., ENSA Environmental Inc., Envirocorp: Enviro Team Inc., Evans Environmental: and Geological Science and Management Inc., GLE Associates Inc., Golder Associates Inc., HydroScience Water Resources Consultants Ltd., J A Stone Associates, Joe Alvarez & Associates Inc., KBN Engineering and Applied Sciences Inc. (KBN), MotorFuelers Inc., Nodarse Environmental Services Inc., PAWA Complex International Inc., Petro Dynamics Engineering Inc., Planning and Economics Group Inc.,

Precision Environmental Laboratory Inc., RJN Group Inc., R. L. Weight Environmental Consultants Inc., SGF Environmental Consultants Inc., Stone & Webster Engineering Corporation, Terrac Technologies Inc., ViroGroup Inc., V O C Analytical Laboratories Inc., Water Restoration, W E C Commissioner PoitierInc., WEI Environmental Services as additions to the existing Resource Library for environmental services which was approved for a three year period beginning September 7, 1994 with two one-year extensions to be approved by the Director of Purchasing, and authorized the Chair and Clerk to execute same.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SOLE SOURCE PROCUREMENT - FOLD AND FORMED PIPE - MADSEN/BARR CORPORATION - ENVIRONMENTAL ENGINEERING DIVISION - AWARD CONTRACT - INFILTRATION/INFLOW ABATEMENT PROGRAM (20A & B)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved sole source procurement of fold and formed pipe from U-Liner Pipe through their licensed installer, Madsen/Barr Corporation, for the Environmental Engineering Division; and awarded open-end contract to Madsen/Barr Corporation for furnishing and installing fold-and-formed liners (city of Hollywood contract No. 93-7025) for the Environmental Engineering Division's Infiltration/Inflow Abatement Program in the approximate total amount of \$803,715 and authorized the Purchasing Director to renew the contract for a one-year period, subject to receipt and acceptance of payment and performance bonds. The initial contract period shall start May 7, 1996 and terminate May 6, 1997.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - ADD CLINE PLUMBING CO. INC. TO QUALIFIED BIDDERS' LIST - PLUMBING SERVICES - VARIOUS FACILITIES AROUND BROWARD COUNTY (21)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to add following vendor to the qualified bidders' list for plumbing services for various facilities in Broward County (No. N-11-95-18-12): Cline Plumbing Co. Inc., for the period May 7, 1996 through April 12, 1998.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - ADD ADVANCED TECHNOLOGY SYSTEMS INTEGRATORS CORP. AND SENTRY ALARM SYSTEMS OF AMERICA TO QUALIFIED BIDDERS' LIST FOR SECURITY SYSTEMS (22)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to add following vendors to the qualified bidders' list for security systems (closed circuit TV) for various facilities in Broward County (No. N-11-95-24-12): Advanced Technology Systems Integrators Corp.; Sentry Alarm Systems of America, for the period May 7, 1996 through April 12, 1998.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - CONTRACTUAL SERVICES AGREEMENT - FDOT - INSTALLATION OF POTABLE WATER SERVICE - HOLLYWOOD BOULEVARD TOLL PLAZA (23)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved contractual services agreement between the state of Florida Department of Transportation (FDOT) Job No. 97970-1332, 97860-3394 and Broward County for the installation of potable water service to the FDOT Turnpike District, Hollywood Boulevard Toll Plaza. This contract shall begin on the date of execution and shall terminate on November 1, 1996, or date of termination whichever occurs first. This contract may not be renewed. BCOES Project No. 8668.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - AWARD OPEN-END CONTRACT - U.S. CONCRETE PIPE CO. - CONCRETE CULVERT PIPE (24)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to award open-end contract to low bidder, U.S. Concrete Pipe Co., Group 1, for concrete culvert pipe (Bid No. E-02-96-26-12) in the approximate amount of \$224,090 for the Streets and Highways Division, and authorized the Purchasing Director to renew the

contract for two one-year periods. The initial contract period shall start May 26, 1996 and shall terminate May 25, 1997.

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - REVENUE COLLECTION DIVISION - SATISFACTION OF CLAIM OF LIENS - LORNA DUNCAN-McBEAN, GEORGE IRISH AND HOWARD MANCIPE (25)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved and executed satisfaction of claim of liens against Lorna Duncan-McBean, George Irish and Howard Mancipe.

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - REVENUE COLLECTION DIVISION - ACKNOWLEDGE RECEIPT OF NOTICE OF LANDS AVAILABLE FOR TAXES SUBMITTED (26)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to acknowledge receipt of notice of lands available for taxes submitted per Florida Statutes 197.502(7) and 12D- 13.064(1)(2)(3).

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - RISK MANAGEMENT DIVISION - FULL AND FINAL SETTLEMENT - CLAIM IN AMOUNT \$17,500 (27)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board authorized full and final settlement of Claim No. SSA/081894ALLD/7 in the amount of \$17,500.

**FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - RISK MANAGEMENT DIVISION - FULL AND FINAL SETTLEMENT - WORKERS' COMPENSATION CLAIM IN AMOUNT OF \$30,450 (28)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved full and final settlement of Workers' Compensation Claim No. 94 WC 0605 MR in the amount of \$30,450.

**HUMAN SERVICES DEPARTMENT - ALCOHOL & DRUG ABUSE SERVICES DIVISION - UNANTICIPATED REVENUE RESOLUTION 96-0297 - DRUG COURT TREATMENT PROGRAM (29)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted unanticipated revenue Resolution 96-0297 within the Grant Fund 910 for the Alcohol and Drug Abuse Services Division in the amount of \$200,000 for the Drug Court Treatment Program.

**HUMAN SERVICES DEPARTMENT - FAMILY DEVELOPMENT & RESOURCE DIVISION - MODIFICATION TO AGREEMENT - STATE DEPARTMENT OF COMMUNITY AFFAIRS - CHANGING ORIGINAL GRANT AMOUNT - INCREASE FINANCIAL ASSISTANCE FOR CLIENTS (30)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved Modification No. 2 to Agreement 96SB-4M-11-16-01-010 between the State of Florida Department of Community Affairs and Broward County, Attachment A, changing the budget and work plan within the original grant amount of \$560,077 to increase the amount of financial assistance for clients, and authorized the Chair and Clerk to execute same.

**COMMUNITY SERVICES DEPARTMENT - CONSUMER AFFAIRS DIVISION - CHANGE OF OWNERSHIP OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - THREE LIMOUSINE PERMITS TRANSFERRED TO PALM AIRE LIMOUSINE SERVICE, INC. - CURRENTLY ISSUED TO ELITE TRANSPORTATION SERVICES, INC. (31)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved change of ownership of Certificate of Public Convenience and Necessity No. 37 currently issued to Elite Transportation Services, Inc. Certificate No. 37 currently has three limousine permits. Three permits will be transferred to Palm Aire Limousine Service, Inc.

COMMUNITY SERVICES DEPARTMENT - CONSUMER AFFAIRS DIVISION - PARTIAL CHANGE OF OWNERSHIP - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - CURRENTLY ISSUED TO EXCEL LIMOUSINE INC. - ONE PERMIT TRANSFERRED TO COUSINS LIMOUSINES OF SOUTH FLORIDA INC - (32)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved partial change of ownership of Certificate of Public Convenience and Necessity No. 71 currently issued to Excel Limousine, Inc. Two limousine permits are currently issued to Excel Limousine, Inc. One limousine permit will be transferred to Laurence A. Christopher, Jr., d/b/a Cousins Limousines of South Florida, Inc.

COMMUNITY SERVICES DEPARTMENT - CONSUMER AFFAIRS DIVISION - CHANGE OF OWNERSHIP - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - ONE LIMOUSINE PERMIT TRANSFERRED FROM ELITE TRANSPORTATION SERVICES, INC. TO PALM AIRE LIMOUSINE SERVICE, INC. (33)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved change of ownership of Certificate of Public Convenience and Necessity No. 58 currently issued to Elite Transportation Services, Inc. The one remaining limousine permit will be transferred to Palm Aire Limousine Service, Inc.

COMMUNITY SERVICES DEPARTMENT - CONSUMER AFFAIRS DIVISION - CHANGE OF OWNERSHIP - CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - ONE LIMOUSINE PERMIT TRANSFERRED FROM BULLET LIMOUSINE COMPANY TO JOVI LIMOUSINE INC. (34)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved change of ownership of Certificate of Public Convenience and Necessity No. 74 currently issued to Bullet Limousine Company. One limousine permit currently issued to Bullet Limousine Company will be transferred to Jovi Limousine, Inc.

COMMUNITY SERVICES DEPARTMENT - PARKS AND RECREATION DIVISION - AMENDMENT TO LEASE AGREEMENT - CITY OF FORT LAUDERDALE - MILLS POND PARK - REVISING PARK MASTER PLAN (35)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved Amendment No. 1 to lease agreement between Broward County and the city of Fort Lauderdale for Lake Lauderdale Park, now known as Mills Pond Park, for revising the park master plan, and authorized the Chair and Clerk to execute same.

COMMUNITY SERVICES DEPARTMENT - PARKS AND RECREATION DIVISION - DEP - FBIP - TRI-PARTY DEVELOPMENT PROJECT GRANT AGREEMENT - CITY OF WILTON MANORS AND FLORIDA DEP - DREDGING OF SOUTH FORK-MIDDLE RIVER PROJECT (36)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved State of Florida Department of Environmental Protection (DEP) Florida Boating Improvement Program (FBIP) Tri-Party Development Project Grant Agreement among Broward County, the city of Wilton Manors, and the Florida DEP in the amount of \$50,000 for the dredging of the South Fork-Middle River, FBIP Project, and authorized the Chair and Clerk to execute same. (No county monies required)

DEPARTMENT OF NATURAL RESOURCE PROTECTION - SETTLEMENT AGREEMENTS - VARIOUS RESPONDENTS - VIOLATIONS OF COUNTY ORDINANCES (37)

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

- A. Gene & Rosita Godoy
- B. Bob Koenig Tree Service, Inc.
- C. Morton Roofing
- D. Charles Slater

DEPARTMENT OF NATURAL RESOURCE PROTECTION - BIOLOGICAL RESOURCES DIVISION -  
ACCEPT CONSERVATION EASEMENT - SARAH PARK OWNERS ASSOCIATION - CITY OF  
PEMBROKE PINES (38)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to accept conservation easement from SarahPark Owners Association for SarahPark, a residential development, over approximately 65.4 acres of real property in the city of Pembroke Pines, Broward County, Florida, for the Biological Resources Division.

DEPARTMENT OF NATURAL RESOURCE PROTECTION - BIOLOGICAL RESOURCES DIVISION -  
CONSERVATION EASEMENT - COUNTRY LAKES, - RESIDENTIAL DEVELOPMENT - CITY OF  
MIRAMAR (39)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to accept conservation easement from Country Lakes, L.P. for Country Lakes, a residential development, over approximately 15.548 acres of real property in the city of Miramar, Broward County, Florida, for the Biological Resources Division.

DEPARTMENT OF NATURAL RESOURCE PROTECTION - BIOLOGICAL RESOURCES -  
CONSERVATION EASEMENT - PEMBROKE SPRINGS - CITY OF PEMBROKE PINES (40)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to accept conservation easement from Pembroke Springs, Ltd. for Pembroke Springs, a residential development, over approximately 24.9 acres of real property in the city of Pembroke Pines, Broward County, Florida, for the Biological Resources Division.

DEPARTMENT OF NATURAL RESOURCE PROTECTION - BIOLOGICAL RESOURCES DIVISION -  
AMENDED CONSERVATION EASEMENT - MINTO TOWNGATE LIMITED PARTNERSHIP -  
RESIDENTIAL DEVELOPMENT - CITY OF PEMBROKE PINES (41)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board accepted amended conservation easement from Minto Towngate Limited Partnership, for a residential development, over approximately 53.6 acres of real property in the city of Pembroke Pines, Broward County, Florida, for the Biological Resources Division.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY  
DEVELOPMENT DIVISION - AGREEMENT - REGENT BANK - PARTICIPATION IN COMMERCIAL  
REVITALIZATION PROGRAM (42)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement between Regent Bank and Broward County for participation in the Community Development Division Commercial Revitalization Program, and authorized the Chair and Clerk to execute same.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY  
DEVELOPMENT DIVISION - AGREEMENT - PEOPLES NATIONAL BANK OF COMMERCE -  
COMMERCIAL REVITALIZATION PROGRAM (43)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement between Peoples National Bank of Commerce and Broward County for participation in the Community Development Division Commercial Revitalization Program, and authorized the Chair and Clerk to execute same.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY  
DEVELOPMENT DIVISION - SATISFACTION OF MORTGAGE - LOAN MADE TO JAMES B. OBER (44)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved satisfaction of mortgage on a 7% direct loan in the amount of \$15,000 made to James B. Ober, and authorized the Chair and Clerk to execute same.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY DEVELOPMENT DIVISION - SATISFACTION OF MORTGAGE - LOAN MADE TO AARON PRIDGEN (45)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved satisfaction of mortgage on a 4% direct loan in the amount of \$18,365 made to Aaron Pridden, and authorized the Chair and Clerk to execute same.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY DEVELOPMENT DIVISION - TWO SATISFACTIONS OF MORTGAGE - TWO DEFERRED PAYMENT LOANS - MADE TO JOYCE S. PRAGER (46)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved two satisfactions of mortgage on two deferred payment loans in the amount of \$13,850 and \$836 made to Joyce S. Prager, and authorized the Chair and Clerk to execute same.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY DEVELOPMENT DIVISION - FILE QUARTERLY FORECLOSURE REPORT - HOUSING REHABILITATION PROGRAMS (47)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved quarterly foreclosure report for the housing rehabilitation programs administered by Community Development Division.

DEPARTMENT OF STRATEGIC PLANNING & GROWTH MANAGEMENT - COMMUNITY DEVELOPMENT DIVISION - AGREEMENT - HABITAT FOR HUMANITY OF BROWARD INC. - LAND ACQUISITION PROGRAM - SHIP - ACQUIRE VACANT LOTS - CITY OF HALLANDALE (48)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved agreement between Broward County and Habitat for Humanity of Broward, Inc. in the amount of \$30,000 for the Land Acquisition Program under the State Housing Initiatives Partnership (SHIP) Program to acquire four vacant lots located at the southeast corner of NE 5th Street and NE 5th Terrace in Hallandale, Florida, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - TAXI/LIMO/BUS SERVICE BUSINESS PERMIT - BROWARD LIMOUSINE & AIRPORT SERVICE, INC. (49)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved Port Everglades Taxi/Limo/Bus Service Business Permit between Broward County, Florida, and Broward Limousine & Airport Service, Inc. in accordance with Chapter 32 of the Broward County Administrative Code, effective from the date of approval with an expiration date of December 31, 1996, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - ONE YEAR LEASE AGREEMENT - ELLER & COMPANY INC. - STORAGE, MAINTENANCE, AND OFFICE SPACE (50)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved one-year lease agreement between Broward County and Eller & Company, Inc. For 7,800 square feet of storage, maintenance facility, and office space in Building 68 at Port Everglades, effective June 1, 1996 through May 31, 1997, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - ONE-YEAR LEASE AGREEMENT - SOUTHERN WASTE SERVICES, INC. - VACANT LAND (51)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved one-year agreement between Broward County and Southern Waste Services, Inc. for 10,890 square feet of vacant land at Port Everglades, for the period of June 1, 1996 through May 31, 1997, and authorized the Chair and Clerk to execute same.

PORT EVERGLADES DEPARTMENT - DISPOSITION PROCEDURES - MASTER CARTONS OF SIOUX CIGARETTES (52)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved disposition procedures for up to 960 master cartons of Sioux Cigarettes, or as much that remains in a container at the Port Everglades Foreign Trade Zone No. 25.

PORT EVERGLADES DEPARTMENT - REPLACEMENT PERMIT APPLICATION - CITY OF FORT LAUDERDALE - REROOFING OF BUILDINGS (53)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved replacement permit application with the city of Fort Lauderdale for the reroofing of Buildings 2 and 62 in Port Everglades, and authorized the Chair and Clerk to execute same.

OFFICE OF BUDGET AND MANAGEMENT POLICY - BUSINESS TRAVEL AND TRIPS (54)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved business travel and trips in accordance with Administrative Order 105.

OFFICE OF BUDGET AND MANAGEMENT POLICY - UNANTICIPATED REVENUE RESOLUTION 96-0298 - GRANT FUND - ALCOHOL & DRUG ABUSE SERVICES DIVISION (55)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted unanticipated revenue Resolution 96-0298 within the Grant Fund 910 for the Alcohol & Drug Abuse Services Division in the amount of \$146,950 for the planned fiscal year 1996 compensation increases.

OFFICE OF BUDGET AND MANAGEMENT POLICY - UNANTICIPATED REVENUE RESOLUTION 96-0299 - TRANSFER FUNDS WITHIN GENERAL FUND FROM JUDICIAL RESERVE - TRIAL BLITZ OVERTIME - BUDGET RESOLUTION 96-0300 - OVERTIME AND PARKING PROGRAM EXPENSES - UNANTICIPATED REVENUE RESOLUTION 96-0301 - PARKING REVENUE AND ASSOCIATED EXPENSES (56A, B, & C)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted budget Resolution 96-0299 transferring within the General Fund in the amount of \$10,905 from the Judicial Reserve for trial blitz overtime; adopted budget Resolution 96-0300 transferring within the General Fund the amount of \$25,810 from the County Commission Reserve for overtime and parking program expenses; and adopted unanticipated revenue Resolution 96-0301 within the General Fund for the Clerk of Courts in the amount of \$142,357 to recognize parking revenue and associated expenses.

COUNTY ATTORNEY - SETTLEMENT OF CROSS-CLAIM - G.F.C. CRANE CONSULTANTS, INC. - INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, INC. V. BROWARD COUNTY AND G.F.C. CRANE CONSULTANTS INC. (57)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved settlement of the cross-claim brought by G.F.C. Crane Consultants, Inc. against Broward County in the amount of \$78,000 in the case of International Longshoremen's Association, Inc. v. Broward County and G.F.C. Crane Consultants, Inc., Case No. 92-32994, on appeal, Case No. 96-00508.

COUNTY ATTORNEY - RESOLUTION 96-0302 - QUIT CLAIM DEED - EXECUTED BY CENTRAL BROWARD DRAINAGE DISTRICT - COMMISSION CHAIR - EXECUTE LETTER STATING COUNTY SHALL COMPLY WITH ORDER ENTERED BY JUDGE FERRIS - CRAIG KELLY V. COUNTY OF BROWARD AND CENTRAL BROWARD DRAINAGE DISTRICT (58A & B)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0302 accepting quit claim deed executed by the Central Broward Drainage District conveying to Broward County right-of-way for SW 118th Avenue in Section 13, Township 50 South, Range 40 East; and authorized the Chair of the Board of County

Commissioners to execute a letter stating that Broward County shall comply with the order entered on August 24, 1979 by Judge Ferris in Craig Kelly v. County of Broward and Central Broward Drainage District, Broward Circuit Court Case No. 79-10760, and to send said letter to the Chair of the Central Broward Drainage District.

COUNTY ATTORNEY - RATIFY ACTION OF COUNTY ATTORNEY - OBTAIN APPROPRIATE REVIEW OF ORDER - RENDERED BY PUBLIC SERVICE COMMISSION IN BROWARD COUNTY V. FLORIDA POWER AND LIGHT (59)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board ratified action of the County Attorney to obtain appropriate review of the order rendered by the Public Service Commission (PSC), in Broward County v. Florida Power and Light, Docket No. 960025-EI.

COUNTY ATTORNEY - SETTLEMENT - TEMPORARY CONSTRUCTION EASEMENT - CONDEMNATION CASE OF BROWARD COUNTY V. ROBERT J. BINNS - GRIFFIN ROAD EXPANSION PROJECT (60)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved settlement of Parcel Nos. 118 and 118 TCE (Temporary Construction Easement) in the amount of \$160,000 as full compensation in the condemnation case of Broward County v. Robert J. Binns, et al, Griffin Road Expansion Project 5067.

COUNTY ATTORNEY - STIPULATED FINAL JUDGEMENT - BROWARD COUNTY V. JANSKO, INC. ET AL (61)

The Board now took under discussion motion to approve execution of a stipulated final judgment in the amount of \$165,000 in the case Broward County v. Jansko, Inc. et. al., Case No. 93-25746(03) and 93-33000(03), for total amount of \$165,000 for all claims arising from the above mentioned actions.

Commissioner Parrish stated that this item concerns the settlement of a case for \$165,000 which has been going on since about 1987 and has \$214,720 in outside legal fees and \$15,878.09 in costs. This does not, to her knowledge, include the in-house time and counsel work that has been done, and it is her intention to vote against this motion. She thinks that the Commission Auditor should examine these cases and it is her intention to begin reviewing them in great detail. She is requesting that the County Attorney's office provide her with the numbers in each instance and suggests that the Commission start taking a better look at all of them.

The Chair asked if an offer of settlement was made and, if so, what was that offer which, obviously, was not accepted by the client.

Attorney Robert Sechen with Kubicki Draper, representing Broward County, advised that a settlement offer was made in November, 1993 after Judge Henning ruled that there was an eligibility for relocation expenses. Technically, this is not a condemnation case. The condemnation case which was handled by the County Attorney's office a number of years ago resolved the issues of a taking which relocated the Jansko Manufacturing plant from the northwest corner of the airport in order to have the area available for employee parking and other uses. At that time an agreement was entered into which attempted to keep Jansko as a manufacturing plant within Broward County, along with its employees and that agreement stated that if Jansko would relocate within fifty miles then the county would pay the relocation expenses. However, Jansko chose to relocate to Meridian, Mississippi and the Airport's position was that they were not going to pay for the relocation costs. Since 1993, this whole case has been about relocation. The FAA was asked whether they would participate in the reimbursement if the county paid the relocation fees to Meridian, and they made the determination that they would not reimburse the county for any of the relocation expenses. Therefore, the Airport took the position that they would not reimburse Jansko for their relocation fees to Meridian, Mississippi. In October, 1995, Judge Henning on a motion for summary judgment which was done in order to expedite the matter, ruled that the county was obligated to pay some of the relocation expenses. Immediately thereafter, in November of 1995, a settlement offer of \$105,000 was made to Jansko. At the time Jansko was asking for \$900,000,

then reduced that to \$500,000 and then to \$300,000 and they are now asking for \$165,000 net. This offer of settlement was accepted in light of the Judge's ruling that Jansco was entitled to something. The Airport's position was that they did not want to pay anything to move Jansco to Meridian, Mississippi until, judicially, they were told they had to do that.

Commissioner Parrish asked Mr. Sechen if the FAA will reimburse the \$165,000 settlement. Mr. Sechen replied that it is his understanding that they will not do so. Commissioner Parrish asked him if the FAA will reimburse the \$214,720.00 in fees to his firm along with the \$15,878.09 in costs. Mr. Sechen said it is the intent to apply for those funds but they do not have an answer at this time. Therefore, Commissioner Parrish said they are not going to reimburse the county for the \$395,598.09, adding that these things have to be weighed and it seems the county has been weighing in the wrong direction.

Commissioner Rodstrom advised that the county could have paid the \$900,000 they were asking for, but decided instead to litigate and pursued the remedies.

Commissioner Parrish asked what effort was made to settle it so the legal fees would not keep escalating.

Mr. Sechen advised that the County Attorney's office did settle the case in 1987 relative to the condemnation case but Jansco did not apply for relocation benefits until 1993. His involvement in the case began in 1993 when they applied for relocation benefits.

Mr. Sechen, now, referred to a list of significant dates and the correspondence relating to those dates, all included in a binder, which he distributed to the Commissioners to apprise them of the chain of events that occurred in connection with this case. (Copy of the binder is filed with the supplemental papers to the minutes of this meeting). Until Judge Henning ruled in October of 1995, it was the Airport's position that there was no legal basis for paying Jansco. Once the Judge ruled that it was appropriate to pay Jansco something, an offer was then made to settle the \$105,000 net; and up to the present time, the county has paid an additional \$65,000 and that is inclusive of interest costs, and attorney's fees. This is an excellent settlement for Broward County and he asks that the Commission vote for it and look at the legal fees as a separate issue.

Commissioner Cowan said the Charter states that the County Attorney selects special counsel and the selection of the law firm of Kubicki, Draper, with Mr. Sechen at the helm, to handle the work at the airport, was made by Mr. Copelan. He asked Mr. Copelan if, upon reviewing their performance and fees, he has any reason to change his recommendation. Mr. Copelan replied in the negative. Commissioner Cowan said that is all he has to say.

A motion was now made by Commissioner Cowan and seconded by Commissioner Thompson that the Board approve this item, as cited above, with members voting as follows:

|                         |     |
|-------------------------|-----|
| Commissioner Gunzburger | Yes |
| Commissioner Parrish    | No  |
| Commissioner Poitier    | Yes |
| Commissioner Thompson   | Yes |
| Commissioner Cowan      | Yes |
| Commissioner Rodstrom   | Yes |

The Chair declared the motion carried.

COUNTY COMMISSION - FILE RESOLUTION - BOARD OF SUPERVISORS OF INDIAN TRACE  
COMMUNITY DEVELOPMENT DISTRICT - CABLE TELEVISION RIGHTS - PROPOSED NEW CITY OF  
WESTON (62)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to file Resolution No. 96-8 of the Board of Supervisors of the Indian Trace Community Development District requesting the Broward County Board of Commissioners consideration of the impending incorporation of the new city of Weston in the county's negotiation and granting of cable television franchise rights within the proposed new city of Weston.

COUNTY COMMISSION - FILE RESOLUTION 96-4-1- CITY OF COOPER CITY - RENAME 100TH AVENUE AS PALM AVENUE (63)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to file Resolution No. 96- 4-1 of the city of Cooper City, Florida, requesting the Broward County Board of County Commissioners to designate and rename the section of 100th Avenue between Griffin Road and Stirling Road as Palm Avenue; and providing for an effective date.

COUNTY COMMISSION - FILE RESOLUTION 96-21 - CITY OF LAUDERDALE LAKES - OPPOSING LEGISLATION - AMEND STATE CONSTITUTION - PAYMENT OF DAMAGES TO LAND OWNERS - RESULT OF IMPACT BY LAND USE REGULATIONS (64)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to file Resolution No. 96- 21 of the city of Lauderdale Lakes, Broward County, opposing legislation which would amend the state constitution to provide for the payment of damages to land owners as a result of an impact by land use regulations; providing for true copies; providing an effective date.

COUNTY COMMISSION - FILE RESOLUTION 34-96 - CITY OF DANIA - OPPOSITION TO PROPOSED CONSTITUTIONAL AMENDMENT - PRIVATE PROPERTY RIGHTS (65)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to file Resolution No. 34- 96 of the city of Dania, Florida, expressing opposition to proposed constitutional amendment, SJR 792, regarding private property rights.

BOARDS - APPOINTMENT - TOURIST DEVELOPMENT BOARD (66)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved Commissioner Gunzburger's re- appointment of Mr. George Zinkler to the Tourist Development Board representing the tourism industry. This is a four-year term expiring on May 26, 2000.

BOARDS - APPOINTMENT - TOURIST DEVELOPMENT COUNCIL OF BROWARD COUNTY (67)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved Commissioner Thompson's re- appointment of Philip S. Goldfarb to the Tourist Development Council of Broward County representing hotel owners.

**BOARDS - APPOINTMENT - WATER CONTROL DISTRICT NO. 2 ADVISORY BOARD (68)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved appointment of the following member to the Water Control District No. 2 Advisory Board: Abraham (Mickey) Kaplan.

**COUNTY COMMISSION - NOTICE OF PUBLIC HEARING - RESOLUTION 96-0303 - TRANSMITTAL TO STATE DEPARTMENT OF COMMUNITY AFFAIRS - PROPOSED 1996 AMENDMENTS TO COMPREHENSIVE PLAN (69)**

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approve motion to adopt Resolution 96- 0303 directing the County Administrator to publish notice of public hearing to be held on Monday, June 24, 1996 at 10:00 a.m. in Room 422 of the Governmental Center to consider transmittal to the State of Florida Department of Community Affairs the second proposed 1996 amendments to the Broward County Comprehensive Plan.

**COUNTY COMMISSION - NOTICE OF PUBLIC HEARING - WAIVE BY MAJORITY PLUS ONE VOTE - PUBLIC HEARING AFTER 5:00 P.M. - REZONING ORDINANCE - RESOLUTION 96-0304 - SETTING TWO PUBLIC HEARINGS - TUESDAY, MAY 28, AND JUNE 11, 1996 - 2:00 P.M - ENACTMENT OF ORDINANCE - CHANGING ZONING DISTRICT OF CERTAIN LANDS - UNINCORPORATED AREA (70A & B)**

Commissioner Parrish commented that the reason she had this item pulled is because the last time this was on the agenda, Commissioner Cowan made a comment that he did not think the legislature intended that the Commission have this on the consent agenda.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board approved motion to waive by a majority plus one vote, the public hearing after 5:00 p.m. for a rezoning ordinance as required by Section 125.66(4), Florida Statutes; and adopted Resolution 96-0304 setting two public hearings to be held on Tuesday, May 28, 1996 at 2:00 p.m. and Tuesday, June 11, 1996 at 2:00 p.m. in Room 422 of the Governmental Center to consider the enactment of an ordinance changing the zoning district of certain lands within the unincorporated area of Broward County. (Rezoning Petition 5-Z-96)

**BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 24, TOWNSHIP 48 SOUTH, RANGE 42 EAST; FROM B-2A, PLANNED BUSINESS CENTER DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL REZONING ORDINANCES AND ZONING RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS REZONING SHALL NOT BE CONSTRUED TO CREATE A RIGHT TO DEVELOPMENT THAT FAILS TO MEET THE REQUIREMENTS OF OTHER LAND DEVELOPMENT REGULATIONS, PROVIDING FOR AN EFFECTIVE DATE.**

(Sponsored by the Board of County Commissioners)

**COUNTY ADMINISTRATOR'S REPORT (71)**

The County Administrator advised he had nothing to report at this time, however, the Jail Report of May 7, 1996 was submitted for the record indicating that today's jail population is 3,570 which is 86 under the cap.

**QUASI-JUDICIAL PROCEEDING**

The people who will testify at today's proceedings were sworn in by court reporter April Struck with Official Reporting Service, Inc. Each person, in turn, announced that they had been sworn in, prior to giving testimony.

QUASI-JUDICIAL HEARING - PLATS - ASCENSION PEACE PRESBYTERIAN CHURCH PLAT - APPROVED SUBJECT TO CONDITIONS (72)

The Board now took under discussion Plat entitled Ascension Peace Presbyterian Church Plat - District 1, (034-MP-95).

Paul Lovesky representing McLaughlin Engineering Company, Inc. who represent the applicant said they concur with staff comments.

On motion of Commissioner Gunzburger, seconded by Commissioner Thompson and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - WAIVER OF SIDEWALK REQUIREMENTS - OLYMPIA AND YORK RESIDENTIAL PLAT - APPROVED SUBJECT TO CONDITIONS (73A & B)

The Board now took under discussion request for a waiver of sidewalk requirements for and discussion of Plat entitled Olympia and York Residential Plat District 2, (066-MP-95).

John Farquhar, representing the applicant, said they concur with staff's recommendations.

A motion was made by Commissioner Parrish and seconded by Commissioner Thompson that the Board approve request for waiver of sidewalk requirements and approval of the plat subject to staff recommendations as outlined in the Development Review Report.

Commissioner Gunzburger said that the Broward County Planning Council states that this is not in compliance with the recommended density. The maximum number of dwelling units allowed on the parcel is 999 and this plat indicates 1075.

Elliot Auerhahn, Director, Development Management Division replied that a memorandum dated October 17, 1995 from the Planning Council states that they are in compliance. Copy of the memorandum is filed with the supplemental papers to the minutes of this meeting.

The Chair now called for a vote on the motion on the floor and it was unanimously carried.

QUASI-JUDICIAL HEARING - PLATS - WAIVER OF SIDEWALK REQUIREMENTS - WYNDHAM LAKES SOUTH PLAT - APPROVED SUBJECT TO CONDITIONS (74A & B)

The Board now took under discussion request for a waiver of sidewalk requirements and discussion of Plat entitled Wyndham Lakes South Plat (003-MP-96).

Patty Hitchcock representing WCI Communities Limited Partnership said they concur with staff report.

On motion of Commissioner Thompson, seconded by Commissioner Parrish and unanimously carried, the Board approved waiver of sidewalk requirements and approval of plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - P & J ESTATES - APPROVED SUBJECT TO CONDITIONS (75)

The Board now took under discussion Plat entitled P & J Estates - District 4, (072-MP-95).

Fabian Jiminez representing Pulice Land Surveyors, Inc. said they concur with staff recommendations.

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - WATERFORD CROSSINGS - APPROVED AS AMENDED, SUBJECT TO CONDITIONS (76)

The Board now took under discussion Plat entitled Waterford Crossings - District 4 (073-MP-95) (Deferred from April 16, 1995.)

Attorney Gerry Knight, representing the applicant, said they agree with all staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board approved plat, as amended, including approval of traffic concurrency agreement subject to staff recommendations, as outlined in the Development Review Report.

QUASI JUDICIAL HEARING - PLATS - 75 AND 595 INC. - APPROVED SUBJECT TO CONDITIONS (77)

The Board now took under discussion Plat entitled 75 and 595, Inc. - District 4 (081-MP-95).

Frank Aguirri, representing the applicant said they concur with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - TIMELY PROPERTY INC. - APPROVED SUBJECT TO CONDITIONS (78)

The Board now took under discussion Plat entitled Timely Property, Inc. - District 5, (075-MP-95).

Frank Aguirri, representing the applicant said they concur with staff recommendations.

On motion of Commissioner Gunzburger, seconded by Commissioner Thompson and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - DAVIE TROPICANA REPLAT - DEFERRED TO JUNE 4, 1996 (79)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of Plat entitled Davie Tropicana Replat - District 4, (068-MP-95) to June 4, 1996 at the applicant's request.

QUASI-JUDICIAL HEARING - PLATS - B.C.W. PLAT - APPROVED, AS AMENDED, SUBJECT TO CONDITIONS (80)

The Board now took under discussion Plat entitled B.C.W. Plat - District 5, (026-UP-95).

Mr. Auerhahn advised that based on a letter received yesterday from Donald Hall representing his client Ronald Bergeron, staff recommends a waiver of impact fees on this plat. (Copy of the letter is filed with the supplemental papers to the minutes of this meeting.) Staff has an agreement with Mr. Bergeron stating that he would be reimbursed for any impact fees paid on this plat. Until the letter was received staff could not waive the fees. It is being platted for a jail and because it is a public purpose the impact fees can be waived.

Rosanna Cordova, with Miller, Legg & Associates representing the applicant, said they concur with staff recommendations.

On motion of Commissioner Gunzburger, seconded by Commissioner Thompson and unanimously carried, the Board approved plat, as amended, to include waiver of road impact fees, subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLTS - GUNTHER MOTOR CO. - APPROVED SUBJECT TO CONDITIONS (81)

The Board now took under discussion plat entitled pGunther Motor Co.p - District 7, (112-MP-94). (Deferred from November 7, 1995)

On motion of Commissioner Thompson, seconded by Commissioner Cowan and unanimously carried, .the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - RESIDENCES OF DIAZLANZ AND REDRUELLO - APPROVED SUBJECT TO CONDITIONS (82)

The Board now took under discussion Plat entitled Residences of Diazlanz and Redruello - District 5, (007-UP-95).

Brian Alexander representing Griffin Evans said their client concurs with staff recommendations.

On motion of Commissioner Thompson, seconded by Commissioner Cowan and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - MINNAUGH PLAT - DEFERRED TO DECEMBER 10, 1996 (83)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of Plat entitled pMinnaugh Platp - District 5, (079-MP-95) to December 10, 1996.

QUASI-JUDICIAL HEARING - PLATS - SAN MARINO VILLAGE - APPROVED SUBJECT TO CONDITIONS (84)

The Board now took under discussion Plat entitled pSan Marino Villagep - District 6, (069-MP-95).

Al Tello with Schwebke Shiskin & Associates, Inc. said the applicant agrees with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board approved plat subject to staff recommendations as outlined in the Development Review Report.

QUASI-JUDICIAL HEARING - PLATS - JACARANDA PARCEL 817 PLAT - DEFERRED TO MAY 21, 1996 (85)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of delegation request of William Laystrom, Jr. regarding amendment of note on the Jacaranda Parcel 817 Plat (092-MP-88) to May 21, 1996 at applicantps request.

QUASI-JUDICIAL HEARING - PLATS - BUTLER PLAZA PLAT - GRANTED REQUEST TO AMEND NOTE ON FACE OF PLAT (86)

The Board now took under discussion the delegation request of Sam Jazayri to amend the note of the Butler Plaza Plat (204-MP-84).

Frank Aguirri, representing the applicant said they agree with staff recommendations.

On motion of Commissioner Gunzburger, seconded by Commissioner Thompson and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

QUASI-JUDICIAL HEARING - PLATS - SHERMAN PLAT - GRANTED REQUEST TO AMEND NOTE OF FACE OF PLAT (87)

The Board now took under discussion delegation request of Mike Gai to amend the note on face of the Sherman Plat (207-MP-86).

Michael Gai representing the client said they concur with staff recommendations.

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

QUASI-JUDICIAL HEARING - PLATS - EDGEWATER FARMS PLAT - WITHDRAWN (88)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board withdrew discussion of delegation request of Paul Lovesky to amend the note on the face of the Edgewater Farms Plat (054-UP-89) at applicant's request. (Deferred from November 7, 1995).

QUASI-JUDICIAL HEARING - PLATS - REGIONAL PARK COMMERCIAL PLAT - DEFERRED TO NOVEMBER 5, 1996 (89)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of delegation request of Patricia Z. Hitchcock to amend the note on the face of Regional Park Commercial Plat (122-MP-90) to November 5, 1996 under Section 5-181(i) of the Land Development Code to study safe and adequate access. (Deferred from April 2, 1996) to November 5, 1996.

QUASI-JUDICIAL HEARING - PLATS - REGENCY LAKES AT COCONUT CREEK PLAT - WITHDRAWN (90)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board withdrew delegation request of Michael Covelli to amend the note on the face of the Regency Lakes at Coconut Creek Plat (075-MP-93) at applicant's request.

QUASI-JUDICIAL HEARING - PLATS - TOWNGATE PLAT - GRANTED REQUEST TO AMEND NOTE ON PLAT (91)

The Board now took under discussion the delegation request of Leigh R. Kerr to amend the note on the face of the Towngate Plat (062-MP-93).

Attorney Dennis Mele representing the applicant said they concur with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

QUASI-JUDICIAL HEARING - PLATS - GODALVILLE PLAT - DEFERRED TO MAY 21, 1996 (92)

The Board now took under discussion delegation request of Gus August to modify conditions of plat approval on the Godalville Plat (056-UP-89).

Mr. Auerhahn advised that the applicant wishes to discuss this item.

The Chair said this item will be laid on the table until later in the meeting

Later in the meeting the Chair, by unanimous consent, took this item off the table and put it back on the agenda.

Gus August, the applicant, asked that in the event he is not able to properly present his case that, prior to coming to a decision, the Commission permit him to withdraw and return at a future date with an attorney.

The Chair advised that he can do one or the other but not both; either present his case today or return with an attorney. Mr. August said that he would like to present his case today.

Mr. Copelan advised that since Mr. August wants to proceed with his case this morning, then the decision rendered by the Commission cannot be brought up again for six months.

Mr. August said that about 20 years ago he purchased five acres of land on S.W. 62nd Court in unincorporated Broward County which he intended to section off into one acre sites and, along with his four children build homes on the sites. He permitted a family on the north side of the road to use an 11 foot strip of his property to install a 22 foot rock road. This was before there were any planning rules or regulations. He was, however, financially unable to do the same. He also discovered that his children were not interested in his plan. After some time had elapsed he attempted to sell the property but was told he would have to plat it into one acre tracts. It took two years to complete this process and left him with the requirement of blacktopping a two lane road on S. W. 172nd Avenue for almost a mile at a cost of \$180,000 which he could not afford. Now, six years later the county is paving S.W. 172 Avenue going right by his property at S.W. 62nd Court. A covenant states that he must pave S.W. 62nd Court, install sidewalks, etc. When the county paves S.W. 172nd Avenue, he feels they could also pave S.W. 62nd Court. He has no objection to paying his proportionate share of the cost and would expect his neighbors on the north side of S.W. 62nd Court to pay their proportionate share. He would ask that the Commission decide today that the cost of paving be borne by all benefitting land owners.

The Chair asked Mr. Auerhahn to explain why staff has taken the position indicated. Mr. Auerhahn advised that this request was presented to the Board in 1990 and the Board granted some relief to the applicant on other aspects of the request but this particular request not to pave S.W. 62nd Court was denied. The information given on the application did not show any new circumstances since that time so staff thought it was incumbent to maintain the same position the Board held in 1990.

Responding to a question posed by Commissioner Gunzburger, Mr. Auerhahn advised that the waiver granted in 1990 was not to have to pave S.W. 172nd Avenue which was a much larger expense. Additionally, Commissioner Gunzburger asked why the people on the other side of the street are not required to pay for half of the paving costs and Mr. August to pay for his side. Mr. Auerhahn replied that is generally what is done, however, the houses under discussion were built quite a long time before this policy was instituted.

Commissioner Cowan asked the applicant what he intends to do with the lots he owns. He said he is going to sell them. Commissioner Cowan asked, further, if he would be willing to put in the sales contracts on these lots that the price of the lot recognizes that S.W. 62nd Street in front of the lots is unpaved and the cost in the future to pave this street may be borne by the property owner. Mr. August replied in the affirmative.

Replying to a further query from Commissioner Gunzburger, Mr. Auerhahn advised that the Land Development Code requires pavement as part of safe and adequate access. The Board has the ability to waive that requirement when they see that it is appropriate. If the Board wishes to let these houses be built without requiring that the street be paved, they can reserve that right for the future by having the applicant enter into the standard agreement that states they will share in the cost at such time that it is paved.

Commissioner Rodstrom asked about the estimated cost of this paving. Mr. Auerhahn replied that the bond amount is \$48,000 which is a little bit more than the actual cost of the project. Commissioner Rodstrom said then the applicant would have to pay the full \$48,000 for his five lots and the other three lot owners would not.

After further discussion, Commissioner Cowan stated that he would be agreeable to assessing Mr. August 62 1/2 percent or 5/8 of the total amount of the cost of the road. The county would have to pay the other 3/8 because the other three homes were not received early enough.

Commissioner Rodstrom asked Mr. August if he understands what Commissioner Cowan is recommending. Mr. August replied in the affirmative, adding that there are ten lots all together but one of the owners built on a double lot and that is how the eight lots were configured. Mr. Auerhahn advised there would be four houses on the north side and four houses on the south side. Mr. August said he owns five lots. Commissioner Cowan said then the assessment would be 60 percent of the total amount of the road and the county would pay 40 percent and that would be his motion. Commissioner Thompson seconded the motion.

Commissioner Rodstrom explained that Commissioner Cowan has made an amendment to the delegation request that would allow the applicant to pay 60 percent and the county would pay 40 percent. He asked Mr. August if he accepts the amendment and he replied in the affirmative.

Mr. Auerhahn asked whether in the motion the Board would be directing staff to find the other 40 percent of the money and pave the road? The Chair replied that staff would be directed to do so at such time that a decision was reached to pave the road.

No vote was taken on the motion at this time.

Commissioner Parrish said she would like to help Mr. August, but she is not sure it is the right thing to do to the county because of the many more lots in the area that would be following suit.

After some discussion, Commissioner Rodstrom said that Commissioner Parrish raises a good point, that being that if this is going to be precedent setting, the Commission needs to know how big the precedent is going to be. Perhaps it would be appropriate to ask staff to return in two weeks and advise how many potential properties this will affect and what the cost to the county will be.

The County Attorney advised that this is Quasi-Judicial and there are two members that are not present. Before they can vote on this in two weeks a transcript will have to be ordered and made available to the absent members to enable them to vote on this item.

Addressing Bruce August, son of the applicant, Commissioner Rodstrom stated that the Commission would like to accommodate his father, but in light of the fact that it may be precedent setting, they would like to know what the magnitude of this decision will be and that will be decided in two weeks.

By unanimous consent this item was deferred to May 21, 1996.

QUASI-JUDICIAL HEARING - PLATS - SUNRISE INDUSTRIAL PARK PARCEL 72 PLAT - DEFERRED TO MAY 21, 1996 (93)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of delegation request of Mikki Rhoades to amend the non-vehicular access line on the Sunrise Industrial Park Parcel 72 Plat (056-MP-85) to May 21, 1996 at applicant's request.

QUASI-JUDICIAL HEARING - PLATS - KELLEY PLAT - GRANTED REQUEST TO AMEND NON-VEHICULAR ACCESS LINE ON PLAT (94)

The Board now took under discussion the delegation request of Robert C. Smith to amend the non-vehicular access line on the Kelley Plat (175-MP-87).

Paul Lovesky representing Robert C. Smith, P.E., representing the applicant said they concur with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Thompson and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

QUASI-JUDICIAL HEARING - PLATS - D&C PROPERTIES - SUNRISE AND FLAMINGO PLAT - GRANTED REQUEST TO AMEND NON-VEHICULAR ACCESS LINE ON PLAT (95)

The Board now took under discussion the delegation request of Richard G. Cocker, Jr. to amend the non-vehicular access line on the D&C Properties - sunrise and Flamingo Plat (061-MP-89).

James Brady, representing the applicant, said they concur with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

QUASI-JUDICIAL HEARING - PLATS - REGENCY PLAT - DEFERRED TO MAY 21, 1996 (96)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board deferred discussion of delegation request of James Kahn to amend the non-vehicular access line on the Regency Plat (033-UP-82) to May 21, 1996.

QUASI-JUDICIAL HEARING - RESOLUTION 96-0305 - ENSURE IMPACT FEES PAID PRIOR TO ISSUANCE OF BUILDING PERMITS - PLAT - RESOLUTION 96-0306 - SAFE ACCESS TO RAVENSWOOD 26TH AVE. FLL AIRPORT PLAT (PLAT 7) (97A & B)

The Board now took under discussion adoption of Resolution 96-0305 directing the County Administrator to ensure the impact fees are paid prior to the issuance of building permits; and adoption of Resolution 96-0306 directing the County Administrator to ensure construction of boat ramp requirement and to provide safe and adequate access to the Ravenswood 26th Ave., FLL Airport Plat (Plat 7) (033-MP-95).

Bill Stuenkel with the Aviation Department said they support the adoption of the resolutions.

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board approved the adoption of the Resolutions as cited above.

QUASI-JUDICIAL HEARING - PLATS - MIRAMAR PARK OF COMMERCE PHASE III PLAT - GRANTED REQUEST TO APPROVE AGREEMENT FOR ISSUANCE OF BUILDING PERMITS WHILE PLATTING IN PROCESS (98)

The Board now took under discussion delegation request of Jaye Epstein, representing city of Miramar, regarding motion to approve agreement for the issuance of building permits while platting is in process for the Miramar Park of Commerce Phase III Plat (088-MP-95).

Mr. Auerhahn advised that staff is now recommending approval of this item.

Jaye Epstein, representing the City of Miramar said they concur with staff recommendations.

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board granted the delegation request, as cited above, subject to staff recommendations.

THIS CONCLUDED THE QUASI-JUDICIAL HEARING

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - BUDGET RESOLUTION 96-0307 - TRANSFERRING FUNDS WITHIN PORT EVERGLADES CAPITAL FUND PROJECT - FROM CAPITAL RESERVE - MIDPOR CRUISE TERMINAL - CHANGE ORDER ALLOWANCE - RENOVATIONS TO CRUISE TERMINAL (99A & B)

On motion of Commissioner Cowan, seconded by Commissioner Thompson and unanimously carried, the Board adopted Resolution 96-0307 transferring within the Port Everglades Capital Fund Project No. 471-470-6501-9418 the amount of \$235,813 from Capital Reserve to Project No. 471-470-6453-6210 Midport Cruise Terminal; and approved increase to the change order allowance of \$409,653.75, 5% of the original contract amount to \$862,436 or 10.5% of the original contract amount for Contract No. H-03-95-15-OF, renovations to Cruise Terminal No. 18 for cruise operations awarded on August 22, 1995 to AFCO Constructors Inc. by the Broward County Board of County Commissioners.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - SELECTION/NEGOTIATION COMMITTEE - SECURE DOCUMENT MANAGEMENT SYSTEM - DNRP (100)

The Board now took under discussion motion to appoint a Selection/Negotiation Committee to secure a document management system for the Department of Natural Resource Protection.

In response to Commissioner Parrish's query, Phillip Allen, Director of Finance & Administrative Services Department advised that the base technology is being standardized, but this is a large document system. This is in lieu of microfilming.

Alfred Simon with the DNRP said that the system will interface with the other computer system recently installed for tracking licenses which will be an important requirement for this imaging system.

After further discussion, on motion of Commissioner Cowan, seconded by Commissioner Thompson and unanimously carried, the Board approved membership of Selection/Negotiation Committee as recommended by staff to secure document management system for DNRP.

FINANCE & ADMINISTRATIVE SERVICES DEPARTMENT - PURCHASING DIVISION - BUDGET RESOLUTION - TRANSFER OF FUNDS WITHIN ENGINEERING CAPITAL PROJECT FUND - COPANS ROAD BCED PROJECT - INCREASE IN CHANGE ORDER ALLOWANCE - COMMUNITY ASPHALT CORPORATION - CHANGE ORDER - INCREASE CONTRACT AMOUNT AND TIME (101A, B & C)

A motion was made by Commissioner Cowan and seconded by Commissioner Thompson that the Board adopt budget Resolution transferring within the Engineering Capital Project Fund (315) the amount of \$148,000 from the Engineering Capital Project Reserve for future capital outlay to meet costs of a final adjusting Change Order No. 3 for Copans Road, BCED Project No.5079; approve increase in the change order allowance of \$131,447.74, bringing the total change order allowance to \$578,083.74, which is 9.71% of the original contract amount of \$5, 955,148.97, awarded by the Board on July 13, 1993, Item No. 45, to Community Asphalt Corporation, Contract No. N-16-92-24-OF, for improvements to Copans Road, BCED Project No. 5079; and approve Change Order No. 3 with Community Asphalt Corp., Contract No. N-06-92-24-OF for improvements to Copans Road, I-95 to US 1 at an increase of \$282,891.33 and a time extension of 103 days, increasing the contract amount from \$6,250,341.38 to \$6,533,232.71 and contract time from 660 days to 763 days, and authorize the Chair and Clerk to execute same, BCED Project No. 5079.

Commissioner Gunzburger said she is not going to vote for this change order because she does not see where it serves any purpose and Commissioner Parrish said she is not going to vote for this change order either.

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

|                         |     |
|-------------------------|-----|
| Commissioner Gunzburger | No  |
| Commissioner Parrish    | No  |
| Commissioner Thompson   | Yes |
| Commissioner Cowan      | Yes |
| Commissioner Rodstrom   | No  |

The Chair declared the motion failed.

COMMUNITY SERVICES DEPARTMENT - ANIMAL CARE AND REGULATION DIVISION - RESOLUTION 96-0308 - AMENDING ADMINISTRATIVE CODE - FEE SCHEDULE FOR ANIMAL CARE AND REGULATION (102)

On motion of Commissioner Parrish, seconded by Commissioner Cowan and unanimously carried, the Board adopted Resolution 96-0308 of the Board of County Commissioners of Broward County, Florida, as amended, amending Section 37.61 of the Broward County Administrative Code relating to the fee schedule for Animal Care and Regulation; adding fees for vicious dog registration; adding fees for juvenile dog and cat registration; providing for certain late fees and cat trap rental fees; providing for severability; providing for inclusion in the Administrative Code; and providing for an effective date.

Commissioner Cowan brought up the issue of the recent successful amnesty program followed by the Library on the return of books and he wondered if more animals would be adopted out of the animal care operation if there were no charges at all. He feels that by raising prices, fewer animals will be adopted.

Alan Davis, Director, Animal Care and Regulation Division said the adoption rates are not being increased. The adoption fee is \$50.00 which is for vaccination and sterilization procedures and there are no plans for increasing that fee.

Commissioner Cowan said he would rather charge nothing for the adoption service and see many more animals go to good homes as opposed to charging the \$50.00 fee.

Mr. Davis said he will pursue this issue and come back before the Commission with his findings.

COMMUNITY SERVICES DEPARTMENT - ANIMAL CARE AND REGULATION DIVISION -  
RESOLUTION 96-0309 - TEMPORARY PILOT PROGRAM - LOW COST RABIES CLINICS (103)

On motion of Commissioner Cowan, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0309 of the Board of County Commissioners of Broward County, Florida, creating a temporary pilot program for the Animal Care and Regulation Division for low cost rabies clinics; reducing fees for rabies inoculation and license tag fees for dogs and cats owned by individuals meeting federal low income guidelines, in conjunction with the program; providing for severability; and providing for an effective date and automatic repeal date.

COMMUNITY SERVICES DEPARTMENT - CULTURAL AFFAIRS DIVISION - RESOLUTION 96-0310 -  
AMEND ADMINISTRATIVE CODE - VARIOUS CATEGORIES (104)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0310 of the Board of County Commissioners of Broward County, Florida, amending the Administrative Code, Chapter 29, Organizational Policy, Councils, Boards, and Committees, Part II, Broward Cultural Affairs Council grant program guidelines; establishing a Special Project Program and providing guidelines and eligibility requirements; amending guidelines for all grant programs including General Operating Program, Community Arts & Education Program, Tourist Related Program, Major Cultural Institution Program, Mini-Grant Program, Regional Organization Program, Cultural Expansion Program, Children's Cultural Program; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date. (Deferred from April 23, 1996)

PORT EVERGLADES DEPARTMENT - RESOLUTION 96-0311 - AMENDING ADMINISTRATIVE CODE  
(105)

On motion of Commissioner Cowan, seconded by Commissioner Gunzburger and unanimously carried, the Board adopted Resolution 96-0311 of the Board of County Commissioners of Broward County, Florida, amending Chapter 32 of the Broward County Administrative Code providing for the establishment of Part IV, Section 32.53, requiring that agreements between the Port Everglades Department and persons or entities where the county's revenues are based on a percentage of the contracting party's revenues, include a provision for the contractor to provide an annual special audit report for any contract year in which the actual revenues exceed \$25,000; providing for severability; providing for inclusion in the Broward County Administrative Code; and providing for an effective date.

OFFICE OF BUDGET AND MANAGEMENT POLICY - TRAVEL - COUNTY EMPLOYEES (106)

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

OFFICE OF URBAN AFFAIRS - ACCEPT NOMINATIONS - POSITION ON HOUSING FINANCE  
AUTHORITY - NOMINATE ALBERT COHEN (107)

On motion of Commissioner Parrish, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to accept nominations for a position on the Housing Finance Authority; and approved Commissioner Parrish's nomination of Albert Cohen for reappointment to the Housing Finance Authority.

COMMISSION AUDITOR - FILE COMMISSION AUDITOR REPORT - AGAPE LOVE, INC. (108)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved motion to file Commission Auditor report entitled Agape Love, Inc. dated March 27, 1996. This report is filed in accordance with Section 1.11(ee) of the Broward County

Administrative Code which requires a responsive report on the findings and recommendations within six months. (Deferred from April 16, 1996)

COUNTY ATTORNEY - AMEND CHAPTER OF COUNTY CODE - RELATING TO DRUG, PROSTITUTION AND YOUTH AND STREET GANG-RELATED NUISANCE ABATEMENT BOARD (109)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board directed County Attorney's Office to amend Chapter 10" of the Broward County Code relating to the Broward County Drug, Prostitution, and Youth and Street Gang-Related Nuisance Abatement Board.

COUNTY ADMINISTRATOR - DISCUSSION - STATUS OF ARENA - FIRST AMENDMENT TO BINDING LETTER OF INTENT - THE FLORIDA PANTHERS HOCKEY CLUB. INC. - RESOLUTION- CONSIDER TOTAL SHARE OF ARENA PROFITS - TOURIST TAXES - TOURIST INDUSTRY RELATED EXPENDITURES - DEFERRED TO MAY 21, 1996 (110A & B)

The Board now took under discussion the status of the arena; motion to approve first amendment to binding letter of intent between The Florida Panthers Hockey Club, Inc., and Broward County, Florida; and motion to adopt Resolution providing that the county will consider appropriation of the county's total share of arena profits and professional sports facilities tourist taxes in excess of 8 million dollars in future years for tourist industry related expenditures.

The County Administrator said that the comments made in the Commission Auditor's memorandum of May 6, 1996, copy of which is filed with the supplemental papers to the minutes of this meeting, are well taken and he has no problem with them.

Commissioner Parrish said that she does not think this resolution should be adopted.

Commissioner Rodstrom said that he misread the item. He thought it was dealing strictly with the \$8 million and not with the 80/20 split profits and had told the Tourism Industry that it would be on the agenda in two weeks. He would, therefore, submit, that this be debated on another day and give the Industry an opportunity to speak to the Commission on the issue. He, inadvertently, told them it would not be on the agenda today

A motion was made by Commissioner Gunzburger that the Board approve first amendment to binding letter of intent between The Florida Panthers Hockey Club, Inc. And Broward County, Florida. Commissioner Cowan seconded the motion.

After some discussion, Mr. Allen advised that the negotiations have been cordial on both sides; there have been no major problems, just a mass of documents with a large number of attorneys needing to be satisfied.

Commissioner Parrish said both she and Commissioner Gunzburger objected to receiving the document at 8:05 on Tuesday morning and having to approve the Letter of Intent two hours later. They requested that it be deferred for one week and were told it could not be because time was of the essence.

Commissioner Rodstrom said that he thinks this owner is intent on building this facility and there will be a signed agreement and he feels this is just a very voluminous document and that, in itself, is causing it to be delayed. He does not think that staff thinks this is going to delay the project because everything is moving along properly.

The County Administrator assured the Commissioners that they will have the document seven days before they are asked to vote on it.

After some discussion, Commissioner Cowan stated that everything has to be in place by June 1, 1996 and even if it is not, the owners cannot get out of the contract. Commissioner Rodstrom said the responsibility is on them to get this done in a timely fashion at this juncture.

By unanimous consent, the Board deferred adoption of the Resolution to May 21, 1996.

INTERGOVERNMENTAL AFFAIRS - LEGISLATIVE ITEMS - SOVEREIGN IMMUNITY BILL - PRESUMPTION OF CORRECTNESS BILL (111)

Sovereign Immunity Bill

Norman Ostrau, Acting Director, Office of Governmental Affairs advised that the Sovereign Immunity Bill failed in the Senate; it never was voted on.

Presumption of Correctness Bill

The Implementation of the Presumption of Correctness bill starts in 1997 which will be a three year study with sunset in the year 2000.

Mr. Ostrau said that he will get all other bills related to the Commissioners as soon as they are available.

BOARDS - APPOINTMENT - BROWARD COUNTY MARINE ADVISORY BOARD - (112)

On motion of Commissioner Thompson, seconded by Commissioner Gunzburger and unanimously carried, the Board approved the reappointment of Mr. Brian Leary to serve on the Broward County Marine Advisory Board (Included in the Consent Agenda portion).

COUNTY COMMISSION - DISCUSSION - REHABILITATION OF BRIDGE - NORTH MIDDLE RIVER - WILTON MANORS - WITHDRAWN (113)

By unanimous consent, the Board withdrew request by Dr. Robert Levy, City Manager of the city of Wilton Manors, to put on the supplemental agenda at this meeting discussion regarding rehabilitation of Bridge No. 864034, NE 6th Avenue over North Middle River (C-13 Canal).

NON AGENDA ITEM

(Commissioner Cowan brought up the item which follows, heard on the May 1, 1996 public hearing that he was unable to attend due to personal reasons, and on which he would like to offer a motion).

QUASI-JUDICIAL HEARING - PUBLIC HEARING - MAY 1, 1996 - AMENDMENT PC 96-2 - BROWARD COUNTY LAND USE PLAN - UNINCORPORATED AREA - FUTURE LAND USE ELEMENT - AMENDMENT 4-AC-95 (125)

Commissioner Cowan brought up Amendment PC 96-2, Amendment to the Broward County Land Use Plan - Unincorporated Area - Unincorporated Area Future Land Use Element Amendment 4-AC-95.

Commissioner Cowan stated that this item was voted on 3 to 2 in the affirmative at the May 1, 1996 public hearing, but without 4 votes it could not go further. He would like to move reconsideration of the item, but that no vote be taken on reconsideration until such time as it is properly advertised once again which would make it two weeks before it can be heard. All cost of advertising is to be borne by the petitioner. At that point, if there is a second to the motion, and enough votes for reconsideration are received, the item will be reexamined. He is not committing to supporting or rejecting the item, just the opportunity to hear it. Commissioner Thompson seconded Commissioner Cowan's motion.

The County Attorney advised that this item would be heard in two weeks if the motion to reconsider passes.

The Chair now called for a vote on the motion on the floor for reconsideration of this item with members voting as follows:

|                         |    |
|-------------------------|----|
| Commissioner Gunzburger | No |
| Commissioner Parrish    | No |

|                       |     |
|-----------------------|-----|
| Commissioner Thompson | Yes |
| Commissioner Cowan    | Yes |
| Commissioner Rodstrom | No  |

The Chair declared the motion failed.

#### ADJOURNMENT (126)

There being no further business to come before the Board at this time, on motion made, seconded and unanimously carried, the meeting was adjourned at 12:35 P.M.

This meeting was recorded on Cassette 96-55.