

COMMISSION MINUTES

June 24, 2008

Meeting 10:14 a.m.

MEETING OF JUNE 24, 2008

(Meeting convened at 10:14 a.m.; recessed at 12:32 p.m.; reconvened at 4:13 p.m., and adjourned at 7:11 p.m.)

PLEDGE OF ALLEGIANCE was led by Garry W. Bismore, Jr., employee of Broward County Traffic Engineering, and United States Army Veteran.

MOMENT OF SILENCE

In memory of Jennifer Murray, age 22, employee of Broward County Mass Transit, who tragically lost her life in a car accident on Sunday, June 22, 2008.

In memory of our brave troops serving in both Iraq and Afghanistan.

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

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

***(Commissioner Keechl was not present for the 10:00 a.m. Commission meeting; however was present for the 2:00 p.m. Public Hearing and the reconvening of the 10:00 a.m. meeting.)

CONSENT AGENDA

A motion was made by Commissioner Lieberman, seconded by Commissioner Eggelleton and unanimously carried to approve the Consent Agenda consisting of items 1 through 107. At the request of the Mayor, Regular Agenda items, 114, 115, 116, 119, 120, 122, 124, 126, 127, 131, 132, 140, 144, & 145 were transferred to the Consent Agenda.

The following items were withdrawn/deferred: 78, 98, 103, & 139.

The following items were pulled by the Board and considered separately: 3, 14, 19, 29, 39, 61, 86, & 87.

BOARD APPOINTMENTS

1. A. MOTION TO APPOINT Joy Carter to the Affordable Housing Advisory Committee (real estate professional in connection with affordable housing category). (Vice Mayor Ritter)

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ACTION: (T-10:35 AM) Approved.

B. MOTION TO APPOINT The Honorable Vice Mayor Anne Castro to the Affordable Housing Advisory Committee. (Commissioner Keechl)

ACTION: (T-10:35 AM) Approved.

C. MOTION TO APPOINT Katharine Barry to the Affordable Housing Advisory Committee in the category of "citizen who is actively engage as a not-for profit provider of affordable housing." (Commissioner Wasserman-Rubin)

ACTION: (T-10:35 AM) Approved.

D. MOTION TO APPOINT Mr. John J. Scherer, Esq. to serve on the Affordable Housing Advisory Committee, as "A citizen who is actively engaged as a for-profit provider of affordable housing. (Commissioner Rodstrom.)

ACTION: (T-10:35 AM) Approved.

E. MOTION TO APPROVE appointment of Lisa Lorbeck Wight to the Affordable Advisory Committee. Ms .Wight represents employers within the jurisdiction. (Commissioner Gunzburger)

ACTION: (T-10:35 AM) Approved.

F. MOTION TO APPOINT Linda Taylor to the Affordable Housing Advisory Committee as Advocate for Low-Income Persons in Connection with Affordable Housing. (Commissioner Eggleton)

ACTION: (T-10:35 AM) Approved.

AVIATION DEPARTMENT

2. MOTION TO APPROVE agreement between Broward County and Kimley-Horn and Associates, Inc. for CCTV Phase II-Terminals and Garages at Fort Lauderdale-Hollywood International Airport, (RLI 20071010-AV-01), for a maximum not-to-exceed amount of \$384,109.00, as enumerated in confidential exhibits from the Director of Aviation to the Board of County Commissioners; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

PUBLIC WORKS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

3. A. MOTION TO ADOPT Budget Resolution 2008-386 transferring within the General Capital Outlay Fund (3010) the amount of \$260,500 from the Reserve for future Capital Outlay for construction of the Tamarac Library Covered Walkway.

(This item was pulled by Mayor Wexler.)

ACTION: (T-10:49 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 6-1. Mayor Wexler voted no. Commissioners Eggleton and Keechl were not present during the vote.

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B. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Tamarac to allow the City to construct a covered pedestrian walkway between the City's Community Center and the Broward County Tamarac Branch Library located at 8701 West Commercial Boulevard in the City of Tamarac, at a not-to-exceed cost to the County of \$260,500; effective upon execution; and authorize the Mayor and Clerk to execute same. (Commission District 3)

(This item was pulled by Mayor Wexler.)

ACTION: (T-10:49 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 6-1. Mayor Wexler voted no. Commissioners Eggelletion and Keechl were not present during the vote.

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

4. MOTION TO APPROVE agreement between Broward County and the City of Fort Lauderdale for Right-of-Way Beautification for Broward Boulevard, from NE 15th Avenue to North Victoria Park Road, at no cost to the County, effective upon execution; and authorize the Mayor and Clerk to execute same. (Commission District 7)

ACTION: (T-10:35AM) Approved.

5. MOTION TO APPROVE Second Amendment to Joint Participation Agreement between Broward County and the Florida Department of Transportation for reimbursement to the County of eligible costs for the repair of Federal Highway Administration functionally classified roads damaged by Hurricane Wilma. The Second Amendment provides for the redistribution and increase of funding in the amount of \$815,472.75, based on actual costs incurred. The amendment will be effective upon execution by the Florida Department of Transportation; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

REAL PROPERTY SECTION

6. MOTION TO ADOPT Resolution 2008-387 assigning two existing Broward County drainage and flowage easements to the City of Plantation, one being 10 feet wide, and the other being of various widths, lying within, over and across Sunshine City Plat, located north of the North New River Canal and west of Commodore Drive in the City of Plantation; at no cost to the County; authorize the Mayor and Clerk to execute assignments of easement and recordation of same. (Commission District 5)

ACTION: (T-10:35 AM) Approved.

7. A. MOTION TO APPROVE conveyance to the City of Lauderhill of a utility easement for certain 15-foot wide strips of County-owned property to allow the City to properly operate and maintain public water and wastewater pipelines and other appurtenant facilities, which provide service to the newly constructed Central Broward Regional Park, located at 3700 NW 11th Place, Lauderhill; authorize the Mayor and Clerk to execute Easement Agreement, and authorize recordation of same. (Commission District 9)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO APPROVE Bill of Sale conveying ownership to the City of Lauderhill of the Utility Facilities constructed by Broward County to connect the newly constructed Central Broward Regional Park to the City's water and wastewater systems; authorize the Mayor and Clerk to execute same. (Commission District 9)

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ACTION: (T-10:35 AM) Approved.

8. MOTION TO APPROVE Letter of Consent Amending Lease between Broward County, Tenant, and Cabot Investment Properties, LLC, Landlord, successor to One Corporate Center, L.P., for the County's installation of a Local Area Network, LAN repeater Dish-antennae on the roof of the Corporate Center Retail Annex, 100 East Broward Boulevard, Fort Lauderdale, Florida, to service leased office space, specifically Suite 200, occupied by the Greater Fort Lauderdale Convention and Visitors Bureau; and authorize the Mayor and Clerk to execute same. (Commission District 7)

ACTION: (T-10:35 AM) Approved.

9. MOTION TO APPROVE Conveyance of a 10-foot wide utility easement from Broward County to Florida Power and Light Company for installation of an underground electric line to service the Horses for the Handicapped of South Florida, Inc. horseback riding facility located in Tradewinds Park; Parks and Recreation Division has requested the Real Property Section to process the easement; and authorize the Mayor and Clerk to execute the Easement; and authorize recordation of same. (Commission District 2)

ACTION: (T-10:35 AM) Approved.

TRAFFIC ENGINEERING DIVISION

10. MOTION TO APPROVE First Amendment to the Traffic Engineering Agreement between Broward County and the City of Weston. The Amendment provides for inclusion of traffic engineering services, currently provided by the County under a separate agreement with Arvida/JMB Partners, into the Agreement with the City. The Agreement will be effective upon execution, at no additional cost to the County; and authorize the Mayor and Clerk to execute same. (Commission District 8)

ACTION: (T-10:35 AM) Approved.

11. MOTION TO APPROVE Second Amendment to the Joint Participation Agreement between Broward County and the Florida Department of Transportation, providing for updates to costs associated with the daily operations and maintenance of the facility which houses both the Broward County Transportation Management Center and the Florida Department of Transportation, reflecting current usage by each agency, and providing an 11% annual reduction in costs to the County; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

12. MOTION TO ADOPT Resolution 2008-388 of the Board of County Commissioners of Broward County, Florida, Authorizing the issuance of not to exceed \$50,000,000 Subordinate Port Facilities Refunding Revenue Bonds, Series 2008 (the "Series 2008 Bonds"), pursuant to the Trust Indenture dated May 1, 1998 and a First Supplemental Indenture to be entered into between the County and The Bank of New York Mellon Trust Company, National Association, as Trustee, for the purpose of providing funds, together with any other available funds, to refund and defease on a current basis all of the outstanding Broward County, Florida Subordinate Port Facilities Refunding Revenue Bonds, Series 1998, as described herein; Providing for the termination of the initial hedge agreement and payment of a portion of a termination payment; Providing for the refunding of the Series 1998 Bonds; Determining certain details and the form of the Series 2008 Bonds; Delegating to the County Administrator the authority to determine certain terms and provisions of the Series 2008 Bonds within prescribed parameters; Providing that such Series 2008 Bonds shall be Special Limited Obligations payable solely from the pledged revenue and the

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moneys on deposit in certain funds, accounts and subaccounts under the indenture; approving the form and authorizing the execution and delivery of the first supplemental indenture; Authorizing the negotiated sale of the Series 2008 Bonds; Approving the form and authorizing the execution and delivery of a Bond Purchase Contract with respect to the Series 2008 Bonds and the award of the Series 2008 Bonds to the Underwriter; Approving the form and authorizing the distribution of a Preliminary Official Statement and the execution and delivery of an Official Statement; Approving the form and authorizing the execution and delivery of a Tender Agent Agreement; Approving the form and authorizing the execution and delivery of Remarketing Agreement; Approving the form and authorizing the execution and delivery of an initial Liquidity Facility Agreement; Approving the form and authorizing the execution and delivery of an Escrow Deposit Agreement; Ratifying the appointment of an Escrow Agent and a Verification Agent thereto; Approving the form and authorizing the execution and delivery of a hedge agreement; Covenanting to provide Continuing Disclosure in accordance with Securities and Exchange Commission Rule 15c2-12 and approving the form and authorizing the execution and delivery of a Continuing Disclosure Agreement; and providing for the application of proceeds of the Series 2008 Bonds; Appointing the fiduciaries, tender agent and remarketing agent; Ratifying the selection of a printer of said Official Statement; Authorizing County Officials to do all things deemed necessary in connection with the issuance, sale and delivery of the Series 2008 Bonds and the refunding of the Series 1998 bonds; and providing an effective date.

ACTION: (T-10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: ADD: MOTION TO WAIVE the Administrative Code Section 22.124 Exhibit 22.D, Fiscal Policy for Capital Expenditures and Debt Financing, Paragraph 10, to allow this refinancing to proceed without satisfying the specified thresholds total annual debt service.) (Explained in the PBMI response.)

13. A. MOTION TO ADOPT Budget Resolution 2008-389 within the Port Everglades Capital Fund transferring \$4,500,000 from reserves to fund the cost of AMBAC termination fees.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-390 within the Port Operating Fund in the amount of \$4,500,000 to fund the cost of AMBAC termination fees.

ACTION: (T-10:35 AM) Approved.

14. MOTION TO ADOPT Series Resolution 2008-391 of the Board of County Commissioners of Broward County, Florida authorizing the issuance of the County's not exceeding \$110,000,000 Airport System Revenue Refunding Bonds, Series 2008N, for the purpose of providing funds, together with other available moneys, to redeem all of the outstanding Broward County, Florida Airport System Revenue Bonds, Series 2004M, said bonds to be issued as additional bonds under Resolution No. 82-A-2, adopted on November 9, 1982, as amended and supplemented (the "ASR Bond Resolution"); Determining the form and certain details of said bonds; Providing for payment of a portion of said bonds from Passenger Facilities Charges; Delegating to the County Administrator the determination of certain matters and details concerning said bonds; Authorizing the negotiated sale of said bonds and the execution and delivery of a Bond Purchase Agreement; Authorizing the execution and delivery of an Official Statement; Approving uncertificated, book-entry only registration of said bonds with the Depository Trust Company; Delegating to the County Administrator authority to negotiate and obtain a Municipal Bond Insurance Policy to insure said bonds and to execute and deliver any related agreements; Delegating to the County Administrator authority to negotiate and obtain a reserve product and to execute and deliver any related agreements; Approving the form and authorizing the execution and delivery of a Tender Agent Agreement; Ratifying the selection of JP Morgan Chase Bank, N.A., as liquidity provider and approving the form and authorizing the execution and delivery of a Standby Bond Purchase Agreement; Approving the form and authorizing the execution and delivery of a Continuing Disclosure Certificate; Approving the form and authorizing the execution and delivery of a Remarketing Agreement; Providing for the application of bond proceeds; Providing for the appointment of a Trustee, Bond Registrar and Paying Agent, a Remarketing Agent, a Tender Agent, and a Financial Printer for the Official Statement;

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Authorizing proper officials to do all things deemed necessary in conjunction with the issuance, sale and delivery of said bonds; and providing an effective date.

(This item was pulled by Commissioners Eggelletion, and Rodstrom.)

ACTION: (T-10:43 AM) Approved. (Refer to minutes for full discussion.) (Scrivener's error – See County Administrator's Report: ADD MOTION TO WAIVE the Administrative Code Section 22.124 Exhibit 22.D, Fiscal Policy for Capital Expenditures and Debt Financing, Paragraph 10, to allow this refinancing to proceed without satisfying the specified thresholds total annual debt service.) (Explained in the PBMI response.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

15. MOTION TO APPROVE appointment of a library of underwriters to serve as Senior and Co-Manager at the recommendation of the CFO for upcoming County financings as follows: Bank of America; Citigroup; Goldman Sachs & Co.; JP Morgan Chase; Merrill Lynch; Morgan Keegan; Morgan Stanley; Ramirez & Co.; SBK Brooks; and Siebert, Brandford, & Shank.

ACTION: (T-10:35 AM) Approved.

ACCOUNTING DIVISION

16. MOTION TO FILE Broward County, Florida, Report of Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards and Management Letter in Accordance with the Rules of the Auditor General of the State of Florida, Fiscal Year ended September 30, 2007

ACTION: (T-10:35 AM) Approved.

HUMAN RESOURCES DIVISION

17. MOTION TO APPROVE the proposed new job classification, title changes, and salary range reallocations as reflected in Exhibit 1.

ACTION: (T-10:35 AM) Approved.

PURCHASING DIVISION

For Aviation Department

18. MOTION TO AWARD fixed contract to low bidder, Central Florida Equipment Rentals, Inc., for Airfield Modifications, High Speed Exit Taxiways, and Taxiway Rehabilitation at Fort Lauderdale/Hollywood International Airport (FLL), Bid No. T308103CAF for the total amount of \$25,406,106.35, for all items and alternates, for the Aviation Department, subject to receipt and acceptance of insurance/performance and payment guarantee, and authorize Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

19. MOTION TO APPROVE sole source recommendation and award fixed contract to COBUS Industries, LP, for the purchase of two COBUS 3000 Low Floor Airfield Buses in the amount of \$992,400 for the Aviation Department, Quotation Request No. C08AVC037S.

(This item was pulled by Commissioner Lieberman.)

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ACTION: (T-10:45 AM) Tabled until the 2:00 p.m. Public Hearing. (Refer to minutes for full discussion.)

ACTION: (T-10:59 AM) Approved. (Refer to minutes for full discussion).

VOTE: 8-0. Commissioner Keechl was not present during the vote.

20. MOTION TO AWARD fixed contract to low bidder, A & M Mechanical Contractors, Inc., for the Replacement of a Cooling Tower and Chillers in Terminal 4 and Terminal 3 Chiller Plants at the Fort Lauderdale/Hollywood International Airport (FLL), Bid No. MX07324CAF, in the total amount of \$4,397,000, for the Aviation Department, subject to the receipt and acceptance of insurance/performance and payment guarantee, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

For Community Services Department

21. MOTION TO NOTE FOR THE RECORD the release of retainage and final payment in the amount of \$6,723.93 paid on February 15, 2007 to Playmore West Inc., for Project No. 226-03C for the Skate Park Equipment at Quiet Waters Park, Deerfield Beach for the Parks and Recreation Division.

ACTION: (T-10:35 AM) Approved.

For Finance and Administrative Services Department

A. MOTION TO ADOPT Budget Resolution 2008-392 transferring \$146,400 within the General Fund (0010) from the Commission Reserve to fund the storage and potential purchase of an emergency supply of bagged ice that will guarantee its local availability and distribution for special emergency needs during 2008 and 2009 hurricane seasons.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO NOTE FOR THE RECORD pending execution of an agreement with Reddy Ice Corporation, by the Director of Purchasing, for Local Storage of an emergency supply of bagged ice, for a six-month period, beginning June 2008, in the estimated amount of \$73,200; which includes the storage fee and the cost of ice, and to note that the Director of Purchasing may renew the agreement for an additional six-month period (2009 Hurricane Season); for a potential total estimated contract amount of \$146,400.

ACTION: (T-10:35 AM) Approved.

C. MOTION TO AWARD open-end contract to single bidder, Reddy Ice Corporation, for Bagged Ice for Hurricane Emergencies, Bid No. GZ07372B1 (Re-bid), in the estimated annual amount of \$240,000 for various County agencies, and authorize the Director of Purchasing to renew the contract for a one-year period for a potential total estimated amount of \$480,000. The initial contract period shall begin on June 28, 2008 and shall terminate one year from that date.

ACTION: (T-10:35 AM) Approved.

For Human Services Department

23. A. NOTE FOR THE RECORD emergency interim open-end contracts for Temporary Services,

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Health Professionals, with Pro Med Personnel Services of Florida, Access Medical Staffing and Services, d/b/a AMS, and CWG Healthcare Services, based on the same pricing, terms and conditions of contract, Bid No. J604134B1, which commenced on February 19, 2008 in the amount of \$94,376 as of June 5, 2008, for the Broward Addiction Recovery Center.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO AWARD open-end multiple contracts to the six, low responsive, responsible bidders, Nitelines USA, Inc., Pro Med Personnel Services (excluding Item 17), Infinite Solutions, Inc., A Nurse At Your Service, Inc., Guillaume Group, LLC d/b/a Sunrise Staffing, and Maxim Staffing Solutions, for Temporary Services, Health Professionals, Bid No. JY07344B1 (Re-bid), in the estimated annual amount of \$405,000 and authorize the Director of Purchasing to renew the contract for two one-year periods, for a total potential three-year estimated contract amount of \$1,215,000 subject to the receipt and acceptance of insurance, for the Broward Addiction Recovery Center. The initial contract period shall start on the date of award and shall terminate one year from that date.

ACTION: (T-10:35 AM) Approved.

For Port Everglades Department

24. MOTION TO NOTE FOR THE RECORD emergency sole source procurement from Trane South Florida, for the Replacement of the Cooling Tower and Temporary Chiller Unit Rental at Terminal 21, in the total amount of \$272,780, including \$26,780 for a one-month rental of the temporary chiller unit for the Port Everglades (Port) Department.

ACTION: (T-10:35 AM) Approved.

For Public Works Department

25. MOTION TO APPROVE release of retainage and final payment in the amount of \$10,250 to Ric-Man International, Inc., for the Central County Neighborhood Improvement Project, Bid Package 11, Bid No. H303081CF (WWS 1149/8559) (Commission Districts 7 and 9)

ACTION: (T-10:35 AM) Approved.

26. MOTION TO APPROVE release of retainage and final payment in the amount of \$2,575.95, to Ric-Man International, Inc., for the Broadview Park Neighborhood Improvement Project, Bid Package 1, Bid No. P605178CF, for Water and Wastewater Services (WWS 1156-1) (Commission District 7)

ACTION: (T-10:35 AM) Approved.

27. A. MOTION TO APPROVE agreement between Broward County and Beck Disaster Recovery, Inc. for Disaster Debris Monitoring Services, RFP 20070712-0-WRS-01, for a period of three years, with two one-year renewals, and authorize the Mayor and Clerk to execute same. The Agreement will begin upon the date of full execution and will end on June 1, 2011.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO AUTHORIZE Purchasing Director to approve and execute agreements for up to three additional disaster debris monitoring services firms, as required, selected in the order of their ratings by the Evaluation Committee: Malcolm Pirnie, Inc.; Solid Resources, Inc.; GBF Consortium and Post, Buckley, Schuh & Jernigan, Inc., with the same terms and conditions as Beck Disaster Recovery and with

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the prices detailed in their proposals for RFP 20070712-0-WRS-01.

ACTION: (T-10:35 AM) Approved.

28. A. MOTION TO APPROVE agreement between Broward County and Hazen and Sawyer, P.C. for general professional consultant services associated with the overall management, planning, design, procurement, construction and operation of the storm water, water and wastewater facilities and infrastructure owned and operated by Water and Wastewater Services (WWS), in a not to exceed amount of \$3,000,000 per year, for two years from the date of executed agreement with the option of three one-year extensions, to be executed by the Director of Purchasing, for an estimated potential contract amount of \$15,000,000; and authorize the Mayor and Clerk to execute same. (General Consultant Services Agreement, RLI 20060911-0-EED-1).

ACTION: (T-10:35 AM) Approved.

B. MOTION TO APPROVE agreement between Broward County and Malcolm Pirnie, Inc. for general professional consultant services associated with the overall management, planning, design, procurement, construction and operation of the storm water, water and wastewater facilities and infrastructure owned and operated by WWS, in a not to exceed amount of \$3,000,000 per year, for two years from the date of executed agreement with the option of three one-year extensions, to be executed by the Director of Purchasing, for an estimated potential contract amount of \$15,000,000; and authorize the Mayor and Clerk to execute same. (General Consultant Services Agreement, RLI 20060911-0-EED-1).

ACTION: (T-10:35 AM) Approved.

29. A. MOTION TO ADOPT Budget Resolution 2008-393 transferring within the Constitutional Gas Tax Capital Projects Fund (3155) the amount of \$2,316,654.00 from reserves for the purpose of awarding the contract for the construction of Pine Island Road from South of Oakland Park Boulevard to North of Commercial Boulevard.

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:48 AM) Approved, as amended, with the provision that the City of Lauderhill agrees to pay 50 percent of costs within a timely period, and with Broward County obtaining the rights to easements on Pine Island Road. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-394 within the Constitutional Gas Tax Capital Projects Fund (3155) for the Highway Construction and Engineering Division in the amount of \$13,537,244.00 for the purpose of awarding the contract for the construction of Pine Island Road from South of Oakland Park Boulevard to North of Commercial Boulevard.

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:48 AM) Approved, as amended, with the provision that the City of Lauderhill agrees to pay 50 percent of costs within a timely period, and with Broward County obtaining the rights to easements on Pine Island Road. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

C. MOTION TO APPROVE Beautification Agreement between Broward County and the City of

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Sunrise for Trafficway Beautification for Improvements to Pine Island Road from Oakland Park Boulevard to Commercial Boulevard, within the City of Sunrise, effective upon execution by the Board; and authorize the Mayor and Clerk to execute same. (Commission District 1 and 3)

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:48 AM) Approved, as amended, with the provision that the City of Lauderdale agrees to pay 50 percent of costs within a timely period, and with Broward County obtaining the rights to easements on Pine Island Road. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

D. MOTION TO AWARD fixed contract to low bidder, M. Vila & Associates, Inc., for improvements to Pine Island Road, from South of Oakland Park Boulevard to North of Commercial Boulevard, Bid No. H407108CAF, in the amount of \$16,890,964.98 for the Highway Construction and Engineering Division, to be completed in 695 calendar days, subject to the receipt and acceptance of insurance/performance and payment guarantee, and authorize the Mayor and Clerk to execute same. (Commission Districts 1 and 3)

(This item was pulled by Commissioner Lieberman.)

ACTION: (T-10:48 AM) Approved, as amended, with the provision that the City of Lauderdale agrees to pay 50 percent of costs within a timely period, and with Broward County obtaining the rights to easements on Pine Island Road. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

30. MOTION TO AWARD fixed contract to low bidder, Mills Electric Service, Inc. for the construction of Variable Frequency Drives (VFD's) at Water Distribution Facilities 1A1 and 1B1, Bid No. H308091CAF, in the amount of \$462,450 for Water and Wastewater Services, to be completed in 180 calendar days, subject to the receipt and acceptance of insurance/performance and payment guarantee, and authorize the Mayor and Clerk to execute same. (WWS Project No. 8859-5) (Commission District 9)

ACTION: (T: 10:35 AM) Approved.

31. MOTION TO AWARD fixed contract to low bidder, Items 1 and 2, and single low responsive and responsible bidder for Item 5 to Atlantic Truck Center, in the amount of \$509,660, and Items 3 and 4 to low bidder, Heintzelmans Truck Center, Inc., in the amount of \$120,189 for a combined total award amount of \$629,849 for Dump Trucks, Dump Trailers, and Tractor Truck, Bid No. H108031FF for the Port Everglades Department, Parks and Recreation Division and Water and Wastewater Services.

ACTION: (T-10:35 AM) Approved.

32. MOTION TO APPROVE release of retainage and final payment in the amount of \$1,130.30, to Hazen and Sawyer, P.C., for Work Authorization GS0121 from the General Services Agreement, Request for Letters of Interest (RLI) No. 110800-RB for Motor Control/Load Center Replacement at the North Regional Wastewater Treatment Plant. (Project No. 8945) (Commission District 2)

ACTION: (T-10:35 AM) Approved.

For Transportation Department

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33. A. MOTION TO NOTE FOR THE RECORD execution of emergency, sole source interim contract (C103025B1A1) for Bus Tire Leasing with The Goodyear Tire and Rubber Company, based on negotiated revised pricing of the previous contract, Bid No. C103025B1, which commenced on December 31, 2007 on a month-to-month basis, for a period not-to-exceed March 30, 2008 and potential contract amount of \$250,000.00. The initial term was subsequently extended on a month-to-month basis, for a period not-to-exceed June 30, 2008 and potential contract amount of \$400,000.00, for an overall six-month period for the Transportation Department.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO APPROVE extension of emergency, sole source, interim contract (C103025B1A1) for Bus Tire Leasing with The Goodyear Tire and Rubber Company, based on the same pricing of interim contract, Bid No. C103025B1A1, on a month-to-month basis or until date of award, for an initial period not-to-exceed three months, with an option to renew on a month-to-month basis for a period not-to-exceed three months, for a total potential interim contract amount of \$500,00.00 for an additional six-month period for the Transportation Department. The extended term shall commence on July 1, 2008 and will terminate no later than December 31, 2008.

ACTION: (T-10:35 AM) Approved.

REVENUE COLLECTION DIVISION

34. MOTION TO ADOPT two Resolutions 2008-395 and 2008-396 Authorizing Cancellation of Warrants from Central Account No. 2079940003785, Court Trustee Account No. 2090002760550, Payroll Account No. 2079940003798, Tax and License Account No. 2090002760916, and Self Insurance Account No. 2090002760518.

ACTION: (T-10:35 AM) Approved.

RISK MANAGEMENT DIVISION

35. MOTION TO APPROVE full and final settlement of Workers' Compensation Claim 0310043796 involving a Broward Sheriff's Office Detention Deputy.

ACTION: (T-10:35 AM) Approved.

36. MOTION TO APPROVE full and final settlement of Claim 0313064956 involving a Broward Sheriff's Office Paramedic.

ACTION: (T-10:35 AM) Approved.

37. MOTION TO APPROVE Fourth Amendment to the Interlocal Agreement between Broward County and the Performing Arts Center Authority (PACA) for the provision of workers' compensation coverage by Broward County for qualifying Performing Arts Center Authority employees for a one-year period of October 1, 2008, through September 30, 2009, with four-additional one-year renewal options; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

HUMAN SERVICES DEPARTMENT

38. MOTION TO APPROVE First Amendment to Agreement No. 08-HSD-8263-01 between Broward

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County and Henderson Mental Health Center, Inc. in the amount of \$257,828; from July 1, 2008 to September 30, 2008 for the purpose of extending the agreement for the operation of the Crisis Stabilization Unit for three months; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

39. MOTION TO ADOPT Resolution 2008-397 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of 80 portable headset cassette players from Tom Ryan, President of the National Federation for the Blind, Greater Broward Chapter, for the benefit of Broward County's emergency shelter residents with visual impairments; authorizing the County Administrator to take all administrative actions to implement same; and providing for an effective date.

(This item was pulled by Mayor Wexler.)

ACTION: (T-10:40 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

40. A. MOTION TO ADOPT Resolution 2008-398 of the Board of County Commissioners of Broward County, Florida; approving, appropriating, and authorizing disbursements of funds for Fiscal Year 2008 to nonprofit human health service organizations with surplus funds provided by the Broward County Health Facilities Authority in the amount of Sixty-nine Thousand Five Hundred and Ten Dollars (\$69,510); approving for use the previously approved contract shell form for capital projects approved by Resolution No. 2007-668 for the Human Services Department for use with approved human health services organizations; authorizing the County Administrator to execute such previously approved contract forms for the appropriate approved organizations; providing for severability; and providing for an effective date.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue resolution 2008-399 within the General Fund for the Human Services Department in the amount of \$69,510 for the recognition of revenue received from the Health Facilities Authority for one time funding of Human Services providers.

ACTION: (T-10:35 AM) Approved.

BROWARD ADDICTION RECOVERY DIVISION

41. MOTION TO ACCEPT invitation to serve as the coordinating unit of local government for the Florida Department of Law Enforcement (FDLE), Edward Byrne Memorial Justice Assistance Grant Program, to designate Broward County Commission on Substance Abuse to coordinate the preparation of Broward County's application(s) for grant funds and to approve the proposed list of applicants, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

42. MOTION TO ADOPT Resolution 2008-400 of the Board of County Commissioners of Broward County, Florida, authorizing the acceptance of \$1,200 from a former client for the benefit of the Broward County Addiction Recovery Division; authorizing the County Administrator to take all administrative actions to implement same; and providing for an effective date.

ACTION: (T-10:35 AM) Approved.

43. A. MOTION TO APPROVE Agreement No. JD245 between the State of Florida, Department of Children and Families and Broward County from July 1, 2008 through June 30, 2011, in the amount of

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\$11,235,552 to provide substance abuse treatment services, and authorize the Mayor to execute same.

ACTION: (T-10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: Should be corrected to read all grant performance measures were achieved except one which related to employment upon discharge from substance abuse treatment services. This DCF measure for FY 2007-2008 was 73% employed upon discharge; BARC achieved 59.33%.)

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-401 within the Broward Addiction Recovery Division's Myers Act Fund (9759) for the first year of contract funding in the amount of \$3,745,184 for the purpose of providing substance abuse treatment services.

ACTION: (T-10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: Should be corrected to read all grant performance measures were achieved except one which related to employment upon discharge from substance abuse treatment services. This DCF measure for FY 2007-2008 was 73% employed upon discharge; BARC achieved 59.33%.)

44. A. MOTION TO RETROACTIVELY APPROVE Agreement between Kids In Distress, Inc. and Broward County from October 1, 2007 through June 30, 2008, in an amount not to exceed \$118,831 for the provision of substance abuse services for parents of children who are considered at-risk for abuse and neglect, who are also clients of Kids In Distress, Inc. and authorize Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-402 within the Broward Addiction Recovery Division Kids In Distress Grant Fund (9925), in an amount not to exceed \$118,831 for the provision of substance abuse services for parents of children who are considered at-risk for abuse and neglect in Broward County.

ACTION: (T-10:35 AM) Approved.

45. A. MOTION TO RETROACTIVELY APPROVE Agreement between Kids In Distress, Inc. and Broward County from October 1, 2007 through June 30, 2008, in an amount not to exceed \$42,000 for provision of substance abuse treatment services to substance abusing pregnant women in North and Central Broward County, and authorize Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue resolution 2008-403 within Broward Addiction Recovery Division Kids In Distress Grant Fund (9925), in an amount not to exceed \$42,000 for the provision of substance abuse services for substance abusing pregnant women in North and Central Broward County.

ACTION: (T-10:35 AM) Approved.

CHILDRENS' SERVICES ADMINISTRATION DIVISION

46. A. MOTION TO APPROVE agreement between Broward County and the Early Learning Coalition of Broward County, Inc., formerly known as the Broward County School Readiness Coalition, Inc., from July 1, 2008, through June 30, 2009, in the amount of \$76,141 for the purpose of monitoring select informal child care providers for compliance with health and safety requirements in family child care homes and Voluntary Pre-kindergarten (VPK) providers for compliance with minimum State of Florida program standards in licensed child care facilities in Broward County; and authorize the Mayor to execute same.

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ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-404 within the State Grant Fund for the Children's Services Administration Division, Child Care Licensing and Enforcement Section, in the amount of \$76,141 for the purpose of monitoring select informal child care providers for compliance with health and safety requirements in family child care homes and VPK providers for compliance with minimum State of Florida program standards in licensed child care facilities in Broward County.

ACTION: (T-10:35 AM) Approved.

47. A. MOTION TO APPROVE agreement between Broward County and the Early Learning Coalition of Broward County, Inc., formerly known as the Broward County School Readiness Coalition, Inc., from July 1, 2008 through June 30, 2009 in the amount of \$529,351 for the purpose of continued implementation the Quality Rating System (QRS) for licensed pre-school child care facilities and family child care homes in Broward County; and authorize the Mayor to execute same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-405 within the State Grant Fund for the Children's Services Administration Division/Child Care Licensing and Enforcement Section, in the amount of \$529,351 for the purpose of continued implementation of the Quality Rating System (QRS) for licensed pre-school child care facilities and family child care homes in Broward County.

ACTION: (T-10:35 AM) Approved.

ELDERLY AND VETERANS SERVICES DIVISION

48. MOTION TO APPROVE Third Amendment to BRITE Agreement No. LD809 between the State of Florida Department of Children and Families (DCF) effective beginning on July 1, 2008, for the purpose of revising and clarifying the original contract language regarding civil rights requirements, public entity crime provision, invoice requirements, fixed price payment conditions, the schedule of payments and reports, as well as deleting attachments and exhibits, inserting in lieu upgraded and revised versions; authorizing the Mayor to execute the same; and authorize County Administrator to take all budgetary actions.

ACTION: (T-10:35 AM) Approved.

49. A. MOTION TO APPROVE Third Amendment to Agreement No. JC007-15-2008 between Areawide Council on Aging of Broward County, Inc. and Broward County from July 1, 2007 to June 30, 2008 for the purpose of increasing funding by \$111,000; from \$5,621,852 to \$5,732,852; and authorize the Mayor to execute same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-406 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$111,000 for the continuation of the Community Care for the Elderly Program.

ACTION: (T-10:35 AM) Approved.

50. A. MOTION TO APPROVE Agreement No. JC008-15-2009 between Areawide Council on Aging of Broward County, Inc. and Broward County from July 1, 2008 through June 30, 2009 for the continuation of the Community Care for the Elderly (CCE) Program in the amount

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of \$8,180,377; and authorize the Mayor to execute same. Revenue for the CCE program includes \$5,307,532 State dollars; \$100,000 Revenue from Operations; \$613,410 County Cash Match; \$1,756,796 Commission in Fees; and \$402,639 Sub-contractor In-Kind.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-407 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$8,180,377 for the continuation of the Community Care for the Elderly Program.

ACTION: (T-10:35 AM) Approved.

51. A. MOTION TO APPROVE Agreement No. XQ859-15-2009 between Areawide Council on Aging of Broward County, Inc. and Broward County in the amount of \$114,246 from date of final execution through July 31, 2009 for the purpose of providing evidence-based interventions for chronic health conditions among persons age 60 years or older, who are at risk and/or can benefit from chronic disease self-management; and authorize the Mayor to execute same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-408 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$114,246 for the provision of evidence-based interventions for chronic health conditions among older adults.

ACTION: (T-10:35 AM) Approved.

52. A. MOTION TO APPROVE Agreement No. JH008-15-2009 between Areawide Council on Aging of Broward County, Inc. and Broward County from July 1, 2008 to June 30, 2009 for the provision of Home Care for the Elderly Program services in the amount of \$46,431; and authorize the Mayor to execute same. Agreement includes a Memorandum of Understanding between Areawide Council on Aging of Broward County, Inc. and Broward County for the purpose of defining the Home Care for the Elderly Subsidy Spending Authority for the Elderly and Veterans Services Division.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-409 within the State of Florida Grant Fund for the Elderly and Veterans Services Division in the amount of \$46,431 for the Home Care for the Elderly Program services.

ACTION: (T-10:35 AM) Approved.

53. A. MOTION TO APPROVE Vendor Agreement No. CB00006-15-2009 between Areawide Council on Aging of Broward County, Inc. and Broward County from July 1, 2008 through June 30, 2009 providing a fair share allocation of \$360,676 for the purpose of establishing a fair share local match contract for the provision of case management, adult day care services and in-home services for frail elders and creating a single spending authority for all services; and authorizing the Mayor to execute the same.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-410 within the Fair Share Local Match Vendor Agreement for the Elderly and Veterans Services Division in the amount of \$360,676 to the Local Match Program Grant Fund for case management and adult day care services.

ACTION: (T-10:35 AM) Approved.

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54. A. MOTION TO APPROVE Agreement No. JH299 between the State of Florida, Department of Children and Families (DCF) and Broward County from July 1, 2008 to June 30, 2011 in the amount of \$4,726,677; plus \$1,296,930 County cash match for the continuation of Behavioral Health Program services; and authorize the Mayor to execute the same; and authorize the County Administrator to take all necessary budgetary actions.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated Revenue Resolution 2008-411 within the State of Florida, Department of Children and Families Grant Fund for Elderly and Veterans Services Division for the first year of contract funding in the amount of \$2,331,052 for the continuation of Behavioral Health Program services.

ACTION: (T-10:35 AM) Approved.

55. MOTION TO ADOPT Resolution 2008-412 of the Board of County Commissioners of Broward County, Florida, providing for in-home, adult day care, and Community Care for the Elderly and Home Care for the Elderly Program services for Fiscal Year 2008-2009; approving the contract shell form; authorizing the County Administrator to execute the appropriate shell contract for each qualified vendor; providing for severability; and providing for an effective date.

ACTION: (T-10:35 AM) Approved.

HOMELESS INITIATIVE PARTNERSHIP DIVISION

56. MOTION TO AUTHORIZE County Administrator to amend Agreement 07-FSAD-8264-2 between Broward County and the Broward County Housing Authority (BCHA) for the purpose of increasing the agreement amount by \$176,146 to a new total of \$460,146 for fiscal years 2007/2008 and 2008/2009 to provide for additional HUD funding, to be effective upon execution.

ACTION: (T-10:35 AM) Approved.

MEDICAL EXAMINER AND TRAUMA SERVICES DIVISION

57. MOTION TO ADOPT unanticipated revenue Resolution 2008-413 within the 2007 Coverdell Forensic Sciences Improvement Grant Fund (7229) in the amount of \$7,978; awarded through the National Institute of Justice (NIJ) and the Florida Department of Law Enforcement to the Medical Examiner and Trauma Services Division, Pathology and Operations Sections. This grant will provide funding for training of Medical Examiner staff, replace outdated autopsy equipment, and provide educational material to enhance the quality of the Division employees' knowledge base to meet or exceed agency accreditation.

ACTION: (T-10:35 AM) Approved.

58. MOTION TO APPROVE non financial Affiliation Agreement between Broward County and Nova Southeastern University, College of Dental Medicine, for ten years from date of execution, for the education and training of dental students in forensic pathology, provide forensic odontological examination services at no cost to the Medical Examiners' Office, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

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59. MOTION TO ACCEPT nomination Charles Maymon for appointment to the Broward Regional Emergency Medical Service (EMS) Council.

ACTION: (T-10:35 AM) Approved.

COMMUNITY SERVICES DEPARTMENT

CULTURAL DIVISION

60. MOTION TO ADOPT Resolution 2008-414 of the Board of County Commissioners of Broward County, Florida ("Board") approving standard form agreements for cultural grant programs for Fiscal Year 2009; providing for execution by the County Administrator after approval by the County Attorney's office; providing for severability; and providing for an effective date.

ACTION: (T-10:35 AM) Approved.

LIBRARIES DIVISION

61. MOTION TO APPROVE Revocable License Agreement between the Broward County Board of County Commissioners and the City of West Park (Licensee) to provide recurring usage of the Broward County Carver Ranches Branch Library Community Room located at 4735 SW 18 Street, West Park, 33023, on the first and third Wednesdays of every month for a two year term with one option to renew for an additional two years, for the purpose of holding City Commission Meetings; and authorize the County Administrator to implement all necessary administrative and budgetary actions, and authorize the Mayor and Clerk to execute same. (Commission District 8)

(Through Mayor Wexler, Commissioner Keechl pulled this item.)

ACTION: (T- 4:11 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 7 – 0. Commissioners Eggelation and Lieberman were not in the meeting room at the time of the vote.

ACTION: (T-4:22 PM) Commissioner Lieberman returned to the meeting room and requested that she be shown voting in the affirmative.

VOTE: 8 – 0.

DEPARTMENT OF TRANSPORTATION

62. A. MOTION TO ADOPT Resolution 2008-415 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA), pursuant to 49 U.S.C., Section 5309 funding, under the Federal Transit Act as amended, in the amount of \$3,984,324; and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the agreement; and providing for an effective date. (No County match is required.)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-416 to increase the Capital Grant Fund (3450) for the Transportation Department, in the amount of \$3,984,324 for the purpose of providing funding assistance for the purchase of seven hybrid (diesel-electric) buses and associated component parts.

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ACTION: (T-10:35 AM) Approved.

63. A. MOTION TO ADOPT Resolution 2008-417 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA), pursuant to 49 U.S.C., Section 5309 funding, under the Federal Transit Act as amended, in the amount of \$95,179; authorize the County Administrator to take the necessary administrative and budgetary actions to execute the agreement; and providing for an effective date. (No County match is required.)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-418 to increase the Capital Grant Fund (3450) for the Transportation Department, in the amount of \$95,179 for the purpose of providing funding assistance for the purchase of component parts for the articulated buses that were added into the fleet in 2007.

ACTION: (T-10:35 AM) Approved.

64. A. MOTION TO ADOPT Resolution 2008-419 authorizing the Mayor to execute and file a Transportation Regional Incentive Program (TRIP) Agreement with the Florida Department of Transportation (FDOT) for funding assistance for the purchase of eight, 60-foot articulated buses to add passenger capacity on Oakland Park Boulevard- Route 72, in the amount of Four Million Nine Hundred Sixty Two Thousand Dollars (\$4,962,000), which requires a one-half match of \$2,481,000 by Broward County; and providing for an effective date. The term of this agreement is from date of execution by FDOT through July 30, 2011. (Commission Districts 1, 2, 4, and 9)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-420 within the Transportation Department's Capital Fund (3450), in the amount of \$2,481,000 provided by FDOT, to be matched by existing funds also in the Transportation Department's Capital Fund (3450) for the purchase of eight, 60- foot articulated buses to add passenger capacity on Oakland Park Boulevard-Route 72.

ACTION: (T-10:35 AM) Approved.

65. A. MOTION TO ADOPT Resolution 2008-421 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA) in the amount of \$5.655 million, for the I-95 Express Urban Partnership Agreement (UPA) between the US Department of Transportation and Florida Department of Transportation Districts IV and VI (FDOT); and providing for an effective date. No County match is required.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-422 to increase the Capital Grant Fund (3450) for the Transportation Department, in the amount of \$5,655,000, for the purpose of 1) purchasing nine new hybrid buses (\$4,800,000); 2) ADA improvements at the Broward Blvd. Park-and-Ride Tri-Rail station (\$250,000); 3) branding (\$150,000) and pedestrian improvements (\$80,000) along Hollywood/Pines Blvd. and 4) Transit Signal Priority at approximately 50 signals (\$375,000).

ACTION: (T-10:35 AM) Approved.

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66. A. MOTION TO ADOPT Resolution 2008-423 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA), pursuant to 49 U.S.C., Section 5309 funding, under the Federal Transit Act as amended, in the amount of \$711,165, for the purpose of providing Intelligent Transportation System (ITS) deployment in the Downtown Fort Lauderdale area; to authorize the County Administrator to take the necessary administrative and budgetary actions to execute the agreement; and providing for an effective date. (No County match is required.)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-424 to increase the Capital Grant Fund (3450) for the Transportation Department, in the amount of \$711,165 for the purpose of providing Intelligent Transportation System (ITS) deployment in the Downtown Fort Lauderdale area.

ACTION: (T-10:35 AM) Approved.

67. A. MOTION TO ADOPT Resolution 2008-425 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA), pursuant to 49 U.S.C., Section 5309 funding, under the Federal Transit Act as amended, in the amount of \$495,000, for the purpose of providing Streetscape Enhancements in Downtown Fort Lauderdale, to include traffic calming, wide sidewalks, landscaping, hardscaping, lighting, large oak shade trees, street furniture, and crosswalks, authorizing the Director of the Transportation Department to furnish FTA with additional information which may be required; authorizing the County Administrator to take necessary administrative and budgetary actions to implement the agreement; and providing for an effective date. (No County match is required.)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-426 to increase the Capital Grant Fund (3450) for the Transportation Department to act as a pass through agent for the Downtown Development Authority, in the amount of \$495,000.

ACTION: (T-10:35 AM) Approved.

68. A. MOTION TO ADOPT Resolution 2008-427 of the Board of County Commissioners of Broward County, Florida, authorizing the Director of the Transportation Department, or designee, to electronically execute and file an application for federal assistance with the Federal Transit Administration (FTA), pursuant to 49 U.S.C., Section 5309 funding, under the Federal Transit Act as amended, in the amount of \$995,000, for the purpose of providing Streetscape Enhancements in Downtown Fort Lauderdale, to include traffic calming, wide sidewalks, landscaping, hardscaping, lighting, large oak shade trees, street furniture, and crosswalks,; and authorize the County Administrator to take the necessary administrative and budgetary actions to execute the agreement; and providing for an effective date. (No County match is required.)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue Resolution 2008-428 to increase the Capital Grant Fund (3450) for the Transportation Department to act as a pass through agent for the Downtown Development Authority, in the amount of \$995,000.

ACTION: (T-10:35 AM) Approved.

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69. MOTION TO APPROVE Revocable Nonexclusive License Agreement between Broward County and Water Transportation Alternatives, Inc. for the use of the County owned WaterBus landing under the S.E. 17th Street Causeway Bridge on the Intracoastal Waterway in the City of Fort Lauderdale. (Commission District 4)

ACTION: (T-10:35 AM) Approved.

OFFICE OF MANAGEMENT AND BUDGET

70. MOTION TO ADOPT Resolution 2008-429 providing for proposed FY 2009 non-ad valorem assessment rates for the Fire Rescue Municipal Service Taxing Unit (MSTU), to transmit the proposed rates to the Property Appraiser's Office for inclusion on the Notice of Proposed Property Taxes and to set the public hearing to adopt the non-ad valorem assessment for September 9, 2008 at 5:01 at the Broward County Governmental Center.

ACTION: (T-10:35 AM) Approved.

71. MOTION TO ADOPT unanticipated revenue Resolution 2008-430 within the Law Enforcement Trust Fund in the amount of \$5,000 to provide funding to assist with the training costs for the 2008 Florida FBI National Academy Associates conference.

ACTION: (T-10:35 AM) Approved.

72. MOTION TO ADOPT budget resolution 2008-431 transferring within the Broward Sheriff's Office (BSO) Self-Insurance Fund the amount of \$903,775 from the Fund's Reserves for the purpose of funding unanticipated operating expenditures related to settlement costs in litigation cases.

ACTION: (T-10:35 AM) Approved.

73. MOTION TO ADOPT unanticipated revenue Resolution 2008-432 within the Law Enforcement Trust Fund in the amount of \$307,960 to provide funding for a Broward County Money Laundering Task Force.

ACTION: (T-10:35 AM) Approved.

74. MOTION TO ADOPT unanticipated revenue Resolution 2008-433 within the Law Enforcement Trust Fund in the amount of \$120,000 to provide funding for overtime for Deputies to supervise various crime prevention and deterrent summer programs.

ACTION: (T-10:35 AM) Approved.

75. MOTION TO ADOPT unanticipated revenue Resolution 2008-434 within the Law Enforcement Trust Fund in the amount of \$158,773 to provide matching funding for the STOP Violence Against Women grant.

ACTION: (T-10:35 AM) Approved.

76. MOTION TO ADOPT unanticipated revenue Resolution 2008-435 within the Law Enforcement Trust Fund in the amount of \$35,000 to provide funding for a Drowning Prevention program by the Broward Sheriff's Office's Public Relations Division.

ACTION: (T-10:35 AM) Approved.

77. MOTION TO ADOPT unanticipated revenue resolution 2008-436 within the Law Enforcement Trust

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Fund in the amount of \$137,806 to provide funding to purchase services plans for Verizon wireless data air cards for the laptops used by the Broward Sheriff's Office.

ACTION: (T-10:35 AM) Approved.

COUNTY ATTORNEY

78. MOTION TO APPROVE proposed Settlement Agreement including costs and attorney's fees, in the case of Transdyn Controls, Inc. v. Broward County, 17th Judicial Circuit Case No. 05-17307(09).

ACTION: (T-10:35AM) Withdrawn for further staff review.

COUNTY COMMISSION

79. MOTION TO DESIGNATE Commissioner Ilene Lieberman as voting delegate for the Broward County Board of County Commissioners (BCBCC) at the 2008 National Association of Counties (NACo) Annual Conference. (Mayor Wexler)

ACTION: (T-10:35 AM) Approved.

80. MOTION TO ADOPT Resolution 2008-437 of the Board of County Commissioners of Broward County, Florida, to the Florida Congressional Delegation regarding the national strategic importance of maintaining spaceflight expertise at the Kennedy Space Center and ensuring that future crew and cargo logistic missions to the International Space Station use domestic capabilities; providing for an effective date. (Mayor Wexler)

ACTION: (T-10:35 AM) Approved.

81. A. MOTION TO DESIGNATE Commissioner Ilene Lieberman as the Broward County Board of County Commissioners' (BCBCC) representative to the Broward League of Cities (LOC) Board of Directors. (Mayor Wexler)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO DESIGNATE Mayor Lois Wexler as the BCBCC alternate representative to the Broward LOC Board of Directors. (Mayor Wexler)

ACTION: (T-10:35 AM) Approved.

REQUEST TO SET FOR PUBLIC HEARING

82. MOTION TO ADOPT Resolution 2008-438 of the Board of County Commissioners of Broward County, Florida, directing the County Administrator to publish notice of public hearing to be held on Tuesday, August 12, 2008, at 2:00 p.m., in Room 422, Broward County Governmental Center, to receive public input on the adoption of proposed changes to the Broward County Transportation Department fixed bus routes 2, 4, 5, 7, 16, 28, and proposed new "University Breeze" route, with an effective date of September 21, 2008.

ACTION: (T-10:35 AM) Approved.

83. MOTION TO DIRECT the County Administrator to publish notice of a public hearing to be held Tuesday, August 12, 2008, at 2:00 p.m., in Room 422 of the Governmental Center to consider the issuance of a renewal Class 1 - ALS Rescue Certificate of Public Convenience and Necessity (COPCN) to the Village of Lazy Lakes.

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ACTION: (T-10:35 AM) Approved.

84. MOTION TO DIRECT the County Administrator to publish notice of public hearing to be held Tuesday, August 12, 2008, at 2:00 p.m. in Room 422 of the Governmental Center to consider a new Nonemergency Medical Transportation Service (NEMTS) license to EMK Transportation, Inc.

ACTION: (T-10:35 AM) Approved.

85. MOTION TO ADOPT Resolution 2008-439 directing the County Administrator to publish notice of public hearing to be held on Tuesday, August 12, 2008, at 2:00 p.m., in Room 422 of the Governmental Center to consider whether or not there should be a taximeter rate adjustment in accordance with Section 22½ -11(5) of the Broward County Code (Motor Carriers Ordinance) and to amend Section 37.2 of the Broward County Administrative Code to allow for the revision of taxicab rates.

ACTION: (T-10:35 AM) Approved.

86. MOTION TO ADOPT Resolution 2008-440 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 12, 2008, at 2:00 p.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO RETAIL ESTABLISHMENTS; ADDING SECTIONS TO CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES CREATING THE RETAIL ESTABLISHMENT PARKING SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "RETAIL ESTABLISHMENT" AND "RETAIL ESTABLISHMENT PARKING AREA"; PROVIDING FOR APPLICABILITY THROUGHOUT BROWARD COUNTY; REQUIRING CERTAIN RETAIL ESTABLISHMENT PARKING AREAS TO BE EQUIPPED WITH SPECIFIC SECURITY DEVICES; PROVIDING FOR COMPLIANCE DATES; PROVIDING FOR LICENSES; PROVIDING FOR ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

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

ACTION: (T-10:50 AM) Approved. The Board directed staff to bring back additional information at the public hearing on Tuesday, August 12, 2008, as to estimated security camera costs and improvements in the business community, and how many businesses will be impacted. Additionally, the Board requested that staff clarify the difference between security cameras and manned golf carts being used to conduct security. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

87. MOTION TO ADOPT Resolution 2008-441 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 12, 2008, at 2:00 p.m., in Room 422 of the Governmental Center to consider adoption of a proposed resolution amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR THE CREATION OF THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT; PROVIDING FOR THE CREATION OF THE TRANSPORTATION DEPARTMENT;

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PROVIDING FOR THE REORGANIZATION OF OFFICES AND DIVISIONS WITHIN THE AGENCIES; PROVIDING FOR THE DISSOLUTION OF SEVERAL AGENCIES, OFFICES, AND DIVISIONS AND INCLUSION OF THE DUTIES AND RESPONSIBILITIES INTO OTHER AGENCIES, OFFICES, AND DIVISIONS; PROVIDING FOR THE CREATION OF NEW AGENCIES, OFFICES, AND DIVISIONS; REVISING THE NAMES OF SEVERAL AGENCIES, OFFICES, AND DIVISIONS; PROVIDING FOR THE REORGANIZATION OF THE VARIOUS SECTIONS OF THE ADMINISTRATIVE CODE TO REFLECT THE REORGANIZATION OF THE AGENCIES, OFFICES, AND DIVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(This item was pulled by Commissioner Jacobs.)

ACTION: (T-11:00 AM) Approved.

VOTE: 6-0. Commissioners Eggleton, Keechl, and Lieberman were not present during the vote.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

88. A. MOTION TO ACCEPT Broward County Government Operations Climate Change Report prepared by the Broward County Government Climate Change Inter-agency Working Group comprised of staff members from several Broward County Government agencies.

ACTION: (T: 10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: Exhibit 2, Section 2c of resolution should be amended to include: One (1) member nominated by the South Florida Regional Planning Council.)

B. MOTION TO ADOPT Resolution 2008-442 of the Board of County Commissioners creating a Broward County Climate Change Task Force; establishing the purpose and goals of the Task Force; and, providing for an effective date.

ACTION: (T: 10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: Exhibit 2, Section 2c of resolution should be amended to include: One (1) member nominated by the South Florida Regional Planning Council.)

C. MOTION TO ADOPT Resolution 2008-443 of the Board of County Commissioners supporting the Airports Council International (ACI) World Board and affiliate world organizations' Declaration of Aviation Industry Commitment to Action on Climate Change Policy; and, providing for an effective date.

ACTION: (T: 10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: Exhibit 2, Section 2c of resolution should be amended to include: One (1) member nominated by the South Florida Regional Planning Council.)

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

89. MOTION TO RELEASE Deed of Conservation Easement and Agreement from Island Industrial Park, LLC. for mitigation of 0.37 acre of real property located east of the Florida Turnpike, south of Sawgrass Expressway at the north end of NW 45th Way in the City of Deerfield Beach (Commission District 2)

ACTION: (T: 10:35 AM) Approved.

90. MOTION TO DIRECT County Attorney to draft amendments to Chapter 5, Article IX, Broward County Code of Ordinances, the Land Development Code, relating to transportation concurrency.

ACTION: (T-10:35 AM) Approved.

COMMISSION MINUTES

EMERGENCY MANAGEMENT DIVISION

91. A. MOTION TO AUTHORIZE Director of the Emergency Management Division to execute the Grant Award and Special Conditions documents when received, between Broward County and the U.S. Department of Homeland Security for the FY 2008 Port Security Grant Program (PSGP) funds awarded to the Broward County Port Everglades Jurisdictional Area in an amount up to \$4,435,446. The award is to be used for the creation of the Port Everglades Port Wide Strategic Risk Management / Mitigation and Business Continuity / Resumption of Trade Plan (Plan) and to provide funding for security enhancement projects and priorities identified as critical by the Plan and the Miami Area Maritime Security Committee.

ACTION: (T-10:35 AM) Approved.

B. MOTION TO ADOPT unanticipated revenue resolution 2008-444 within the Port Security Grant Program Fund for the Emergency Management Division, acting as Fiduciary Agent for the Fiscal Year 2008 PSGP benefiting the Port Everglades Jurisdictional Area, in the amount up to \$4,435,446 for the purpose of creating the Plan and to provide funding for security enhancement projects and priorities identified as critical by the Plan and the Miami Area Maritime Security Committee.

ACTION: (T-10:35 AM) Approved.

92. MOTION TO ADOPT Unanticipated Revenue Resolution 2008-445 in the amount of \$2,274,482 for the purpose of reimbursing expenses incurred to the County and mutual aid partners during the 35th General Assembly of the Organization of American States meeting held at the Broward County Convention Center in 2005; and authorize the County Administrator to take all necessary administrative actions to disburse funds to the County and all the mutual aid partners.

ACTION: (T-10:35 AM) Approved.

HOUSING FINANCE AND COMMUNITY DEVELOPMENT DIVISION

93. MOTION TO ADOPT Resolution 2008-446 of the Board of County Commissioners of Broward County, Florida, amending Broward County's FY 2000-2004 and 2005-2010 Strategic Consolidated Plans and the accompanying Annual Action Plans for Fiscal Years 2003-2004 and 2007-2008; changing the number of clients served for two U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CBDG) Program funded projects and reprogramming \$121,755.00 in HUD HOME Investment Partnerships (HOME) Program funds; authorizing the County Administrator to take the necessary administrative actions to implement the changes; providing for severability; and providing for an effective date.

ACTION: (T-10:35 AM) Approved.

94. MOTION TO APPROVE Subordination of Mortgages to the Declaration of Restrictive Covenant between Broward County and Harbour Cove Associates, Ltd., for the purpose of recording a Declaration of Restrictive Covenant from the Broward County Pollution Prevention, Remediation and Air Quality Division against Harbour Cove Apartments, located at 100 NW 9th Terrace in Hallandale Beach, Florida. (Commission District 8)

ACTION: (T- 10:35 AM) Approved. (Scrivener's error – See County Administrator's Report: (Summary Explanation/Background, 2nd Paragraph reads "Hollywood" Boulevard and should read "Hallandale Beach" Boulevard.)

METROPOLITAN PLANNING ORGANIZATION DIVISION

COMMISSION MINUTES

95. A. MOTION TO APPROVE Agreement between Broward County and the City of Plantation for Construction and Maintenance of the Hiatus Road Greenway; authorizing the Mayor and Clerk to execute the agreement; and, providing for an effective date. (Commission District 5)

ACTION: (T-10:35 AM) Approved.

B. MOTION TO APPROVE Agreement between Broward County and the City of Sunrise for Construction and Maintenance of the Hiatus Road Greenway; authorizing the Mayor and Clerk to execute the agreement; and, providing for an effective date. (Commission District 5)

ACTION: (T-10:35 AM) Approved.

NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION

96. MOTION TO APPROVE Joint Funding Agreement #08E0FL208018 between Broward County and the United States Geological Survey to conduct a geotechnical study of the upper Floridan Aquifer to benefit the development of alternative water supplies during the period January 01, 2008 through September 30, 2010 with a project cost funded by this Agreement of \$817,844 (Broward County to provide \$462,922 or 57% cost share); and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

POLLUTION PREVENTION, REMEDIATION AND MANAGEMENT DIVISION

97. MOTION TO APPROVE Amendment No. 4 to Contract No. GC622 between Broward County and the Florida Department of Environmental Protection (FDEP) for the management of petroleum contamination cleanups, to modify the contract scope of services to reflect the current practice of providing enforcement services using Broward County's Code of Ordinances; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved.

QUASI-JUDICIAL CONSENT HEARING

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

DEVELOPMENT AND ENVIRONMENTAL REGULATION DIVISION

98. DISCUSSION: of plat entitled "Rancho Alegre" (005-MP-03). (Deferred from April 8, 2008.) (Commission District 5)

ACTION: (T-10:35 AM) Defer to 11-18-08, or sooner, under Section 5-181 (j) of the Land Development Code to resolve traffic concurrency.

99. DISCUSSION: of plat entitled "Corfu Homes Plat" (038-MP-07). (Commission District 7)

ACTION: (T-10:35 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

100. DISCUSSION: of plat entitled "Fire Station Number 3" (066-MP-07). (Commission District 7)

ACTION: (T-10:35 AM) Approved the plat subject to staff's recommendations as outlined in the

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Development Review Report.

101. DISCUSSION: of plat entitled "Lakeview Industrial Park" (073-MP-07). (Commission District 7)

ACTION: (T-10:35 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

102. DELEGATION: Gerald L. Knight regarding request to revise the note on the Celebration Pointe Plat (063-MP-06). (Commission District 2)

ACTION: (T-10:35 AM) Approved subject to staff's recommendations.

103. DELEGATION: Craig Bencz regarding request to amend the note on the Lundy Plat (012-UP-85). (Deferred from May 13, 2008.) (Commission District 2)

ACTION: (T-10:35 AM) Defer to 1-6-09, or sooner, under Section 5-181 (j) of the Land Development Code to resolve wellfield issue.

104. DELEGATION: Barbara Hall regarding request to amend the note on the Wilton Park Plat (041-MP-07). (Commission District 4)

ACTION: (T-10:35 AM) Approved subject to staff's recommendations.

105. DELEGATION: Jill Cohen regarding request to amend the note on the Isgette's Runway Plat (060-MP-93). (Commission District 7)

ACTION: (T-10:35 AM) Approved.

106. DELEGATION: James McLaughlin regarding request to amend the note on the Faith Temple Church Plat (072-MP-04). (Commission District 9)

ACTION: (T-10:35 AM) Approved subject to staff's recommendations.

107. DELEGATION: James McLaughlin regarding request to revise the non-vehicular access line on the Park Center Group Plat (056-MP-07). (Commission District 9)

ACTION: (T-10:35 AM) Approved subject to staff's recommendations.

END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

108. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Miramar

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Police Benevolent Association, Inc., in the amount of \$440,000 for the County's acquisition of Safe Parks and Land Preservation Bond Program Open Space Site OS-123, containing 1.0 acre, or 43,560 square feet, a community facility site improved with a one-story community building, located at 7000 SW 35th Street, Miramar, Florida, authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond Issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of Deed. (Commission District 8)

ACTION: (T-11:02 AM) Approved.

VOTE: 6-0. Commissioners Eggelletion, Keechl, and Lieberman were not present during the vote.

109. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Linda Hoog, Albert Lidert, Jr., Sandra Ellerie and Michael Lidert, tenants in common, for the County's purchase of Safe Parks and Land Preservation Bond Program Conservation Land Site CL-465, consisting of 1.25 acres, or 54,450 square feet, of a waterfront site improved with a single family residence, located along the South Fork of the New River at 630 SW 9th Avenue, Fort Lauderdale, at a cost to the County of \$2,887,500; authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond Issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of Deed. (Commission District 7)

ACTION: (T-11:03 AM) Tabled until the 2:00 p.m. Public Hearing. (Refer to minutes for full discussion.)

ACTION: (T-4:19 PM) Approved. The Board amended the Contract for Sale in order to accept a \$20,000 reduction, therefore purchasing the land site for \$2,867,500, with the caveat that up to \$7,500 would be set aside from the savings amount to provide a buffer between the adjacent property owner and the park. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Wasserman-Rubin was out of the meeting room at the time of the vote.

110. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Inactive Corporations, Inc., a dissolved Florida corporation and successor by merger to W.B. Homes, Inc., a Florida corporation formerly known as W-B Homes, Inc., in the amount of \$840,000 for the County's purchase of a 1.258-acre, or 54,787 square-foot, vacant land parcel located on the east side of Sunrise Lakes Drive West, approximately 270 feet south of North Sunrise Lakes Drive, in the City of Sunrise, Florida, designated as Open Space Site OS-158 under the Safe Parks and Land Preservation Bond Program; authorize the Real Property Section to acquire this property using Safe Parks and Land Preservation Bond Issue funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of Deed. (Commission District 1)

ACTION: (T-11:22 AM) Tabled until the 2:00 p.m. Public Hearing. (Refer to minutes for full discussion.)

ACTION: (T-4:22 PM) Approved. The Board directed staff to review the process going forward. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

111. MOTION TO APPROVE Contract for Sale and Purchase between Broward County and Parkersquest, LLC, for the County's acquisition of Safe Parks and Land Preservation Bond Program Open Space Site OS-70.08, containing 0.121 acres, or 5,250 square feet, improved with a residential duplex located at 2840 NW 11th Place in unincorporated Broward County, Florida, at a cost to the County of \$250,000; The site lies adjacent to the north boundary of Roosevelt Gardens Park, and is designated as Open Space Site OS-70.08 under the

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Safe Parks and Land Preservation Bond Program; authorize Real Property Section to acquire this property using Safe Parks and Land Preservation Bond Issue Funds; authorize the Mayor and Clerk to execute Contract for Sale and Purchase, and authorize acceptance and recordation of deed. (Commission District 9)

ACTION: (T: 4:37 PM) The Board deferred until August 12, 2008. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

END PUBLIC HEARING

SAFE PARKS AND LAND PRESERVATION BOND PROGRAM

112. A. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Fort Lauderdale for the Acquisition, Improvement, Enhancement, Operation and Management of Open Space Site OS-136, River Oaks Park; and authorize the Mayor and Clerk to execute same. (Commission District 7)

ACTION: (T-4:38 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO APPROVE transfer of funds to the City of Fort Lauderdale in the amount of \$1,668,000 at joint closing for the acquisition of real property referred to as River Oaks Park (Site OS-136) in the Broward County Open Space Inventory under the Safe Parks and Land Preservation Bond program. (Commission District 7)

ACTION: (T-4:38 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

113. A. MOTION TO APPROVE Interlocal Agreement between Broward County and the City of Sunrise for the Acquisition, Improvement, Enhancement, Operation, and Management of Open Space Site OS-158, also know as Sunrise Lakes Passive Park; and authorize the Mayor and Clerk to execute same. (Commission District 1)

ACTION: (T-4:40 PM) Approved.

VOTE: 9 – 0.

B. MOTION TO ADOPT Resolution 2008-447 for the conveyance of real property referred to as Site OS-158, Sunrise Lakes Passive Park, in the Broward County Open Space Inventory under the Safe Parks and Land Preservation Bond program. (Commission District 1)

ACTION: (T-4:40 PM) Approved.

VOTE: 9 – 0.

114. MOTION TO APPROVE an agreement between Broward County and the City of Lauderdale Lakes (City) relating to the \$500,000 Challenge Grant from the 2000 Safe Parks and Land Preservation Bond Program (Bond Program) for the Northgate Neighborhood Park, approving a one (1) year term from

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January 3, 2008, until January 3, 2009; and authorizing the Mayor and Clerk to execute same. (Commission District 9) (Commissioner Eggelletion)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Summary Explanation/Background reads "...extending the agreement to January 3, 2009" and should read "extending the agreement to January 3, 2008.")

AVIATION DEPARTMENT

115. MOTION TO APPROVE Change Order No. 1 to Contract N-8-07-267-CAF, with National Roofing of South Florida, Inc., for the Roof Replacement at Terminal 2, Terminal 3, and Roof Repairs to Terminal 4, at the Fort Lauderdale/Hollywood International Airport, from \$5,806,730.00, to \$5,839,166.10, an overall total increase of \$32,436.10, with no change in contract time.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For Finance and Administrative Services Department

116. MOTION TO APPROVE Agreement between Broward County and US Legal Services, Inc., to provide Group Legal Insurance to eligible employees and their dependents, Request for Letters of Interest (RLI) No. 20060503-0-HRB-03, with an initial term from July 1, 2008 to December 31, 2010 with two one-year renewals, effective from the date of execution and authorize the Mayor and Clerk to execute the same.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

For Human Services Department

117. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to provide Medical Records Consultant Services for the Broward Addiction Recovery Division (BARC), and approve Request for Letters of Interest (RLI) No. 20080328-0-HS-01.

ACTION: (T-4:40 PM) Approved. The Board approved the following to serve on the Selection Committee (S/C): Assistant County Administrator (Chair); Director, Broward Addiction Recovery Division; Director, Program Development, Research and Evaluation Division, plus administrative support from the offices of the County Attorney, County Auditor, Purchasing Division, Small Business Development Division, Risk Management Division, and the requesting agency. (Refer to minutes for full discussion.)

VOTE 9 – 0.

For Port Everglades Department

118. MOTION TO APPROVE Sole Source designation and AWARD Agreement (Sensitive Security Information) between Broward County and Motorola, Inc., for the purchase and installation of a Wireless Security Camera System and required training in the amount of \$325,680.25 for the Port Everglades Department and authorize the Mayor and Clerk to execute the same.

ACTION: (T-4:41 PM) Approved. (Refer to minutes for full discussion.)

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VOTE: 9 – 0.

For Public Works Department

119. A. MOTION TO APPROVE Third Amendment to the Agreement between Broward County and Pierce Architectural Group, P.A. (PAG), for Consultant Services for the Broward County West Regional Library, Request for Letter of Interest (RLI) No. 051799-RB, increasing the professional fees for Basic Services in the amount of \$109,339.62, from \$764,892.00 to \$874,231.62, which increases the total Agreement amount from \$964,892.00 to \$1,074,231.62 for Professional Services, and authorize the Mayor and Clerk to execute same. (Project No. 6048A99) (Commission District 1)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO APPROVE Settlement Agreement between Broward County and Pierce Architectural Group, P.A., relating to a Construction Change Order for delay damages to be paid to Broward County by the Consultant in the amount of \$38,214.00. (Project No. 6048A99) (Commission District 1)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

120. A. MOTION TO ADOPT Budget Resolution 2008-448 transferring within the Resource Recovery System Fund (Fund 4880) the amount of \$325,000 from Unrestricted Reserves for Professional Engineering Services for the Resource Recovery System and Solid Waste Management Program.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO APPROVE Third Amendment to the Agreement between Broward County and Malcolm Pirnie, Inc. for Consultant Services for Waste to Energy Plants and Solid Waste Management Program, Request for Letters of Interest (RLI) No. 20040719-0-IWA-01, to increase the maximum not-to-exceed amount by \$325,000.00, from \$10,081,250.00 to \$10,406,250.00 for tasks to be completed in Fiscal Year 2008, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: In Motion B, remove "...for tasks to be completed in Fiscal Year 2008.")

For Transportation Department

121. MOTION TO APPOINT Selection Committee (SC) to recommend the most qualified firm to assist the Broward County's Transportation Department staff with developing and implementing a Transit Facility Design Standards and Guidelines Manual which shall govern the construction, alteration, and administration of its Pedestrian and Mass Transit Facilities, and approve Request for Letters of Interest (RLI) No. 20080501-1-MT-1.

ACTION: (T: 4:44 PM) Approved. The Board approved the following to serve on the Selection Committee (S/C): Director, Transportation Department (Chair); Director, Planning Services Division, Transportation Planner, Metropolitan Planning Organization Division, plus technical and administrative support staff from the office of the County Attorney, County Auditor, Equal Opportunity, Purchasing Division, Risk Management Division, Transportation Planning Division, Highway Construction and Engineering Division, Highway and Bridge Maintenance Division, and the requesting agency. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Rodstrom was out of the meeting room at the time of the vote.

PORT EVERGLADES DEPARTMENT

COMMISSION MINUTES

122. MOTION TO APPROVE ten year License Agreement between Broward County and Florida Power & Light Company for Bulk Petroleum Product Pipelines at Port Everglades, effective upon approval; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

123. MOTION TO AUTHORIZE the Port Director of the Port Everglades Department to execute an Amendment with CH2M Hill (f/k/a Gee and Jenson, Inc.) for the Berth 34 Development Project at Port Everglades, in a "to be negotiated" not-to-exceed amount of \$375,000, for consulting services associated with the Port Master Plan Southport Turning Notch alternatives analysis in accordance with the Board's direction at the Public Hearing held on May 13, 2008, pertaining to the approval of the Port Everglades Master Plan.

ACTION: (T:4:56 PM) Approved.

VOTE: 8 – 0. Commissioner Rodstrom was out of the meeting room at the time of the vote.

ACTION: (5:03 PM) Commissioner Rodstrom returned to the meeting room and requested that he be shown voting as a no vote.

VOTE: 8 – 1.

COMMUNITY SERVICES DEPARTMENT

124. A. MOTION TO APPROVE a grant agreement between Broward County and the Museum of Discovery & Science, Inc. (Contractor) in the amount not-to-exceed \$1,000,000 (County portion is \$1,000,000; Contractor match is \$2,000,000) for the purpose of a matching grant for building expansion and improvements; commencing upon execution by all parties and to expire by December 31, 2011; and authorize the Mayor and the Clerk to execute same. (Commission District 7)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Under the "Fiscal Impact/Cost Summary" section, delete the following phrase from the first sentence: "based on the Board's direction to use the source of funding previously approved for the Orioles Spring Training Facility.")

B. MOTION TO ADOPT a budget resolution 2008-449 within the Beach Nourishment Fund (3370) in the amount of \$1,000,000 to transfer funds from reserve for the expansion of the Museum of the Discovery & Science. (Commission District 7)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Under the "Fiscal Impact/Cost Summary" section, delete the following phrase from the first sentence: "based on the Board's direction to use the source of funding previously approved for the Orioles Spring Training Facility.")

C. MOTION TO ADOPT an unanticipated Revenue Resolution 2008-450 within the General Capital Outlay Fund (3010) for the Public Works Department in the amount of \$1,000,000 for the expansion of the Museum of Discovery & Science. (Commission District 7)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.) (Scrivener's error – See County Administrator's Report: Under the "Fiscal Impact/Cost Summary" section, delete the following phrase from the first sentence: "based on the Board's direction to use the source of funding previously approved for the Orioles Spring Training Facility.")

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LIBRARIES DIVISION

125. MOTION TO APPROVE a report to the Board outlining the Libraries Division's recommended days and hours of operation for all library branches

ACTION: (T-4:56 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

OFFICE OF MANAGEMENT AND BUDGET

126. A. MOTION TO ADOPT budget resolution 2008-451 transferring \$483,283 within the General Fund from the reserve for state funded ballot on demand equipment to appropriate funds to the Supervisor of Elections budget for ballot on demand printers.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

B. MOTION TO ADOPT budget resolution 2008-452 transferring \$1,361,000 within the General Capital Outlay Fund to transfer funds to the General Fund for election equipment.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

C. MOTION TO ADOPT unanticipated revenue resolution 2008-453 within the General Fund in the amount of \$1,361,000 to appropriate funds to the Supervisor of Elections budget for election equipment.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

D. MOTION TO ADOPT budget resolution 2008-454 within the General Fund transferring \$350,847 within the General Fund from the reserve for the November 2008 election to fund additional election equipment.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

127. MOTION TO ADOPT unanticipated revenue Resolution 2008-455 within the General Fund for the Broward Sheriff's Office in the amount of (\$161,024) for the purpose of decreasing the contract for Police Services for the City of Dania Beach

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

128. MOTION TO ADOPT a budget resolution 2008-456 within the Court Cost Fund transferring \$60,000 from the Court Cost Fund reserve to fund traffic magistrates for three months.

ACTION: (T-12:15 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 5-1. Commissioner Lieberman voted no. Commissioners Jacobs, Keechl, and Rodstrom were not present during the vote.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

129. A. MOTION TO AMEND Section 5.2 Term and Time of Performance of the Agreement between Broward County and New Visions Community Development Corporation (CDC) for Affordable Housing Home Construction Roosevelt Gardens to extend the time for performance for the issuance of a Certificate of Occupancy by sixty (60) days. (Commission District 9)

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ACTION: (T-5:03 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO AMEND Article 5 Term and Time of Performance of the Agreement between Broward County and New Visions CDC for Affordable Home Construction Roosevelt Gardens reverter provision to extend the time for performance by 120-days for all ten (10) Phase 3 lots. (Commission District 9)

ACTION: (T-5:03 PM) Approved. The Board amended the motion to direct staff to monitor for 45 days and submit a progress report. If ground has been broken and project is proceeding on schedule, an extension of 120 days will be granted on August 5, 2008. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

NATURAL RESOURCES PLANNING AND MANAGEMENT DIVISION

130. MOTION TO ADOPT Resolution 2008-457 of the Board of County Commissioners of Broward County, Florida recognizing the need for a collaborative multi-jurisdictional approach to address future county-wide water resource needs; establishing the Broward Water Resources Task Force composed of elected county and city commissioners, and officials representing the South Florida Water Management District Governing Board, special districts and water control districts; authorizing the designation of a technical/professional staff workgroup to advise the task force; providing for duties of the task force; providing for meetings of the task force and the technical/professional staff workgroup; providing for staff support; providing for reporting and maintenance of records; and providing for an effective date.

ACTION: (T:5:35 PM) Approved. (Scrivener's error – See County Administrator's Report: Exhibit 1, Section 4 of resolution should be amended to include: One (1) staff person appointed by the Florida Department of Environmental Protection and One (1) staff person appointed by the Broward County Health Department.) (Refer to minutes for full discussion.)

VOTE: 9 – 0.

OFFICE OF PUBLIC AND GOVERNMENTAL RELATIONS

131. MOTION TO NOMINATE Carla Taylor for appointment to the Broward County HIV Health Services Planning Council.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

132. MOTION TO REAFFIRM appointments of Commissioner Margaret Bates, Representative Perry Thurston (or Ella Phillips as his named representative), Henry Rose, Phoebe Francois, and William Epps to the Community Action Agency Advisory Board.

ACTION: (T-10:35AM) Approved. (Transferred to the Consent Agenda.)

COUNTY ATTORNEY

133. MOTION TO APPROVE Settlement Agreement, assigning responsibility for payment of \$1.8 million of expenses resulting from the September 5, 2006 rupture of a jet fuel pipeline at the Fort Lauderdale-Hollywood International Airport, between Broward County, Cummings-Centex, a joint venture, and nine other parties identified in the Settlement Agreement; subject to execution by URS Corporation, and authorize the Mayor and Clerk to execute same.

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ACTION: (T:5:29 PM) Approved.

VOTE: 9 – 0.

COUNTY ADMINISTRATION

134. A. MOTION TO CONSENT to an Assignment and Assumption of Ground Lease between New River Associates, Ltd. and New River Holdings, Phase III, L.L.C., in connection with the Lease entered into between Broward County and Riverview of Ft. Lauderdale, Ltd., dated as of June 2, 1992, as amended.

ACTION: (T:5:30 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Eggleton was out of the meeting room at the time of the vote.

B. MOTION TO EXECUTE an Estoppel Certificate in connection with the Phase III property regarding the Lease entered into between Broward County and Riverview of Ft. Lauderdale, Ltd., dated as of June 2, 1992, as amended.

ACTION: (T:5:30 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Eggleton was out of the meeting room at the time of the vote.

C. MOTION TO APPROVE an Amendment to Designation of Independent Parcels in connection with Phase III of the Lease entered into between Broward County and Riverview of Ft. Lauderdale, Ltd., dated as of June 2, 1992, as amended.

ACTION: (T:5:30 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Eggleton was out of the meeting room at the time of the vote.

D. MOTION TO APPROVE an Access Agreement between Broward County and New River Associates, Ltd. For the construction and maintenance of a pedestrian bridge between the Phase III property and parking garage in connection with the Lease entered into between Broward County and Riverview of Ft. Lauderdale, Ltd., dated as of June 2, 1992, as amended.

ACTION: (T:5:30 PM) Approved. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Eggleton was out of the meeting room at the time of the vote.

135. MOTION TO DISCUSS Adoption of a Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 12, 2008, at 2:00 P.M. in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO COURTS AND LEGAL SERVICES; CREATING SECTIONS 10-127 THROUGH 10-130 TO ARTICLE VII OF CHAPTER 10, OF THE BROWARD COUNTY CODE OF ORDINANCES; CREATING THE "BROWARD COUNTY PRETRIAL RELEASE POLICY"; PROVIDING A POLICY FOR THE PRETRIAL RELEASE SERVICES PROGRAM TO ADHERE TO APPLICABLE STATE STATUTES, RULES OF CRIMINAL PROCEDURE, AND THIS ORDINANCE WHEN RECOMMENDING INDIVIDUALS FOR THE PRETRIAL RELEASE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

COMMISSION MINUTES

(Sponsored by the Board of County Commissioners)

ACTION: (T:5:31 PM) Board discussion took place. The Board deferred this item until such time a workshop can be scheduled by staff. (Scrivener's error – See County Administrator's Report: Exhibit 2, Section 10.129 (a) – the "or opt" phrase should be removed from the proposed ordinance.) (Refer to minutes for full discussion.)

COUNTY AUDITOR

136. MOTION TO APPROVE the proposed County Administrator Advertisement Plan, Ad Postings, Advertisement, Shortened AD and Recruitment Brochure prepared by Cooperative Personnel Services (CPS) in connection with the County Administrator recruitment effort.

ACTION: (T-6:13 PM) The Board discussed the revisions to be made, including the recommendations made by the County Auditor, as cited in his memorandum dated June 24, 2008. The Mayor will review all final revisions with staff the following day. (Refer to minutes for full discussion.)

COUNTY COMMISSION

137. DISCUSSION: Defendant Christian Romany Church Ministries, Inc. (CRCM) to remain on property acquired by Broward County pending the status of the BARC Project. (Commissioner Rodstrom)

ACTION: (T-5:36 PM) Board discussion took place. The Board directed the County Attorney's office to review the issues and negotiate a possible settlement to avoid further costs, drafting such a document to be brought back for Board consideration. (Refer to minutes for full discussion.)

138. MOTION TO RECEIVE Final Report of the Broward County Foreclosure Prevention Blue Ribbon Panel (the Panel). (Mayor Wexler).

ACTION: (T-11:58 AM) Approved. A Final Report of the Broward County Foreclosure Prevention Blue Ribbon Panel was provided by panel members. The Board suggested the continuation of the present model ordinance, and directed staff to examine potential statutory changes relating to default of mortgages. Additionally, the Board suggested that Broward Federal Legislators, and the Broward State Legislative Delegation be copied on the Blue Ribbon Panel's Final Report, (particularly Senators Nelson and Martinez) and suggested federal funding be sought. (Refer to minutes for full discussion.)

VOTE: 8-0. Commissioner Keechl was not present during the vote.

139. MOTION TO NOMINATE Vice-Mayor Charlotte Rodstrom for appointment to the Tourist Development Council in the category of elected official. (Commissioner Eggelletion)

ACTION: (T-10:35 AM) (Withdrawn at the request of Commissioner Eggelletion.) Without objection, and due to prohibition within a subsection of Florida Statutes, the Board agreed to weigh the at large rotation procedure and allow a different nomination to be placed on the Tuesday, August 5, 2008 agenda. (Refer to minutes for full discussion.)

140. MOTION TO NOMINATE Frank Serra to the Affordable Housing Advisory Committee for the category of Citizen-At-Large. (Mayor Wexler)

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

141. MOTION TO AMEND 2008 Broward County Board of Commissioners' meeting schedule to reflect changes to the August schedule. (Mayor Wexler)

COMMISSION MINUTES

ACTION: (T-6:44 PM) Approved. The Board directed staff to make the appropriate changes to the calendar as discussed and to have the calendar ready to be advertised at the August 5, 2008, Board of County Commissioner hearing. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

142. COUNTY ADMINISTRATOR'S REPORT

A. RESOURCE RECOVERY BOARD

ACTION: (T-6:52 PM) Interim County Administrator Bertha Henry informed the Board that the Resource Recovery Board (RRB) is providing free trash disposal on Saturdays through September 27, 2008, if your city is a member of the RRB. The cities not eligible are Pembroke Pines, Parkland, Pompano Beach, and Hallandale Beach. (Refer to minutes for full discussion.)

B. CHRISTMAS IN JULY

ACTION: (T-6:52 PM) The Interim County Administrator also informed the Board about the start of Christmas in July. Barrels are in various locations throughout the county where people can bring in their donations. (Refer to minutes for full discussion.)

C. QUARTERLY BLOOD DRIVE

ACTION: (T-6:53 PM) The Interim County Administrator announced that the quarterly blood drive is currently taking place through June 26, 2008. (Refer to minutes for full discussion.)

143. MAYOR'S REPORT

A. CAFETERIA PLANS

ACTION: (T-6:53 PM) Mayor Wexler discussed using the lunch room cafeteria as a friendly work environment by redoing the furniture, and having a wellness staff person present during lunchtime hours, as well as having the opportunity for health education classes to be held, such as Weight Watchers.

The County Attorney added that other counties have found that when there is a healthier employee base, Workman's Compensation claims have dropped. (Refer to minutes for full discussion.)

SUPPLEMENTAL AGENDA

PUBLIC WORKS DEPARTMENT

144. MOTION TO AUTHORIZE Interim County Administrator or designee to negotiate and approve a sole source Agreement between Broward County and Roepnack Corporation for the replacement of exterior windows with impact-resistant windows and installation of a firewall in Building A, fourth floor of the Government Center West, for a Not To Exceed cost to the County of \$1,255,000; and to execute all related administrative and budgetary actions.

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

COUNTY COMMISSION

145. MOTION TO NOMINATE Vicki White-Sklark to the Affordable Housing Advisory Committee, for the category of "One citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing". (Mayor Wexler)

COMMISSION MINUTES

ACTION: (T-10:35 AM) Approved. (Transferred to the Consent Agenda.)

146. MOTION TO ADOPT Resolution 2008-458 opposing any state or federal legislation or administrative action that would have the effect of privatizing Alligator Alley; opposing foreign investors purchasing any portion of Alligator Alley; opposing any privatization agreement that pertains to Alligator Alley; supporting the requirement that any hearing in consideration of privatizing Alligator Alley be held in Broward and Collier Counties; supporting the requirement that a portion of revenues generated from toll roads within Broward and Collier Counties continue to be funneled back into Broward and Collier Counties for projects within each county. (Commissioner Jacobs)

ACTION: (T-6:45 PM) Approved. The Board directed staff to draft a cover letter to be sent with the Resolution under the Mayor's signature to Collier County and any other interested counties. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Eggelton was not present in the meeting room at the time of the vote.

147. MOTION TO NOMINATE Patricia Asseff to the Community Action Agency Advisory Board. (Commissioner Lieberman)

ACTION: (T-10:35 AM) Withdrawn at the request of Commissioner Lieberman.

NON-AGENDA

148. SOUTH FLORIDA WATER MANAGEMENT RESOURCE ADVISORY COMMISSION – COMMISSIONER JACOBS

ACTION: (T-7:01 PM) Commissioner Jacobs commented that she serves on the South Florida Management Resource Advisory Commission, which is a group that comprises 16 counties in Florida. An issue that came up recently was over a document that prioritized all the different projects that went into the Comprehensive Everglades Restoration Plan. Broward County was supposed to have projects included in this plan as a part of the 2007 amendments which may not go in until 2009. There is a percentage of these projects that have recreational elements that would help pay for the greenway on the levy. Without objection, Commissioner Jacobs requested staff draft a letter for the Mayor to sign, to raise this issue to a higher level. (Refer to minutes for full discussion.)

149. GREEN THURSDAYS – COMMISSIONER JACOBS

ACTION: (T-7:04 PM) Commissioner Jacobs discussed Green Thursdays, which is a program that runs until September 25, 2008. The idea is for residents to leave their cars and take alternative forms of transportation, such as either carpooling one day per week or using mass transit. (Refer to minutes for full discussion.)

150. COUNTY ATTORNEY'S MEMO ON DEEDS – COMMISSIONER LIEBERMAN

ACTION: (T-7:05 PM) Commissioner Lieberman commented on a recent memo from the County Attorney's office saying a provision cannot be put in deeds about the sales price. Commissioner Lieberman questioned if we could have an affidavit from the buyer as to the sales price.

The County Attorney added his office will look into this issue and get back to the Board. (Refer to minutes for full discussion.)

151. CONFLICT COUNCIL LAWSUIT – COMMISSIONER LIEBERMAN

COMMISSION MINUTES

ACTION: (T-7:07 PM) Commissioner Lieberman mentioned that several Florida counties have joined together in a lawsuit against the state on the cost for Conflict Counsel and requested Broward County join the lawsuit. (Refer to minutes for full discussion.)

152. AUCTION OF RIVERFRONT PROPERTY – COMMISSIONER LIEBERMAN

ACTION: (T-7:07 PM) Commissioner Lieberman informed the Board that the Riverfront Property is being auctioned on Tuesday, August 5, 2008, at 11:00 a.m., due to foreclosure. Commissioner Lieberman questioned if staff looked into whether this would impact the Governmental Center in any way and felt this needs to be monitored because at one time, this was property that Broward County was interested in. (Refer to minutes for full discussion.)

153. HEALTH BENEFITS FOR INCARCERATED INDIVIDUALS - COMMISSIONER LIEBERMAN

ACTION: (T-7:09 PM) Commissioner Lieberman informed the Board that the Governor has signed a Bill suspending, versus terminating, the health benefits of incarcerated individuals. This should reduce the county's health care costs for individuals in jail, and asked staff to look into this issue. (Refer to minutes for full discussion.)

154. SWIM CENTRAL DONATION – COMMISSIONER WASSERMAN-RUBIN

ACTION: (T-7:10 PM) Commissioner Wasserman-Rubin mentioned that the McDonald House Charity is donating \$57,000 to Swim Central, to help children learn how to swim. (Refer to minutes for full discussion.)

155. CONGRATULATIONS TO COMMISSIONER LIEBERMAN AND VICE-MAYOR RITTER – COMMISSIONER KEECHL

ACTION: (T-7:11 PM) Commissioner Keechl congratulated Commissioner Lieberman and Vice-Mayor Ritter on their recent re-elections to office. (Refer to minutes for full discussion.)

MEETING/WORKSHOP NOTICES

SELECTION COMMITTEE
TERMINAL ONE INTERIM BAGGAGE SYSTEM
RLI No. 20061201-0-AV-01B
Tuesday, June 24th, in Room 430 at 12:30 PM

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
JUNE 24, 2008
10:00 A.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Tuesday, June 24, 2008.

COMMISSION MINUTES

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

CALL TO ORDER: Mayor Lois Wexler called the meeting to order.

MAYOR WEXLER: I'd like to call the meeting of June 24th to order. If we could all please rise, we have a very special individual leading us in the Pledge this morning.

But before we move into the Pledge, I would ask for a moment to reflect upon a particular loss in the -- in the community. I didn't control it. I promise you, I didn't control that, but in the booth did. A loss in the Broward County government family. Jennifer Murray, a customer service agent for Mass Transit, was killed in an automobile accident this past Sunday morning when the car in which she was riding was struck by another vehicle. She was 22.

COMMISSIONER LIEBERMAN: Oh, my God.

MAYOR WEXLER: Her father, Lenny Murray, has been a bus driver with Broward County for the past 26 years.

Colleagues, are there any other people that we would like to remember in our prayers?

If not, I would also ask for a moment for our brave troops serving us in both Iraq and Afghanistan. Our prayers go out to them and to their families.

A moment of silence, please.

(Moment of silence.)

MAYOR WEXLER: Thank you. And I promised you somebody very special to lead us in the Pledge this morning. There is a young man, Garry Bismore -- Sergeant Garry Bismore. If you would come up to the podium, Sergeant. Sergeant Bismore is actually a Broward County employee, and he joined county government about seven -- seven years ago, I believe. And you were born in Danvers, Massachusetts, and raised in New Hampshire, and you've lived -- you know, I'm going to correct my number. You've lived in Fort Lauderdale for six years, so you couldn't have possibly worked for the county for seven years, could you? You're serving us out in Traffic Engineering.

And last May, May of '07, Sergeant Bismore, who has been a Reservist for the last nine years, was called to active duty, and he served 11 months in Iraq for this country, for our country. And we owe you, Sergeant, a debt of gratitude. Your responsibilities while overseas was operations and logistics. We welcome you home and we thank you for your service to your country.

And if you'd be kind enough to lead us in the Pledge, Sergeant. Thank you.

COMMISSION MINUTES

SERGEANT BISMORE: Thank you, ma'am.

(PLEDGE OF ALLEGIANCE WAS LED BY SERGEANT GARRY BISMORE.)

MAYOR WEXLER: Thank you, Sergeant, and welcome home.

SERGEANT BISMORE: Thank you, ma'am.

MAYOR WEXLER: Okay. We also have a special group of young people in our audience today. We have our Public Service Interns, and I just want to quickly recognize these individuals and the schools that they are from. And if you would just rise and let us -- they're going to be attending the meeting this morning to see government in action, up close and personal, so if you would rise when I say your name and just let us see you and -- and get you on camera.

From Monarch High School, Tiffany Abrams. Tiffany, thank you.

From Fort Lauderdale High School, Jasmine Anderson.

From The Siegel School, Sandra Darasega.

From McArthur High School, Edlein Derval.

From Hollywood Hills High School, Matthew Eaton.

From McFatter Technical Center and High School, Felicia Jackson.

From Cooper City High School, Michael Jacobic.

From South Plantation High School, Jessica Lyles. A

nd, finally, from South Plantation High School also, Francesca Olivia Hyde.

(Applause.)

MAYOR WEXLER: Okay. Thank you, and thank you for being here this morning.

Sergeant, I -- I just was handed a note. I understand that your parents are -- are your parents here today?

SERGEANT BISMORE: No, ma'am.

MAYOR WEXLER: No. What does this say, Diana? What does this say? I'm sorry. This fellow? Oh, okay. I thought -- I thought your parents were here. They're not here today. Okay. Thank you.

Don't send me notes. I've got them -- I've got them coming from all -- I've got notes coming from everywhere. Thank you.

I have to -- I would also like to recognize, we have, that I know of, three elected officials in our audience today.

We have, from the City of Fort Lauderdale, Carlton Moore, Commissioner.

(Applause.)

COMMISSION MINUTES

MAYOR WEXLER: We have, from the City of West Park, Tom Dorsett, Thomas Dorsett.
(Applause.)

MAYOR WEXLER: We have, from the City of Lauderdale Lakes, John Billingsley, Commissioner.
(Applause.)

MAYOR WEXLER: And I do know that both Commissioner Moore and Billingsley served on the Committee for the Foreclosure Task Force, so I'm hoping that we're going to be doing a time certain on that, that they will stick around to be recognized at that point, as well. Thank you.

All right. I -- I truly do have papers coming at me at all ends this morning, and so if I seem a little bit not on -- oh, I also want -- one final announcement. I think this is the last one.

We've been notified this morning that Channel 12 Comcast is experiencing technical difficulties. So if there are some people that are trying to watch this live on public access, they will not be able to do that this morning, but they are working on remedying the situation as quickly as possible. And we expect to be here quite a while today.

CONSENT AGENDA

MAYOR WEXLER: The Agenda today consists of the Consent Agenda Items 1 through 107.

Regular Agenda is Items 108 to 143.

Supplemental Agenda is -- are Items 144 to 147.

Item Number 39 will be heard immediately after we approve the Consent Agenda. That will be the first one out of order.

COMMISSIONER EGGELLETON: Which one is that?

MAYOR WEXLER: Item 39. Mr. Ryan and his dog are here. And -- and we want to accommodate -- hi, Tom -- as much as possible their generosity and -- and make it as comfortable as possible.

We will then at 11:30, we have a time certain for the Foreclosure Task Force. And we will now go through -- I'm sorry, I have the Monday night memo, and please bear with me, because it is two typewritten pages in small font, and I will read as quickly as I can.

Withdrawn by County Administration, Item Number 78, and that's something new this morning that was not on the Monday night memo, for further staff review.

Item Number 98 is being deferred to November 18th, '08, or sooner.

Item 103, deferred to 1-6-09 or sooner.

AGENDA ITEM 139

MAYOR WEXLER: And Item Number 139 has been withdrawn at the request of Commissioner Eggelletion.

Commissioner?

COMMISSION MINUTES

COMMISSIONER EGGELLETON: Madam Mayor, prior to the withdrawal -- the approval of the withdrawal on that item, I'd like to read something into the record, if you don't mind.

MAYOR WEXLER: Certainly. Just tap me if I don't remember.

COMMISSIONER EGGELLETON: Thank you.

MAYOR WEXLER: Do you -- do you want to read that into the record now, as long as we're there?

COMMISSIONER EGGELLETON: Well -- yes.

MAYOR WEXLER: Why don't we do that, and then I can just continue through the Monday night memo.

COMMISSIONER EGGELLETON: Good. Thank you. Madam Mayor, members of Board, upon further consideration, my nomination to the Tourist Development Counsel, the County Attorney's Office have determined that the individual I selected does not qualify for appointment due to a prohibition within a subsection of the Florida Statute. Therefore, I am requesting that the Board's indulgence to waive the at large rotation procedure and allow me to make a different nomination to be placed on the agenda at the first meeting in August.

COMMISSIONER LIEBERMAN: So moved.

COMMISSIONER GUNZBURGER: Second.

MAYOR WEXLER: Does anybody object to that?

COMMISSIONER LIEBERMAN: No.

MAYOR WEXLER: Okay. Fine. Thank you.

COMMISSIONER RODSTROM: I need to ask you something. Do I need to abstain from that motion? You know what, I'll abstain anyway.

MAYOR WEXLER: Yeah. Yes, I think.

COMMISSIONER RODSTROM: Just to avoid even the (inaudible).

MAYOR WEXLER: Yes, yes, yes, err on the side of -- absolutely. Yes. All those -- what am I saying? There is no motion. Nobody objects to Commissioner Eggelton -- there's no one objecting to Commissioner Eggelton --

COMMISSIONER RODSTROM: There is no motion taken.

MAYOR WEXLER: There is no motion taken.

COMMISSIONER RODSTROM: Mr. Attorney, what is your opinion on that?

MR. NEWTON: You would not have had to abstain even if there was a motion.

MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: So you're more comfortable with the fact that there is no motion?

MR. NEWTON: There's nothing that would inure to you, there's no conflict that would (inaudible).

COMMISSION MINUTES

MAYOR WEXLER: Commissioner Eggelletion, the first meeting in August, August 5th, we look forward to your appointment.

COMMISSIONER EGGELLETON: Thank you.

MAYOR WEXLER: Thank you. Scrivener errors. Item Number 12, add motion to waive the Administrative Code Section 22.124, Exhibit 22.D, fiscal policy for capital expenditures and debt financing, Paragraph 10, to allow this refinancing to proceed without satisfying the specified threshold total annual debt service explained in the PBMI response. And it is complex.

Item Number 14, please add to the motion: motion to waive the Administrative Code Section 22.124, Exhibit 22.D, fiscal policy for capital expenditures and debt financing, Paragraph 10, to allow this -- this refinancing to proceed without satisfying the specified threshold total annual debt service. That also is explained in detail in the PBMI response.

Item Number 43 should be corrected to read all grant performance measures were achieved except one, which related to employment upon discharge from substance abuse treatment services. This DCF measure for 2007-2008 was 73 percent employed upon discharge, BARC achieved 59.33 percent.

Item Number 88, Exhibit Number 2, Section 2C of resolution should be amended to include: one member nominated by the South Florida Regional Planning Council.

Item Number 94, summary explanation background, second paragraph reads Hollywood Boulevard and should read Hallandale Beach Boulevard.

Item Number 114, summary explanation background reads extending the agreement to January 3rd, 2009. It should read extending the agreement to January 3rd, 2008.

Item Number 120, in Motion B, please remove for tasks to be completed in fiscal year 2008.

Item Number 124, under the fiscal impact cost summary section, delete the following phrase from the first sentence: Based on the Board's direction to use the source of funding previously approved for the Oriole's spring training facility. That is being deleted from the item.

Item Number 130, Exhibit 1, Section 4 of resolution should be amended to include: one staff person appointed by the Florida Department of Environmental Protection, one staff person appointed by the Broward County Health Department.

Item Number 135, Exhibit 2, Section 10.129A, the or opt, in parens, phrase should be removed from the proposed ordinance.

Additional information, Item Number 39 -- now, those were -- what I had just read into the record were scrivener errors. The following are additional information items.

Item Number 39, this item was to be heard first before the rest -- as I had already announced, before -- right after approval of Consent Agenda.

Item Number 89, amend summary explanation to read the Environmental Protection and Growth Management Department Development and Environmental Regulation Division, otherwise known as DERD, recommends approval contingent upon receipt of a fully executed agreement for mitigation between the City of Coconut Creek and Island Industrial Park, LLC, in a form acceptable to the Office of the County Attorney prior to license modification and recording of release of the conservation easement.

COMMISSION MINUTES

Item Number 105, based upon additional information received on behalf of the applicant on June 20th, 2008, and subsequent review with the County Attorney, staff now recommends approval of that portion of this request that allows a 6,000 square foot use of an office building on parcel A-1, and a 100,000 square feet of office use on parcel A-2, subject to the conditions contained in the backup. Pursuant to Section 5-181J, staff recommends deferral of that portion of the request for 100,000 square feet of a vocational technical school on parcel A-2 until February 3rd, 2009, or sooner, to study this portion of the plat note amendment and consult with legal staff from FDOT.

Mayor requests the following to be moved from Consent -- from Regular to Consent Agenda, and it's quite a list, folks. Items Number 114, 115, 116, 119, 120, 122, 123, 124, 126, 127, 131, 132, 140, 141, 144, 145, and 147.

COMMISSIONER LIEBERMAN: (Inaudible) County Attorney told me before the meeting that there may be a -- well, actually, (inaudible).

MAYOR WEXLER: Okay. So we want to -- you want to withdraw totally --

COMMISSIONER LIEBERMAN: I'm withdrawing 147 at this time.

MAYOR WEXLER: Okay. Withdrawn.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Perfect. Thank you, Commissioner. Anything -- Vice Mayor?

VICE MAYOR RITTER: Thank you. I think 141 should be put back on the regular calendar simply because August 26th we have a meeting and that is primary day. Some of us won't be here.

MAYOR WEXLER: Okay. We will leave that on Regular Agenda.

VICE MAYOR RITTER: Or --

COMMISSIONER LIEBERMAN: (Inaudible.)

MAYOR WEXLER: That's what I just said, we'll leave it on Regular Agenda --

VICE MAYOR RITTER: Yeah, we'll put it back on. Okay. We'll put it back on.

MAYOR WEXLER: -- so we can discuss it then.

VICE MAYOR RITTER: All right. Thank you.

MAYOR WEXLER: Okay? Item Number 141 we will leave on Regular Agenda, the calendar.

COMMISSIONER RODSTROM: Item 123 I'd like to (inaudible).

MAYOR WEXLER: Okay. Anything else? Look, we tried, we really tried to be as aggressive as possible, to move as much as possible from Regular to Consent.

123 will stay on Regular Agenda. 141 will stay on Regular Agenda. And 147 has been withdrawn by the submitting Commissioner.

Anything else? Okay.

COMMISSION MINUTES

We will then go around the queue and pull items. Commissioner Keechl has requested -- by the way, Commissioner Keechl had a family issue, and he will be here a little bit later on this morning, and he asked that Item Number 61 be pulled off of Consent under his name.

So Item 61 is Commissioner Keechl.

Commissioner Gunzburger?

COMMISSIONER GUNZBURGER: None.

MAYOR WEXLER: Commissioner Rodstrom?

COMMISSIONER RODSTROM: None.

MAYOR WEXLER: Commissioner Jacobs?

COMMISSIONER JACOBS: Item 87. 87.

MAYOR WEXLER: Eighty-seven. Item 14, yes, do you want to --

COMMISSIONER RODSTROM: (Inaudible).

MAYOR WEXLER: Okay. So Commissioner Rodstrom, you will have Item 14. Commissioner Jacobs, 87.

COMMISSIONER JACOBS: Yes, ma'am.

MAYOR WEXLER: Commissioner Wasserman-Rubin?

COMMISSIONER WASSERMAN-RUBIN: Nothing.

MAYOR WEXLER: Commissioner Lieberman?

COMMISSIONER LIEBERMAN: Yes, I have 19, 29 -- and I have one other, but I can't seem to find it at this moment, Mayor.

MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: So if you want to --

MAYOR WEXLER: No. Okay. When you find it, tap my shoulder or something and we can reopen the Consent.

Mr. Newton or Mr. Lukic, any pulls?

Audience? Did you say something, Mr. Newton?

MR. NEWTON: I said no.

MAYOR WEXLER: That's it? Okay. Anybody from --

COMMISSIONER LIEBERMAN: It's 86.

MAYOR WEXLER: Eighty-six for Commissioner Lieberman.

COMMISSION MINUTES

Any audience pulls? Okay.

COMMISSIONER EGGELLETON: (Inaudible).

MAYOR WEXLER: I'm sorry. I didn't get to the two of you. I didn't get to the Vice Mayor, and I didn't get to you. I'm just so excited to get into the agenda. Commissioner Eggelleton.

COMMISSIONER EGGELLETON: I'm going to pull 14, too, just for a question.

MAYOR WEXLER: Okay. Vice Mayor?

VICE MAYOR RITTER: No.

MAYOR WEXLER: Okay. I think I've asked everybody now. Okay? I -- I know. I did get even Commissioner Keechl, who is not here.

I am going to pull two items, Item 3 only because I want to be consistent in my vote. I really don't expect any comment. Item -- and Item Number 39.

Would you like me to recap the pulls?

COMMISSIONER LIEBERMAN: Please.

MAYOR WEXLER: Okay. Three, 39, 61, 87, 19, 29, 86, and 14.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Eighty-seven.

MAYOR WEXLER: Eighty-seven, I had said.

COMMISSIONER GUNZBURGER: She said it.

MAYOR WEXLER: Right after --

UNIDENTIFIED SPEAKER: All right.

MAYOR WEXLER: -- right after 39. You were at the top of my list.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: I have one, two, three, four, five, six, seven, eight items were pulled.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: All right. I need a motion to approve the Consent Agenda, please.

COMMISSIONER LIEBERMAN: So moved.

MAYOR WEXLER: It's been moved by Commissioner Lieberman; seconded by Commissioner Eggelleton.

All those in favor indicate by aye.

COMMISSION MINUTES

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 39

MAYOR WEXLER: Item Number 39.

UNIDENTIFIED SPEAKER: Three.

MAYOR WEXLER: Thirty-nine is Mr. Ryan.

COMMISSIONER LIEBERMAN: She said we'd do that one first.

UNIDENTIFIED SPEAKER: First?

COMMISSIONER JACOBS: Oh.

MR. NEWTON: Yellow sheets for Board appointments, just to make sure they're --

COMMISSIONER EGGELLETON: Did we move those to Consent?

COMMISSIONER JACOBS: Oh, I forgot to pull 86.

(Inaudible cross-talk.)

MAYOR WEXLER: They're on Consent. All of the ones -- all of those are on Consent. All -- for -- for the record, all of the yellow sheeted 1C, D, through 1G are on Consent. It's all under Item 1.

Commissioner Jacobs.

COMMISSIONER JACOBS: I forgot, I also wanted to pull 86, and it's already been pulled, so if you could just put me on the queue to speak to it. Thanks.

MAYOR WEXLER: Absolutely.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Okay. All right. I am -- I am going to come down there for the presentation that Mr. Ryan, I think you're going to tell us what wonderful donation you're going to be making. Just give me one second to get down there. How are you?

I want to acknowledge and thank you for the 80 portable headsets that you are donating on behalf of the National Federation for the Blind, Greater Broward Chapter, for the benefit of Broward County's emergency shelter residents with visual impairments. And I want to thank you for always being there for those with disabilities in our community, as well.

MR. RYAN: It's my pleasure.

MAYOR WEXLER: Thank you.

Did you want to say something?

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MR. RYAN: I would be delighted.

(Applause.)

MR. RYAN: The National Federation of the Blind is always trying to stand up and say that the blind are speaking for themselves, and the only way to do that -- and I certainly hope that this has some impact, especially on you high school students -- that volunteering to do things is very important, not only for the people that you volunteer, but also for yourself. There is something special when you can volunteer and accomplish something that gives you a great feeling. And I -- I certainly hope that you gain something by coming here and seeing just what does happen.

I do want to also make sure that it be understood that a great deal of this couldn't have happened unless my wife had spotted, through the Internet and our sources, that these were available. And so my thanks goes especially to my wife for accomplishing that for our chapter. If it wasn't for her, we wouldn't have these devices. But it's not only for the blind. It's for the dyslexic. It's for anyone that really is in need to know what's available to them. If they cannot read, then they would be able to use these sets to be able to know what's available at these sites. And so I feel that this is a means of communication for those that necessarily cannot read the written word right away.

So it's with great pleasure that we're able to donate these to the county. Thank you.

MAYOR WEXLER: How wonderful. Thank you.

(Applause.)

MAYOR WEXLER: And we -- we accept that donation. And the cassette is a small cassette with the headsets. And what a -- what a great idea also for those that may not be fluent in English to also be able to have something like this within our county, if they go to one of our shelters or anything, to also have some information easily accessible to them. So not just for disabled, but also those that might not speak English as well as others. So I'm thinking about different ways that these could be utilized.

Thank you for your generosity.

I've got to get back up there and do the Agenda.

MR. RYAN: Thank you.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR WEXLER: I know that -- very funny. I know that Karen Dickerhoof, who is the executive director for the Center for Independent Living, is also here. I know that Chuck Lanza, who is our director of the EOC, is also here.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Maria is with the -- I know you're Maria Cologne. I know you're Maria Cologne. I'm trying to think of what your title is, Maria. With -- with the --

COMMISSIONER JACOBS: ADA.

MAYOR WEXLER: -- with ADA, the ADA coordinator. Is there anybody else that needs to be -- who was a part of this? Paul, were you a part of this? Paul Jackwith, from BARC. And Eliza Gomez from Human Services Department. And Audrey Cohen. I thank you very, very much. I've got to get back to my Agenda.

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(Applause.)

MAYOR WEXLER: I'll be here into the night with my colleagues.

UNIDENTIFIED SPEAKER: Thank you.

AGENDA ITEM 39

MAYOR WEXLER: Okay. We approved Item Number 39 on Consent Agenda. This was -- this was merely accepting it. I thank -- I thank you for your indulgence.

The next item is Item Number 39. I can't move it. I hope someone will move it. Vice Mayor will move it.

COMMISSIONER LIEBERMAN: Second.

COMMISSIONER GUNZBURGER: (Inaudible).

MAYOR WEXLER: I thought I said 3.

COMMISSIONER GUNZBURGER: No.

MAYOR WEXLER: I'm sorry. I thought I said 3. You're moving -- didn't I say 3?

COMMISSIONER GUNZBURGER: You said 39.

MAYOR WEXLER: We --

COMMISSIONER LIEBERMAN: Yeah, we're moving 39.

MAYOR WEXLER: All right. I thought we did it on Consent. Item Number --

COMMISSIONER LIEBERMAN: You pulled it.

COMMISSIONER GUNZBURGER: You pulled it.

MAYOR WEXLER: Item Number 39 has been moved by Vice Mayor; seconded by --

COMMISSIONER LIEBERMAN: I'll second.

MAYOR WEXLER: -- Commissioner Lieberman.
All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

MAYOR WEXLER: Item Number 3, do you want to move it, Vice Mayor?

VICE MAYOR RITTER: Please.

MAYOR WEXLER: Item Number 3 has been moved. Do you want to second it, Commissioner?

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COMMISSIONER LIEBERMAN: Yes.

MAYOR WEXLER: It's been moved by Commissioner Lieberman.

All those in favor, indicate by aye.

Please, one no for the record, myself. Just to be consistent, that's all.

VOTE PASSES 8 TO 1 WITH MAYOR WEXLER VOTING NO.

AGENDA ITEM 14

MAYOR WEXLER: Item Number 14, Commissioner Rodstrom and Eggelletion.

COMMISSIONER RODSTROM: I just had one question. When -- when were you all last on the agenda when you had this discussion? How long ago was that?

MAYOR WEXLER: When did we have this item last on the agenda?

COMMISSIONER RODSTROM: Yeah.

MAYOR WEXLER: Ms. Henry, Mr. Geoghegan, about that.

COMMISSIONER RODSTROM: A month ago?

MS. HENRY: Yes, Mr. Geoghegan.

MR. GEOGHEGAN: April.

MAYOR WEXLER: No. April, you say? No.

COMMISSIONER LIEBERMAN: No, (inaudible).

COMMISSIONER RODSTROM: I don't think it's been that long. Anyway, all right, my point is, is that we had a discussion about whether we should fix the debt or we should leave it floating, and -- and I advised the Board that we ought to fix the debt. And -- and I believe that we're in a more inflationary environment that we've been since probably the '70s. But I just wanted to give you the benefit of the chart, and you can see that since April, the bonds have gone -- interest rates have risen significantly. So, again, it was a good call and rates are going to go higher, and, you know, I appreciate the staff locking the rate here so we won't be at -- have any interest rate risk.

That's all I wanted to say. Thank you.

MAYOR WEXLER: So that was a compliment.

On Item Number 14, Commissioner Eggelletion.

COMMISSIONER EGGELLETON: Yeah, I just want to know, when are we -- are we prepared to go to market on this pretty quick or? That was my question.

MR. GEOGHEGAN: Yes, Commissioner, I think pricing is set for July 2nd.

COMMISSIONER EGGELLETON: And is JP Morgan, are there going to be any other -- JP Morgan is

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going to be the only one handling this?

MR. GEOGHEGAN: That's correct. The Board appointed them the placement -- initial placement agent and remarketing agent --

COMMISSIONER EGGELLETON: So --

MR. GEOGHEGAN: -- along with the liquidity provider.

COMMISSIONER EGGELLETON: Okay. All right.

MAYOR WEXLER: Okay? Any further --

COMMISSIONER RODSTROM: And if I could make a comment about that.

MAYOR WEXLER: Commissioner.

COMMISSIONER RODSTROM: I think that was a good decision on the Board's part, because they came up -- they were the only ones who showed up with credit, and you're rewarding them because they're giving their balance sheet, which is a rare commodity today, and you're giving them the remarketing.

MAYOR WEXLER: Okay. Any other questions on the Item 14?

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 19

MAYOR WEXLER: Item Number 19, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I pulled 19 because (inaudible) and it says the sole source is for \$992,400, and the backup says it's a lesser amount. Hold on.

MAYOR WEXLER: It's \$496,200.

COMMISSIONER LIEBERMAN: 950. If you read the memo from staff, it's just 950,000. Nothing in the backup tells us what the additional 43,000 was for.

MS. HENRY: Ms. Billingsley?

COMMISSIONER LIEBERMAN: I don't object to buying a specific type of bus, but I -- there's a difference between the amount, and nothing in the backup tells you why it's more than -- it says justification for sole source, it's a May 13th memo from Marcia Young, it's 950,000. The report in the back references e-mails back and forth with the vendor which says the price is 475,000 per bus, which would get you to the 950, and the agenda item is for 992,400, and doesn't say why.

UNIDENTIFIED SPEAKER: She's right. You were given two prices by (inaudible).

UNIDENTIFIED SPEAKER: I know. That's not the one from our city over there.

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COMMISSIONER LIEBERMAN: And I asked --

UNIDENTIFIED SPEAKER: This was less money than (inaudible).

COMMISSIONER LIEBERMAN: But those were from last year. One was in July and one was in October.

UNIDENTIFIED SPEAKER: The prices that we got from (inaudible).

COMMISSIONER LIEBERMAN: But the real issue is that the agenda report is asking for 992 and all the backup says 950.

MS. BILLINGSLEY: (Inaudible) that we get from the using agency is the amount that was negotiated for the two buses, so we will --

COMMISSIONER LIEBERMAN: Okay. With all due respect, Ms. Billingsley, the next time this comes to us when all the backup says one number and the agenda report says a different number, there ought to be something from staff --

MS. BILLINGSLEY: To justify.

COMMISSIONER LIEBERMAN: -- that says despite the fact that on May 13th we were told 950,000, some time between May 13th and today, the vendor raised the price or we ordered some additional whatever, because all I have is something that tells me that it's 42,000 more than what the backup says.

UNIDENTIFIED SPEAKER: 950 came from inside.

MS. BILLINGSLEY: You are correct, Commissioner.

MAYOR WEXLER: Do you want to table this?

UNIDENTIFIED SPEAKER: 950 came from --

COMMISSIONER LIEBERMAN: I mean, I'd like to know --

MAYOR WEXLER: Yeah, you need the right --

COMMISSIONER LIEBERMAN: Can I lay this on the table? I'm going to lay it on the table --

MS. BILLINGSLEY: Absolutely.

COMMISSIONER LIEBERMAN: -- until after the 2:00 p.m. I just want to know what the --

MS. BILLINGSLEY: You're absolutely correct.

COMMISSIONER LIEBERMAN: -- you know, is it (inaudible) in price, because you said 992. Everything that was given to me says 950.

MS. BILLINGSLEY: And that's fine. We will check this out and get back to you.

MAYOR WEXLER: And you may have the answer long before 2:00 p.m. If you do, please nudge us --

MS. BILLINGSLEY: We will.

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MAYOR WEXLER: -- or tap us in some way --

MS. BILLINGSLEY: Will do.

MAYOR WEXLER: -- and it will be taken off the table. Thank you very much.

COMMISSIONER LIEBERMAN: Okay. Thank you, Mayor.

AGENDA ITEM 29

MAYOR WEXLER: Okay. The next item is --

COMMISSIONER LIEBERMAN: 29.

MAYOR WEXLER: -- Item Number 29, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: If you can give me just a minute to get to that item.

MAYOR WEXLER: Certainly. And that was a really good catch, by the way.

COMMISSIONER LIEBERMAN: Thank you.

Oh, I pulled Item 29 because here's the problem, guys. Several years ago I brought to the Board and the Board approved sending an agreement to the City of Lauderhill that we would pay 50 percent of the sound wall and they would pay 50 percent of the sound wall. Lauderhill has still not executed the agreement, and what's in front of us today is to go ahead with this construction.

So what I'd like to do is simply amend it that should the city agree to pay its 50 percent within a timely period so that it doesn't delay construction or, you know, causing a change order, that should the city send us back the agreement agreeing to get us the right of way permission -- I'm sorry, get us the easements on the private property on Pine Island that the wall would go on and agree to pay its 50 percent, that we would then add this to the contract.

And I'm prepared to move it with that amendment, because it's been several years since we sent the city the agreement.

MAYOR WEXLER: Okay. Is there a second? It's been moved and been seconded. that amendment.

Any further discussion on that?

On the amendment, please indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER LIEBERMAN: Move the item as amended.

MAYOR WEXLER: The item as amended moved by Commissioner Lieberman; seconded by Commissioner Jacobs.

All those in favor. indicate by aye.

Opposed, like sign.

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VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 86

MAYOR WEXLER: The next one is item -- well, we're going to hold 61 until Commissioner Keechl arrives.

Item Number 86, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah, I just need to pull the item. Okay. I absolutely support the concept behind this ordinance. There is no way you can't support the concept. We've had a problem. This will help us deal with the concept.

I asked a question if whether they were going to require the security cameras to be open 24/7, even when a business is closed.

(COMMISSIONER EGGELLETON LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: My concern is that we've done a lot to promote small businesses in our county, and I'm sort of wondering if we have any statistics that tell us how many businesses are already in compliance, or what the cost will be to a small business that maybe is open from 8:00 a.m. to 11:00 p.m., but has to have operational cameras 24/7.

So my concern is -- and I realize we're publishing, so -- you know, and I know that Commissioner Jacobs pulled it, too, so I'll hold my motion. I'm going to move it to advertising. But before this comes back, we need to get some idea of how many businesses this will impact, and some reason or some other methodology as to a business that isn't open 24/7, and how -- because if they're not open, you know, you could have the security cameras and it won't be doing much, if any good, to deter.

(COMMISSIONER EGGELLETON RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: I mean, you might have a suspect you might see or not on a video, but the store is not open. And what the impact will be and whether or not there is any way to offset the financial impact to some of the smaller businesses, because I am concerned, in today's economy, the cost for this. But the public policy behind it I wholly support. I think it's something long overdue.

MAYOR WEXLER: Commissioner Jacobs, followed by Commissioner Eggelletion.

COMMISSIONER JACOBS: Thank you. Commissioner Lieberman, I completely agree with the comments that you've made, and particularly that in -- in supporting the concept of it. As a person who walks to Pompano Blimpie's who goes behind the mall, there are no cameras, and it is -- it is uncomfortable walking through that area, particularly because it's early in the morning. With no cameras, I would feel safer.

My concern, though, is that we haven't really quantified the cost or the impact and, at the same time, while we are requiring language on the ballot to quantify, ask the Auditor to quantify what questions --

COMMISSIONER LIEBERMAN: Good point.

COMMISSIONER JACOBS: -- are coming before voters what it's going to cost, we seem to be moving something along without really a clear idea. The questions that were asked were -- were not able to be answered by staff on the cost to businesses.

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There are approximately, according to staff, 10,000 businesses, and, though, what is the percentage that are already in compliance. That's something I would, I guess, want to know. By the time this comes back, that staff would have additional information on the estimated cost, and then particularly to help me understand -- and, Commissioner Eggelletion, you may be able to shed some light on this -- how much have we communicated with the business community about the existence of this item or that it's coming back shortly after summer. I would want to make sure that all of them were aware that the chambers had been contacted and so forth. And that's what I would like to see when it comes back to us after publishing.

COMMISSIONER LIEBERMAN: And with that, I'd like to move the item.

COMMISSIONER EGGELLETON: Well, wait a minute, wait a minute.

MAYOR WEXLER: Commissioner Eggelletion --

COMMISSIONER LIEBERMAN: I'm so sorry.

MAYOR WEXLER: Nobody -- his name is there --

COMMISSIONER JACOBS: It's sponsored by --

MAYOR WEXLER: Yes.

COMMISSIONER LIEBERMAN: I'm sorry.

MAYOR WEXLER: Commissioner Eggelletion.

COMMISSIONER EGGELLETON: Thank you, Madam Mayor. Madam Mayor, members of the Board --

COMMISSIONER GUNZBURGER: Madam Mayor?

COMMISSIONER EGGELLETON: -- as you well know that this is an item that I'm sponsoring. It's an ordinance that -- that I feel very deeply and strongly about. And let me just tell you, I was very perturbed by the death of Sergeant Riker, and the fact that here's an individual who gave his life, was ambushed, literally, and had there been cameras in that area we would have had more information to help law enforcement track this killer down.

The fact is, I've checked with several owners of retail centers. They don't object to this. Most of them are already doing this. The cost of this technology is minimal today. At one point, it was very expensive, and when the item comes back for the Public Hearing, I think you'll have that information.

This is strongly supported by law enforcement. And I think you're going to find most retailers now, if you look around, most malls, you see these cameras now going up without us having to require them to do it, because they understand, based on the incident that happened in Boca Raton, where that mall owner is being sued, the mall owners now are trying to avoid that by doing everything possible to make sure that they protect the residents, the individuals that shop at their stores.

But I would tell you the cost of this is very minimal, and I can appreciate your concerns. This is a notice for Public Hearing and it's going to come back, and I think all of the answers, all of the things that you're asking now can be answered at that particular time.

I'm also trying to contact the Florida Retail Federation Association. I know that the Retail Federation Association in Tallahassee this year opposed similar legislation, as they have anything that affects retail; they always oppose it. So, I mean, we understand the way that is.

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But the bottom line here is, I don't want to see any one of you having to go to the store and then someone snatch your purse, rob you, or whatever, and we have no clue of who did it. And these cameras will be operational 24 hours a day so that we can have a better clue as to who's committing these crimes. It won't stop, I think, people from committing crimes, but I think it certainly will give law enforcement a better tool to help them apprehend the individuals that are committing these crimes.

MAYOR WEXLER: Thank you.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I happen to concur, and I think that something else that we need to find out that would show how necessary this is is the number of crimes that have been committed in retail and strip stores after business hours that, had there been a security camera been there, it might have given the police more help in apprehending the perpetrator.

MAYOR WEXLER: Thank you. Okay. What we're requesting is when this comes back for Public Hearing that this kind of information accompanies the item itself.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Just before I make the motion to do that, just so that you understand, my concern is not about retail strip shopping centers where they could have cameras 24/7. You have some stand alone individual businesses this will apply to which are very small and are open from like 8:00 to 11:00. And I -- I want to see what the impact is and if there are any options.

And with that, I'd like to move the item and to incorporate in the item the comments that were raised by the members of the Board of County Commissioners with the additional information to come back at the Public Hearing.

MAYOR WEXLER: Okay. Thank you.

The item has been moved.

MS. HENRY: Mayor, please.

MAYOR WEXLER: Yes, Ms. Henry.

MS. HENRY: It's staff's intent to meet with the business community over the break to try to get answers to all of those questions. There may be some that we're not going to be able to answer in terms of how many businesses have the cameras and how many don't, and what all of the costs would be. We will be able to determine, generally speaking, what the equipment itself would cost, but if they're having to make improvements to lighting and the like for their -- for the parking area, it would be difficult for us to make that determination. So it will be guesstimates at this -- at best --

COMMISSIONER EGGELLETON: Yeah.

MS. HENRY: -- but we'll do our best to get as much information from the business community as we can.

COMMISSIONER EGGELLETON: Can I ask one question of Mrs. Henry?

MAYOR WEXLER: Commissioner Eggelletion. Yes.

COMMISSIONER EGGELLETON: Mrs. Henry, which meeting will this be scheduled at? Is it the first public -- is it the first Public Hearing in August, or when -- when will this be?

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MS. HENRY: August the 12th.

MAYOR WEXLER: August 12th.

COMMISSIONER EGGELLETON: August 12th.

MS. HENRY: Yes.

COMMISSIONER EGGELLETON: Okay. Thank you.

COMMISSIONER JACOBS: Mayor, real quick, please, before we vote.

MAYOR WEXLER: Commissioner Jacobs.

COMMISSIONER JACOBS: I just wanted to point out that there are -- the mall that I spoke of doesn't have cameras. The way they've responded to the Boca issue is to hire additional security and put them in golf carts, and they're infrequently behind the buildings where the walkway is, the greenway that has people there in the day and the evening.

So the idea of this is -- and I guess from Ms. Henry, when you're looking for information, businesses may respond that they have security, and I would like to better understand the differentiation between someone in a golf cart who is out there, you know, infrequently versus what Commissioner Eggelton is proposing, which is a camera 24/7 that will see all that's going on. There's a big difference in that from a security standpoint. So when businesses respond to your survey, that's something that I would just like you all to be cognizant of.

MS. HENRY: Okay.

MAYOR WEXLER: And will you also, if you haven't already, make sure through the Police Chiefs Association and the Sheriff that we will have this on the agenda, if they care to get involved in assisting us

--

MS. HENRY: Okay.

MAYOR WEXLER: -- in any way? Thank you.

On the item, all those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 19

MAYOR WEXLER: Ms. Billingsley, do you have an answer?

MS. BILLINGSLEY: Yes, we do.

MAYOR WEXLER: You look like you do. Before Commissioner has to run out for a few moments --

MS. BILLINGSLEY: Okay. We wanted to make sure she got her answer before then.

MAYOR WEXLER: Thank you. We're going to take Item 19 off the table.

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MS. BILLINGSLEY: Item I9. Yes.

MAYOR WEXLER: Thank you.

MS. BILLINGSLEY: Exhibit 2, page 6 of 6, it indicates that the estimated amount is between 950,000 and \$1,000,000. Exhibit 1 reflects the lower end of that estimate, and what's on the agenda item is the actual cost of the buses.

MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: Okay. Move the item.

MAYOR WEXLER: With 992,400. It's been moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 87

MAYOR WEXLER: Thank you. The next one is Item 87, Commissioner Jacobs.

COMMISSIONER JACOBS: I pulled this item because, as you know, it's been before us twice before and -- and went away. And there were concerns about some of the language, that has been corrected.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

COMMISSIONER JACOBS: And I wanted to first thank Ms. Henry for working so closely with me, as well as Ms. Madison and -- and Cynthia Chambers, Eric Meyers in coming up with a reorg that I -- gets me a little closer to comfort. But to say that I'm completely comfortable with this would be -- would just simply not be true.

I have had and still continue to have, while I am supporting it, great concerns about the loss of the Environmental Protection Department's status as an independent department, and the shifting of employees. We have recently lost one of our best employees over there -- not best, because there's so many great ones over there -- but my concern is that as -- as we continue to move people around, that we don't start to have a brain drain of some of Broward County's talent which is highly coveted by other agencies. This one was recently stolen. I use the word loosely, stolen by the Water Management District. So just a cautionary note that we have some really great talent and we want to hang onto what we have.

(COMMISSIONER EGELLETON LEFT THE ROOM.)

COMMISSIONER JACOBS: And while I'm willing to go forward with this change, I also reserve the right to bring it back at some point if I feel that some of the changes aren't really working out. I don't know if you all have studied the organizational chart and the employees that are under that chart to the degree that I have, but I -- I'm withholding my judgment to let it work and let the new division directors run with it as best they can, but I am -- I am still concerned. I just wanted to raise that as an issue.

MAYOR WEXLER: Thank you. Item --

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COMMISSIONER JACOBS: And with that, I'll move it.

MAYOR WEXLER: Thank you. Item 87 has been moved by Commissioner Jacobs; seconded by Commissioner Wasserman-Rubin.

Any audience input?

Hearing none, all those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

PUBLIC HEARING

MAYOR WEXLER: I think we are now on Regular Agenda. Wow. We will come back -- we will come back to Item 61.

Commissioner Wasserman-Rubin, I know this is your district, but there was a note that came from Commissioner Keechl this morning specifically asking to pull that one.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible.)

MAYOR WEXLER: Other than 61, we're done with the --

COMMISSIONER WASSERMAN-RUBIN: (Inaudible.)

MAYOR WEXLER: Yes, and it's just 11:00 o'clock. Yes. I don't want to jinx us, please. Item Number 108.

MS. HENRY: It's a Public Hearing.

MAYOR WEXLER: Commissioner Wasserman-Rubin, this is --

MS. HENRY: Public Hearing.

MAYOR WEXLER: Oh, yeah, Public Hearing, I'm sorry. Public Hearing, Public Hearing, 108.

Item Number 108 begins a Public Hearing. Items Number 108, 9, 10, and 11 are Public Hearing items.

I don't have anybody signed up to speak for Item Number 108.

The item has been moved by Commissioner Wasserman-Rubin and seconded by Commissioner Jacobs.

Any discussion on 108?

Hearing none, all those in favor indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 109

COMMISSION MINUTES

MAYOR WEXLER: Thank you. Item Number 109, we have a number of speakers signed up, three speakers signed up for Item 109.

Item 109 is CL, conservation land, 465 in Commissioner Rodstrom's district.

The first speaker this morning is Chet Bannister, followed by Joe Bellavance, followed by Jay Dreman. Okay? Sir, if you would come up to the podium, you have three minutes, and I won't start the clock until you're ready to start speaking.

MR. BANNISTER: Yeah, okay. Thank you. I'm Chet Bannister. There's a number of things I want to -- you folks to consider, if possible. We're concerned about this property being a -- a park. The park idea is a great idea, but the -- Tarpon River -- it's in Tarpon River, and that's a very low-key, dead-end sort of area that people don't go through. Traffic has gone down since we've put up stop signs. About three or four years ago, a lot of people used to cut through. So we're concerned about bring a park in -- into the area, because it is a low-key, quiet, dark area at night, and it's -- it's private. We have a street end right next to where the park is, and there's people there almost all day every day fishing, and in the evening you hear radios, and there's not much -- too much in the way of traffic.

This is a great property, beautiful property that's going to be the park, and -- but I think it will bring in a whole new element into finding Tarpon River and looking -- looking at the area, which is positive and negative at the same time.

I'm concerned. It's going to be a passive park, I understand, which means no big parking lots, streetlights, you know, heavy-duty tennis courts, that sort of thing. I am the neighbor right next door. I have 300 feet on the property, and it's right next to Tropical Point, which is a little development there. There's -- my building was built in the '20s, and it's -- I've got one foot of property on the side of my building that I own. And I've always gone to the neighbor next door when I've had to do maintenance on my building. I've got a living room, a bedroom, and bathroom windows that look out on the property, on the ground floor, first level.

So I'm -- I'm very concerned about being able to do maintenance on it. I'm just concerned about security for Tropical Point, and for me. I'd like to see what kind of wall would be built or -- or fence would be built to protect me, but I also have to have access to be able to paint, work on my building, you know, whatever, so we can't put the fence one foot away. I own about a foot on the other side of the building. It was built before codes, and -- and I've got, you know, 100 feet of building and about 300 feet of property.

So I'm just concerned about security and the whole -- whole idea, and I'd like to know more about it, actually.

MAYOR WEXLER: Thank you.

COMMISSIONER RODSTROM: Can I ask Chet a question?

MAYOR WEXLER: Yes.

COMMISSIONER RODSTROM: Chet, how are you? Remember, I haven't seen you -- the last time I saw you, you did not have gray hair. That's been a long time. So we've all aged here.

Chet, would you -- would you be comfortable if we -- if the county built a wall or if there were a wall erected buffering your property from this property? Is that what would solve the problem or not? A wall would seem to be better than a fence, I would think.

MR. BANNISTER: Yes. Yeah, I think that a wall would --

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COMMISSIONER RODSTROM: Like a six-foot wall or something of that type?

MR. BANNISTER: But it would -- I'd like to have it set back so I that can actually get down on one foot along there. You know, I couldn't walk on -- I couldn't paint the building, and I don't want a wall one foot of weeds sort of growing up or something. I don't know how -- how to work it, really.

COMMISSIONER RODSTROM: Yeah. But your concern -- your concern is not that we don't buy the property; your concern is the proper buffer between your property and the park.

MR. BANNISTER: Right.

COMMISSIONER RODSTROM: And that has not been proposed at all, of any --

MR. BANNISTER: At all, yeah, other than I've talked to a few people at the county and they said they'd probably protect it, but I'd like to be sure that --

COMMISSIONER RODSTROM: Okay.

MR. BANNISTER: -- that we have protection for Tropical Point and me, because I'm the -- I'm the entry, I guess.

COMMISSIONER RODSTROM: Yeah. I know -- I've been to your home before. I know where you live. Great. Okay.

Then I will encompass that in -- his remarks in my motion when it -- when it's appropriate.

MAYOR WEXLER: Okay. And we will discuss it when it's appropriate. Thank you. Thank you.

MR. BANNISTER: Okay.

MAYOR WEXLER: Okay.

MR. BANNISTER: Thank you.

MAYOR WEXLER: I have three more -- I have three more speakers. That was a specific question to that speaker. We will discuss it a little later. This is a Public Hearing. Members of the public have signed up to speak.

The next public speaker is Joe Bellavance. Joe?

MR. BELLAVANCE: Joe, yes.

MAYOR WEXLER: Joe Bellavance.

MR. BELLAVANCE: Bellavance.

MAYOR WEXLER: Bellavance? I'm making it fancy. Joe Bellavance.

MR. BELLAVANCE: Joe Bellavance. That's right.

MAYOR WEXLER: Thank you. You're recognized.

MR. BELLAVANCE: Mayor and Commissioners, my name is Joe Bellavance, and I've been a resident of

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Broward County for well over 50 years. And I'm also a board member of Tarpon River Civic Association. And that the Tarpon River site in question is unique, and it will commemorate our earliest pioneers, the Lewis family, who arrived here in the early 1780s. And it's also an archeological site. An archeological site was founded in 1981, and they found a midden with (inaudible) bones and pottery shards at the site that dates back to what they call the Glades One, Glades Two era, which essentially we'll call it Pre-Colombian, probably 2,000 years old. And the site also has the largest oak tree in Broward County that was measured by a professional arborist, and it was undamaged by Hurricane Wilma. It's in perfect condition.

And, again, I'm with the Tarpon River Civic Association, and they support this project wholeheartedly. And hopefully this will be approved and this will be not only today, but future generations will enjoy. Thank you.

MAYOR WEXLER: Thank you. The next speaker is Jay Dreman, followed by Jeff Sinowski, and that's the final speaker.

MR. ORMAN: Hi, my name is Jay Orman, and I'm the president of --

MAYOR WEXLER: Orman?

MR. ORMAN: Orman.

MAYOR WEXLER: That looks like a D to me.

MR. ORMAN: I know. It happens all the time. (Inaudible) my name in Ds every time.

I just do want to bring home the fact that Chet does have 300 feet along the entranceway to Tarpon River, Tropical Point, where we do have 22 residents. And Chet has done a wonderful job of growing some foliage to block the view of the adjacent property. So just to bring home again, not just maybe a block wall, and maybe not only six feet tall, but something possibly above that, ornamental, so we don't take away from the beauty of our entrance, and not just see a solid block wall, as right now we drive in and see nice foliage. And to give Chet a little bit extra space between that wall to do what he needs to do if there are weeds that are growing up between the wall.

That's really all I need to say. Thank you.

MAYOR WEXLER: Thank you, sir.

Jeff Sinowski.

MR. SINOWSKI: Good morning, Mayor and Commissioners.

MAYOR WEXLER: Good morning.

MR. SINOWSKI: Jeff Sinowski. 8551 W Sunrise Boulevard in Plantation, here on behalf of sellers, the Lidert siblings.

We ask that -- we appreciate and we understand the gentleman's concerns that were expressed earlier, but we ask that you not allow that to stand in the way of moving forward with this transaction. It's a historic piece of property. It has a tremendous amount of significance, particularly it's unique in that it's an urban setting. My clients were raised, they grew up on the property. This was a family home, and we can't think of any better use of it for the future than as a park that not only they, but that everybody can enjoy along the river.

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So we do ask that you go forward and approve this transaction. Thank you.

MAYOR WEXLER: Thank you, Mr. Sinowski.

This concludes the Public Hearing.

Commissioners. Commissioner Eggelton -- Commissioner Rodstrom. I'm sorry.

COMMISSIONER RODSTROM: I'll speak last.

MAYOR WEXLER: You want to speak last?

COMMISSIONER RODSTROM: That's fine.

MAYOR WEXLER: I'm telling you.

COMMISSIONER JACOBS: You need a vacation.

MAYOR WEXLER: You have no idea everything -- all the stuff that was coming at me this morning. You knew it was the last meeting.

COMMISSIONER JACOBS: I know. And I also know how late you were here last night, too, so.

MAYOR WEXLER: Commissioner Jacobs, did you want to comment?

COMMISSIONER JACOBS: Thank you, Mayor. Yes, I do. I -- I am sensitive to the issues raised by the gentleman that only has a foot of space between his house and the next property. I think he's very, very fortunate that this land is being bought and preserved, with only one foot, that a commercial site or other homes were not built there and a land use change and all the thing that we're seeing in the valuable waterfront space that's left in this county, very little of it developed. And, as such, because there is so little of it, the public rarely gets a chance to get access to our ocean, to our best rivers and lakes, because those areas are owned by people who are fortunate enough to have the view, not those who want to be able to participate in Broward County's beautiful open spaces. And that's what this bond was set to do, is to acquire those for the public.

To the point that we put up a fence or whatever we do, I have concerns about the cost that would be incurred, particularly for a block wall, and, additionally, that, in order to accommodate that, it would appear that the fence would have to be pushed onto the county's side. And my experience is every time you leave land outside the fence, the people on the other side of it claim it as their own.

So in addition to that concern, there's the issue of the City of Fort Lauderdale that will take on this park and develop it. So that question really is a question for the City of Fort Lauderdale, is this something that they would envision as the park is developed into a passive park, because we're not doing that; the city is.

So I'm, Commissioner Rodstrom, very sensitive to what he's saying, but also don't want to see any additional cost or see this stand in the way of -- of the acquisition of this site. I think it's really important for those who don't -- who just aren't blessed to be able to live on the waterfront. 300 feet is really amazing, and he's very fortunate indeed. And for those who don't have that luxury, being able to access this site freely is really important.

MAYOR WEXLER: Thank you.

Any other comments, Commissioners? Do you want to speak last?

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COMMISSIONER RODSTROM: Yes.

MAYOR WEXLER: Okay. If there are no other comments from my colleagues, I just want to weigh in on it, and then, Commissioner, you can certainly go after, since it's your district.

I'm very hesitant about a wall, I really am. I think we need to vote on this today. I think we need to move on this today. The community has spoken in favor of it, but we also need to be cognizant of the impact on the immediate next door neighbor. And I'm sure that, through conversation, we can get where we need to be without putting up a concrete wall. I just -- I mean, whether it's something through foliage or -- or something that -- that does some type of a separation to -- to give Chet some comfort there, but I would be very hesitant, Commissioner, in moving forward. This is a passive park. This is a real community neighborhood park, would be, you know, sit, read a book, watch your children play, have -- have a bite to eat under a pavilion, walk on a path. I mean, it's not -- it's not a tennis court. It's not a basketball court. It's a real amenity to a community, and I'm -- I can't wait to vote on this item.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Well, my -- I have two issues. The first issue is that this property is almost eight percent over the average of the two appraisals. We're in a -- no question that we're in a falling real estate market. It was announced this morning that property values in south Florida are down like 25 percent, pretty significant. So I just am uncomfortable paying over appraised value, number one.

And, number two, I think that Mr. Bannister is entitled to some sort of buffer, and -- and the fact that we're paying \$228,000 more than we should be paying for this property, there's ample money to deal with the buffer issue.

So I'd like to, you know, just set aside this issue, bring it back in August, and I'd like to -- if you would just permit me to bring it back, hopefully, with a different sales price, and the issue worked out for Mr. Bannister. I just don't think this issue's ripe today.

MAYOR WEXLER: You're the district -- you're the District Commissioner.

COMMISSIONER RODSTROM: -- but it -- I'm the District Commissioner, and I would request that it come back. We'll -- we'll deal with it in August and we'll see if we can put it back.

MAYOR WEXLER: Do you want it the August 12th meeting?

COMMISSIONER RODSTROM: That would be fine. That'd be fine.

MAYOR WEXLER: Because August 5th is a little squirrely.

COMMISSIONER RODSTROM: Yeah, that'd be fine.

MAYOR WEXLER: Okay.

COMMISSIONER JACOBS: Mayor?

MAYOR WEXLER: Commissioner.

COMMISSIONER JACOBS: Can I ask Commissioner Rodstrom a question?

COMMISSIONER RODSTROM: Yes.

COMMISSIONER JACOBS: Commissioner Rodstrom, do you feel comfortable that in delaying it it won't

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endanger the ability of the county to purchase it, that the seller won't walk away?

COMMISSIONER RODSTROM: I think that's a chance you always take. I think the sellers always take that chance, but, again, I think it's a buyer's market. It's not a seller's market. And I think you take that risk. If the seller is willing to knock their price down today, then I'm willing to move forward. But if not, I want to be able to go back and negotiate this price, because I'm not willing to bring this forward if it's eight percent over at appraised value. I'd like to have a crack at getting the price down.

COMMISSIONER JACOBS: Mayor, if I might --

MAYOR WEXLER: Yes, Commissioner.

COMMISSIONER JACOBS: -- I heard from comments over my shoulder the seller saying that they're --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Please. Please.

COMMISSIONER RODSTROM: Okay. Okay.

COMMISSIONER JACOBS: I'm real -- so I'd like to hear from the seller about that.

MAYOR WEXLER: Mr. Sinowski, you certainly had two minutes left on your comments --

MR. SINOWSKI: Thank you. I appreciate it.

MAYOR WEXLER: -- so I think it's very important you address that.

MR. SINOWSKI: You can hear my clients. Three of the four sellers are here today. They're advising me that they're not willing to renegotiate this. That if this is not approved, then they will not go forward with this transaction.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. SINOWSKI: It -- it has gone through. We -- we signed -- my client signed the contracts back in December, January time frame. It was pulled from moving forward as staff reappraised the property in light of the falling real estate market. There were additional environmental surveys done of the property. Everything has come back clean. And -- and I think everyone can hear my client over my shoulder saying that if this is not approved today, they will not move forward with the transaction.

COMMISSIONER RODSTROM: Madam Chair, I mean, that's the -- that's the chance I take. I fully understand the risks involved, and that I'd like to defer this item today and -- and see if we can negotiate more favorable terms to the county.

COMMISSIONER JACOBS: Mayor?

MAYOR WEXLER: That we yield to the District Commissioner, it's a collegial body, that's what we attempt to do. I certainly was prepared to support this item today, but --

Commissioner Jacobs.

COMMISSIONER JACOBS: I'm really concerned about the loss of this that this opportunity might raise, but I respect what it is you're trying to do, Commissioner, so I would ask you this. Before we take the next step to going after the summer, is it possible that you could have some conversations with them this

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afternoon, we could set this on the table for now, and see if that isn't something that could be worked out today before we take the other step?

COMMISSIONER RODSTROM: That's -- I'm certainly agreeable to do that.

MAYOR WEXLER: Okay. So we --

COMMISSIONER RODSTROM: Right now, then, we'll lay it on the -- lay the item on the table.

MAYOR WEXLER: All right.

COMMISSIONER JACOBS: Thank you.

MAYOR WEXLER: Item's has been tabled. We -- we are going to be breaking at 12:30 this afternoon. And we don't reconvene until 2:00. If that's appropriate for Commissioner Rodstrom and the sellers and staff to meet during that time period, we'd appreciate your indulgence.

MR. SINOWSKI: Today.

MAYOR WEXLER: Today. At 12:30 today.

MR. SINOWSKI: 12:30 today.

MAYOR WEXLER: Right, we're going to break at 12:30 today. We're laying it on the table so that we don't have to defer this item and let's see if some kind --

MR. SINOWSKI: You all know me. I'm always willing to talk. I'm always willing to listen, but I cannot give you any sort of a guarantee --

MAYOR WEXLER: No.

MR. SINOWSKI: -- that those talks will be fruitful or that my client will back off of their position in any way.

MAYOR WEXLER: Okay. We got it. We got it. We're -- Commissioner Jacobs has asked Commissioner Rodstrom if he would be willing to attempt today to have the conversation, rather than some other point during the summer and putting this off. So I lean towards, if you're willing, and I hope you are, to stay for another hour so that we can -- just privately. The rest of -- it won't be in this -- it won't be here. It will be in somebody's office, and then you will be reporting back when -- when we reconvene this meeting later on this afternoon. Okay?

Thank you.

The item has been tabled. Item Number 109, we are -- Mr. Newton, did I do that properly for a Public Hearing?

MR. NEWTON: Yes, you did. You had already closed the Public Hearing, so it's really the Board discussion at this point.

AGENDA ITEM 110

MAYOR WEXLER: Okay. All right. We are now on Item Number 110.

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The Public Hearing is now open for Item Number 110.

I don't have any members of the public who have signed up to speak for Item 110, so the Public Hearing is now closed.

Commissioner -- 110. My next I have is 112.

UNIDENTIFIED SPEAKER: Move it.

MAYOR WEXLER: Okay.

COMMISSIONER GUNZBURGER: Second.

MAYOR WEXLER: Commission comments. Before there is a motion, I'd like there to be some Commission comments. If there are no -- none of my colleagues that wish to speak, I do. Okay.

Item Number 110 is 9.23 percent over current appraised value, 9.23 percent above current appraised value.

I also have every intention of supporting this item today, and I'm going to tell you why. However, staff -- and I was here -- I was here late last night, Commissioner, working on a lot of these items that are before us today, particularly these Public Hearing items. And I asked Mr. Brossard a question last evening, and I need to share the answer with my colleagues.

First of all, I want the -- the record to reflect that Commissioner Lieberman is identifying discretionary dollars in this engagement for this purchase, and it's a significant amount of her discretionary dollars. I believe it's a half a million dollars worth of her discretionary dollars. That's not my point. The point is about process here, and consistency, and the message of consistency.

I asked Mr. Brossard, Mr. Brossard, the appraisals on this Sunrise Lakes property dropped like a rock, went down significantly since the last appraisal, and the question I asked was did the contract reflect the new appraised value? And the answer was, no, Mayor, they didn't. And the answer that there is, no, Mayor, they didn't, is because we don't have clear direction from the Board of County Commissioners. What, says I. What do you mean? Seriously. This was our conversation last evening. I said --

COMMISSIONER RODSTROM: We gave very clear direction.

MAYOR WEXLER: I was a bit shocked, and I said to Mr. Brossard that we were going to discuss this today. Why in the world would the Board of County Commissioners ask for a new, updated appraised value --

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: -- if staff wasn't going to use that document to renegotiate a contract? And the -- and what was thrown at me was remember the Mumford property, Commissioner? Yes, of course I do, it's in Cooper City. But the Mumford property actually came in as a higher appraised value and Mr. Mumford was going to walk, and Commissioner Rodstrom and Commissioner Keechl said, no, that's the deal.

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: And he accepted the deal.

COMMISSIONER RODSTROM: He did.

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MAYOR WEXLER: Now, we are coming towards the end of our program here. I recognize that. And, boy, I can't wait until it's over. However, however --

(COMMISSIONER EGGELLETION RETURNED TO THE ROOM.)

COMMISSIONER RODSTROM: We've got a good track record, though.

MAYOR WEXLER: It's really, really important for us to recognize that if we asked for updated appraised value, that it's for staff to do something with it, not to do nothing with it.

So, Ms. Henry, I -- I hope that staff shared with you the conversation I had with them last evening, because they did know I was going to bring this up today.

You're recognized, because I would like to know that when we have new appraisals that reflect a significant drop in appraised value, that Mr. Mallick is empowered by the Board to renegotiate a contract.

MS. HENRY: He is absolutely empowered to renegotiate a contract.

MAYOR WEXLER: So why wasn't there any attempt to do that in this instance?

MR. BROSSARD: I need to respond.

MS. HENRY: Mr. Brossard would like to respond.

COMMISSIONER GUNZBURGER: Turn your mic on.

MR. BROSSARD: I believe it is on.

The Mayor restated our discussion late yesterday accurately. And when the Board adopted the policy in March of obtaining new appraisals for properties where the prices were already negotiated, if the appraisals were more than 180 days old, the assumption, I believe, and, certainly, from staff's perspective, was that the appraisal values would be less simply because of what's happening in the real estate market here locally.

(VICE MAYOR RITTER LEFT THE ROOM.)

MR. BROSSARD: There have been several properties reappraised where the contracts for sale and purchase had already been negotiated, and depending on the highest and best use of individual properties, in some cases, the appraisal values have gone up.

And in the one instance that is referred to as the Mumford property in Cooper City, going back six or seven weeks in time, the owner actually recognized what was happening and withdrew the sale and purchase agreement, and staff initiated a renegotiation. The price -- sale price went up about three percent in that instance. And during the Board's discussion, there were statements made that the new appraisals were requested of staff, but staff had not been authorized to renegotiate the prices. And that set the stage, then, for the items that are in front of the Board here today.

In a couple of instances, the values of the property, based on the new appraisals, have actually gone up. The sales price previously negotiated was held at the same number. And in this instance, the price -- the appraisal value went down some, but the price previously had been under the appraisal. Now that the value was dropped a little bit, it's still within ten percent, which along the way there have been many purchases approved where the sales price was within 110 percent of the appraisal value.

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So the Mayor is, again, correct, though, and -- and we agreed in the discussion last night that more clear direction from the Board would be desirable at this point. There are very few parcels left to be brought before the Board under the GOB program, but there are other real estate transactions that are also underway, and it would affect the negotiations and price agreements for those transactions, as well.

MAYOR WEXLER: So when the price goes up, because of the experience with the Mumford property, staff pretty much sticks with the contract that was negotiated. But when the price goes down, staff sticks with the price that was negotiated, also, because the Board didn't give clear direction about wanting to negotiate a lesser price. And, by the way, this one dropped by 17.5 percent in market value. So -- I mean, you know, it's the Commissioner's discretionary dollars, but it's the county's money, no matter what, and, quite frankly, it just doesn't make sense.

Commissioner Rodstrom, I think you had your hand up first, followed by Gunzburger.

COMMISSIONER RODSTROM: I mean, Mr. Brossard, I guess I'm sort of speechless, because -- because we are the stewards of the public's money. And if we were in private practice and we were negotiating a real estate contract, and it was your property and you owned it, and you had now an appraisal that dropped by 17 percent, would you not want to try to take advantage of that new appraisal in renegotiating or real estate price? And the answer is of course, you would. But why you didn't do it here to protect the taxpayers's money I think really strikes me as odd.

And -- and, again -- and you also said, Mayor, why would we have gone to the extent of having these properties reappraised if it wasn't to have a more accurate sales price that would reflect the lower real estate values. That's the only reason we did it.

And in the case where the appraisals went higher, I'm also under the impression that under Florida law, we can keep these appraisals confidential, and the seller never has to know that the new appraisal came in higher, and we can stick with the original price. So we've lost nothing.

But what we have done through this whole process is protected the taxpayer and given the taxpayer a break, and provided us with more money so we can buy more properties, so there's more money left at the end of the day.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

COMMISSIONER RODSTROM: I thought that was a clear direction the Board gave you. But --

MAYOR WEXLER: It wasn't.

COMMISSIONER RODSTROM: -- but, you know, I -- that's just shocking to me, because if I think if it were your own money, you would have done that and taken advantage of the rules, if it were your own money. And why you wouldn't treat the taxpayers's money the same as if it were your own, I'm -- I'm sort of surprised by that.

MAYOR WEXLER: I want to stop for one moment and bring Commissioner Lieberman up to date, since this is her district, and -- and I -- you didn't get to hear any of this, right?

COMMISSIONER LIEBERMAN: No, I apologize.

MAYOR WEXLER: Okay. So let --

COMMISSIONER LIEBERMAN: I had to welcome a group.

MAYOR WEXLER: I know you did. We -- we recognize that you have a half a million dollars of your

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discretionary dollars into the passive park.

When I met with staff last evening and asked them about these reappraised properties, some of them that the market value dropped significantly, others where appraised values are higher than -- and you're right, Commissioner, this is all confidential. It's not -- this is not a public document, as we've been told. The property for the passive park is a price that was already negotiated prior to the reappraisal.

COMMISSIONER LIEBERMAN: Uh-huh.

MAYOR WEXLER: The reappraisal showed a 17.5 percent reduction in the market value of the property.

The staff, when I asked them if they attempted to renegotiate -- and I asked them that last evening, so staff knew this question was coming today -- if -- if they tried to renegotiate, the answer was, no, Mayor, that's not the direction we had from the Board.

And so they wanted clear direction today as to should they renegotiate if there is a significant drop in the market value in these new appraisals, or submit it. They're looking for direction, and they were not clear with that. And so here it sits in front of us today. It is below the ten percent. Most of the money is coming from your discretionary dollars, but it's still taxpayer dollars no matter what. And that's the conversation that we're in the middle of having at the moment.

The next Commissioner on the queue is Gunzburger, followed by Jacobs.

COMMISSIONER LIEBERMAN: Okay. You can just put me on the queue. That will be fine.

MAYOR WEXLER: You're recognized, of course.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I agree with what Commissioner Rodstrom said. If any of us on this Board were purchasing property and had a stale appraisal, and then got a new appraisal that was lower, we absolutely would renegotiate a deal.

The fact that there wasn't -- I thought we had given that direction. Otherwise, why would we spend the money for new appraisals if we didn't think we could save the taxpayers dollars and be able to purchase new land?

If need be, when this discussion is over, I am going to ask Mr. Newton to bring us back on August 12th an absolute directive, if we need to do it that way, that if a new appraisal comes in lower, that the property is renegotiated to save taxpayer dollars.

Now, if I waste money myself, that's fine. It's my money; I earned it, I can waste it. But I -- we have a fiduciary responsibility to the taxpayers, and this -- I want to thank you, Mayor. I had concerns about this property from the beginning, and asked some questions under 113 instead of 110, and I really appreciate the due diligence that you put into studying this issue and getting out the facts.

CONFERENCE OPERATOR: You are the only one in this meeting now.

MAYOR WEXLER: Again, and I think staff is anxious to have clear direction from the Board.

UNIDENTIFIED SPEAKER: And I'd like to move it.

MAYOR WEXLER: So I want to make that clear, as well.

Commissioner Jacobs.

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COMMISSIONER JACOBS: You all are missing one real important part of this discussion about where the appraisals were and where they went, is who did the foot dragging that went on for months and months and months while the value did something different? We did. So while you have a landowner out there who could have gone and sold the land for a higher dollar amount to someone else, we dragged them through the process.

Now, God knows, it's amazing that we've been able to buy anything at all given the circumstances that we put sellers through. We cannot look at highest and best use. We look at what it is today, vacant land. What is it worth? A developer walks in and waives tons of dollars at the sellers, because they know what they can do with it, and it's for that very reason that we've lost so many properties in this county.

(COMMISSIONER GUNZBURGER LEFT THE ROOM.)

COMMISSIONER JACOBS: What I find truly remarkable about today's conversation is how many properties have come before us -- and I would ask staff, I don't know if you can do a quick calculation -- but in my mind every one that's come before us in the last two years, almost every one of them were within that ten percent. Very few were they actually below appraised value. They were always just slightly over. But they were always within the parameters that we gave staff, and the parameters that we promised the voters. And that was that we would not pay more than ten percent above the combination of two appraisals of any property valued at \$500,000 or more. And that's what we've done.

This program has been handled in -- in the most straightforward way. There's been no controversy associated with any of the properties in eight years of purchases.

(COMMISSIONER EGELLETON LEFT THE ROOM.)

COMMISSIONER JACOBS: To now take a deal that's been worked out with a seller, drag them through the processes of all the different things that we, as government, must do. There's nothing wrong with what we must do, but in our case it does take us an awfully long time to bring these things before us, get it scheduled, and get it ready for a vote, and then on the very day that it's before us, all of a sudden we're balking and we're having problems with this nine percent or six percent or whatever the number is, when all of these other ones have passed.

It's a two-way street whether this valuation through the appraisal process goes up or down. So are we only going to negotiate it when it benefits us? Well, if I was a seller, then where does that put me, because I'm a taxpayer, too, if I'm a seller, and I have a very valuable commodity that, left to my own devices, I could go out in the market and get substantially more dollars than that which the county is offering me.

Most of the lands that we have been able to buy from people have bought it because they really cared about Broward County and wanted to see something good happen with that land, as a preservation measure, not because they were out there trying to rake in extra dollars.

So, to me, this item I completely support where -- how it got here and where it needs to go. I don't think we can have it both ways. I don't think we can say when it inures to our benefit, let's renegotiate, and when it inures to their benefit, well, forget that, we're going to take the money and run. If it's okay for us, why is it not okay for the seller?

So I don't -- I just don't get where we're going with this. I find it very troublesome. And the remaining dollars that are out there, and the few remaining properties that we may be able to buy, I would urge my colleagues to rethink this one and let this one go forward, and approve it today.

MAYOR WEXLER: Commissioner Lieberman.

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COMMISSIONER LIEBERMAN: Thank you. First of all, I want to remind everyone how this item came in front of us. This item -- this acquisition was recommended to us by our parks and -- the Land Preservation Advisory Board, who reviewed all of the proposed open space, green space applications, and ranked this up there. If you may recall, it's got to be, oh, God, Commissioner Jacobs, help me here, is it at least eight months or longer that staff brought us the list and showed us that there was \$17,000,000 worth of approved projects for which we had \$8,000,000?

MAYOR WEXLER: If not the least.

COMMISSIONER LIEBERMAN: Is it close to a year, Mayor? Is it close to a year? Okay. At that time, this was on their list and staff already had in-house a contract with the City of Sunrise to buy the property. I, at that meeting said, look, I understand the dilemma you're all under. Originally, I had, from the special projects account, a half million dollars went to Camp Telogia, which benefits every Girl Scout in Broward County, not just the ones who live in my district, but every Girl Scout in Broward County camps at Camp Telogia. It was devastated by Wilma. And for the greater good of the county, that was the first special project.

The second one, I said to you all, was a golf course, which I had agreed with the City of Margate to help them acquire, and that fell through. Margate sent us a letter and I said, as opposed to doing another special project, I'll make all of your lives easier. There is exactly one remaining parcel that's been approved by the Land Preservation Advisory Board, and I will put the funds toward that so you all can get what you need to do in your districts.

(COMMISSIONERS GUNZBURGER AND EGGELLETON RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: So I find today's discussion interesting, because I did this simply to help out my colleagues, who had \$17,000,000 worth of acquisitions for which they had \$8,000,000 worth of funds.

The second part to this is the rule on this Board has been, for as long as I can remember, is we're not going to buy anything that exceeds ten percent above the average of two appraisals. Now, I would agree with all of you, when they did the appraisal a year ago, this property probably would have come in at under the appraised value at that time. And had county staff diligently reviewed the contract that was in-house, and sent it timely to the Board of County Commissioners, we would have bought it at that time.

I ask about this all the time, and I can't believe the amount of time it has taken to get this to the agenda.

And, then, finally, I think the issue that we all need to think about today is there are going to be ups and there are going to be downs in the market. And here's a buyer, who basically -- and I realize this buyer may not have had a whole bunch of options, because the corporation is a defunct corporation, but it does have proper zoning for multi-family, and -- and instead of doing that, this will be open and green space, reducing density in an area that's very highly populated.

At the time this contract was entered into, it was below the appraised value. It was ten percent below the appraised value. In the time that the seller has had this property, which we don't somehow factor into our decisions, he's paid property taxes for another year on this property. He's maintained that property for another year.

So, I mean, if the majority of the Board wants staff to go back and renegotiate, they can do that, but I've got to tell you that there's going to be more costs that he's incurred over the year. We dilly-dallied and didn't bring this item timely to the Board of County Commissioners.

So, I mean, under the general rules, I'm prepared to allow this to be finalized, because this was in-house over a year ago with a contract for the county to review. The city is going to take over the maintenance.

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I want to know how you're going to compensate the property owner for his year of property taxes which, if you look at the backup, you can see -- I don't remember whether I looked online or I looked in the backup, but you can see that he's paid property taxes over the course of a year, as well as maintained it. And last year, last year he paid \$9,000 worth of property taxes on a property he's held and not sold to anyone else in reliance on our agreement, Commission.

MAYOR WEXLER: Listen, don't shoot the messenger.

COMMISSIONER LIEBERMAN: I mean, I can't wait to see what you're all going to do on the next item.

MAYOR WEXLER: I think the points that you make, quite frankly, we're trying to be good stewards of the public's money.

COMMISSIONER LIEBERMAN: And I agree with that.

MAYOR WEXLER: However --

COMMISSIONER LIEBERMAN: But we delayed this item for a year.

MAYOR WEXLER: You bet. That's correct. And the documents that we have show that if we had done this a year ago, it would have been ten percent below appraised value.

I understand what some of my colleagues are trying to do with this reappraisal. I understand that fully. Believe me, the Mumford property, I had the wrath of that, and the man almost walked. It was not a pretty site.

We have to try to be reasonable, too, as we move forward.

Mr. Brossard --

COMMISSIONER LIEBERMAN: Mayor, if I can, here's the issue that I think staff needs to share with the Board. When we wait more than a year after something has been finalized, that person who relies that they have a binding contract -- you know, it's not like a contract with some other party where you think maybe they've changed their mind. We're a governmental entity. When we tell them we're going to buy your land, and we enter into a contract, and then say it's subject to confirmation by the Board, people pretty much believe that it's over, that we're going to buy their property. And, in reliance on us, this gentleman paid another year of property taxes, another year for maintaining the property, cleaning it up, mowing, and whatever else had to be done. And I suspect if you go back to them, they're going to look to recover those costs. And that's an issue we are not thinking about when we wait so long before we bring items to the Board.

MAYOR WEXLER: What Mr. Brossard had said to me last evening, Commissioner, was is that the -- he's -- they're getting these new appraisals, but they are not renegotiating the contract. And so I was surprised, but I thought that we needed to have this discussion, because staff needs direction.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: Quite frankly, I think every case needs to be taken individually. Individually.

COMMISSIONER LIEBERMAN: If there were a broad rule, it would be if the new appraisal results that we're paying more than ten percent over the average of two appraisals, then I think they need to have a conversation with the seller --

MAYOR WEXLER: But if --

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COMMISSIONER LIEBERMAN: -- because from the beginning on this bond issue we have taken that position.

MAYOR WEXLER: -- but if we've delayed it, and -- and property value dropped and it was the county's delaying -- and I'm going to tell you, I haven't had one conversation in a positive vein with one person that's done business with us on a deal, after the fact, that they've said it was a positive experience.

COMMISSIONER LIEBERMAN: You know, and Mayor --

MAYOR WEXLER: Not one.

COMMISSIONER LIEBERMAN: -- I can pull my records, but my memory tells me that the first time I asked staff what the status was of this contract was last September.

MAYOR WEXLER: So I think that every one of these, as a rule of thumb, Commissioner Gunzburger, if you want something brought back in August to give direction to staff that if it is below appraised value, they should have direction to renegotiate, I'm not so sure I sign onto that. I really don't, because it depends. It really, truly depends on if they actually -- last year, one year ago, this was ten percent below -- below appraised value, but because the property in that area dropped, it's now 17 percent above appraised value. And that's --

COMMISSIONER LIEBERMAN: No, it's 9 point --

MAYOR WEXLER: No.

COMMISSIONER LIEBERMAN: Yeah. The backup says that it is --

MAYOR WEXLER: Between June '07 and --

COMMISSIONER LIEBERMAN: It says the contract price is 9.23 percent above the current appraised market (inaudible).

MAYOR WEXLER: Yeah. Right. But then it also says between June and April, '07 and '08 --

COMMISSIONER LIEBERMAN: As it's currently configured, it is still within the guidelines.

MAYOR WEXLER: It is. The total dollar amount is, but between the two appraisals was a significant drop.

So staff wants direction, and I think that -- I would think it has to be on a case-by-case basis. And I don't know how you --

COMMISSIONER GUNZBURGER: Well, then, how can they have a direction?

COMMISSIONER RODSTROM: They have no direction.

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER GUNZBURGER: They can't make a decision.

COMMISSIONER LIEBERMAN: I -- for me --

MAYOR WEXLER: Commissioner.

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COMMISSIONER LIEBERMAN: -- the general rule is if it exceeds ten percent, that should tell you to talk to them before you bring anything to the Board, because the rule for us from day one on these properties has been to be within the ten percent.

MAYOR WEXLER: Commissioner Jacobs, followed by Rodstrom.

COMMISSIONER JACOBS: Well, first of all, it can't come to us if it's over ten percent. So that point's -- I mean, t's a good point, but it's moot, because we are not going -- we have said that to the taxpayers from the get-go that we wouldn't pay more than ten percent above the combination of two appraisals over \$500,000. So that rule has been in place for all these years, so it couldn't come here anyway.

But the truth is, who is going to negotiate with the county if they know we're going to ask for environmental audits, and we're going to do this, and it's got to go through this committee, and it's got to go through all these things, and a year goes by, some of which we can't control. It's just what it is.

(COMMISSIONER EGGELLETON RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: Dealing with the government and you're going to -- and you know when you're selling a property to the government, it's going to be a lot more cumbersome, because we have to do everything in a transparent way, because it's not our money. So anyone who is selling to us knows going in at this is not going to be the best experience, selling your property to government, but they do it for another reason. They do it because they want to see, in general, I don't think there -- there may have been a couple out there -- but in general they're doing it because they want to see the properties preserved.

So when is a deal a deal? If you go negotiate a deal with the county, and then you know that down the road, it's going to take so long we might change our mind, because now it's to our benefit or not, then who is going to want to sell land to us? How are we going to move forward through this process? I think we have to treat this, and negotiate in good faith. That's what our staff has done.

If an appraisal comes in and there are significant changes in it, and it's over that ten percent, we're not going to see it anyway. If it's within the parameters for which we have bought every single property up to now -- and remember that up until recently we didn't reappraise any properties --

MAYOR WEXLER: That's right.

COMMISSIONER JACOBS: -- and we weren't real worried about that the seller was probably not getting what the property was worth at that point. We were -- prices were going up, and we were running with the deal. And it was fine for us to do it.

(COMMISSIONER EGGELLETON RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: So I think we ought to stay on the exact track that we are and have been, and I can certainly understand staff's damned if we do and damned if we don't. There's no way that they can win and try to read our minds. Going in a one -- one a case-by-case basis doesn't get you there. It gets us right back to this problem is.

MAYOR WEXLER: Okay.

Commissioner Rodstrom, to close, please.

COMMISSIONER RODSTROM: Well, I just think that, you know, Commissioner Jacobs, you're missing the point. The point is that in a rising real estate market, it was to our advantage to not have appraisals

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done at the time of sale. It was to our advantage to have the appraisals be stale, and use the stale appraisal to negotiate.

Now we're in a very different real estate market. The market is falling, and it's to our advantage to have recent appraisals when we negotiate the sale of the contract. It's just a different market.

Now, you know, you're using the argument of equity here, that somehow, because we took a year to buy this property, we should make this purchaser -- I mean this seller whole. You know, my question is, staff, why did it take a year?

MS. HENRY: Yes, Mr. Mallick, if you can come to the podium.

COMMISSIONER RODSTROM: Mr. Mallick, when was the contract -- how long have we had a contract with the seller?

MR. MALLICK: The contract was signed -- I'm sorry, Madam Mayor, Vice Mayor, Commissioners, Ronald Mallick, Director of Real Property. The contract was signed on March 26th of '08.

COMMISSIONER RODSTROM: Of '08. So, Mr. Mallick --

MR. MALLICK: Yes, sir?

COMMISSIONER RODSTROM: -- was there a prior contract?

MR. MALLICK: No, sir, there was not. There was an agreement in principle as to price, but we were a long time negotiating the contract. The seller wanted to incorporate some additional land into the sale that was not identified for acquisition, and we negotiated that out of the transaction. It took us a long period of many months to reach accord on the contract itself.

COMMISSIONER RODSTROM: Okay. So to characterize this that somehow we've jerked this -- this seller around, I think is not accurate. It sounds to me that there were negotiations, and that a final contract didn't come to fruition until March, is what Mr. Mallick is saying.

MR. MALLICK: That's correct, sir.

COMMISSIONER RODSTROM: And what was the date again?

MR. MALLICK: March 26th, '08.

COMMISSIONER RODSTROM: So the end of March.

COMMISSIONER LIEBERMAN: Ask him when he had the agreement in concept on price. That was when they (inaudible).

COMMISSIONER RODSTROM: But Mr. Mallick said there was additional property that was --

COMMISSIONER LIEBERMAN: Because he wanted to give us more land.

MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: Mr. Mallick, I mean --

MAYOR WEXLER: All right. Folks, one at a time.

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Commissioner Rodstrom, you have the floor.

COMMISSIONER LIEBERMAN: Ask him when they reached (inaudible).

MAYOR WEXLER: Commissioner Lieberman, Commissioner Rodstrom has the floor.

COMMISSIONER RODSTROM: When did they reach the terms of contract. Maybe you can give us more color to this, because Commissioner Lieberman is unsatisfied with your answer.

MR. MALLICK: Sir, I'm sorry. I didn't understand.

COMMISSIONER RODSTROM: I guess the question is could you give us more color to the --

MAYOR WEXLER: History.

COMMISSIONER RODSTROM: -- this history of the negotiation of this contract because, Commissioner Lieberman doesn't have enough flavor for it. So if you could just give us some background, more background.

MR. MALLICK: There was -- there is a parking lot that is used by a condominium that is adjacent to this property. The sellers want to incorporate that parking lot into the sale. That portion of property was not identified as -- as to the property to be acquired.

COMMISSIONER RODSTROM: Was that -- would that result in a higher purchase price?

MR. MALLICK: It would have resulted in a higher purchase price, indeed.

May I add one other point, Commissioners?

COMMISSIONER RODSTROM: Sure. Please.

MR. MALLICK: And that is subsequent to the date of contract, March of '08, we had additional due diligence to do. We had a reappraisal, per your direction. We had a survey, and we had environmental site assessment, all of which took time. So from the date of contract to the date that we are able to bring this to you with those due diligence conditions having been satisfied is the -- is the consequence of the additional time.

COMMISSIONER RODSTROM: And, Mr. Mallick, isn't it customary, regardless of whether you're government or in the private sector, that you do environmental surveys as part the -- as part of your due diligence on a piece of property?

MR. MALLICK: Indeed, it is, sir.

COMMISSIONER RODSTROM: So -- so that is not anything out of the ordinary that the government is requiring of the seller. This is something that's standard procedure in the real estate industry, correct?

MR. MALLICK: It is in my experience, yes, sir.

COMMISSIONER RODSTROM: Okay. I have no further questions.

MAYOR WEXLER: Okay. Are you finished with Mr. Mallick?

COMMISSIONER RODSTROM: Yes.

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MAYOR WEXLER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Mr. Mallick --

MR. MALLICK: Yes, ma'am?

COMMISSIONER LIEBERMAN: -- Ms. Henry, with your permission -- what was the day you reached a memorandum of understanding on the price? When was that signed?

MR. MALLICK: It was -- Commissioner, it was not a memorandum of understanding, but an agreement in principal, just a verbal discussion with -- with our --

COMMISSIONER LIEBERMAN: An agreement in principle. When did you reach an agreement in principle, what was the date?

MR. MALLICK: Commissioner, I do not know that date.

COMMISSIONER LIEBERMAN: See, Commissioner Rodstrom, with all due respect, they reached agreement on price without doing all of these other things, such as due diligence, and such as environmental, many months ago. And the reason I know is because I asked the County Attorney's Office in September, because they told me the County Attorney's Office was reviewing some of the documents, what the status was on this. So they basically signed off on the price of this property some time last year.

COMMISSIONER RODSTROM: That's not what I heard.

COMMISSIONER LIEBERMAN: Well --

MAYOR WEXLER: All right.

COMMISSIONER RODSTROM: It wasn't in writing, and the seller changed the deal.

COMMISSIONER LIEBERMAN: Could you repeat, Mr. Mallick, when did you reach an agreement in principle on the price?

MR. MALLICK: Commissioner, I -- I don't know that date. I'm sorry.

MAYOR WEXLER: But you know what? You know what? We're going to table this item also, and you're going to find out that information for us, give us a brief history here. Unless everyone knows exactly how they're going to vote, then it doesn't matter.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER RODSTROM: Yeah. Bring it -- bring it back.

MAYOR WEXLER: All right? But we're going to bring it back this afternoon, Mr. Mallick.

COMMISSIONER JACOBS: Mayor, may I ask a question?

MAYOR WEXLER: Yes, certainly, Commissioner.

COMMISSIONER JACOBS: With all due respect to the issues my colleagues are raising, which are valid issues, the questions that we're going after now are really at the -- at the base of this, which is what is our policy. So while we can bump this off, is -- are we now coming up with a new policy that we are

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going to renegotiate, based on appraisals, every property that comes before us, because that's what, in essence, you're asking here.

MAYOR WEXLER: That is.

COMMISSIONER JACOBS: Whether or not there was an agreement in principle a year ago on a property is not the same as the exact date that you -- you know, to me, it's sitting down and negotiating a fair deal with someone under fair expectations of what that's going to be.

If, in fact, our new policy is going to be it's going to be whatever makes us happy at the time we get around to buying it from you, I -- I find that troublesome. I think that some point we have to draw that line in the sand, and our number is our number, and we move forward.

MAYOR WEXLER: Folks. Folks, we --

COMMISSIONER RODSTROM: That's a policy --

MAYOR WEXLER: It is a policy decision. It's the reason we're having this discussion. We will bring -- I had a time certain for 11:30. It's way past 11:30 now. The item needs to be tabled. Mr. Mallick, Mr. Brossard, you all need to bring us back a chronological. Unless my colleagues know exactly how they're going to vote -- and this information will not impact anything.

So, Commissioner Rodstrom, briefly, please.

COMMISSIONER RODSTROM: I think to me a real estate deal is consummated when you have something in writing, no more, no less. That's how deals are done. Not -- not we've discussed something and we think we have something. It's when you put it pen to paper, that's what's binding.

The second part of this is that why did we ever take the time and effort to go have these properties reappraised if we weren't going to use those appraisals to our advantage? Did we just spend that money because we just felt like spending it? I mean, that's the question I would come back -- this Board, that was not the intention of this Board. This Board intended to benefit from those reappraisals because of the falling real estate market. That's exactly why this Board went and did this.

So now to step back because, you know -- I'm not going to finish my sentence, but it just seems to me to be counterproductive to step back.

MAYOR WEXLER: Okay. The item has been tabled. We will have more information a little bit later on today. If you get the information this morning, Ms. Henry, please let us know so we can un-table the item.

Mr. Mallick, what I'm looking for is the timetable of when you may have had a verbal agreement, a written agreement, the whole historical on the negotiations.

AGENDA ITEM 138

MAYOR WEXLER: We are now going to go to Item Number 138. Item Number -- and then we will go back to the -- to the Agenda.

Item Number 138 was a time certain for 11:30 this -- this morning. There are a number of members of the Foreclosure Blue Ribbon Panel that are in the audience.

This was -- this was a terrific experience, folks, by the way. Okay. Panel members are coming forward.

I know that Commissioner Billingsley and Commissioner Moore both served on subcommittees. They're

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-- they're also here today. The panel members really took this job very seriously, and you're charged very seriously. We did meet every other week for about a three and a half month period, and came up with the document that's before you. Within this document is also the names of the members of the prevention -- the Foreclosure Prevention Panel. I -- I do see Mr. Primeau, John Primeau is there, and he was appointed by the United Way. Mr. Herst, is that yourself? Mr. Herst is there, City of Hollywood. Commissioner -- Mr. Foreman, Howard Foreman, was going to be here today. He never missed a meeting, personally heading up one of our subcommittees. Mr. Stone was -- was also on this. George Castrataro, representing Legal Aid, and very much a champion of this initiative, as well as Suzanne Weiss, who was the individual that helped facilitate not just the task force, but also to scribe the report that's in front of us. Also you can see the various members that served.

It was an open process, colleagues. Whoever wished to serve and participate on committees were welcome and embraced to -- to do that. The list of those members are reflected in the very back of the document, as well.

What I would like to do is -- and I apologize to my panel members, but we are so pressed for time today, particularly since we're already a half an hour behind in our time certain of 11:30 this afternoon, I would open it up to my colleagues if you have any questions or comments on the report.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I want to thank, first of all, you, Mayor Wexler, for taking the initiative, and really going with it in a manner that there are results that every member on that panel that worked with you can be very proud. You really looked for answers. You came back with a report that gives us a working plan for the future, and on behalf of those who are facing foreclosure or who have had foreclosure, I want to thank you.

MAYOR WEXLER: Thank you. I just want to call your attention to page 6, which is a very easy read of the executive summary. The executive summary in our charge, also, was as cost neutral as possible, and to utilize and kind of massage dollars that are already there, or see if we could refocus some dollars that were already there.

We appointed on the Consent Agenda this morning a committee, an Affordable Housing Committee. I -- my hope is, is that those members of that committee are also able to embrace some of these recommendations.

I know that our intent is to at least meet quarterly as we continue to move forward, and to really -- you can see that we've also identified -- poor Mr. Stone said very tactfully and very respectfully that he is really being pulled in every direction, and it is really not appropriate to expect that he's going to head up implementation. So I'm going to continue to stay involved in this initiative. The members of the panel are equally as committed to staying involved. We're not going to meet every other week any longer. We will make it quarterly, as I -- as I indicated. But we will monitor.

We have some long range recommendations that will be included in our next legislative initiative, as well, and try to work this in a productive way for this community ASAP, as quickly as possible, because I'm sure you saw the chart of the dramatic, and I mean dramatic, increase of foreclosures and lis pendens that has occurred between last year and this year alone.

And with that, Commissioner Jacobs, did you want to move this?

COMMISSIONER JACOBS: Yes, I would like to move it for you, but first just also to add my words of congratulations to the task force for, A, putting in that kind of work, and doing all this in six months. Later on in our agenda, there's another creation of a task force, and this is going to be a real -- real shoes to fill in trying to get so much done.

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I noticed -- I know when you would give us periodic updates, one of the issues that I was raising was that issue as related to tenants who are being ousted from the homes because their landlord foreclosed on it, and it was all without their knowledge. And while they continued to make rent payments in good faith, they are now given very short notice to move out. And so on page 9, it addresses the issues of all of the things that were before you, and it comes up -- and offers up some ideas, one of those being a court registry to collect rents. And that was something that specifically in two personal cases that I know of, where this issue would have been very, very helpful, because in my daughter's case, she was given 20 days after Christmas Day to move out, and no dollars, no ability to collect, you know, and save the monies that were necessary. And if they would have had the opportunity to, A, know that this was about to happen to the house they were renting, they could have made alternate plans and had some time.

So I'm asking the task force, as you -- I'm pleased that you're going to continue to meet -- that this issue be one that you continue to look at, either the ideas here were all good, from the court registry and notifying the tenants of the lender's contact information, so at least they know what's going on.

And, additionally, what I found very interesting, really, and really interested to see how this moves forward, is the idea of the model ordinance. That will be -- I'm interested to see how the League of Cities pulls this together and how it moves forward, because with 31 cities, this is really how we're going to get to the root of solving this.

(VICE MAYOR RITTER LEFT THE ROOM.)

COMMISSIONER JACOBS: And, then, finally, another one that I found intriguing was the issue of CRAs being asked to fund and be a part of the blight that occurs -- and repairing and working with and changing the blight that occurs to a community once a house has gone into foreclosure. We have one across the street from me, and the -- the pool is completely green. If something fell in there, you would never -- or someone, you would never be able to know. And it's not safe.

So the fact that CRAs usually have monies and are directed to reduce blight in an area, it is within their core mission, and I would think that it's a really great fit and, again, that's something that the League of Cities is going to have to shepherd, because, of course, a CRA is in a city, as many of the issues you identified.

But -- so interested to see the model ordinance come through. And then offer my support with the cities that I have with any assistance in moving CRAs to the front -- forefront of funding, and at least to take a look at how they might support this initiative.

And, finally, to the committee, well done. Good job.

MAYOR WEXLER: Thank you.

Commissioner Lieberman.

COMMISSIONER JACOBS: And with that, I'm happy to move it on your behalf.

MAYOR WEXLER: Thank you. Commissioner Lieberman.

COMMISSIONER LIEBERMAN: First of all, I want to commend the Mayor and the members of task force. It was a very thorough report. And I was glad that not only did we have an executive summary, but we put some model legislation. I think that's very important.

A couple of quick things. For tenants, there is already a court registry, if there's a landlord/tenant situation. The issue, I think, is going to be if you're in default on your mortgage. So we have to ask staff

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to take a look at expanding, and whether or not we're going to need statutory changes to do that.

Secondly, currently on a national level, Commissioner Jacobs, Mayor, you may remember when we were up in DC meeting with Senator Nelson's office. They were very much involved in this issue in terms of federal legislation.

(VICE MAYOR RITTER RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: And I notice that when we talk about who we're coordinating with and who we're copying, we didn't mention the Broward Federal Legislators or the State Legislative Delegation. And I would think at a minimum we'd want to copy Senator Nelson and Senator Martinez on this report, as well as the other legislators, and we'd want to copy the chair and the vice chair of the Broward Legislative Delegation with a specific cover letter that identifies how in there -- for example, on the state, we referenced your state bills, you know, bring those issues right into the letter as to state efforts that they can do to assist with this.

And I'm glad that the task force is continuing to meet.

And, then, the one question I had is -- and I realize we have a lot of people here to impact this issue in their professional capacity -- how are we engaging the impacted parties, in other words, the foreclosed individuals, to see what they're experiencing that perhaps, you know, sometimes it's very different whether you ride the bus or whether you view the bus going by. And so I was looking for input from people who have been foreclosed as to what might have helped them avoid those circumstances. Can we --

MAYOR WEXLER: The number one thing, the prevailing recommendation that came out of every one of our three committees was educate, educate, educate. When the first notification comes, don't throw it in the garbage; open your mail. And there were many, many examples.

I would ask both George and Suzanne if they would come -- come forward, because the two of them are in the trenches. They're in the trenches daily, hearing from the people, whether it's those that are through Legal Aid or those through -- looking for foreclosure help of how to prevent that from occurring. Both of you are right there in the middle of the war zone, and I think, Commissioner, that would directly respond to your --

COMMISSIONER LIEBERMAN: It may or not, and I'll be more than glad to hear from them, but on the other part of the issue, in the federal law, there's a possibility of some funding for some of these initiatives. So I would make sure --

MAYOR WEXLER: Yes. Oh, yeah.

COMMISSIONER LIEBERMAN: -- I focused on that in the letter to our two U.S. Senators --

MAYOR WEXLER: Definitely.

COMMISSIONER LIEBERMAN: -- and members of the --

MAYOR WEXLER: Definitely.

COMMISSIONER LIEBERMAN: -- Broward Federal Legislative Delegation.

MAYOR WEXLER: Definitely. We included a copy of the state report, and Representative Sans, who was an appointment by the governor on the state initiative, has been in our communication loop. We are very much aware. We have a couple of federal representatives that have served on this from the

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Federal Reserve Bank, as well as from HUD that served on this. So they, every other week, brought us firsthand the latest update on the federal initiatives moving forward.

You asked about --

COMMISSIONER LIEBERMAN: How --

MAYOR WEXLER: -- connecting to those in the trenches --

COMMISSIONER LIEBERMAN: No, how would those people who have been foreclosed on, how did they have input in, you know, what they would have done --

MAYOR WEXLER: Indirectly, they did through these two individuals.

COMMISSIONER LIEBERMAN: Right.

MS. WEISS: Thank you, Commissioner.

Suzanne Weiss. I'm with Neighborhood Housing Services. We provide foreclosure intervention counseling. We're a nonprofit organization.

And I think woven through this whole road map and document is the sentiment, we see, we probably take 40 calls an hour from individuals who are facing foreclosure. On our panel was Phyllis Brown with Broward Housing Authority. She has 700 calls a week. So the day in and day out reality of these people is in this document.

And I think the number one thing we hear is that people are told to notify their borrower in advance when they see a problem. They don't know who their borrower is. Excuse me, they don't know who their lender is.

COMMISSIONER LIEBERMAN: Lender is. They know who the borrower is; they're the borrower.

MS. WEISS: They're the borrower. They don't know who their lender is. There's a servicer who is playing hard to get, and so they're negotiating in good faith, they think, with a servicer who has no authority. And so that's why we felt and -- and I believe it was Howard Foreman's recommendation, on the face of the lis pendens put the contact person with the lender, say who the lender is, because these mortgages are bought and sold, bought and sold.

So woven through this document is the real life experience that many of the nonprofits and the counseling agencies have experienced or have heard from our borrowers. And, again, the borrowers are very reluctant to step forward. They're embarrassed. They want to keep confidential. And they -- so I think that experience by selecting a lot of the nonprofit agencies was able to come forward here.

George.

MR. CASTRATARO: Good afternoon, George Castrataro.

Just to respond to Commissioner Lieberman, because we were trying to keep the project as cost limited or cost neutral as we could, we were a little prohibited in doing extensive research. But we relied extensive on the members that composed the panel, so the American Mortgage Bankers Association, for example, does a default research study every quarter, which is done through a fairly reliable statistical means, that addresses borrower issues which would help guide us greatly.

(COMMISSIONER EGGELLETON LEFT THE ROOM.)

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MR. CASTRATARO: So that was one example of one source. But there were a number of other very reliable statistical sources that came from borrowers who were in default, including borrowers in Broward County and in Fort Lauderdale, that helped guide us in our decisions, as well as our own anecdotal experiences, not just with neighborhood housing, but with Legal Aid and with all of the other member groups that constituted our panel.

So there was a tremendous amount, but I like your -- you feedback, because I think the best way to understand where we're going with our situation is to really engage the folks who are experiencing it.

(COMMISSIONER EGELLETON RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: And, believe me, I understand the confidentiality. I don't mean for them to come to your task force meeting.

MAYOR WEXLER: But some did.

COMMISSIONER LIEBERMAN: And I'm sure they did, but somehow you've got to reach in and get the input as what would have turned their circumstances around.

MR. CASTRATARO: And if I could just respond to Commissioner Jacobs just very briefly, your -- your note on the rental situation and folks facing foreclosure who are -- are renters is -- is well noted.

(COMMISSIONER EGELLETON LEFT THE ROOM.)

MR. CASTRATARO: Pretty much all the large providers of service, Legal Aid, Neighborhood Housing, and the county itself is experiencing a very large number of renters who are in a sort of foreclosure situation. And, unfortunately, the current constructs of our landlord/tenant court system, and then our circuit court system where our foreclosures are handled, don't exactly merge well to address the issue of the renter who's in a foreclosure situation. So we are trying to find ways to address their needs still.

MAYOR WEXLER: We didn't -- we didn't want -- we didn't want to lose them.

COMMISSIONER LIEBERMAN: Yeah.

MAYOR WEXLER: So that's why we -- because -- but our primary task was the -- the homesteaded property, and then all these other issues came up as we were meeting and meeting, particularly the renter, so we agreed that we needed to make sure that we captured that in the document.

(COMMISSIONER EGELLETON RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: Mayor, if I could, Commissioner Lieberman, the -- when I spoke earlier, I meant to -- if I wasn't clear, the -- the committee did take this issue on and agreed that it needed further study, that they needed to go farther with it. But they did identify some processes. The court registry does collect rents, but to continue doing so during the foreclosure process. So that's what I was speaking of.

Also, they mentioned notifying the tenant of the lender's contact information at the time of the lis pendens service, which is really important, so that the renter has some clue what's about to happen. So these things that were suggested have some great merit. And I'm glad that you're going to continue meeting and will hopefully find your way through the quagmire that you face -- we all face.

MAYOR WEXLER: Thank you.

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COMMISSIONER JACOBS: And just so you know, in my office alone, between the three employees there, two of them have gone through this, had issues associated with family members. So it's very broad based.

MAYOR WEXLER: Thank you.

The item was moved by Commissioner Jacobs --
COMMISSIONER LIEBERMAN: Second.

MAYOR WEXLER: -- seconded by Commissioner Lieberman -- I don't mean to cut anybody off but, we've -- we've got quite a day ahead of us.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 128

MAYOR WEXLER: Thank you, thank you, thank you, all of you that participated. And we will have our next meeting some time in August or September. Thank you.

Okay. I see Chief Judge is here, as well as Ms. Ortman, on Item Number 128. 128 was not a time certain, but I certainly can do something about this.

JUDGE TOBIN: Okay. Thank you very much, Mayor --

MAYOR WEXLER: Judge, you're recognized.

JUDGE TOBIN: -- and Commissioners. I appear here before you once again to alter some of our discretionary funding into the court traffic magistrate program, because, really, of the uncertainty of the state budget. We last year in the '07-08 budget had \$233,000 allocated, and that was cut, and I was here roughly three months ago, or two months ago. We have since -- and they had since indicated we would be getting 147 rather than 233.

(COMMISSIONER RODSTROM LEFT THE ROOM.)

JUDGE TOBIN: We did plan to go ahead and divvy up the work between the judges, the county judges, and the traffic magistrates.

On Thursday, virtually while we were, quite frankly, in a seminar teaching traffic tickets to the county court again, on my e-mail was an e-mail freezing that money. Those tickets are planned 60 and 90 days by judge -- between us and Judge Foreman, into the future. So they -- those dockets are all set. They were dependent upon 30 to 35 people doing them. They are now falling to the county court, who already have dockets set.

So we need to be carried for three months -- we are on discretionary funding -- so that I can transition this over to the county court. I mean, it's fait accompli at this time that we need to make that transition. We will do so. It's a very great inconvenience to everyone, and will end up to be a great inconvenience both to the court, to the citizens of Broward, to the cities, to the county, but it will be done. And so I ask you to -- to approve us moving the money.

I don't really have much else to say on it.

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MAYOR WEXLER: Okay. Thank you, Judge. If we have any questions, if you'll stick around for a few minutes.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I asked a question that didn't get answered in our Monday night memo. There's no question that the state is responsible for funding the court system. In typical fashion, instead, the state has picked at our checkbook and our piggy bank, and cut back funding they're obligated to do, assuming that we will simply come to the table with our checkbook and write checks.

And the question I asked was I can't believe we don't have any remedy against the state for forcing this cost on local government. And so I asked the County Attorney if there was any way we could withhold 60,000 from money that we send to the state. And I didn't get an answer.

MAYOR WEXLER: Mr. Newton.

MR. NEWTON: That was because we didn't -- somehow or another, we didn't get the question. I informed the Commissioner that I did not see a question (inaudible) at all related to that, and don't have the answer off the top of my head, but would certainly -- would get an answer to the Commissioner's question at some point.

COMMISSIONER LIEBERMAN: So, you know, my problem is, having spent the earlier part of this year in Tallahassee at the request of the Board of County Commissioners, the prevailing philosophy among leadership in the House and the Senate is that -- huh?

COMMISSIONER JACOBS: We'll find the money.

COMMISSIONER LIEBERMAN: We'll find the money. Thank you. Yeah, you know, let me apologize. Commissioner Jacobs and I having spent the vast part of the early part of this year talking with legislators in Tallahassee, has been that they believe they can simply force more and more things down to us to pay for. And it's not that I'm unsympathetic to the position the Chief Judge is in. When he last appeared before us, he said just give me some money to continue the program and I'll find another way. And now he's back for a second amendment, because instead of finding a way to transition it, they had banked their hopes on a legislature that didn't give the money.

MAYOR WEXLER: Well, they actually did have the money.

JUDGE TOBIN: We had the money.

MAYOR WEXLER: They had the money.

JUDGE TOBIN: We had the money. We were given the money. Now there's a four percent hold back --

MAYOR WEXLER: Right.

JUDGE TOBIN: -- and they took -- the first thing that they line item is that, because it's outside contract help, rather than employees. So we were dedicated --

COMMISSIONER LIEBERMAN: With all due respect, they took the -- you know, if I said to you, on this hand, I have this, but on this hand, I'm taking it away, you don't have the money, and -- and the money was, in fact, taken away, and, in fact, there's going to be another round of budget cuts in November, because the state's numbers are off.

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The problem for me is in a budget where the Board of County Commissioners is recommending closing libraries one extra day a week, some of our libraries, which are one of the really great things we do, closing parks, laying off, what is it now, 167 employees, I just don't know how we can keep picking up the state's responsibility to pay this. And this is purely a state responsibility. And I'm very concerned about the message it sends to the legislature if we keep doling out this money, which is why I'd be prepared to do it if the County Attorney says to me, you can withhold 60,000 from this and let -- you know --

MR. NEWTON: We certainly do have no obligation, but this is a state responsibility. I think that's clear from a statutory standpoint. So if you want to not fund the program, that is always an option. It's not necessarily a remedy for keeping the program going.

COMMISSIONER LIEBERMAN: Well, just like conflict counsel went around us, and went to the state, and said, you know, give us the money you're sending to Broward County, it would seem to me that when the legislature doesn't fund its obligations, that there ought to be a way that we can keep the 60,000 here. We send them, what is it now, 15,000,000 for juvenile justice. What do we send on Medicaid nursing home, 8?

UNIDENTIFIED SPEAKER: Seven.

COMMISSIONER LIEBERMAN: Okay. It would just seem to me that we ought to be able to deduct from -- we're now up to about 69,000,000 in state unfunded requirements, that we ought to be able to hold back the 60,000 so the Chief Judge can transition this program with little impact, but to pay it off the state's tab.

You know, when our kids go off to college, we say, at some point you've got to write checks out of your own checkbook. The state has got to start writing its own checks and stop picking on our limited resources, which it keeps making less.

MAYOR WEXLER: I -- I don't think anyone --

COMMISSIONER LIEBERMAN: So, Mayor, I'd want to lay this on the table --

MAYOR WEXLER: -- I don't think anyone disagrees with you with that statement.

COMMISSIONER LIEBERMAN: -- I want to lay this on the table and ask the County Attorney over lunch to see if there's some way that we can withhold 60,000 from the money that we send to the state. And if we can do that, I'm prepared to give the Chief Judge his 60,000.

MAYOR WEXLER: First of all, this is not money that's being requested from the general fund.

COMMISSIONER LIEBERMAN: I understand.

MAYOR WEXLER: It is a court fee fund, which has over a million dollars in it at the moment.

COMMISSIONER LIEBERMAN: Right, which is used for other purposes, Mayor.

MAYOR WEXLER: Of which the --yeah, I have the complete breakdown of this, because what we were looking at doing was working -- which the Chief Judge has been doing since the last time he appeared before us, and Ms. Ortman -- is working through and with the cities, because the impact -- the investment in these dollars, whether the money comes from the state or whether the money comes from the county, the county actually generates 3.8 million dollars per year from and through this program that goes to maintain the courthouse. The cities generate 2.7 million dollars a year.

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This report -- because we -- you put together a report, and you put together a report because you were working on and with the cities to implement some form of a program of which, if the state didn't pay, we would go to the partners here that benefit from this program to look for some kind of a resource.

But you're between a rock and a hard place right now, because a week ago, I asked Mr. Corwin, do we have the money? And the answer was -- this is the difference between a Friday and a Monday, or a Thursday and a Monday -- yes, Mayor, we have it. We're okay this year. Monday, he comes in and he says, oh, my gosh, we don't. We need -- we need a little bit of gap money. So I said, what happened?

And what happened was the holding back of the four percent from -- that the governor directed in -- in, you know, in the budget. And that's exactly what happened. So it wasn't that you weren't preparing. I know that you were preparing. You and -- and other judges and Ms. Ortman were out there working with and through city managers to make sure that you taught and -- and shared with the city leaders the impact of pulling their police officers out of the cities has on their communities.

So we have a long way to go, whatever we choose to do here today. It's not just \$60,000 from the court fund. It's a lot more than that. If we want this program to continue, then we probably have to figure out how to fund it in partnership between other cities and county, other than deducting it from money that we get from the state, hold back money, which Mr. Newton has to research.

Commissioner Eggelletion.

Vice Mayor, did you want to be recognized, also?

COMMISSIONER EGGELLETON: You know, let me just tell you something. I'm going to support the transfer. You know, I understand that -- that the state has not played fair with us in the past, and they're not going to play fair with you in the future, period. But the seat of justice resides at the courthouse, just the bottom line. I mean, you know, at some point you've got to realize that and you've just got to go ahead and fund this money.

Now, this can be worked out. This is one of the issues that the Public Safety Committee will be discussing at FAC, at a meeting I'm supposed to be at that I'm not going to be at, that I chair, believe it or not, because I'm here today down in Miami. So, you know, these are fees that you have -- I was talking to a member of the legislature. Some of this money is going to be coming, I think, with some of the measures that the state passed, I think it's going to generate, I believe, \$128,000,000, estimate, over the next fiscal year. We're going to have to have an increase of about \$15, I believe, in some of our traffic fines to help defer some of this cost in the future. And that's going to happen.

(COMMISSIONER JACOBS LEFT THE ROOM.)

COMMISSIONER EGGELLETON: But is the money here today? No, it's not. And so you -- you've just got to fund the \$60,000. You know, to -- to withhold this doesn't make any sense. It makes absolutely no sense. Think about what we're doing. Fund this money, let people get justice that they're supposed to receive, and move on. This is a no-brainer. It really is. It's a no-brainer. This is \$60,000, ladies and gentlemen. I understand what the state has done to us. They're not going to stop doing it because you're going to withhold \$60,000. They're going to continue to do it. Okay? And it's going to get worse.

So what we have to learn to do is to be proactive from our legislative delegation perspective, and do what other counties are doing. And that is they put their legislation in and they get their money back. We have not done that, so we have to, frankly, have a frank discussion with the members of our legislative delegation, and get them to be proactive on these type of funds in the future. It didn't happen this year. We didn't realize what was going to hit us until after the session had started. It was too late to get their

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funding request in to change the legislation, but I'm very positive that we'll be able to do this next year.

So I'm going to support giving the court this \$60,000, and moving on.

MAYOR WEXLER: Vice Mayor.

VICE MAYOR RITTER: Thank you, Mayor. I'm going to support it, too, and I actually think we all know how we're voting on this. I don't really think that we need to table it. I mean, with -- with perhaps Commissioner Lieberman the exception, I think, for me, I don't have to have her question answered in order to know how I'm going to vote, because I just don't think that we can in good conscience let this program fail when there are people who are scheduled for court appearances between now and the end of fiscal year. We can't -- and -- and we can sit here and say (inaudible) today or tomorrow, it's the legislator's fault, and it very well may be, we still have people in Broward County who are relying on this service, including the judicial system.

So I'm going to support it regardless of the answer to the question, and I would actually move it.

COMMISSIONER EGGELLETON: I will second.

MAYOR WEXLER: I have Commissioner Gunzburger that wishes -- raised her hand to be recognized, and then, if you would.

COMMISSIONER GUNZBURGER: I happen to agree that it's something that not only are people waiting to hear their cases, but this program puts money back into the court system. And much as I resent the fact that we're paying something that the state needs to -- to pay, we've been put in this position I can't tell you how many times. I've asked Mr. Newton if a charter county could sue the state and get out of all of these unfunded mandates. I plan to bring it up at the board meeting tomorrow and see if there is a way that we can stop this train to keep piling, you know, on and piling on, at the FAC conference. But I'm supporting this.

MAYOR WEXLER: Thank you. Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I just want you all to know that should you support this item, don't ever expect the legislature to fund this. In fact, the message you'll be sending to the legislature is send more responsibility our way, because this is exactly what they said. They said, we have this money, we just haven't been straight about it with our constituents. We have these little buried pots of gold throughout our budget. And so, you need to think about you can't go and lobby the legislature and say, "Legislature, we don't have the money," when each and every time they send us, or they fail to fund something that's their responsibility, and we just pick that responsibility up.

What concerns me the most about today is that the plan for the 60,000 is not to have the state pick up its responsibility, but to have the county and the cities pick this responsibility of the state up in perpetuity. And I have to tell you, this money, you know, that you're talking about that's in the fund, I asked Ms. Henry if Ms. Olsen has the report ready yet, which is going to tell us how much responsibility for the courts the state has already sent us. We already have the responsibility for the facilities, all of the courthouses, including the main and the satellite are ours. There are technology costs that they put on us. The court fund that you're talking about is easily eaten away by all of the responsibilities the state has sent down to us.

So, you know, there can be a transition plan. You mentioned people who are waiting for cases. There is a way to transition this so that, you know, people -- it's not a question of them not having their ability to go. It may not be in front of a hearing officer. It may be in front of a county court judge with a transfer to a -- to dockets. There are dockets that have hearings other than at 9:00 to 5:00. And so, you know, I

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want to urge the court system to look at those.

MAYOR WEXLER: Okay. Commissioner, I think Vice Mayor --

COMMISSIONER LIEBERMAN: No, I'm done.

MAYOR WEXLER: -- Vice Mayor wants to move the item.

COMMISSIONER EGGELLETON: I would -- and I second.

MAYOR WEXLER: Commissioner Eggelton wants to second it.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES 5 TO 1 WITH COMMISSIONER LIEBERMAN VOTING NO.

MAYOR WEXLER: Please indicate one no vote for the record. One, two, three, four, that's five positive votes.

JUDGE TOBIN: Thank you very much.

MAYOR WEXLER: Thank you. Judge -- but, Judge, we've got to -- we've got to find plan B here.

JUDGE TOBIN: Well, I understand, and you've --

MAYOR WEXLER: The information --

JUDGE TOBIN: -- you've already indicated, we've been working on it, and I don't -- you know, we'll continue to work on it.

MAYOR WEXLER: I -- I would also ask that the different documents that you and the other judges that met with me shared, I think is very informative regarding the use of those dollars, the amount of dollars that are there. It's -- it's a very good document, and I'm sure that they would like to have it, as well.

JUDGE TOBIN: Okay. I'll be sure to get it.

MAYOR WEXLER: Thank you, Judge.

JUDGE TOBIN: Thank you very much. Thank you for calling.

MAYOR WEXLER: Thank you. Okay. It's now 12:30, folks. What's your pleasure?

COMMISSIONER EGGELLETON: Can we deal with Item 111?

MAYOR WEXLER: We can. We can --

COMMISSIONER EGGELLETON: Thank you.

MAYOR WEXLER: -- if you'd like. We need -- I need a motion, though, to go past 12:30.

COMMISSIONER EGGELLETON: I move that we extend until we deal with item -- actually, 111 and, hopefully, I think 129, I think is an easy item, too.

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MAYOR WEXLER: 129, too?

COMMISSIONER EGGELLETON: Yeah, it's an easy item.

COMMISSIONER GUNZBURGER: This is not going to be an easy item.

MAYOR WEXLER: No, I --

COMMISSIONER LIEBERMAN: Right. I don't know how you --

MAYOR WEXLER: 129 is not going to be an easy item.

COMMISSIONER EGGELLETON: 111 --

(Inaudible cross-talk.)

COMMISSIONER EGGELLETON: -- 111 is easy if you just listen to staff, we think we have resolved the issue.

COMMISSIONER LIEBERMAN: I don't think so.

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER EGGELLETON: All right. Whatever you'd like to do. I mean, you don't want to hear from your staff, so.

MAYOR WEXLER: They -- they do.

COMMISSIONER GUNZBURGER: That's why I want to come back this afternoon.

MAYOR WEXLER: Okay. Is there a motion to extend? There has been a motion to extend. Is there a second? Okay. Then we are -- we are recessed until this afternoon. Thank you.

(THE MEETING RECESSED AT 12:35 P.M. AND RECONVENED AT 4:13 P.M.)

REGULAR AGENDA

AGENDA ITEM 61

MAYOR WEXLER: We are now back to the -- I'm going to now reconvene the morning meeting. And the first item that we will consider is Item Number 61.

Mr. Dorsett -- Commissioner Dorsett has been with us since early this morning.

COMMISSIONER KEECHL: Oh.

COMMISSIONER GUNZBURGER: That's yours.

COMMISSIONER KEECHL: Okay.

MAYOR WEXLER: Commissioner Keechl.

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COMMISSIONER KEECHL: Thank you, Mayor, thank you, colleagues, for postponing this, and I apologize.

The reason I pulled this item was because I was a little confused about what we thought we were doing last time we were here. And -- and I'm still confused in light of my pre-Board meeting inquiry.

First, I'm going to say again that I was offended, as you may remember, by a press report that I really thought, and still think, was inappropriate, where certain people questioned whether the actions of the District Commissioner were racist or not and -- with regard to an issue. I thought it was related to this. So my -- and that's why I pulled it.

My recollection was that the -- West Park needs to have a place to have their meeting -- and, Commissioner Rubin, if I'm incorrect, please jump in if it's appropriate -- and then there was an issue about whether they could have their meetings in the future in another place, but there wasn't a facility -- what's the word -- ADA facility restroom, and you were trying to come to a resolution.

COMMISSIONER WASSERMAN-RUBIN: Yes, correct.

COMMISSIONER KEECHL: Is this the item?

COMMISSIONER WASSERMAN-RUBIN: Yes.

COMMISSIONER KEECHL: Okay. So I thought we decided to give them more time or this was put on hold through June so that we could try to find a solution. And I was a little surprised -- and I'd like -- and I'll let you say whatever you want to say. I was a little surprised that we were doing a four-year lease, because I thought this was a stopgap measure. And so that's why I pulled it. And I apologize. I didn't expect for my family emergency to last as long as it did. Thank you, Mayor.

MAYOR WEXLER: Commissioner Wasserman-Rubin, did you want to respond?

COMMISSIONER WASSERMAN-RUBIN: Yes, just to -- just to refresh our collective memories of what -- what happened was that the -- they city had asked if there was any possible way that they could use the -- their library to hold their city council meetings once a month. And the facility that they have been holding them in there for all these -- all this time has been a fire station located in -- in the Lake Forest portion of the city. And there was an issue about -- you recall correctly, there's a facility that was not ADA compliant in that area. And then the city asked me if they were -- would be able to use the -- the actual library for -- for the -- for the meetings.

My -- my reaction to that was that I would be happy to bring that forward, ask our Libraries Department what they kind of -- they had to be -- they had to have an agreement of sorts. And it was never my intention to propose that the city use this library forever. It was actually my intention that -- that the library would serve as a stopgap or a temporary nature until the city located a site where they could have a more permanent facility to do this.

And that's sort of like where we left it off at. I never designated either two months, or three months, or four months, but -- but I think the Commissioner is here, and the manager are here, and, Mayor, if you don't mind, I'd like them to come forward, too, please --

MAYOR WEXLER: Certainly.

COMMISSIONER WASSERMAN-RUBIN: -- to -- to corroborate what I just said in case there's a -- and thank you for waiting the whole day for this, Commissioner.

MAYOR WEXLER: Commissioner Dorsett, good afternoon.

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COMMISSIONER DORSETT: Good afternoon, Commissioners, Madam Mayor.

If Commissioner Keechl think that we made some derogatory statement against our Commissioner, I apologize to that, for our Commissioner, because that was never our intention. We know our Commissioner. She help us in every which way. We tried to work things out. She did her best. And if that's the reason that you pull it, I will take the responsibility and apologize for the City of West Park.

We negotiate with the -- with the county. The county did all the investigation, showing that we can use the library. The library was -- is ADA accessible. Firstly we were told that the library was not.

The County Commissioner approved -- the county and my staff proved to us that it was ADA accessible, and we were told we had to draw up a contract with the -- with the County Commission. We did that, and I think it was all approved that we can use the -- the library until we find -- we find a place permanently, which would -- it might take two years to do.

So I will stop here, and let the manager explain to you whatever we did to -- to reach where we are today.

UNIDENTIFIED SPEAKER: Thank you. I believe Vice Mayor addressed it. With respect to the interlocal agreement, I believe the County Attorney or your staff drew the agreement up. The city is acceptable to it. We didn't modify any of the terms with respect to the length of time, hours, or operation.

We did for the last three years hold our Commission meetings in the Firemen's hall. We view the library as a stopgap. We're in process right now of planning a City Hall.

So we'd like to -- we wanted to have the term of the library just long enough so that we could actually build a City Hall and permanently move, and kind of -- instead of just moving around throughout the city.

So that's the reason we had the two-year term, and hopefully we'll have a new City Hall by then. Thank you.

COMMISSIONER KEECHL: I apologize for making you wait that long. I had no idea my request would cause that to happen. Okay.

COMMISSIONER WASSERMAN-RUBIN: Mayor, it -- it was always our intention to do it on a temporary basis, you recall that, right?

UNIDENTIFIED SPEAKER: Yes, ma'am.

COMMISSIONER DORSETT: Yes.

COMMISSIONER WASSERMAN-RUBIN: Okay.

MAYOR WEXLER: Okay. Thank you.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR WEXLER: If there are no other questions, then Commissioner Wasserman-Rubin moves the item.

COMMISSIONER GUNZBURGER: I'll second it.

MAYOR WEXLER: Commissioner Gunzburger seconds it.

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All those in favor. indicate by aye.

Opposed, like sign.

The item carries. Thank you

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 109

MAYOR WEXLER: What else can we take off the table? We have Item 109 that was on the table.

Commissioner Rodstrom, did you have an opportunity with staff and the sellers --

COMMISSIONER RODSTROM: Yes.

MAYOR WEXLER: -- and the attorney to sit down?

COMMISSIONER RODSTROM: Yes, we did. And I -- I will tell you, Mayor, that -- that the seller was gracious enough to lower their offer -- or accept a lower offer by \$20,000. It -- it was less than I would have liked to have been able to achieve, but I will tell you that the reason I'm going to support it is because of the confidential conversation that I had with our property manager, and it was based on that confidential conversation that I'm willing to support the purchase of the property.

Also, I'd like to, as part of the motion, that the purchase price is the \$20,000 less than what's on the agenda, and I would like to have in the motion that the Commission earmark, or maybe that's a bad word, that they set aside \$7500, up to \$7500, as part of the interlocal agreement of the \$20,000 with the City of Fort Lauderdale. It would be our portion of it, it would be our money, the \$7500, and to use that money for a buffer to be arranged between the park and the adjacent property owner. And that is yet to be determined what that buffer might be. That would be up to the city and the homeowner association, with the property owner, to determine what's appropriate. I don't think the Commission intended it to be a wall, but it might be a fence with some, you know, landscaping, whatever would be appropriate. That's, you know, probably what I would envision.

So with that -- with that amendment, I would make the motion.

MAYOR WEXLER: And what money would be used?

COMMISSIONER RODSTROM: In other words, we're saving \$20,000 from the purchase price. Of that savings, 7500 -- up to \$7500 will be used to be part of the buffer to provide between the adjacent property owner and the neighborhood -- and the park. I'm sorry.

COMMISSIONER JACOBS: Second.

MAYOR WEXLER: Okay. The item -- with that amendment --

COMMISSIONER JACOBS: Good job.

MAYOR WEXLER: The item has been amended. So that brings the purchase price town to 2,867,000?

COMMISSIONER RODSTROM: Yes.

MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: Is that -- is that the right number?. Maybe you could read it for the

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record --

MAYOR WEXLER: Yeah, 2,867,500.

Mr. Mallick.

MR. MALLICK: The amended purchase price, Commissioner, is --

MAYOR WEXLER: Yes.

MR. MALLICK: -- Commissioner, please, is \$2,867,500.

MAYOR WEXLER: That's what I said.

COMMISSIONER RODSTROM: Right. And -- and just so there's -- now, let me just -- just so I understand this, Mr. Mallick, this money -- because I get confused between some of these, and -- this money is intended that this be the county's benefit, the other 15,000 -- or, excuse me, the other \$12,500 will inure to the benefit of our parks -- additional parks program, so we will have those monies for additional parks purposes, or additional -- in that bucket, we will -- we will have that extra savings, correct?

MR. MALLICK: That will be set forth in the interlocal agreement, subject to the city's approval (inaudible).

COMMISSIONER RODSTROM: Terrific. Thank you, sir.

MAYOR WEXLER: Okay. All right. Are you fine with that, too, Commissioner?

COMMISSIONER JACOBS: Oh, I'm just over here beaming. I think you did a great job. I'm really excited that it turned out the way that it did. I think this is a great acquisition. I'm happy to support the motion.

MAYOR WEXLER: Okay. All those in -- any further input? Audience?

Seeing none, all those in favor.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 110

COMMISSIONER LIEBERMAN: Mayor, can I be shown as voting in the affirmative on 61?

MAYOR WEXLER: Yes, if the record would reflect that, please.

Item Number --

COMMISSIONER LIEBERMAN: I think we now have --

MAYOR WEXLER: -- motion carries unanimously. We're now on Item 110.

COMMISSIONER LIEBERMAN: Right.

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MAYOR WEXLER: If we can take that off the table, as well. Thank you. Good, I'm clearing off my table here.

Staff, you handed out a chronological of -- of events. I haven't had a chance to look at it.

Commissioner Lieberman, did you look at it?

COMMISSIONER LIEBERMAN: I did. And I have to tell you, here's my concern. It may be a process concern, Mayor. If you were -- if any one of us were going to go out tomorrow and decide we were going to buy a home, what you would do is you would send over a draft contract with a purchase price in it already. And the seller -- you know, as the buyer, you would send that over, and the seller would then either accept that or they would counter, and they would cross out whatever they didn't agree with and they would send it back.

When I look at the way our process works, it works backwards. They reached an agreement on price on September 5th of 2007. That was the first thing they negotiated is what will we pay for this land. Then they first started to negotiate on contract terms.

That's not the way it happens in the real world, because, actually, if you think about the way you would buy a piece of property, or the way any normal person would buy a piece of commercial property or industrial property, you would do exactly what I've said. There are draft agreements for residential purchases. There are draft agreements for commercial properties. There are draft agreements for institution -- for industrial type purposes.

And my concern with this is that on September 5th, the seller thought they had a deal on price, and thought they were just working out some contract terms.

So it seems to me -- you know, if the Board wants, I'll go back and I'll talk to the seller, but I have to tell you, we need to fix our process. This is not the way the real world operates on purchases. And, in fact, I suspect that this process hurts us in acquisitions. We need to have form agreements, much in the same way we've changed, Mayor, our purchasing, so we now say to people, when you respond, speak now or forever hold your peace. Tell us if there's anything in the contract you're not going to agree with.

Had they done that on September 5th with this seller exactly what they have -- what is normally done in the acquisition process, this would have been in front of us much sooner than it is today, because, as I said to you, I remember last September starting to ask questions about where's the contract? Where's the contract? And, in fact, this bears me out. The price agreement was reached on September 5th of '07.

So, I mean, I'll go back and I'll talk to them, but if it -- you know, if we're unable to, it's still within our ten percent rule. This is the last open space that's left in my County Commission District. My district had the smallest number of acquisitions, and when we did equity, that was obvious, but there were not a lot of spaces available. It's a very densely populated district. This is one of those last spaces, and it gives everybody a pocket park.

MAYOR WEXLER: It's really -- it's really a screwy way to do business.

COMMISSIONER LIEBERMAN: It is a screwy -- I agree with you. I mean, all I ask you to do is think the way you would normally in selling a piece of property. This is not the way the real world operates.

MAYOR WEXLER: Commissioner Rodstrom.

COMMISSIONER RODSTROM: I don't -- I don't agree. I think -- I think it's -- I think it's very much. I mean, you look at the time line, and I -- I don't think staff, for example, dragged their feet. I think what

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happened was, yeah, they negotiated a price, but then the seller started to change the terms of the contract. And we submitted them a draft contract, and then all of a sudden they started talking about a purchase of a parking lot. That was on 12-27. So the -- the transaction actually changed from what was envisioned when the two parties sat down to negotiate the original contract.

(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

COMMISSIONER RODSTROM: I don't know how you, you know, how you prevent that from happening.

COMMISSIONER LIEBERMAN: Oh, I do.

COMMISSIONER RODSTROM: People change -- well, you know, it did -- it changed here. They changed their mind. I mean, you know, staff didn't realize they were buying a parking lot until the seller tried to sell them one. So, you know, once they -- once they realized what it was we were buying, you know, I think they brought the negotiations to conclusion pretty quickly. And I -- I think staff did a nice job bringing this forward. And I think they did it in a timely fashion.

And -- and back to what was said earlier this morning, and I had to scratch my brain because I couldn't remember -- it was the statute of fraud from law school that -- that said that you had to have a written contract in order to have a contract in real property. So, you know, not a -- not a meeting of the minds. You have to have a contract. And -- and we finally had a contract in March. So to bring it forward to the Commission now, I think is, again, timely.

MAYOR WEXLER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Mayor, with all due respect, Commissioner, you may not be aware. but there are exemptions to the statute of frauds, especially if one party changes their behavior in reliance on the other party. And here, we said to them, we're going to buy it from you for this amount of money. That's --

COMMISSIONER RODSTROM: And they said ---

COMMISSIONER LIEBERMAN: -- what we said.

COMMISSIONER RODSTROM: -- we're going to -- we're trying to sell you more than you thought you were buying.

COMMISSIONER LIEBERMAN: You know what? With all due respect, Commissioner, let me tell you something. I don't know of anyone on this dais who buys a piece of property this way. You know, if you don't know, go talk to a realtor and ask them to give you their standard form agreements. The way everybody -- the way you all bought your homes, the way everybody buys a piece of property is you send in the offer on a standard contract, because price is a part of the contract. And so the way we're doing it where we're saying to someone, okay, don't sell your property to anybody else. Here's what we're going to buy it for when we work out the terms. Don't sell it, but you have this price.

Obviously, this party changed its position in reliance on that agreement between the parties. It's not the way we need -- we need to be operating here. It just doesn't work right.

And, Commissioner, I have to tell you, I'll take it back. I'll talk to them, but this is within our ten percent rule, and, in addition, this party, you know, has delayed selling it to anyone else and has paid additional costs in the interim.

So, I mean, I'm prepared to move it today, because I think the party relied, but I'd like to see our process changed.

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I guess you have a speaker.

MAYOR WEXLER: Yeah, I -- yeah, we're --

COMMISSIONER RODSTROM: Can I just say one more thing.

MAYOR WEXLER: -- telling him to please fill out the form --

COMMISSIONER RODSTROM: Mayor? Can I just say one more thing?

MAYOR WEXLER: -- and I'll recognize him.

COMMISSIONER RODSTROM: I mean, why bother -- Commissioner, why bother taking it back if your heart's not in it? I mean, if you're going to sit -- half negotiate something you've already told the parties that you don't believe --

COMMISSIONER LIEBERMAN: You don't know me to half negotiate.

COMMISSIONER RODSTROM: Well, but -- but if you're saying right now, I'll take it back reluctantly, but I really don't da-da-da-da-da, I mean, what kind of negotiation posture is that? I mean, I -- if you're going to take it back, then take it back and negotiate it. If you're not, then just move it today and be done with it.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER RODSTROM: Let me vote against it. That's all -- I mean, but don't just -- I mean, I don't know. I'm just getting frustrated.

MAYOR WEXLER: Okay. All right.

Commissioner Keechl.

COMMISSIONER KEECHL: I'm willing to support this item today. It's within the 110 percent, and we're almost -- aren't we almost done with this money anyway? We're down to the last.

So I guess -- and I understand, Commissioner Rodstrom, what you're saying here, but I guess we could, you know, ask Commissioner Lieberman to go back and try to lower it a little bit, understanding that you're first in line on this money. But -- but since I've been here, there have been a bunch of 110 percent ones. And I -- and I looked at the parcel and I think it's a great parcel for us to purchase. So I would support it because it's within the 110 percent rule. Thank you.

MAYOR WEXLER: Any other -- Commissioner --

UNIDENTIFIED SPEAKER: You have --

MAYOR WEXLER: I -- I do. I have a --

COMMISSIONER JACOBS: Just a comment, and that is, Commissioner Keechl, you weren't here this morning, but the nature of the discussion wasn't so much about the 110 percent. It -- because God knows, almost every one of them we've bought has been over -- between 100 and 110 percent.

The issue was, when we asked staff to bring in new appraisals, if the other appraisals were outdated, because the process is so long getting to us that we should have new appraisals, staff was not going out

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and renegotiating the purchase price if at appraisal showed that, in fact, it was lower.

The issue, though, and the discussion then was, do we need a policy change. And to that point, I would like to address, I do not think we need a policy change, because the reason that it was cited -- and I forget the name, Mr. Newton, the name of the other purchase price that -- property that --

MR. NEWTON: Mumford.

COMMISSIONER JACOBS: Mumford. The Mumford property, we asked them to go back and renegotiate. And guess what? When they did the appraisal, the appraisal the price was worth -- they had gone up in value --

COMMISSIONER LIEBERMAN: And they wanted more money.

COMMISSIONER JACOBS: -- so now we ended up paying more for the property --

COMMISSIONER RODSTROM: We did not.

COMMISSIONER JACOBS: Well --

UNIDENTIFIED SPEAKER: We did not.

COMMISSIONER RODSTROM: Because I negotiated that from the dais --

UNIDENTIFIED SPEAKER: That's correct.

COMMISSIONER RODSTROM: -- and got Mr. Mumford to agree --

MAYOR WEXLER: That's right.

COMMISSIONER RODSTROM: -- to stay to his original price.

MAYOR WEXLER: Yeah, Mr. Mumford could count to five, and the only way --

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: -- that he had five votes is if --

COMMISSIONER RODSTROM: Because the Board hung tight, and wanted to make a good deal for the taxpayer.

MAYOR WEXLER: Right.

COMMISSIONER RODSTROM: That's why we got the property bought the way we did.

MAYOR WEXLER: Right.

COMMISSIONER JACOBS: I'm speaking from what --

COMMISSIONER RODSTROM: And just because it's the last dollar --

COMMISSIONER JACOBS: I think I have the floor, Commissioner Rodstrom.

MAYOR WEXLER: Commissioner, you --

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COMMISSIONER JACOBS: The issue I was trying to raise is from staff's point of view, the direction they were following was they went and, in fact, the appraisals had gone up, so the deal that came back to this Board had a higher price.

Now, to the point that Commissioner Rodstrom was able to go back and lower the price, and he was successful in doing that again today, the issue before us as a policy is when you negotiate a price a year ago or six months ago with someone who wants to sell it, do we constantly go back and realize that a deal is never a deal, and we're going to keep renegotiating it, however long it takes, until it inures to our benefit. I don't think that's the way you do business. I think it's negotiating in bad faith. And to that point, I would not like to see a policy change.

We have stayed within our ten percent all of this time, and -- and that's evidently what we are going to continue doing, with even the purchases that are before us today. We have never spent more than ten percent above the appraised value, combination of two appraisals.

So we're -- we're in keeping with that, and I'm comfortable with this purchase. It's a good deal for the citizens of this county.

MAYOR WEXLER: Okay.

COMMISSIONER EGGELLETON: I --

MAYOR WEXLER: Commissioner Eggelletion, do you want to be recognized next?

COMMISSIONER EGGELLETON: No, I -- I --

MAYOR WEXLER: Because I have a public speaker.

COMMISSIONER EGGELLETON: -- just think that -- I just think that we can all count. I think there may be five votes here, so.

MAYOR WEXLER: I don't know about that.

COMMISSIONER EGGELLETON: I don't know what the vote -- I don't know what Commissioner Lieberman's pleasure is.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Correct.

COMMISSIONER EGGELLETON: Yeah, well, that's a different discussion, yeah, that's for a different day.

MAYOR WEXLER: The statement was made about it being a good deal for the citizens of Broward County. It is a deal that falls within our guidelines, yes. But is it a good deal financially for the citizens of Broward County? That's where I'm still struggling, when appraised value goes down by almost 18 percent. That's the -- that's issue. And -- and that -- and that's why we're -- you know, that's why we're struggling here at this.

COMMISSIONER LIEBERMAN: Mayor?

MAYOR WEXLER: Commissioner, do you want this gentleman to address --

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COMMISSIONER LIEBERMAN: I'd like you to call the seller forward.

MAYOR WEXLER: Renaldo.

COMMISSIONER LIEBERMAN: Apparently, the reason for the delay is because there was one folio number for the parking lot and the park, and the county had to create two folio numbers, which is what delayed this coming forward.

And I've also talked to -- to the seller. Why don't you recognize him, and I'll take it from there.

MAYOR WEXLER: I would love to, please. Renaldo Menaldi?

MR. MALENDI: Malendi.

MAYOR WEXLER: Malendi. You wrote it very quickly.

MR. MALENDI: Yes, I did, and I apologize. Good evening. And -- and the reason for the -- for the delay was --

MAYOR WEXLER: And you know what? I'm not going to set a clock on you. Say what you have to say.

MR. MALENDI: It will be quick.

MAYOR WEXLER: That's okay.

MR. MALENDI: Obviously, when the county and the city were negotiating on good faith, and we were negotiating on good faith -- and I wasn't the one negotiating; I've picked this up now recently -- what happened was they were talking about one parcel. Well, they came to an agreement on the price back in September of last year. That parcel included a parking lot that the county obviously does not want to include, because of the risk.

So, on our behalf, we have the same issue. We've got to figure out, okay, now we've got a parking lot that would have gone with a development which we're not going to move forward with, which creates a risk for us. There's a liability involved. So we've got to figure out what we're going to do with that. That's what created the delay. The county thought they were buying -- we thought they were buying the whole thing. After county staff, after September, they came to an agreement, well, oh, wait a minute, we don't want the parking lot. Understand. You know, that makes sense. The rest of it was contract language. You know, there's no deposit on this. You know, there's -- there's no due diligence period. There's no -- nothing goes hard. It's tough to do business that way.

Nevertheless, you know, I offered to Commissioner Lieberman that we would go ahead, I think -- I think it's a nine percent difference, told her we'd split it. I think it's a \$38,000 difference.

COMMISSIONER LIEBERMAN: So it will save the county \$38,000.

MR. MALENDI: So, we'll -- we'll be more than happy to proffer that, and end your --

MAYOR WEXLER: Pain.

MR. MALENDI: -- session and give you a month off on -- on that note.

COMMISSIONER LIEBERMAN: So I want to take his voluntary reduction of \$38,000, move this item.

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MAYOR WEXLER: Good job.

COMMISSIONER KEECHL: Second.

UNIDENTIFIED SPEAKER: (Inaudible.) I believe --

COMMISSIONER LIEBERMAN: We're splitting the difference.

MR. MALENDI: It's splitting the difference. The appraisal was 9.25 percent higher.

COMMISSIONER LIEBERMAN: Yes.

MR. MALENDI: It was an \$840,000 contract price. So whatever the difference. I think that's \$77,000. Half of the 77,000 is 38,000.

COMMISSIONER LIEBERMAN: Whatever it works out to be.

MAYOR WEXLER: You're splitting the 9.25 --

MR. MALENDI: Correct.

COMMISSIONER LIEBERMAN: (Inaudible.)

MR. MALENDI: Correct.

COMMISSIONER LIEBERMAN: Right?

MR. MALENDI: Correct.

MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: Okay?

MAYOR WEXLER: Motion to -- yes, and we -- we accept that, folks, which now brings it four -- four and a quarter above appraised value. Okay? Good job.

Is there some kind of an issue?

COMMISSIONER JACOBS: No, we didn't know who was going to second.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: I think Commissioner Keechl was my second.

MAYOR WEXLER: They're fighting over the second.

Commissioner Lieberman made the motion --

COMMISSIONER JACOBS: No, we just didn't know if there was one.

COMMISSIONER LIEBERMAN: I'll take a third.

MAYOR WEXLER: All those in favor. indicate by aye.

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Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: Congratulations, Sunrise. Thank you. The next one, 111.

COMMISSIONER LIEBERMAN: Mayor, but before -- before we leave the item, I would ask that the County Manager, after break, come back with us to bring our process more in line the way -- yes, more in line with the way --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: -- yes, more in line with the way this works in the real world.

MAYOR WEXLER: Well, that's the whole reason I brought it up, Commissioner, this morning was because if we're going to do reappraisals, then it should be used for something, especially if there's a --

COMMISSIONER LIEBERMAN: It's more than -- Mayor, with all due respect, it's more than that.

MAYOR WEXLER: It is more than that.

COMMISSIONER GUNZBURGER: I'd like to --

COMMISSIONER LIEBERMAN: You know, we need to be doing offers and counteroffers the same way everyone else does in the real world.

COMMISSIONER GUNZBURGER: And I would like to see some policy that would give us the wiggle room that if there's an unusual circumstance -- but I -- I really feel Mr. Brossard did not have direction.

MAYOR WEXLER: No, he didn't.

COMMISSIONER GUNZBURGER: And we knew what we wanted, but we sure didn't spell it out.

MAYOR WEXLER: Okay. Well, that's why I felt compelled to bring the policy issue forward --

COMMISSIONER GUNZBURGER: Uh-huh.

MAYOR WEXLER: -- of what they should do.

AGENDA ITEM 111

MAYOR WEXLER: Okay. Item Number 111.

COMMISSIONER EGGELLETON: Madam Mayor --

MAYOR WEXLER: I have no public speakers. Commissioner Eggelletion.

COMMISSIONER EGGELLETON: Yeah. Madam Mayor, member of the Board, there's a reason for that.

But let me just say, everybody in -- in this business is not as sophisticated as some of the individuals are here.

I went back and I had my staff to pull all my records, and let me just say -- and I want to make this real

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short, and if I have to get into a long dialogue, I will, but I'll just make it short.

I think if you were to talk to Mr. Hui and the staff, we went back, we found the owner of the property, called him on the telephone. He's willing to negotiate this price. This -- this person is an unsophisticated seller. He inherited the property from his father, who was ill. His father was dying. He's since passed. The young man indicated that he had to go through a grieving period, and, you know, he had no appraisal of his own.

We have suggested that he choose an appraisal from our list of appraisers, let -- let him get his own separate appraisal for this. And he's willing to come back and -- and he's willing to come in here on August the 12th to -- to deal with the purchase of this property. And that's --and I think that would be it.

MAYOR WEXLER: Okay. So move to defer?

COMMISSIONER LIEBERMAN: (Inaudible.)

COMMISSIONER EGGELLETON: Yes. Yeah.

MAYOR WEXLER: Okay. Move to defer to August 12th; seconded by --

COMMISSIONER LIEBERMAN: Second.

MAYOR WEXLER: -- Commissioner Lieberman.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 112

MAYOR WEXLER: Thank you very much. We are now on Item Number 112. Item Number --

COMMISSIONER RODSTROM: Yes, if I could just give a little prelude to 112.

MAYOR WEXLER: Is Commissioner Moore still here? Okay.

COMMISSIONER EGGELLETON: No.

MAYOR WEXLER: Because he --

COMMISSIONER RODSTROM: Okay.

MAYOR WEXLER: -- had signed up to speak.

COMMISSIONER RODSTROM: Yeah. And Commissioner Moore had sent a letter. That's the reason for my prelude. As you know, the city -- excuse me, the county historically would contribute up to \$2,000,000, and if you notice here, the property is more than 2,000,000 but we're only contributing, \$1,668,000.

The reason for that discrepancy is that the city, when they negotiated the contract, negotiated the contract ten percent above the appraised value. The reason they did that was because there was mitigation required for the site because it was a former nursery, and this Board has had a longstanding policy of not

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paying for mitigation.

And so, based on that, I went back to the -- to the seller and asked that they reduce the price so they would pay for the mitigation. They have done so.

It was my opinion that, because we had a lesser price and the City of Fort Lauderdale had negotiated a higher price, that the savings should rightfully go back to the county and not to the city. Commissioner Moore thought the money ought to be split 50/50, but he couldn't get a second by his own board when he raised the issue at a City Commission meeting.

But nevertheless, I still believe that it should go back into our parks bond program. The city is still getting what they always thought they were getting. They're still paying the same amount they always thought they were paying. The only difference is that we're -- we're receiving less money -- excuse me, we're -- we're paying less money.

So with that, it's a great site. We appreciate working with the family. I would offer it wholeheartedly.

MAYOR WEXLER: Move the item? You going to -- are there any other -- any other comments?

COMMISSIONER RODSTROM: As the -- with the terms as it's presented on the Commission Agenda. And the city district commissioner, Commissioner Hutchinson, also supports the issue, as well, the -- the purchase, as well.

MAYOR WEXLER: My understanding is the 3.2 million, which is the full purchase price, is actually the appraised value.

COMMISSIONER RODSTROM: Is -- is the appraised value, the average of the two appraisals.

MAYOR WEXLER: Right. Thank you.

Okay. The item has been moved by Commissioner Rodstrom --

COMMISSIONER GUNZBURGER: Second.

MAYOR WEXLER: -- seconded by Commissioner Gunzburger.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 113

MAYOR WEXLER: Thank you. Item Number 113. 113 is the agreement with the City of Sunrise.

Do you want to move that, Commissioner?

COMMISSIONER LIEBERMAN: Sure.

MAYOR WEXLER: I don't think I put that -- no, that had to stay because it was companion to 110.

COMMISSIONER LIEBERMAN: Not a problem.

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MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: I will move Item 113.

MAYOR WEXLER: 113 has been moved by Commissioner Lieberman; seconded by Commissioner -- do you want to do Sunrise -- Vice Mayor Ritter.

Any discussion? Hearing none, all those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 117

MAYOR WEXLER: Item Number 114's on Consent. 115's on Consent. 116.

COMMISSIONER LIEBERMAN: 117.

MAYOR WEXLER: 117 is a selection committee, medical record consulting services for BARC. Anybody want to serve on the selection committee? No, me, neither. Okay.

COMMISSIONER GUNZBURGER: Let staff do it.

MAYOR WEXLER: Then staff --

COMMISSIONER GUNZBURGER: I move it.

MAYOR WEXLER: -- staff will do it.

The item has been moved by Commissioner Gunzburger; seconded by Commissioner Eggelletion.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 118

MAYOR WEXLER: Item 118.

COMMISSIONER GUNZBURGER: Move it.

COMMISSIONER JACOBS: Second.

MAYOR WEXLER: You know -- thank you. I -- I had asked a question on this, and I don't ever remember seeing an answer.

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER GUNZBURGER: I have one.

MAYOR WEXLER: 118?

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COMMISSIONER GUNZBURGER: Yeah, would you like me to pass it down?

MAYOR WEXLER: Could you just tell me what the answer is about the sole source?

COMMISSIONER GUNZBURGER: The procurement was designated as sensitive security information procurement. Reliance was placed upon the information --

MAYOR WEXLER: You're not giving me the information.

COMMISSIONER GUNZBURGER: -- and sole source justification provided by the Port Everglades Department, in conjunction with Enterprise Technology Services Division, indicating that this Motorola wireless camera and broadcast system, MOTOMESH --

MAYOR WEXLER: Okay.

COMMISSIONER GUNZBURGER: -- is the only wireless --

MAYOR WEXLER: I see.

COMMISSIONER EGGELLETON: You need to --

MAYOR WEXLER: No. No, that -- you know, I've got to tell you something. I'm -- I'm struggling here with sole sources, I really am. And -- and it's very -- it's very -- I struggle with our RLI process. I struggle with sole source. I guess I'm just struggling with lots of things.

But I'm -- I'm not -- I wanted to know -- I'm sure this is not sensitive material, by the way, that was provided to us, not this, not the answer to my question, or it would have been marked sensitive, correct, Mr. Newton?

MR. NEWTON: Correct.

MAYOR WEXLER: Okay. But using Motorola wireless cameras, when I know there are many other competing technologies out there is -- you know, is -- is this what we have in place right now, Motorola? For security at the --

MS. HENRY: Mr. Allen.

MAYOR WEXLER: I mean, as far as a brand?

MR. ALLEN: The -- no. Phillip Allen, Port Director.

We did an extensive review and it's not so much the cameras. It's the MOTOMESH system that allows for self-repairing. It's an -- it's an internet-based system that is wireless. It is rather unique. It is battlefield tested, and basically that is the product.

It is being purchased from a Broward County contract with BSO. BSO is primarily the security agency. First responders will be able to see inside the facility on the alarm as they approach, and that's why it is -- it is our recommendation for a sole source determination.

MAYOR WEXLER: Okay. All right. Any other questions?

Seeing none, does somebody want to move the item?

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COMMISSIONER GUNZBURGER: I moved it.

MAYOR WEXLER: It's been moved by Commissioner Gunzburger. I've got so much stuff today, Mr. Allen. It's been seconded by Commissioner Keechl.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 121

MAYOR WEXLER: Thank you. Item Number --

UNIDENTIFIED SPEAKER: 121.

MAYOR WEXLER: -- 121 is another selection committee for developing and implementing the transit facility design standards and guidelines manual.

Commissioner Jacobs, you wish to serve on that selection committee?

COMMISSIONER JACOBS: No.

(Laughter.)

COMMISSIONER JACOBS: I'm not serving on the panel. What I'm interested, though, is adding input to the manual. And I wanted to know how, once this person is procured through this process -- and I realize it's a ways away -- but how could I have input into that process, because I have decidedly --

MAYOR WEXLER: By serving on the selection committee.

COMMISSIONER JACOBS: No, because I would only choose the person who is doing the manual. I wouldn't be able to influence their outcome.

MS. HENRY: Mr. Walton.

COMMISSIONER JACOBS: Mr. Walton, you know how much influence I exerted on the Pompano Transit Center and what it's ultimately going to look for, the shade that was originally laid forth that didn't really actually reach the purpose that it was intended for. And where it is now is different.

And so when we look at guidelines, I'd like to have some influence in that process, or at least a voice in it. So how would I be able to do that once this manual -- or while this manual is being put together?

MR. WALTON: Well, we'll be working very closely with whomever is selected and you're certainly welcome to participate in the process. We have been working very closely with all the cities in the county. They've submitted to us different -- because we know that different cities have different bus stop shelter designs, we just need to insure that they all meet the standard that we're looking for.

But -- but to answer your question, we have no problem with you being part of -- of, you know, the process working with the consultants.

COMMISSIONER JACOBS: Okay. So a year from now when this person is finally on board and made it through our procurement process, someone will remember to invite me in. And I trust that you will, Mr.

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Walton. Thank you.

MR. WALTON: Yes. Yes, I will.

COMMISSIONER JACOBS: With that, Mayor, I'd happily move the item.

MAYOR WEXLER: Is it seconded? Commissioner -- Vice Mayor.

VICE MAYOR RITTER: Uh-huh.

MAYOR WEXLER: Mr. Walton, before you leave over there, though, with Ms. Henry's permission, this selection committee request is for the standards for -- it looks like -- is it for bus shelters?

MR. WALTON: Well, the shelters are part of it, but it's basically to make sure that all county bus stops, paths, and pads are ADA compliant.

MAYOR WEXLER: That the pads are compliant?

MR. WALTON: The paths -- the path to the pad, and all the other transit amenities.

MAYOR WEXLER: Of which you've been using the state guideline book, right?

MR. WALTON: That's correct.

MAYOR WEXLER: Is it really necessary for us to do this and not continue using the state book?

MR. WALTON: Well, we found it in a number of instances the state is a very -- the minimum requirement that the state required for a bus stop pad is a five by eight, and we could get away with that in certain circumstances, but we found that it -- it really isn't acceptable or we really should be doing a better job -- better job laying out a number of our bus stops.

To answer the question, yes, it's the very minimum we could, but we would like to do a little bit better with a number of our bus stops around the county.

MAYOR WEXLER: When you say pedestrian facilities, that means the bus stops?

MR. WALTON: It -- no, no, it means our -- the sidewalks --

MAYOR WEXLER: See, I'm not sure --

MR. WALTON: -- the path leading to --

MAYOR WEXLER: -- I may be thinking this is a lot more than what it really is, and that's why I'm -- I'm trying to get that out.

Commissioner Eggelletion, can you help me?

COMMISSIONER EGGELLETON: Let -- let me give you an example, Mayor. If you can remember, just the other day we cut the ribbon on the new technology at Oakland and 441. The bus stop sit off the road. There is a sidewalk that lead from the -- the main sidewalk to the facility. What this talks about, as I understand it, is how that design shall be, how wide these walkways will be, what they're going to be like, ADA compliance on those sort of things, you know, that -- that sort of thing, and it sets the guideline for that in the future. You know, what's the square footage -- square footage of the actual pad that these facilities will sit on, you know.

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UNIDENTIFIED SPEAKER: (Inaudible) the shelters themselves.

COMMISSIONER EGGELLETON: No, not the shelters themselves, and -- and -- you know, because I was shocked, as you well know, to realize how much the city had paid for that shelter. And I told them you guys got had because you paid a thousand percent above, more than a thousand percent above than what actual construction cost is per square foot. I couldn't believe what they paid for it. It was just unbelievable. And I told them I don't know who is negotiating their contract, but I think that's what this deals with.

MAYOR WEXLER: Okay. If this does not involve standards for the bus shelters themselves, but I don't want to be on this; but if it did, I want to serve on it.

MR. WALTON: No --

MAYOR WEXLER: Okay.

MR. WALTON: -- we -- we -- that's the responsibility of the cities. Again --

MAYOR WEXLER: Okay.

MR. WALTON: -- we just want to make sure that -- because they've submitted all of those to us --

MAYOR WEXLER: All right. So we have nobody that wants to serve on it, but if you want to give input you can do that to Mr. Walton directly.

Commissioner Eggelletion.

COMMISSIONER EGGELLETON: And let me just -- and let me just say, Mayor, you know, we have certain instances, if you notice, we literally have bus stops that almost sit on a sidewalk. And the reason being is we can't negotiate with the landowner to move those back off the sidewalk. They don't want to give us the easement.

These are things that we really have to do if we're going to improve public transit in the future, because you just can't have people sitting out in the rain right up on a -- on a main thoroughfare. And so I welcome these -- these type of design guidelines, and only hope that we get some of the cities to the table to help us so that these things are going to be done, you know, the right way.

MAYOR WEXLER: Are they going to be serving on this, any representatives?

COMMISSIONER EGGELLETON: I -- I -- no, I don't know about that, but I'm quite sure they can be submitted to the League of Cities, you know, for -- for their consideration. Because, you know, at the end of the day, all -- you know, like Mr. Walton pointed out, the actual benches and that sort of thing is the responsibilities of the municipality. I don't necessarily agree with that, but that -- that's the way we have it, because we're responsible for public transit. But we have to have that cooperative agreement as we move forward.

MAYOR WEXLER: All right. Nobody wishes to serve.

Commissioner Jacobs.

COMMISSIONER JACOBS: Just -- just a comment, and that is not -- I'm not so much interested in trying to serve on this committee to see who gets the contract, but when they are putting this guidebook together, I would think that there is some way, with some sort of preamble or -- or recommendations at

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the end, that would, in fact, address the issues you're raising, and -- and those raised rightly by Commissioner Eggelletion, because there are places where it's just miserable out there waiting for a bus. And some cities, I'm telling you, if you ask -- if you ask, a lot of times you have a different project that's just you just didn't know what to ask.

If we were to set forth some guidelines that really looked at the ideal bus stop so that cities then could use these guidelines in talking to a potential advertiser who's going to put ads on the bench or -- I'll cite one, for example, in Pompano Beach. They have the big billboard sitting there and a bench next to it. So they are -- the advertiser is reaping the rewards from the advertisement, but had to give absolutely nothing back to the bus rider for the privilege of having their ad. Why not have a cover? Some of them do, but many of them don't.

So I would wonder if there isn't a way to have that be a part of the scope of services, that there be some paragraph, some language, that strongly encourages certain guidelines or amenities at bus stops where cities could put them in, and that we do exactly what Commissioner Eggelletion was talking about, that this guidebook, if we're going to spend the money, let's have a real tool that we could hand off to cities. Some are not as sophisticated as others, and may not have the staff, the ability to ask for those things.

MAYOR WEXLER: That's why, Commissioner, I'm spending so much time on this, where I could just -- just move it right through, because I really think that we have to have some ownership as a county, as a community, and working with the cities, because it is miserable out there. And -- and people are standing in the rain and the heat, and, especially this time of year, it's -- it's horrible. So that's -- at the very -- at the very least, though, I think that whoever is selected, once they are selected, and you have a contract, that they could make the rounds and see if Commissioners have input that they want to see certain aspects of this -- these standards and guidelines as they develop. How about that as a solution?

COMMISSIONER JACOBS: Right. I agree.

MAYOR WEXLER: Okay?

COMMISSIONER EGGELLETON: Yeah, can --

MAYOR WEXLER: Commissioner Eggelletion.

COMMISSIONER EGGELLETON: -- can I just add one thing? You know, maybe we can have our, I don't know whether it's our Public Works or -- you know, we -- we have people that work for the county when we come up with design/build projects that -- that help us with value engineering these sort of things. I would think that many of the cities, just -- just like you all pointed out, do not have the staff to be able to do the sort of things that we can do here, to -- to be able to say, look, this is what you ought to be paying per square foot for this type construction. And -- and the example of that, I mean, if I had to do bus shelters that really take people out of the -- the rain and that sort of thing, it would be what we have on 441, you know, particularly in Lauderdale Lakes --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER EGGELLETON: -- and somewhat in Plantation. You know, but -- but primarily in Lauderdale Lakes, because they're very sturdy, they're hurricane protected. But -- but they're unique in that they -- they can house quite a few people and get them out of the weather.

COMMISSIONER JACOBS: Right.

COMMISSIONER EGGELLETON: The bottom line is, the cities are being -- being raked over the coal on those because they don't have the staff to suggest to them, look, this is what you ought to be paying for construction per square foot on this. When you start paying -- believe it or not, 3 and \$4,000 a square

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foot for those type things, you know you're being had. All right? But if they're not sophisticated enough to negotiate that, they wind up spending much more for this than what they really should. And, you know, maybe we can have our staff go out and take a look at that and say, look, this is what you should be paying per square foot, because really all it is is a concrete pad with -- with blocks --

MAYOR WEXLER: With stucco.

COMMISSIONER EGGELETTION: -- with stucco, and that's it, with a little roof. I mean, you know, something like that shouldn't cost \$60,000 for less than eight square feet. It's pathetic. You know, but if you're not sophisticated enough to know how to negotiate those things, you wind up paying far more than what you should.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER EGGELETTION: You know, so if you can help out in that, and I know it's not a part of this, but maybe if you could -- we could work with our Public Works or our Engineering Department or whatever, Construction Management Department to go out and take a look at those and say, hey, this is what we suggest you pay per square foot for these and not a penny more.

MAYOR WEXLER: On the item, 121, it was moved by -- I think Commissioner -- someone down there.

COMMISSIONER LIEBERMAN: I'll move it.

COMMISSIONER GUNZBURGER: Second.

MAYOR WEXLER: It already was. That was about ten minutes ago.

Commissioner Lieberman and Gunzburger.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 123

MAYOR WEXLER: We are now on Item Number 123. Are there any questions?

COMMISSIONER LIEBERMAN: No, move it.

MAYOR WEXLER: Okay. Moved by Commissioner --

COMMISSIONER GUNZBURGER: Second.

MAYOR WEXLER: -- moved by Commissioner Lieberman; seconded by Commissioner Gunzburger.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 125

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MAYOR WEXLER: Item Number 124, the corrected amended pages have come forward. They've been submitted --

COMMISSIONER EGGELLETON: Move Item 124.

MAYOR WEXLER: -- with the amended --

COMMISSIONER LIEBERMAN: I thought Item 124 was on Consent.

MAYOR WEXLER: Did I?

COMMISSIONER EGGELLETON: Yeah, it was. It was on Consent.

COMMISSIONER LIEBERMAN: We're on 125.

MAYOR WEXLER: Oh, okay. Good. Thank you. I didn't write that because I was waiting for the corrections last night.

125 is --

COMMISSIONER GUNZBURGER: 124 was done already?

MAYOR WEXLER: 124 had been moved to Consent. The page came through this morning and we noted it on the Tuesday morning memo.

COMMISSIONER GUNZBURGER: Okay.

MAYOR WEXLER: Commissioner Lieberman, 125.

COMMISSIONER LIEBERMAN: Yeah, what the agenda item doesn't include, in our workshop, we asked them to post --

MAYOR WEXLER: Yes.

COMMISSIONER LIEBERMAN: -- information on the front of the libraries that told them the start date of the new hours and where their other libraries, closest libraries are located.

And I'll move it with that being incorporated in the item.

MAYOR WEXLER: Thank you. Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. I hate to bring up a sticky wicket.

MAYOR WEXLER: Okay. Go ahead.

COMMISSIONER GUNZBURGER: However, at the Hollywood Library there used to be a teen librarian and she provided programming for teenagers. It is -- it is now summertime. There is no teen librarian. Instead, there is a constant police presence, because the teenagers are now hanging out at the library without any programming, through no fault of ours or no fault of theirs.

If we could find a librarian who works there that could be encouraged to do some programming for the teenagers that seem to be hanging out there; they've been causing quite a bit of problems for people who work in the library. And I have an office in that library, so then I'm hearing about it all the time.

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I have written to Cameron Benson to ask him to step up the police presence, but I don't think that's a solution. I think keeping teenagers occupied rather than time to have mischief, if there's any way, Mr. Cannon, that you have find a solution for this, I'd be very appreciative. If there's a library that has an -- no, they don't ever have an extra librarian -- something that we can do to help the situation at the Hollywood Main Library at City Hall.

MAYOR WEXLER: Commissioner, could maybe there be a conversation? There's a very active Y in Hollywood, I know.

COMMISSIONER GUNZBURGER: Yeah.

MAYOR WEXLER: Maybe they would be interested in providing someone to do a teen program in that library, if somebody could --

COMMISSIONER GUNZBURGER: Well, Commissioner Blatner would be the person to work with -- with our library. He's the one who is also asking for a sign on the west side of the library, the people who park on the west side of City Hall don't know it's a library. I said he's not getting a lighted sign. If we can put up a sign with stencils and just paint over with a rollover --

MAYOR WEXLER: They do pretty good signs around here, but I don't think that should be --

COMMISSIONER GUNZBURGER: Yes, but they cost \$50,000. I'm not willing to do that kind of a sign. I want something easy. It could be a teen program to write the word "library," for all I care.

MAYOR WEXLER: Commissioner, don't we think between a \$50,000 sign and a stencil on the wall there's a place for compromise here? I do. I think that -- I think that our Parks Division, our Libraries Division can figure out how to put an inexpensive sign --

COMMISSIONER GUNZBURGER: That's all he's asking for, nothing fancy --

MAYOR WEXLER: Right.

COMMISSIONER GUNZBURGER: -- because, for some reason, people who park on the west side haven't figured it out.

MAYOR WEXLER: Okay.

COMMISSIONER GUNZBURGER: And -- and to see if we can do something for the remainder of the summer. It's just starting and these kids are loose until I think some time the end of August. I don't have children in school.

(VICE MAYOR RITTER RETURNED TO THE ROOM.)

MAYOR WEXLER: Me, neither.

COMMISSIONER GUNZBURGER: Commissioner Jacobs, maybe you know when they go back to school.

UNIDENTIFIED SPEAKER: When does school start this year?

COMMISSIONER JACOBS: It's the second week in August. When do we -- we come back the first week?

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UNIDENTIFIED SPEAKER: It's something like the 20th.

COMMISSIONER JACOBS: It's two weeks after we come back.

COMMISSIONER GUNZBURGER: So it would be the third week in August. If -- if we can find some stopgap for the next couple of months, it would be greatly appreciated.

I'm sorry, and I'll second it.

MAYOR WEXLER: Ms. Henry, before we just leave that, I'm looking at, you know -- first of all, we're already into summer. Somebody would need to have a conversation rather quickly with a not-for-profit in the Hollywood area and see if they would be willing to either maybe pick kids up there in the morning and bring them to the Y, or set up some kind of a program half a day. I don't know. Something, but --

MS. HENRY: That was our understanding. We will -- we will try to make contact with the not-for-profits in the area to determine if someone can help us out there.

MAYOR WEXLER: Thank you.

COMMISSIONER GUNZBURGER: Thank you, because it's become really a bad, bad scene.

MAYOR WEXLER: With that, you're moving the item?

COMMISSIONER GUNZBURGER: Yes.

MAYOR WEXLER: It's been moved, 121, the new library hours; seconded by Commissioner Keechl.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 129

MAYOR WEXLER: Thank you. We are on Item Number --

MS. HENRY: 129.

MAYOR WEXLER: -- 129.

COMMISSIONER EGGELLETON: Madam Mayor?

MAYOR WEXLER: Yes, Commissioner.

COMMISSIONER EGGELLETON: On 129, I would move the Board approval of this. What has happened with this is we discovered some loopholes in what we were doing. Additionally, there was some problems with our staff moving from one location to the other.

As you well know, the Board really -- the Board really wants to see people move into affordable housing. However, because of some unforeseen construction problems in the industry with the general contractor here, a lot is going on with contractor turnovers in this particular instance -- and you know I'm one of the strongest persons that -- that say you've got to hold people feet to the fire. And I think on this particular one that we should, in fact, grant the extension to make sure that these homes are, in fact, built.

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This particular not for profit is the one that is really selling all the homes at a time when it's very difficult for us to find buyers. They're actually going out finding the buyers, and moving these particular houses, and I would strongly suggest that we grant this particular one-time extension on this particular development.

(VICE MAYOR RITTER LEFT THE ROOM.)

MAYOR WEXLER: Okay. Thank you.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: Just for the record, if you would show me, Madam Mayor, voting no on Item 123. Thank you.

MAYOR WEXLER: Did you want to speak on Item 129?

COMMISSIONER RODSTROM: No.

MAYOR WEXLER: Okay. Any other comments?

Well, I have a whole list of questions, if no one else has. Okay.

COMMISSIONER LIEBERMAN: On 129?

MAYOR WEXLER: On 129, yes, New Visions.

COMMISSIONER LIEBERMAN: I have some questions.

MAYOR WEXLER: You want to go first?

COMMISSIONER LIEBERMAN: Well, the first question I have is, you know, I read staff's response. I asked some questions about what was the reason why construction on the home hasn't been timely.

You know, when we did this project, we did it with the understanding that it was supposed -- construction was supposed to start fairly rapidly, and, in fact, there was quite a delay in even applying for permits. And -- and I didn't think I got a satisfactory answer to what caused the delay.

MAYOR WEXLER: Ms. Henry.

MS. HENRY: Ms. Chambers.

COMMISSIONER LIEBERMAN: And I guess the second part to this is, considering that no work's been done on some of these properties, I'm not sure that, even if we give them the time that they're asking for, that they'll be capable of performing within the time, given that they have to have construction permit inspections, et cetera.

(VICE MAYOR RITTER RETURNED TO THE ROOM.)

MS. CHAMBERS: Okay. Thank you. I think, as we mentioned in the information sent to the Board, that there were some problems up front with the builder getting in its insurance papers, and that caused a delay initially. Subsequent to that, there were several iterations on reviews of building plans that took county staff, as well as the contractor, in excess of five or six months to get that approved.

So there was some initial delay with the first phase of the housing in the completion of the plans and

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approval by the county staff. So I think that basically set them back quite a bit of time on the -- the ability to complete these houses in a timely manner.

COMMISSIONER LIEBERMAN: Mayor, if I can follow up. I -- I appreciate your comments, but the answer I got back is that it took 60 days after the initial permit -- the contractor waited 60 days to submit the plans, and they had to be resubmitted three times, that it took them more than 150 days for planning corrections, and then, additionally, that it took 45 days after they received -- I'm just looking at my response --

MS. CHAMBERS: Right.

COMMISSIONER LIEBERMAN: -- 45 days after they received their permit for them to even begin construction on the homes that they'd begun construction on.

(VICE MAYOR RITTER LEFT THE ROOM.)

COMMISSIONER LIEBERMAN: I mean, there may be a good reason to give them the additional 60 days for the homes that they've done construction on. I am very concerned on the ten homes which are basically vacant lots. Even if everything were to go according to plan, I just don't know how you would, in 120 days, be able to build a home from scratch, given that there are permit inspections that have to be happen -- that have to happen, and this -- I think it would be difficult to do it in 120 days even if everything was perfect.

(VICE MAYOR RITTER RETURNED TO THE ROOM.)

MS. CHAMBERS: Well, I would agree with you, Commissioner. I think that staff does have some concern that these houses can be completed within the time frame for the ten lots that are in Motion B. However, the applicant -- the builder has submitted a letter, New Visions, which is all in the backup, indicating that they think they have the ability to do that, that they've contracted their -- the suppliers of the materials that they need, and that they think they can get it done within the 120 days, which is why they made that request. You may want to ask them particular questions as to the issues they have, if they have any new information regarding that.

But I share your concern with their ability to get it done, but we're basically leaving it up to the Board to make the decision based on facts presented.

COMMISSIONER LIEBERMAN: And I guess, for me, Ms. Chambers, I think I'm okay on A, because those already begun construction, on giving the additional time.

I don't know that I'm willing to do 120 days on B, because we may be back here again in 120 days, and they say they have purchasers, and it delays the inevitable. I mean, I would much prefer to do 30 days on B and get another report at our meeting after break. And then, if, in fact, they've broken ground, they've begun construction, I would feel differently on B. But I have a hesitation to do 120 days, given this -- given the facts as spelled out in the response to my questions.

MS. CHAMBERS: Uh-huh.

MAYOR WEXLER: Yeah. I want to -- I would like to ask -- I don't know who is here representing New Visions. Is it Ms. Tufts or?

MS. TUFTS: Yes.

MAYOR WEXLER: You had sent Ms. Henry a letter dated June 20th, of which the Board all -- we all have copies of it. And in that correspondence, you make reference to -- that you've added a second

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general contractor, and that you have decided to fast track with your original contractor. So that means -- and I don't want to put words in here. Does that mean, then, to build the ten houses, you would have two general contractors?

MS. TUFTS: That is correct, Mayor. I want to introduce --

MAYOR WEXLER: Do they have a track record? That's what I'm looking -- I'm looking for -- I want to be able to believe, and I want to be able to believe that in -- I'm going to tell you, if I do this granting of 120 days for motion -- and I'm -- I'm fine with Motion A.

COMMISSIONER LIEBERMAN: Yeah, I'm fine with A.

MAYOR WEXLER: Motion A is not even an issue. It's the Motion B, which is a year already, and there's nothing but some, you know, dirt moved around, and not much else. So I'd have to now believe that by the end of September of this year, that's right around the corner, that we're going to have ten houses there.

MS. TUFTS: And that -- that is -- that is correct. We've -- the letter that we submitted to you is basically stating that we do -- we have contracted with two contractors, with two building contractors, to make sure that we move those projects at a faster pace. And we have a -- a new schedule, which I'm going to introduce Ms. Janice Hayes, who is our project manager on that -- our development manager on this particular project, who will explain to you how we will be able to move those projects in a timely manner.

MAYOR WEXLER: We -- we have that. It's submitted with the letter, the time schedule. There is absolutely no time plugged in for rain. There is no time plugged in for any other delays, like materials not showing up.

COMMISSIONER LIEBERMAN: Reinspection.

MAYOR WEXLER: This is just -- I mean -- this a very aggressive schedule, and it looks great on paper.

COMMISSIONER LIEBERMAN: Uh-huh.

MS. TUFTS: With all due respect, Mayor and Commissioners, we -- we submitted that and -- knowing that there are acts of God that -- that take place, we ask that you do take that into consideration, that there are acts of God that -- that will be taking place. We know that rain -- it is the rainy season, and we know that it's hurricane season. But if that were to happen, we ask that you do take that into consideration.

However, the -- the two contractors that we have onboard, the -- the contractor that was onboard in the beginning, he has completed three of those units, and we have the buyers already ready to move in. We have contracted with the buyers for the ten units, as well, to move into those houses as soon as the -- the contractor is completed.

But the -- the contractor that moved has a track record, that -- that built those houses in the beginning, those first five houses in the beginning. He moved at a rapid -- at a rapid pace. He had no problems with the -- once he had the -- the permits, he moved at a rapid pace. And we think that we will move at a rapid pace on these -- on the next five that we have out of the ten, and the new contractor that we have -- that we have contracted with will be able to move. He does have a track record.

MAYOR WEXLER: With you? Does he have a track record with New Visions?

MS. TUFTS: Go ahead.

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MS. HAYES: Mayor Wexler, Vice Mayor Ritter, Commissioners, Ms. Henry, and staff, if I -- I'm Janice Hayes. I'm project manager for New Visions. And if I could just preface our comments with just a scenario. I started out at Hewitt Keyer. We were one of the major design/builders in Broward, Dade, and Palm Beach County. For New Visions, we have had many successful projects. We had a successful project in Oakland Park, the City of Sunrise, and the City of Fort Lauderdale.

However, with the Broward County unincorporated, we found some very unique and very challenging and very difficult areas in our permitting process. We are very abreast -- and I said all of that to say we're abreast and we are knowledgeable of construction systems, value engineering, fast tracking, construction schedules, Primavera, P3; we're all aware of this and our contractors are very qualified, as well.

But in unincorporated Broward County, as I said, they are some unique, tedious, and cumbersome processes in the permitting processes, which set us way behind. And we're not saying that to demean the -- the building officials and the permitting department, but what it is, it is.

And if I could just enumerate to you the permitting process that caused us to be so many months behind. Our schedule is not behind in building. Our schedule is behind from when we got permits.

First of all, the first step you have to do is go to the Governmental Center downtown here to get a development order. After you get the development order, you have to go out west to the Governmental Center out west. There -- for every set of plans, there are three sets of plans. You have to take this to the -- to the Governmental Center west after leaving here. It takes a whole staff of people that's right of way, paving, and drainage. It takes an entire staff of people to go through those plans, look at every sheet of those plans, and give us the appropriate stamps.

Then we come back to the Governmental Center east, we come back to the -- we still haven't made it to the Building Department. We come back to the Governmental Center east. When we get back here, then it's removed by DPEP, which has another name now, but formerly called DPEP, they give us stamps, and then we have permitting -- our review process for impact fees.

All through these processes, because on this particular RFP, the county is defraying the cost of some of the permittings, in between that process, we're submitting the appropriate paperwork so that we can get the funds to defray the cost of that to go to the next department. Then --

MAYOR WEXLER: Yeah, but Ms. Hayes, you -- everyone has to go through that.

MS. HAYES: Well --

MAYOR WEXLER: It's not --

MS. HAYES: -- we're going through it faster than any builder. This is my bottom line: faster than any building in unincorporated Broward County for the Roosevelt Garden project.

MAYOR WEXLER: Oh, so you want to qualify it that way.

MS. HAYES: Yes.

MAYOR WEXLER: Because there have been many, many builders --

MS. HAYES: But I say all of that to say this: our builder got his first permits January 16th. We have five houses substantially completed; two will close, one will close Wednesday, one will close Friday. The other three will close by the end of month. That's for A, which nobody had a problem with.

For the other ten houses, Roosevelt Garden is a unique area that requires a lot of fill. We have five lots

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with fill on it. Michael Huneke does go out to those properties. Five of those lots have fill. They require 30 to 40 loads of fill. We've already formed them up. Some of the processes we have done which was indicated in a letter to Mrs. Henry after that fact, we've already did the survey. We've did the elevation at the four corners. You want me to yield?

MAYOR WEXLER: No, we have -- you know, we have -- we have all of this information.

MS. HAYES: So --

MAYOR WEXLER: I -- I don't need you to --

MS. HAYES: -- the lots aren't sitting empty. We are working on them. There are some things -- if you don't see a wall, that doesn't mean that we -- we're not working on them.

MAYOR WEXLER: I understand that, but you had a certain time period.

MS. HAYES: I understand.

MAYOR WEXLER: Commissioner Eggelletion would like to be recognized again, so if you would just wait a minute.

COMMISSIONER EGGELETION: Let -- let me just say something.

MAYOR WEXLER: Commissioner.

COMMISSIONER EGGELETION: As -- as you all well know, I push very hard to make sure that houses are built in a timely fashion, because affordable housing is critical, and we do not want to become another Miami-Dade. And that's why we put 120-day requirement from the date of permit, so that that can happen.

Now, we did that after review of the industry to realize that homes can be built in 120 days. And they can be, the size homes that we're talking about.

The problems that -- that she's -- that she's enumerating are unique from the first set of homes that we built in Roosevelt Garden using Lennar Home Builders. We are now requiring extra fill on these properties. I wish you can go out there and see how high up some of these properties are compared to other homes that we recently built in the first 30 homes. They're so high up that our Environmental Department required them to retain water on their property, despite the fact that we have put in an entire new drainage system there. That's how high up they are, because everything now will run down onto the neighboring property. It is extremely high.

Now, beyond that, there are other problems. Let me give you an example. The other day, the builder got robbed. Person came up to him at gunpoint, took all of his equipment. That's an unforeseen circumstance. Now, that person that they had doing the work now got to go out and acquire all new equipment to finish the job. Now, this isn't the first time that this has happened, by the way. It happened with Lennar, as you well know. This is an area, Roosevelt Garden, is an area that's patrolled by BSO, and, unfortunately, they don't all the time -- I'm not going to say, you know, it happens every day -- but not all the time get the best of police service. Okay? Point -- point being made here is, these are some of the things that added to the delay.

Secondly, there was a loophole in our permitting process that the staff is going to bring back -- correct me if I'm wrong, Mrs. Chambers -- for a policy change. The loophole will say when you bring your housing in -- your plans in, and it's for affordable housing, county affordable housing on our escheated lots, that once they comment on your plans, you've got five days to get those plans back in, period, so that we can move

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this process along.

The other thing that took them so long on this is, as Mrs. Chambers pointed out, it took a long time to negotiate these contracts, for some reason. Five months to negotiate a contract.

So all of that added to it. And I think with the new contractor that they have, I don't think that they're going to have longer than 120 days. They should be able to complete this in 120 days on these ten lots.

As -- as has been pointed out, the most difficult thing is not the construction of these homes, but the sale of the homes in this area, and they have done an excellent job in finding buyers -- now, I want you all to remember, our own Housing Finance Authority used to do the -- find the buyers. They didn't want to get involved in that anymore. So these are the only folk out there for all of the affordable housing builders that are finding buyers for our affordable housing. Okay? And they're doing a very good job of it.

And so, to me, the most important thing here is, is that we get the homes built, because people need them. And to throw this out and to go back all over again is only going to delay it. We're already over a year behind here, because -- not because of our home builders, but we went through, I believe, three or four SNCs before we could get it straight. And so here you are right at -- pretty close to the finish line, and we need to cross the finish line and get this done.

And -- and I have said to New Visions, and they will tell you under no uncertain terms that I will hold their feet to the fire on this second 120 days. And if they got everything up, house painted, everything going, and they're one week from finishing, sorry, you know, we apply the law at that point, and it's our property and we move on. They just have to get it done. And I -- and I feel very confident that they are going to get it done the second time around.

This was a -- remember now, these are unusual sized lots in Roosevelt Garden. We had to amend our plan to allow almost for zero lot zoning, because these were not your typical lots. Some of these lots in some cases are only 25 feet wide. So they're different than -- than what you have in most of Broward County and, therefore, a whole lot of things had to happen that are unusual in building and permitting in order to get some of these things permitted.

MAYOR WEXLER: Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Yeah. I want to move Item A.

COMMISSIONER KEECHL: Second.

MAYOR WEXLER: Second.

COMMISSIONER LIEBERMAN: You can second. You can't make a motion.

MAYOR WEXLER: I'm sorry. I was going to ask at the beginning if we could bifurcate it anyway, so -- okay.

COMMISSIONER LIEBERMAN: I want to move Item A.

MAYOR WEXLER: All right. It's been moved. Approval of Item A, 60 day extension. It's been seconded.

All those in favor, indicate by aye.

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Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: Okay.

Commissioner.

COMMISSIONER LIEBERMAN: I have a second motion. I want to move a 45-day extension under Item B, so this item comes back to us with the understanding that if, in fact, they have broken ground, that we will grant them the remaining time to 120 days.

COMMISSIONER EGGELLETON: So you want to monitor it?

COMMISSIONER LIEBERMAN: Yeah, I do. And we don't -- you know, we're on summer break. We don't get back until August 5th. If I see that --

COMMISSIONER EGGELLETON: Okay. Well --

COMMISSIONER LIEBERMAN: -- they've broken ground, you know, by that motion, you're going to get your 120 days. But I'm just not willing, based on the answers that I got to the questions I asked, to give 120 days today.

So my motion is to grant them 45 days and if, at our August 5th meeting to have a report by staff they show that they have broken ground on these ten homes, and, you know, I want to see a report from staff that they are proceeding toward construction, that we grant them the full 120 days.

COMMISSIONER EGGELLETON: I have a question.

MAYOR WEXLER: First of all, is there a second to Commissioner --

COMMISSIONER KEECHL: Second.

MAYOR WEXLER: Okay. The motion and there's a second.

Commissioner Eggelleton.

COMMISSIONER EGGELLETON: I -- I just have a question, and I might make a -- I might make a different motion here. Okay? And -- and the question is simply this. Are you saying that then this item has to come back in front of Board for a second approval?

MAYOR WEXLER: Yes.

COMMISSIONER EGGELLETON: Then -- then I would have a -- I would have a -- I would have a -- I would have a substitute motion.

COMMISSIONER LIEBERMAN: Well, as a matter of fact, that's not what I'm saying.

MAYOR WEXLER: No.

COMMISSIONER EGGELLETON: Okay.

COMMISSIONER LIEBERMAN: Do you want me to clarify the motion?

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COMMISSIONER EGGELLETON: Yeah, I -- I need -- I need to know.

MAYOR WEXLER: Can staff monitor --

COMMISSIONER LIEBERMAN: Yes.

MAYOR WEXLER: -- 45 days?

COMMISSIONER LIEBERMAN: Yes, and they're going to give a report to the Board, and if, in fact, they've broken ground, then by this motion they have the 120 days from today. But if they have not broken ground --

COMMISSIONER EGGELLETON: Okay. Then that's different. That's different.

COMMISSIONER LIEBERMAN: -- then -- you know, it would be my intent to --

MAYOR WEXLER: Is that the only criteria that -- that you want to see is that they've broken ground?

COMMISSIONER LIEBERMAN: Well, that they've broken ground and they're timely proceeding along their schedule.

COMMISSIONER EGGELLETON: Well --

MAYOR WEXLER: Along their schedule.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: Okay.

COMMISSIONER EGGELLETON: -- well, Mayor, that's -- that's sort of what I had in mind. That you go ahead and approve it contingent on the fact that it comes back to the Board in 45 days for a progress report --

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER EGGELLETON: -- and if the progress report is satisfactory, they will continue to --

COMMISSIONER LIEBERMAN: They will have the full 120 days from today.

COMMISSIONER EGGELLETON: Right. Right.

COMMISSIONER LIEBERMAN: If it's unsatisfactory, the motion that'll be on the Board is to terminate our agreement with you.

MAYOR WEXLER: I think that's an excellent compromise.

MS. TUFTS: We can do that.

MAYOR WEXLER: Okay?

MS. TUFTS: Yeah.

MAYOR WEXLER: Commissioner Rodstrom.

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COMMISSIONER RODSTROM: This -- the -- I think we just want to be careful how we word it, because breaking ground is a pretty loose term.

COMMISSIONER LIEBERMAN: No, no. And proceeding along --

MAYOR WEXLER: Yeah.

COMMISSIONER LIEBERMAN: -- it's breaking ground --

COMMISSIONER EGGELLETON: Proceeding.

COMMISSIONER LIEBERMAN: -- and proceeding according to their schedule.

MAYOR WEXLER: Their schedule, which is what they submitted right here. So that's going to be the 45-day barometer. And I -- doesn't -- we need a progress report to come back, but we don't need another agenda item.

COMMISSIONER EGGELLETON: Correct.

MAYOR WEXLER: If you're on schedule, then the whole 120 days is embedded within this motion.

COMMISSIONER LIEBERMAN: Right. Exactly.

MS. TUFTS: So we will be back in front of you --

MAYOR WEXLER: No, you don't need to come back.

COMMISSIONER EGGELLETON: You don't have to come back.

COMMISSIONER LIEBERMAN: If you are working according to your schedule, we won't see --

MAYOR WEXLER: Right.

COMMISSIONER LIEBERMAN: -- you back here, but we'll be at the ribbon cutting.

MAYOR WEXLER: The only way that you would be back here is if staff says you're really not on schedule --

MS. TUFTS: Okay.

MAYOR WEXLER: -- and then they would make the recommendation to cancel the contract.

COMMISSIONER LIEBERMAN: Right.

MS. TUFTS: Right. Thank you very much.

COMMISSIONER KEECHL: And it would probably pass, so.

UNIDENTIFIED SPEAKER: Okay. Thank you very much, Mayor, Commissioners.

COMMISSIONER EGGELLETON: And -- and -- and -- and may we do this, Madam Mayor, if you don't mind, Mrs. Henry, I could appreciate if you were to contact the Sheriff's Office and have them just to patrol these construction areas a little bit more, particularly during the daytime. We had the same problem with -- with Lennar, and you're having it again. These are people that are working in areas that

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they're not used to working in. People are not used to just locking their cars up, you know, and having to have a security guard on-site as you build homes. That is inappropriate. And all they need is a little bit more Sheriff patrol during the day, so that they can work comfortably and not have a gun stuck to their head to take all their equipment and then have it being sold at some pawn shop, because that's what has happened here. Okay? Thank you.

MAYOR WEXLER: On the amendment, all those in favor indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: I -- I would also ask, as an aside, I know that there's another New Visions contract through -- Mr. Stone, is it through the CDBG dollars?

MS. CHAMBERS: No, it's through the HOME dollars.

MAYOR WEXLER: HOME dollars.

MS. CHAMBERS: Yes.

MAYOR WEXLER: That I'd like to know where that is in the process of moving along, as well.

UNIDENTIFIED SPEAKER: Okay.

MS. CHAMBERS: We'll include that in the update.

MAYOR WEXLER: Yeah. I mean, does anyone else want that information, as well?

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER EGGELLETON: It will just go to all of this.

MAYOR WEXLER: Okay. Thank you very much. And good luck, and I hope it doesn't rain.

MS. TUFTS: Thank you very much.

MAYOR WEXLER: Thank you.

MS. TUFTS: Thank you, and we'll see you at the ribbon cutting.

MAYOR WEXLER: You will.

AGENDA ITEM 130

MAYOR WEXLER: Item Number 133.

MS. HENRY: 130.

COMMISSIONER LIEBERMAN: 130.

MS. HENRY: 130.

COMMISSIONER GUNZBURGER: I know you're trying to move us along.

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MAYOR WEXLER: I'm sorry, I really am trying. I've got notes all over everything here. So, Item 130, good job. Good job.

COMMISSIONER JACOBS: Mayor?

MAYOR WEXLER: I think that Commissioner Jacobs -- I told you privately yesterday what -- what a good -- it was so nice to see this item before us. At the appropriate time, I'm going to ask our colleagues to also make you our designee representing the County Commission --

COMMISSIONER JACOBS: Thank you, Mayor.

MAYOR WEXLER: -- on this --

COMMISSIONER JACOBS: Thank you.

MAYOR WEXLER: -- on the task force. Thank you. You're recognized.

COMMISSIONER JACOBS: Colleagues, you'll remember on May 12th that we all came together, and it was really wonderful to see 26 cities send an elected official, not a staff member, to participate in a joint meeting with the County Commission and the governing board to really collaborate on the issues facing us with the recent regional water availability rule, and the other water issues facing us as far as water supply.

Following that meeting we had a small panel which comprised of Mayor Joy Cooper from Hallandale, Don Rosen with Sunrise, Debbie Eisinger from Cooper City, Allegra Webb Murphy from Oakland Park, Rich Moyle from North Lauderdale, Dick Blatner from Hollywood, Vince Bogart from Coral Springs, and Shannon Estinose from the Water Management District, as well as myself, and we had committed that day on May 12th that we would come back with a resolution, we would try to come up with something in two weeks.

Well, with that many elected officials, it took us longer, but what you have before us we think is a -- is a pretty good blending of city commissioners, city mayors, and all kind of stakeholders.

The item went to every single city for their approval through the League of Cities and is back before you for moving to the next step, which is the actual creation of the Water Resources Task Force.

Our mission is to bring back recommendations on how we can work regionally together with all the different municipalities, and recommendation's due back in exactly one year. And that's our goal.

The next step following today's hopeful approval is that the letter is being drafted by Public and Governmental Relations, and that will accompany the resolution to every city, as well as all the appointing bodies, asking them to make their appointments with all due haste so that we -- the task force can get down to work.

And with that, I would love to move the item.

COMMISSIONER LIEBERMAN: Second.

MAYOR WEXLER: It's been moved and seconded.

The only thing I would suggest from my experience with the foreclosure panel is that if you actually want elected officials to come through the League of City appointment, that we be very specific in that specification. because sometimes the cities wind up sending a city manager, an assistant, or a

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department head.

(COMMISSIONER EGGELLETION LEFT THE ROOM.)

COMMISSIONER JACOBS: Mayor, we were very cognizant of that issue, and if you read the criteria for appointment, it says specifically they must be an elected official, unless, of course, they're from one of the water control districts, and then that was handled a little differently.

Additionally, there's language in here that deals within the issues of diversity, both racially, geographically, gender-wise, as well as cities that may not have a utility, such as Oakland Park, and we felt it was really important that they be represented. And so we tried to capture it all, which means we have further asked that the 11 members that are totally being appointed by the League of Cities and the League of Mayors, that they also have 11 alternates and the alternates must also be elected officials.

So we end up hopefully at the end of the day with 22 different elected officials through different means, and hopefully we'll get somewhere. That's our goal.

MAYOR WEXLER: Thank you.

COMMISSIONER JACOBS: Thank you, Mayor.

MAYOR WEXLER: The item has been moved by Commissioner Jacobs; seconded by Commissioner Lieberman.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 133

MAYOR WEXLER: All right. Item -- are we now on 133?

MS. HENRY: 133.

MAYOR WEXLER: Any questions, comments?

COMMISSIONER LIEBERMAN: No.

MAYOR WEXLER: This is the agreement. Okay. Somebody want to move the item then?

COMMISSIONER LIEBERMAN: Move it.

MAYOR WEXLER: I have no -- no audience input on that item.

It's been moved by Commissioner Lieberman; seconded by Commissioner Rodstrom.

All those in favor, indicate by aye.

Opposed -- opposed, like sign.

VOTE PASSES UNANIMOUSLY.

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AGENDA ITEM 134

MAYOR WEXLER: I have Number 134 next. Somebody had asked that that be taken off of Consent Agenda.

COMMISSIONER LIEBERMAN: Wasn't me. No, it was never moved to Consent.

MAYOR WEXLER: Okay. Then it's -- no, no, it's fine. It's fine. We were thinking about it yesterday. We were.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: I go through this and we -- you know, you know what you do.

(MARJORIE YOUNG JOINED THE MEETING VIA TELEPHONE)

MAYOR WEXLER: Who? Oh. Marjorie -- yes. The consultant.

MR. LUKIC: I believe that's Marjorie Young from CPS.

MAYOR WEXLER: Yeah. Okay. Good.

All right. Item Number 134, did somebody want to move that item?

COMMISSIONER JACOBS: Sure, I'll move it.

MAYOR WEXLER: It's been moved by Commissioner Jacobs; seconded by Vice Mayor Ritter.

All those in favor, indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER EGGELLETION RETURNED TO THE ROOM.)

AGENDA ITEM 135

MAYOR WEXLER: The next one is Item Number 135 --

COMMISSIONER KEECHL: Mayor?

MAYOR WEXLER: -- 135.

COMMISSIONER LIEBERMAN: Yeah.

MAYOR WEXLER: 135 is the pretrial release program. Is that what you're all here for?

UNIDENTIFIED SPEAKER: No.

MAYOR WEXLER: No?

UNIDENTIFIED SPEAKER: They're here from the church.

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UNIDENTIFIED SPEAKER: They're here from the church.

MAYOR WEXLER: Oh, from the church, I'm sorry. Nobody --

UNIDENTIFIED SPEAKER: Yeah.

MAYOR WEXLER: -- everyone wears the same color badge on, so I don't -- you know, nobody tells me when folks come in. Thank you. We hopefully will get to that item within the next hour.

Conversation, comments? On Item 13 --

COMMISSIONER LIEBERMAN: -- 5.

MAYOR WEXLER: Yeah, but wait a second. On 134, I had two public speakers. Did -- are they -- Mr. McCluskey, are you still here?

UNIDENTIFIED SPEAKER: No.

MAYOR WEXLER: No. Mr. Mele, are you still here?

UNIDENTIFIED SPEAKER: No.

MAYOR WEXLER: Perfect.

UNIDENTIFIED SPEAKER: It passed, right?

MAYOR WEXLER: Yes, it -- the item -- the item passed. Thank you.

All right. We are really on Item 135. Commissioner --

COMMISSIONER LIEBERMAN: Yeah.

MAYOR WEXLER: -- Lieberman.

COMMISSIONER LIEBERMAN: I'm not even sure where to start on 135.

MAYOR WEXLER: Me, neither.

COMMISSIONER LIEBERMAN: I have some major reservations --

MAYOR WEXLER: I just (inaudible).

COMMISSIONER LIEBERMAN: -- about this. I don't even want to set up a Public Hearing yet, because I think it's not ripe, and, Mayor, it's 5:30.

MAYOR WEXLER: I know.

COMMISSIONER LIEBERMAN: So I think the easiest way to do this is my request is to --

MAYOR WEXLER: Send it to workshop?

COMMISSIONER LIEBERMAN: -- send this to workshop, yes.

MAYOR WEXLER: It's so complex. It is. I -- I --

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COMMISSIONER LIEBERMAN: I mean, what caught my attention is staff is actually letting people opt out of a bond program. I have several pages worth of comments, and I suspect I'm not alone.

So as opposed to us all discussing it and then sending it to workshop, I'd like to send this to workshop after the break, Mayor.

MAYOR WEXLER: I'd like to hear from the Commission.

Commissioner Keechl, I know that you ran this item, and I probably shouldn't --

COMMISSIONER KEECHL: I ran it, all right.

MAYOR WEXLER: Ran this item.

COMMISSIONER KEECHL: I ran it all right. It's like dangerous dogs.

I agree with Commissioner Lieberman. There are a lot of issues here.

MAYOR WEXLER: Yeah.

COMMISSIONER KEECHL: Some of staff's recommendations I agree with; some I don't. I -- I think we need to hear from the stakeholders that are involved.

COMMISSIONER LIEBERMAN: I agree.

COMMISSIONER KEECHL: And it's -- and, quite honestly, the reason it's here now is because I felt an obligation to bring something back to you all because the --

COMMISSIONER LIEBERMAN: So I'll second your motion to defer this to a workshop.

COMMISSIONER KEECHL: Second.

COMMISSIONER LIEBERMAN: No, I'm seconding your motion --

COMMISSIONER KEECHL: Oh, you're making the motion.

COMMISSIONER LIEBERMAN: -- to defer -- to send this to workshop.

COMMISSIONER KEECHL: Good motion.

MAYOR WEXLER: Motion to defer to a workshop, and, depending on what happens at the workshop, see what it looks like --

COMMISSIONER LIEBERMAN: Yeah.

MAYOR WEXLER: -- when it comes back next time.

It's seconded by Commissioner Lieberman.

All those in favor --

COMMISSIONER EGGELLETON: Can I --

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MAYOR WEXLER: Did you want to weigh in?

COMMISSIONER EGGELLETON: I just want to comment. I just have a comment here.

MAYOR WEXLER: A quick comment.

COMMISSIONER EGGELLETON: Okay. You know, I don't mind this going to a workshop, Commissioner Keechl and Lieberman, but let me just say in the interim, I do want to hear from the judges --

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER EGGELLETON: -- on -- on this. I mean, at the end of the day, you know, I want to believe that judges know exactly what they're doing here, and I don't want to second-guess them. Okay?

And I understand where we are, you know, Commissioner Keechl, I have every confidence in you. That's why when I was Mayor I appointed you over there to do this.

But the bottom line is, the bottom line is, this is an alternative to incarceration, and I'm hearing from police officers, I'm hearing from bail -- bail bonds type persons, at the end of the day, I want to make sure that we are doing the right thing, and that's why I say I one to hear from judges, because, I mean, that's the gatekeeper, bottom line.

MAYOR WEXLER: Commissioner Keechl.

COMMISSIONER KEECHL: Thank you, Mayor.

Commissioner Eggelton, I totally agree with you. I'm hearing from the judges on the Public Safety Coordinating Council, which I'm still serving on, because Mayor Wexler put me back on it. I think -- again, I just want you guys to understand, I brought this forward because I felt that it might -- I can't talk to you guys, and it might have been perceived as, you know, I got to the five votes to get the money for pretrial, but I wasn't doing the rest of job.

I also directed at the last Public Safety Coordinating Council meeting, that I'm the vice chair of, that both amendments, staff, which is also, quite honestly, BSO's, and the bail bondsmen industry's recommendations go to Public Safety Coordinating Council for comment.

So this is -- you're absolutely right. All the stakeholders need to be involved in this one. Thank you.

MAYOR WEXLER: Commissioner, we will -- Stephen Popiel will coordinate with your office, then, so that it -- we get all that, and, of course, Mr. Corwin, that all information is gathered before it actually goes to a workshop. All right?

COMMISSIONER LIEBERMAN: That would be good.

MAYOR WEXLER: Good. All right. So that -- did we vote to defer it yet, or did we --

COMMISSIONER LIEBERMAN: We have a motion.

MAYOR WEXLER: -- stop vote? Okay. Thank you.

The item to defer to a workshop has been made, seconded.

All those in favor, indicate by aye.

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Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 137

MAYOR WEXLER: The next item is Item 136.

COMMISSIONER RODSTROM: Is it possible we can go and (inaudible) the church before (inaudible)?

MAYOR WEXLER: Yes. Absolutely we can.

UNIDENTIFIED SPEAKER: Yes.

MAYOR WEXLER: Absolutely.

Let's move on Item 137, Commissioner Rodstrom.

COMMISSIONER RODSTROM: 137, I placed on the agenda for the reason that no matter what happens, the -- the bottom line is we do not today immediately need this site. And, you know, we've got to go through a zoning process. We're doing an evaluation to determine what to do with the BARC facility, whether we're going to build a new facility.

And my request is that, in the interim, that we do not evict this tenant, that we let them stay there. And we are -- just to remind the Commission, we are still holding the money in escrow, if you recall, and the money that we would be getting in rent is about \$4400, and that's the amount of money we're earning in interest on the money.

So it's -- you know, now, just also to remind you that, if you recall, 90 percent of that interest goes to the benefit of Broward County; 10 percent goes to the Clerk of Court. But notwithstanding the 90 percent, it offsets what we would charge them in rent.

So my request is that we let these folks just stay on the property until it -- until such time as we determine what it is we're going to do with the property, and that we ought not evict them immediately, which is what we would be doing now but for this agenda item.

COMMISSIONER EGGELLETON: But --

MAYOR WEXLER: Okay. Wait. I have -- okay.

COMMISSIONER EGGELLETON: Okay. Go ahead. I'm sorry.

MAYOR WEXLER: Before -- I allowed Commissioner Rodstrom to introduce the item. We will allow hear from the public that's signed up to speak and then we'll open it up to the Board for debate.

The first speaker -- and if there are any other speakers that wish to sign up on 137, please come up and fill out a form.

The first speaker is Rocky Rodriguez.

MR. RODRIGUEZ: Good afternoon --

MAYOR WEXLER: Good afternoon.

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MR. RODRIGUEZ: -- Mayor, Commissioner, good to be here. I'm speaking today as President of the Alcohol and Drug Abuse Advisory Board. I'd like to make notice that Vice President, Councilman Donald Maines, and our Secretary, Judge Beach, sits in our audience back there. I'm the only one speaking on their behalf and the rest of the Board.

I'm also speaking on behalf of many thousands of citizens whose life has been touched by Broward Addiction Recovery Center. I would like to express my concern for those individuals that are currently being assisted by BARC and those that will seek services in the future.

BARC has served as the last hope for many individuals in Broward County who are going to become productive members of our community, and pay their taxes. The building at Sailboat Bend in which BARC is now located, it is no longer able to support the necessary services, and limits the number of clients that can receive them. Services at the new facility will include additional beds for detox and more effective triage, as well as centrally located outpatient services.

Additionally, I would like to draw your attention to the millions of dollars Broward County has saved by returning citizens back to work, their families, and their community. The Florida Substance Abuse -- the Florida Substance Abuse -- I forgot -- Task Force did a study a few years ago. If you can keep an addict person from being active, you save the system, believe it or not, a quarter of a million dollars. There has been thousands of people that were serviced by BARC that have returned to be productive.

In order to reduce the emergency room and jail costs, which cost more to incarcerate some of these people than to return them back to society, and on behalf of Advisory Board, I implore you to move forward with the construction of the new BARC facility on the property acquired by the county through the legal process.

In closing, I would like to remind you that it is because of the wisdom and foresight of this County Commission that BARC has been a valuable asset for over three decades. And for that, we thank you.

MAYOR WEXLER: Thank you.

The next speaker -- the next speaker is Louis Montese? Moritz? I'm not sure that I'm saying it right. It's not written very clearly. Louis, though. Is there anybody here that wishes to speak with the first name of Louis?

UNIDENTIFIED SPEAKER: He left.

MAYOR WEXLER: He left. Thank you for telling me that.

The next speaker is Mr. Ron Book. Mr. Book.

MR. BOOK: Madam Mayor, members of the Commission, I just don't want the item to be on the agenda and not stand up and speak on behalf of an awful lot of silent, quiet victims of sexual abuse and sexual assault. I just want to reiterate with an exclamation point the significance and the importance of getting this project underway as soon as possible.

While I recognize what the item is today, I just don't want an item on this issue here and not stand up on behalf of those silent people who otherwise are not able to come here for different reasons to speak up in support of the Broward County Sexual Assault Treatment Center. So thank you.

MAYOR WEXLER: Thank you. I seem to be getting the speakers in dribbles and drabs. So if there are no more speakers coming forward, then I'm going to close public input. And there's one more that I have here. If there is anyone else that wishes to come up and speak, please come up now while the

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next speaker is speaking, within the next three minutes, because public input will be closed. This is Dad Ennis?

MR. TANNIS: (Inaudible).

MAYOR WEXLER: Okay.

MR. TANNIS: Can I come up?

MAYOR WEXLER: Please, yes. I got the last name, but.

MR. TANNIS: Dan Tannis. I didn't write it maybe too clear.

MAYOR WEXLER: You didn't.

MR. TANNIS: Thank you for giving me the time to speak.

First of all, we know that the court won the case, but then the issue came up because Broward County doesn't have the money. Now, we are a church. It's not a recreation center. It's a church. And if Broward County does not have the money, then what are they going to do with the property if they can't build? So it's being used for a good purpose. It is a church.

And so that issue came up not too long ago, so if Broward County don't have the money to build, what are they going to do with it? So that issue with these gentlemen who said it's already, you know, it's -- the -- the court already went through that. It's up to the Commissioners if we could stay. That's all we're asking. Thank you.

MAYOR WEXLER: Thank you, Reverend.

The next speaker is Padelis Dogagis.

MR. DOGAGIS: Good enough. Hello, everybody.

MAYOR WEXLER: Good afternoon.

MR. DOGAGIS: I really don't have much to say.

MAYOR WEXLER: Would you say your name?

MR. DOGAGIS: Dogagis. Dogagis. It's Greek.

MAYOR WEXLER: Not bad.

MR. DOGAGIS: No. But you did great. It's pretty good. A lot better than most people.

I just -- I'm a local business owner. I own a diner called Lesser's Diner in Fort Lauderdale near the airport, and it's been a family business that's been in my family for approximately 28 years now. And I would just like to speak on behalf of Christian Roman Catholic Church.

As, like I said, a business owner, I've hired and fired a lot of employees throughout the years. I've been managing since I was 19, and I've dealt with a lot of people that have been in BARC Rehab Center. And I have to say that it's just been in this unending cycle. I'm not saying that they don't have -- they don't do their part and they -- they have a positive effect on the community, but one thing I can say is that ever since the church has opened up within the last two years, throughout the last, like I said, 28 years that

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we've been there, we've never felt a more sense of family as far as the employees coming together. They've received help on -- on so many levels that I've -- I've seen such a tremendous difference with, again, like I said, the employees who have had a tough time with drugs, alcohol.

And, like I said, the -- the church has been very positive and has had a -- a profound effect with the locals that come in the restaurant.

So I just wanted to address that, and say thank you.

MAYOR WEXLER: Thank you. Okay. Commissioners. That's the last public speaker.

Commissioner Eggelletion.

COMMISSIONER EGGELLETON: Let me just say, I stand fully in support of moving ahead, getting something done with BARC in terms of a new building. It needs a new facility. I would urge you all to just go over there and walk through it. Okay? You know, don't -- don't look at it from the outside. Don't read about it on the paper. Walk through the facility. Listen to the stories of persons that have been there.

I mean, the bottom line is, they need help. Okay? Drug addiction is something, depending on the drug that you're on, will get into your system and control your mind, period. I have a very good friend of mine who I believe is probably one of the foremost experts in this area, a gentleman by the name of Guy Wheeler, wonderful guy, local guy, have -- he still work in our court system. He travels all over the country working with drug treatment and drug programs. I consider Mr. Wheeler the guru of how to get a person off of their addiction, whatever it may be, and he's very successful at it.

The point that I'm trying to make is, drugs can hit any family, any time. It's kind of like you hear that commercial, it strikes without warning.

And the point being made, I want to see this facility rebuilt. I read the -- I read the Auditor's audit. I read all of that. Okay? But I also see a need, a need that we have to fulfill in this community, to make sure that that facility is built, and it's a state of the art facility, and you get the right personnel in it to run it and manage it. You don't throw the baby out with the bath water. You've just got to -- if something is broke, fix it, but let's move forward.

Now, with respect to the facility that the -- that the church now occupies, it's going to take us, obviously, a while to draw plans up and get all that done for BARC. Okay? Commissioner Rodstrom, I hear you, but it's going to take us -- you know, our process here, unfortunately, is a very slow one. You have to get an RLI. You have to do all these type of things. You have to jump through a million bureaucratic hoops to get something done that's very needed. And we going to -- at least I hope that this Board vote to jump through those hoops to have a new facility for BARC, because this is not necessarily a want as far as I'm concerned. This is a need. It is in bad shape. Okay? That building is I don't know how old, and it start out really as a family home and it just added onto it. It's -- it's not designed to do what they're doing over there.

But I don't mind having the church stay where they are until we can get our act together to go ahead and move forward.

But, however, I do have some questions with respect to liability if we own the facility. And we've got to work out something with the church with respect -- if someone get injured or hurt over there and we own this facility and they're still in it, then we're liable. So I think that legally, Mr. Newton, we have to get some sort of document drawn up to -- to protect the county and the taxpayers of Broward County in -- in case someone get injured or hurt.

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But I do believe we must move forward with a new facility for -- for BARC, and I'll -- I'll fight to the last for that.

MAYOR WEXLER: That's going to be a different discussion for a different day. The item that's before us is about the use of the property by the church pending the status of how we move forward with BARC.

So that's the item that's before us today. The question is letting them remain, do they remain rent-free, do they remain and pay something.

Liability, I think that -- that Mr. Newton needs to share with the Commission the question that I asked him yesterday about liability.

MR. NEWTON: Let me call upon Mr. Rodriguez. I believe that -- that issue was addressed -- may have been addressed by the court at the --

MAYOR WEXLER: Right.

MR. NEWTON: -- first motion to extend the time period that was filed by Christian Romany.

MR. RODRIGUEZ: Good afternoon. Tony Rodriguez. Mayor, Vice Mayor, Commissioners, the church had added Broward County as an additional insured in their general liability policy, and that will expire in '09.

COMMISSIONER EGGELLETON: It expires when?

MR. RODRIGUEZ: In March of '09.

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR WEXLER: I have a lot -- everyone that wants to speak, I have the Vice Mayor that has asked to be recognized, Commissioner Wasserman-Rubin.

Vice Mayor.

VICE MAYOR RITTER: Mr. Rodriguez --

MR. RODRIGUEZ: Yes.

VICE MAYOR RITTER: -- in the event that we let the -- the church stay on the property until we come to a decision about BARC, do we in any way prejudice our rights to evict them when we decide to move forward with BARC?

MR. RODRIGUEZ: We would not.

VICE MAYOR RITTER: It doesn't change our status one bit with respect to the court or any proceedings? Those are done, we own the property. They can't come back and say, well, they let us stay, so they didn't really mean it, nothing like that?

MR. RODRIGUEZ: Correct.

VICE MAYOR RITTER: Okay.

MR. RODRIGUEZ: The -- we are scheduled for a jury trial in November, and the jury will have a jury view on the issue of full compensation at this time.

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VICE MAYOR RITTER: Oh, okay. Oh, okay. All right.

COMMISSIONER GUNZBURGER: I'm glad you --

VICE MAYOR RITTER: Okay. Thank you.

MR. RODRIGUEZ: And so we -- we have opposed it on -- on those grounds.

MAYOR WEXLER: Okay. He'll -- he's not going far.

Mr. Rodriguez.

COMMISSIONER GUNZBURGER: Stay there.

MAYOR WEXLER: Stay close. I have Commissioner Wasserman-Rubin next on the queue.

COMMISSIONER WASSERMAN-RUBIN: (Inaudible).

MAYOR WEXLER: Well, the -- he's not going anywhere. He's staying.

MR. RODRIGUEZ: I'm here.

MAYOR WEXLER: You only have a question of him and you don't want to say anything else?

COMMISSIONER GUNZBURGER: Not at the moment. I -- I do have a question. He got me very worried.

MAYOR WEXLER: Okay. Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Mr. Rodriguez, you said that they are insured under Broward County. Are they paying for us to insure them?

MAYOR WEXLER: No, they've named us.

COMMISSIONER GUNZBURGER: I mean, I want to know what sort of liability. After you asked that question, Mayor, I got very nervous when I heard that statement. Would you please spell it out in layperson's terms so that I understand who's on the hook for any problems that may occur on the property that they currently occupy.

MAYOR WEXLER: Mr. Rodriguez.

MR. RODRIGUEZ: The defendant's insurance policy would be on the hook. And Broward County has been added as an additional insured to that policy. They have paid for the -- the insurance policy.

COMMISSIONER GUNZBURGER: Yeah, but if we've been added to the policy, what does that mean? That we're insured against any liability? We have a hold harmless from the church?

MR. RODRIGUEZ: We do not have a hold harmless.

COMMISSIONER GUNZBURGER: Ah. Well, that's a real problem. I'm really concerned. Without a hold harmless, what does this mean? Since we're holding title to the property, I think that's a real gap in -- in our problems.

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MAYOR WEXLER: Okay. Any other questions for Mr. Rodriguez?

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER GUNZBURGER: No, but it's got to be fixed.

MAYOR WEXLER: Okay. Commissioner Keechl, you had one for him?

COMMISSIONER KEECHL: Yes.

MAYOR WEXLER: I know, you're still on the queue for general.

COMMISSIONER KEECHL: Thank you, Mayor.

MAYOR WEXLER: You want to be on there, too?

COMMISSIONER GUNZBURGER: No, I asked my question. I'm now horrified.

COMMISSIONER KEECHL: You said that the second stage now, I guess, is the damages, the jury view, and because of that you've opposed it.

MR. RODRIGUEZ: We have.

COMMISSIONER KEECHL: Can you -- can you explain to us the legal rationale?

MR. RODRIGUEZ: The purpose of the jury view is not to provide an opportunity for either party to stage the property, to make it nicer, so that when you're doing an open house, let's say, for a -- for a home, you turn on all the lights and you make the property look better. The date of value in this case is not the date of the jury trial. It is July of 2007. It is the conditions of the property on that date that the jury will be asked to determine how much money they should be paid. Therefore, we find it irrelevant that the reasons that they have come forward at the court for staying is to maintain the property, among other things.

MAYOR WEXLER: Okay.

Commissioner Lieberman, a question of Mr. Rodriguez?

COMMISSIONER LIEBERMAN: Yes, I do. Have you had discussions with the church about entering into an agreement to settle all of the differences? I guess what Commissioner Rodstrom is asking is, during the pendency of this litigation, that they be able to stay on the property. If we were to do that, there would have to be a written agreement. It would seem that there would have to be some terms in the agreement. A, they'd have to indemnify us, because they're on the property, and people going to church. If they have, you know, any situation which gives rise to liability, the church would -- should be responsible for that.

At any time, did the church say that if we were to grant them an extension while we go through the approval processes, they would give up their challenge in court?

MR. RODRIGUEZ: No, we have not had that discussion. But there is nothing more to -- for them to challenge. It's now just about money.

COMMISSIONER LIEBERMAN: Well, and I guess -- see, for me, there is one other thing. It's what is the cost for this. And if the parties could negotiate a cost so you wouldn't need the jury view and it would put an end to the eminent domain proceeding, that, for me, would be consideration to enter into this

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agreement, only during the period in time that we are seeking design approvals and a contractor and all those other wonderful things, because we would be avoiding the cost of experts.

COMMISSIONER RODSTROM: And Commissioner Lieberman, would you just explain how long that process might take, just so the pastor gets a feeling what you're -- what you're suggesting?

COMMISSIONER LIEBERMAN: Well, Commissioner Rodstrom, you know, I looked in my crystal ball this morning; if it were that good I'd be buying lottery tickets on Saturday night.

I can't tell you how long, but what -- what you would do is you'd have Mr. Rodriguez -- I'm sorry, Mr. Newton determines who the lawyer would be. Whoever Mr. Newton said would be the appropriate person to draft this document -- would draft a document that permitted the county to absolutely terminate their right to use at a date specific, i.e., we get a building permit.

And they would have to give up -- in my mind, this litigation would have to stop. They would have to have come to terms on a price, and without the jury view, without all of those other issues. You know, I think we have negotiated other prices before.

You know, as a general rule, to get through our processes, we -- we'd have to do an RLI for a contractor, and probably an architect, and after that you'd have to get approvals from the City of Fort Lauderdale. In my wildest dreams, I can't imagine that taking less than a year to a year and a half, only because it'll take -- it's not just our processes, but after you have the architect, they've got to get through the city's design processes.

So, I mean, I think an aggressive schedule would be a year and a half. And that would allow them a little more time to have -- to relocate, because we need to do the facility.

The issue is, no matter what happens at BARC, the existing facility is a code nightmare, and so there are things that need to happen with that facility. But if we could have a settlement that they would basically agree to a negotiated price, whatever that is, in exchange for that, we can put an end to the eminent domain proceeding, they would agree to have liability, I think I would be okay, Commissioner Rodstrom, with them remaining on-site, provided there was a termination trigger in the agreement that was automatic upon us receiving a building permit.

Commissioner Rodstrom?

COMMISSIONER RODSTROM: No, I -- it's not really for me to answer. It's really, I think, something that the church needs to consider.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: It's something that would have to be negotiated --

COMMISSIONER RODSTROM: Yeah.

MAYOR WEXLER: -- if there's an interest.

COMMISSIONER LIEBERMAN: And quickly, because once we go through the jury view and we continue this process, the cost saving to the county goes away.

COMMISSIONER RODSTROM: And -- and, again, it doesn't presuppose if, for some reason, the county decided not to go forward with the facility, then they would relook at this anyway. But -- but we're assuming the county's going to go forward, and what you're offering is that until such time as we pull a building permit, they could stay on the property, so long as they're willing to negotiate a price so we do

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not have to go through the cost of litigation, which we're going to save on our end, and so will they.

COMMISSIONER LIEBERMAN: Right. Exactly.

COMMISSIONER RODSTROM: And we will have a settlement agreement which we will -- both parties will enter into, which will allow them to remain on the property for probably 18 months, but some period of time while we're going through our --

COMMISSIONER LIEBERMAN: Some period of time --

COMMISSIONER RODSTROM: -- process.

COMMISSIONER LIEBERMAN: Right. With an automatic trigger that basically says, you know, within X number of days after receipt of the building permit.

COMMISSIONER RODSTROM: Right. And -- and maybe -- maybe --

MAYOR WEXLER: But it's not --

COMMISSIONER RODSTROM: -- maybe today is not the day we get an answer from them. Maybe what Commissioner has proffered, Pastor, is that maybe we can place this back on the agenda when we come back from break, and if you're willing, you know, to enter into an agreement like that, then we -- we might be able to keep you there until such time as we pull a building permit.

COMMISSIONER LIEBERMAN: But the only thing that will work for me, Commissioner, is if they could negotiate a settlement on this --

COMMISSIONER RODSTROM: Right.

COMMISSIONER LIEBERMAN: -- so that we avoid the cost of --

COMMISSIONER RODSTROM: Right. And we'll -- both parties will negotiate in good faith.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: Right.

COMMISSIONER GUNZBURGER: And I'd like one addition.

MAYOR WEXLER: Okay. Wait a second. You're back on the queue, unless it's a question for Mr. Rodriguez.

COMMISSIONER GUNZBURGER: No, it was to add --

MAYOR WEXLER: Okay. All right.

COMMISSIONER GUNZBURGER: -- to what -- a friendly --

MAYOR WEXLER: Wait, wait, wait.

COMMISSIONER GUNZBURGER: -- addition.

MAYOR WEXLER: No, not your turn yet.

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Commissioner Wasserman-Rubin, did you have a question for Mr. Rodriguez?

COMMISSIONER WASSERMAN-RUBIN: No.

MAYOR WEXLER: Okay. Then next on the queue is you, Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: I -- you know, I don't mean to minimize the importance of everything that we've been discussing here, but I can't help but focus and think about the human beings that are not being served properly by BARC right now in a facility. I understand there's not -- we don't have a facility to build or the money to build it with, but I don't want anyone to forget that -- you know, there were -- but I know that there are corrective actions that need to be taken by the BARC. And we all know that, and they need to be taken right away.

In the meantime, I want to make sure that the -- the services, the human beings that are provided these services are someplace in this county where they can be taken care of appropriately. And that is my biggest concern right now. I mean, I -- I think every human being has the right to live in dignity, regardless of what illness, or -- or -- regardless of anything. And -- and I think that we must -- as we -- as we speak about all the other things, the lawsuits, the eminent domain, what to do with this and what to do with that, let's keep in mind the fact that there is a group of people out there that require our services, that are -- I want to make sure that somebody answers the question to me -- it doesn't have to be now -- where are they and are they indeed receiving quality services from the county. And, if not, that's an area that I would concentrate on while you take care of other part.

MAYOR WEXLER: Certainly that's an issue that we're all going to be dealing with is how we move forward.

Commissioner Lieberman, you're next.

COMMISSIONER LIEBERMAN: No, I -- my question --

MAYOR WEXLER: You're -- that was all?

COMMISSIONER LIEBERMAN: That's it, because my question was (inaudible).

MAYOR WEXLER: Okay. Commissioner Keechl.

COMMISSIONER WASSERMAN-RUBIN: Mayor, can I just say one more thing.?

COMMISSIONER LIEBERMAN: I think in asking my question, I stated my position.

MAYOR WEXLER: Commissioner Wasserman-Rubin, you have one more?

COMMISSIONER WASSERMAN-RUBIN: One quick thing. If I had the personal money to do something to correct this, I would do this. This would be priority for me.

MAYOR WEXLER: Okay. You'd find a place for the church ministry?

COMMISSIONER WASSERMAN-RUBIN: That's not what I'm talking about.

MAYOR WEXLER: Because that's the item before us.

COMMISSIONER WASSERMAN-RUBIN: I understand --

MAYOR WEXLER: Okay.

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COMMISSIONER WASSERMAN-RUBIN: -- but we're also talking about BARC.

MAYOR WEXLER: We're not really talking about BARC.

COMMISSIONER LIEBERMAN: We're really not.

MAYOR WEXLER: Some you may want to talk about BARC. but we're really not talking about BARC.

COMMISSIONER WASSERMAN-RUBIN: There have been several segues and I'm not -- I'm not -- and I know how to do those, too.

MAYOR WEXLER: I know. I know. We all do. We're experts at it. But, please --

COMMISSIONER WASSERMAN-RUBIN: All right.

MAYOR WEXLER: -- it's 6:00 at night. Can we try to stay on the item itself?

Commissioner --

COMMISSIONER KEECHL: Keechl.

MAYOR WEXLER: -- Keechl is next --

COMMISSIONER KEECHL: Thank you, Mayor.

MAYOR WEXLER: -- followed by -- I already drew a line through KK. See?

COMMISSIONER KEECHL: Thank you. I would like to hear from our staff with regard to this issue.

UNIDENTIFIED SPEAKER: Which issue?

MAYOR WEXLER: BARC?

COMMISSIONER KEECHL: Yeah. Or -- well, or Marlene Wilson, somebody to tell me, is there any negative to this from -- because -- because we know what's going on here. This has been a very contentious issue. It's been a split Board --

MAYOR WEXLER: No, it hasn't.

COMMISSIONER KEECHL: I thought we had like a 5-4 vote on whether we were going to go forward.

MAYOR WEXLER: No.

COMMISSIONER KEECHL: Well, let me -- some --

MAYOR WEXLER: No.

COMMISSIONER KEECHL: -- somebody up here is opposed.

MAYOR WEXLER: No, we are going to give BARC a -- a good facility, a new facility.

COMMISSIONER LIEBERMAN: Right.

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MAYOR WEXLER: What it looks like, what the components of it, how large it is, we just haven't finalized that, that's all.

COMMISSIONER KEECHL: Mayor -- Mayor, this issue has generated controversy.

COMMISSIONER WASSERMAN-RUBIN: Yes, it has.

COMMISSIONER KEECHL: This issue has generated discussion. This has not been a unanimous decision with regard to the eminent domain proceeding. That's what I was trying to say; I didn't say it well.

So now I've got Commissioner Rodstrom, this is his district, and he's talking about this, and it's starting to make more sense to me. You know, no harm, no foul. When he says the status of the BARC project, I was a little concerned.

So I'm thinking to myself, well, if they can stay in here while we're going through the process that Commissioner Lieberman is putting forth, that sounds reasonable. Because I do believe that we are going to have a BARC Sexual Assault Treatment building in this -- in this space one day.

But I want to find out from staff whether granting the relief sought here is going to jeopardize the project in any manner. For example, you know, demolishing the building, do they have plans or is it just as Commissioner Lieberman says, this is a slow process with the RLLs and everything, it will be over a year, because, you know, what is the opposition to this if what Commissioner Lieberman says is correct? So many staff could enlighten us.

MAYOR WEXLER: And the staff you'd like to hear from is Ms. Wilson, not Legal?

COMMISSIONER KEECHL: Well, I was under the impression when I got briefed on this that maybe this issue wasn't as clear as it's being expressed here, but maybe -- but maybe I misunderstood who was talking to me.

MAYOR WEXLER: Well, maybe both. I -- I invite both -- well, see, she's pointing to Legal. I invite you both to comment, both Mr. Rodriguez and Ms. Wilson to Commissioner Keechl's question, if you are so inclined.

MR. RODRIGUEZ: Commissioner, from -- from a project standpoint, I don't -- I don't see any major impediment. They -- having an occupant on county owned property, we will need to apply for rezoning of this property.

We also had applied for rezoning of the county-owned property adjacent to this property, and when we went and applied for the rezoning, they -- the church and many of their patrons went, and their lawyer, and were very adamant about objecting to the county's rezoning application.

So by not having the church occupants there, that will eliminate one obstacle for our rezoning of our own property now, property that they would be occupying.

COMMISSIONER RODSTROM: But that's going to be vitiated by a settlement agreement.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: So that last statement really wouldn't apply.

MAYOR WEXLER: Hopefully.

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COMMISSIONER RODSTROM: Right. If you had a settlement agreement, that wouldn't be an issue.

MR. RODRIGUEZ: Correct. That's correct.

COMMISSIONER RODSTROM: So the (inaudible).

MAYOR WEXLER: Which is Commissioner Lieberman's --

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: -- issue that she's proffered --

COMMISSIONER RODSTROM: Right.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: -- here.

COMMISSIONER LIEBERMAN: Just as a follow up, if I can, to Mr. Rodriguez.

MAYOR WEXLER: Wait. Wait. Wait. Commissioner Keechl, has your -- because you -- you have the floor.

COMMISSIONER KEECHL: Thank you.

MAYOR WEXLER: Have you been --

COMMISSIONER KEECHL: No, you know, I think that answer's what I need to know.

MAYOR WEXLER: Okay.

MR. NEWTON: What -- what I was going to offer to the Board along the lines of -- excuse me -- the discussion or the -- what Commissioner Lieberman had proffered was that if we were going -- if the Board was inclined to do that, that we bring an agreement back to the Board by August 4th, which I believe is the Board meeting that Tuesday.

UNIDENTIFIED SPEAKER: 5th.

MAYOR WEXLER: 5th.

MR. NEWTON: Well, get something wrong. By August 5th, because there is -- in terms of a court order, there is an existing court order which had been entered allowing the church to remain until August 5th. So I think we need to get an agreement done before that date.

MAYOR WEXLER: Okay. Commissioner Lieberman --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: You are next, but yours was a follow-up --

COMMISSIONER LIEBERMAN: Mr. Rodriguez (inaudible).

MAYOR WEXLER: -- to what Commissioner Keechl had asked and --

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COMMISSIONER GUNZBURGER: No.

MAYOR WEXLER: Yeah, Commissioner Lieberman's is a follow up to what Commissioner Keechl asked, and then you've got -- then you're recognized.

COMMISSIONER LIEBERMAN: Mr. Rodriguez, if you were to follow Commissioner Rodstrom's request, wouldn't a settlement agreement include the church agreeing in advance not to object to the rezoning --

MR. RODRIGUEZ: Absolutely.

COMMISSIONER LIEBERMAN: -- not to object to the site plan, so that if we were to do this, that -- that would be the value; you would -- you would have a consent in advance from them and every one of those approval situations could be in the agreement?

MR. RODRIGUEZ: That's right.

MAYOR WEXLER: Okay.

Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: Thank you. One of the things that I want included in this agreement that Mr. Rodriguez is going to work on is there is a hold harmless part to it. That's a very big, important wiggle room that they have right now, and we've got to close that gap. It can't be there. If they're going to stay on that property, even though we have title to it, we have to be held harmless, or else we can be liable for --

MAYOR WEXLER: Mr. Rodriguez, did you want to comment, please?

MR. RODRIGUEZ: We will -- we will work towards closing that loophole right away.

COMMISSIONER GUNZBURGER: Thank you. Because that -- I -- I wouldn't even go any further until that loophole is closed.

MAYOR WEXLER: Okay.

COMMISSIONER GUNZBURGER: That's real essential.

MAYOR WEXLER: All right.

COMMISSIONER GUNZBURGER: And, number two, Commissioner Keechl, you are right. We all believe in having a facility to treat addictions, whether it's BARC or it's a -- another provider. We -- we have an agency that had problems that needed to be straightened out. We haven't really made a decision on who will provide the service.

The only decision that we have a commitment to is to provide service to those who have problems with substance abuse and substance addictions.

MAYOR WEXLER: Everybody's segueing here today. Yes. Okay.

Any other comments?

COMMISSIONER GUNZBURGER: And I don't want to go down that road tonight.

MAYOR WEXLER: No, no, no, we're -- I -- I am not going to let us go any further down this road tonight.

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I -- I do -- I do want to -- either you or I, because I think we're both having the same thought here. It's a question that I had asked of -- of our attorney, and Commissioner Rodstrom, when he introduced the item, made reference to the interest being accrued in the court registry, and that -- was it ten percent of it goes to the Clerk, and the rest --

MR. NEWTON: Ten percent to the Clerk, 90 percent --

MAYOR WEXLER: How much --

MR. NEWTON: -- 90 percent to the County, ten percent to the Clerk.

MAYOR WEXLER: And ten percent to the Clerk. You're very soft-spoken today, Mr. Newton.

Okay. All right.

COMMISSIONER GUNZBURGER: We all are.

MAYOR WEXLER: Then -- who -- and I don't know who to ask this to. I'm going to ask it of the -- of counsel, then. Has -- has the church been paying any rent while they've been in this building?

MR. NEWTON: Mr. Rodriguez? No.

MAYOR WEXLER: No. So they're not paying it to the court registry?

MR. NEWTON: No.

MAYOR WEXLER: They're not paying it to us?

COMMISSIONER RODSTROM: No, but they're -- we're earning --

MR. NEWTON: No.

COMMISSIONER RODSTROM: -- interest on their money. It's their money. We're holding the money until we resolve the issue.

MR. NEWTON: Well --

COMMISSIONER RODSTROM: So once we have a settlement, we can resolve all this.

MR. NEWTON: We've made the deposit to pay them for what we think the value, the compensation --

MAYOR WEXLER: So the interest is on the money that we've put into the court registry.

COMMISSIONER RODSTROM: And we're keeping it.

MR. NEWTON: Yes.

MAYOR WEXLER: And the interest is coming back to the county on that, which would --

COMMISSIONER JACOBS: It's our money.

MAYOR WEXLER: It's our money. I know. That's what I'm trying --

COMMISSIONER RODSTROM: It's their money.

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COMMISSIONER JACOBS: No.

MAYOR WEXLER: No, it's not their money yet.

COMMISSIONER RODSTROM: Yet.

MR. NEWTON: Yet.

MAYOR WEXLER: Well, it's yet.

COMMISSIONER LIEBERMAN: (Inaudible).

COMMISSIONER GUNZBURGER: (Inaudible.)

COMMISSIONER RODSTROM: Right. And that's -- that's the point. We'll address everything in the global settlement agreement.

MAYOR WEXLER: In -- yeah, because --

COMMISSIONER GUNZBURGER: They have the church. We have the money.

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: Because if -- if they are going to be allowed to stay in the building for a year or a year and a half, whatever it might be negotiated, that there is no free lunch.

COMMISSIONER RODSTROM: Then they'll get the money, and they'll pay us rent.

MAYOR WEXLER: That -- but there's got to be something.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Exactly, there's got to be something in the way of rent.

COMMISSIONER LIEBERMAN: Right.

UNIDENTIFIED SPEAKER: Can I say something, please?

MAYOR WEXLER: No.

UNIDENTIFIED SPEAKER: We still --

MAYOR WEXLER: No.

UNIDENTIFIED SPEAKER: -- we still pay the mortgage.

COMMISSIONER GUNZBURGER: What mortgage?

COMMISSIONER JACOBS: It's not going to us.

MAYOR WEXLER: It's going to your mortgage holder.

COMMISSIONER LIEBERMAN: Mayor, here's -- the reason we keep going --

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MAYOR WEXLER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: -- back to the -- we can continue to sit here and discuss this --

MAYOR WEXLER: Right.

COMMISSIONER RODSTROM: Right. There's no reason.

COMMISSIONER LIEBERMAN: -- but here's what I go back to, is that all of these things need to be drafted in a settlement agreement. We lose nothing by saying to staff over summer break, see if you can get a settlement agreement. There is an avoided cost to the county to not continue the process, and so, just like they do hundreds of other times, they can explore with the church whether they can reach a settlement.

One of two things will happen. They will reach a settlement. It will come to the Board. We'll look at it and we'll say yea or nay. They won't reach a settlement and we'll continue on the same path.

COMMISSIONER RODSTROM: Right.

COMMISSIONER LIEBERMAN: So I don't know what else there is to discuss, other than I think staff has heard the Board, staff has heard staff. And, you know, I don't read that anybody feels any differently about going ahead with the BARC facility.

So, for me, this is a way to cut everybody's losses, resolve outstanding issues and save everybody some money if the parties agree.

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: Okay. I -- I think that's --

COMMISSIONER LIEBERMAN: If it works, it works. But we don't have forever. We have until our first meeting in August.

COMMISSIONER RODSTROM: Right.

MAYOR WEXLER: That's correct. Mr. Rodriguez, are you clear on the issues that the Board has laid out here this evening?

COMMISSIONER LIEBERMAN: Well, actually, I want to know if Mr. Newton is clear --

MR. NEWTON: Yes. Yes, we --

COMMISSIONER LIEBERMAN: -- because I don't know who is going to draft this.

MR. NEWTON: -- we have more than sufficient direction.

COMMISSIONER RODSTROM: And -- and if I could -- if the Board would permit me, should there be an opportunity for me to enter into those negotiations to bring them to a conclusion, I'm willing to do that --

COMMISSIONER LIEBERMAN: Fine.

COMMISSIONER RODSTROM: -- should that be necessary. If it's not necessary, then don't call me. But if you feel like it's necessary, I'll be happy to --

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MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: -- intervene.

MAYOR WEXLER: I'm going to tell you, rent is an issue for me.

COMMISSIONER RODSTROM: Right. Well, of course. But the money will change hands --

MAYOR WEXLER: All right.

COMMISSIONER RODSTROM: -- and they'll be paying rent.

MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: And they'll pay off their mortgage and they'll have money to pay us.

MAYOR WEXLER: Okay. Commissioner Keechl.

COMMISSIONER KEECHL: I think this is a win/win, and it's not where I thought it was going, because under Commissioner Lieberman's compromise, they're acknowledging there's an end date, and that would -- so maybe it's a win/win. And we'll see when we come back from break whether or not it worked.

So I think it's a good idea.

MAYOR WEXLER: All right. So does somebody just want to move the item?

COMMISSIONER RODSTROM: Move it.

COMMISSIONER LIEBERMAN: It's a discussion item.

COMMISSIONER RODSTROM: Well, it's a discussion --

MAYOR WEXLER: It's a discussion item. Okay. Fine.

COMMISSIONER RODSTROM: -- so we'll just --

MAYOR WEXLER: We're moving on.

COMMISSIONER RODSTROM: -- we've given direction.

MAYOR WEXLER: We've given direction.

COMMISSIONER RODSTROM: Right?

MAYOR WEXLER: Thank you. We have. I want to make sure that Legal is very clear in the direction that we've given. Thank you.

AGENDA ITEM 136

MAYOR WEXLER: Okay. The next item is 141?

COMMISSIONER LIEBERMAN: I have 136 next.

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COMMISSIONER GUNZBURGER: 136.

MAYOR WEXLER: I'm sorry. I -- oh, I didn't want to do that, I guess. I really put up a -- can I leave now? Can we go home now?

COMMISSIONER RODSTROM: We did it yesterday.

MAYOR WEXLER: All right. Mr. Lukic, do we have Marjorie on the phone?

MR. LUKIC: I believe so. Marjorie, are you there?

MS. YOUNG: Yes.

MAYOR WEXLER: Marjorie, thank you. Some -- some of us were able to attend a meeting yesterday along with the consultant, and I guess what I'm looking for, before I recognize Commissioner Lieberman, what I'm looking for is the absolute latest document --

COMMISSIONER GUNZBURGER: It's under the yellow sheet.

MAYOR WEXLER: It's a yellow sheet. There had been -- I glanced at it this morning. It seemed to be a bit more compact.

COMMISSIONER GUNZBURGER: And the font was bigger.

MAYOR WEXLER: And -- and the font was bigger and a bit more compressed than what we had originally seen. I wish the pages were numbered.

COMMISSIONER GUNZBURGER: If you undo that thing, you can get to something with nice white paper.

MAYOR WEXLER: It's behind page 33. I'm there. I'm there, and it's actually stapled in its own right. What a nice thing. And that's the document. Commissioner Lieberman, you're recognized.

COMMISSIONER LIEBERMAN: Okay. I realize that in -- you know, I was able to participate by phone in most of yesterday's discussion, though not all, and, unfortunately, I didn't have with me my comments, but -- but I need to tell you, part of the turn I have when I looked at the draft, we need somebody who has an attention to detail if we're going to get through this process successfully.

And the draft that was originally given to us with this item had --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LIEBERMAN: Oh, the draft that was given to us to read over the weekend had several major problems. A, it had grammatical errors; B, it had inconsistencies between the brochure and the advertisement; C, it had items in a long form of an ad, which had no business being in the long form of the ad.

And so, you know, I'm sort of concerned, because I know that Mr. Lukic is reviewing this item, but, for example, I mean, just little stuff. In the draft that we got, it said eligible candidates will possess Master's Degree. Who is proofreading this? It is a Master's Degree. It said in understanding government. I think you want an understanding of government. And I it's caught since our workshop meeting yesterday, but somebody needs to proofread this stuff, because the way it's going out, there is commas where there shouldn't be commas; where it says quick study with respect to state regulations, they're

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called statutes.

COMMISSIONER EGGELLETON: Commissioner, are you looking at the new one?

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER EGGELLETON: Are you looking at the new one?

COMMISSIONER LIEBERMAN: My issue is --

COMMISSIONER JACOBS: (Inaudible.)

COMMISSIONER LIEBERMAN: Yes. Some of these things have been corrected, Commissioner, but someone here should be overseeing this work product, because what we got to read over the weekend --

UNIDENTIFIED SPEAKER: I can't -- I can't oversee this work product.

COMMISSIONER LIEBERMAN: -- I have a hard time believing anybody oversaw. It had grammatical errors, it had inappropriate -- you know, wording like state regulations. It's state statutes. It said that the -- it said that the voters of Florida had twice passed a Constitutional Amendment. It's happened once. It was January 29th. It said -- the whole bunch of issues in here. Even if you look at the ad, it says Exhibit 3, eligible candidates will possess Master Degree, not a Master's Degree.

Is -- are you proofreading this stuff?

MAYOR WEXLER: Mr. Lukic, I know I haven't proofread it. I didn't think that was my responsibility. I don't think -- I'm not sure it's your responsibility.

COMMISSIONER JACOBS: (Inaudible.)

MAYOR WEXLER: That's right. I'm not sure it's your responsibility, either.

COMMISSIONER LIEBERMAN: You know, and I started raising some of the inconsistencies, but if you look at Exhibit 3, in the first, second, third sentence it says with 1.8 million residents, Broward ranks second in the state and 17th in the nation. If you go to the brochure, it says we're 15th in the nation. I think we're actually 16th in the nation. But, you know, even the brochure and the ad don't match. And even within Exhibit 3, in the first paragraph it says we have 1.8 million residents; in the second paragraph it says we have more than 1.8 million residents.

MAYOR WEXLER: Actually, we have less that.

COMMISSIONER LIEBERMAN: And we probably do have less. I mean, it says we're the fifth largest statistical metropolitan area in the ad; it says we're the seventh in the brochure. We are the sixth.

So, you know, what I look at these issues, first of all, I think outlining all of our problems with the legislature is a mistake. I think it's simply saying that we're going through a time with increased -- with decreased revenues due to statutory changes and the economy. I mean, it's a one-sentence thing, as opposed to a lot of information about it.

Some of the -- Commissioner Gunzburger raised it, and I agree with her, I had that circled also about the issue with respect to the cranes at the port.

COMMISSIONER GUNZBURGER: It had nothing to do with the job.

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COMMISSIONER LIEBERMAN: And then when it says Broward County offers year-round warm weather, an abundance of diverse family and social activities, including venues, restaurants, golf courses, tennis courts, and professional sports? I think you can probably stop after has a diverse family and social activities. I'm concerned the long ad is way too long. I don't see any use for it. A short -- for me, the way you work it is a short ad and --

MAYOR WEXLER: Right.

COMMISSIONER LIEBERMAN: -- with something that says if you're interested for more information, go to this web site or call this number.

COMMISSIONER GUNZBURGER: That's it. I want to see the (inaudible).

COMMISSIONER LIEBERMAN: In the advertising plan, in the advertising plan, you know, I appreciate that we're advertising in NACO --

MAYOR WEXLER: All right. Wait, wait.

COMMISSIONER LIEBERMAN: -- but we're not advertising in FAC?

MAYOR WEXLER: Wait, one -- one at a time here.

COMMISSIONER LIEBERMAN: Well, I'm going through all my concerns.

MAYOR WEXLER: No, I know that, but maybe we can bring some closure and direction on the various components.

COMMISSIONER LIEBERMAN: Well, the first thing, Mayor, is I would say someone needs to review every piece of information, that it's consistent within the information and with other pieces of information, because that doesn't make us look very good.

I would deep six the Exhibit 3 long ad in its entirety. I would do the short ad only. I would put language in the short ad that says --

MAYOR WEXLER: Wait, stop right there. I thought we had given that direction to deep six a long ad yesterday.

COMMISSIONER GUNZBURGER: But then she gave us another long ad today.

MAYOR WEXLER: But -- wait. Let's bring closure to that. Basically, you've got a long ad and you've got a short ad. Is there anybody here that wants to see the long ad? No.

COMMISSIONER JACOBS: Mayor, if I could, if you remember in yesterday's meeting, she stated at the long ad was in certain circumstances it may be used, but, by and large, the short ad would be the one that was used most often. So --

COMMISSIONER LIEBERMAN: I wouldn't use the long ad.

COMMISSIONER JACOBS: -- the long ad has, you know, whatever place that she -- I mean, no one raised it as an issue yesterday. I guess -- it's late and I'd like to not rehash everything that we rehashed in the meeting yesterday.

MAYOR WEXLER: Right.

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COMMISSIONER JACOBS: So no one had an issue with the long ad in the narrow circumstances she outlined yesterday --

COMMISSIONER LIEBERMAN: Well, I do.

COMMISSIONER JACOBS: -- which, of course, I don't recall right now.

COMMISSIONER LIEBERMAN: I do.

MAYOR WEXLER: Shh.

COMMISSIONER JACOBS: So if we could allow her to at least explain where she might use that long ad, and if we don't care for it, then let's jettison it. But let's -- can we move through this?

MAYOR WEXLER: Let's try it one at a time here. Let's work on the ads first.

Marjorie.

MS. YOUNG: (Inaudible.) The only reason I gave you another long ad is because I thought someone said that everyone wasn't there, and you wanted the others to see it. And we could get rid of the long ad.

COMMISSIONER LIEBERMAN: Good.

MS. YOUNG: The only reason I brought it back is because everyone didn't see it. And -- and all the concerns that were mentioned yesterday have been addressed. There is a -- the -- the new revisions you have in your hand are shorter, and corrected. All the -- all of the statistics, except the -- the sixth ranking for the MSA, we still had it as seventh.

MAYOR WEXLER: Okay. So you -- wait. We're going to get into the minutia of the details.

COMMISSIONER LIEBERMAN: No, someone just needs to check it.

MAYOR WEXLER: Correct. For consistency. Let's --

Commissioner Eggelletion, do you want to talk about the long ad versus the short ad?

COMMISSIONER JACOBS: We're not using the long ad.

COMMISSIONER LIEBERMAN: We're not using the long ad.

COMMISSIONER EGGELLETON: Yeah, I -- no.

(Inaudible cross-talk.)

MAYOR WEXLER: Well, I -- I would like to throw it out, but Commissioner Eggelletion and Keechl were not there yesterday, and if they had --

COMMISSIONER EGGELLETON: Well, you know -- you're you asking me?

MAYOR WEXLER: Yes.

COMMISSIONER EGGELLETON: I mean, well, my -- well, my thing is, I mean, if -- if the majority of the Board agrees with a short ad, I don't mind doing that --

MAYOR WEXLER: Good.

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COMMISSIONER EGGELLETON: -- as long as a short ad contains the very important and pertinent details that -- that we have to deal with.

And -- and the other question is, there is an ad at the very back, written on county logo, in color. Is -- is that the long ad? I'm assuming this is the long ad, right?

MAYOR WEXLER: Yes, it is. That's the long ad.

COMMISSIONER EGGELLETON: Okay.

MAYOR WEXLER: The short ad is right behind it.

COMMISSIONER EGGELLETON: All right. So -- I don't see a short ad behind it.

MAYOR WEXLER: It's right behind it.

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR WEXLER: You've got two pages there.

COMMISSIONER EGGELLETON: This is -- this is the short ad?

MAYOR WEXLER: That's the short ad. Uh-huh.

COMMISSIONER EGGELLETON: Well, this doesn't say a whole lot.

COMMISSIONER JACOBS: It refers them to the web page.

MAYOR WEXLER: But it makes reference --

COMMISSIONER LIEBERMAN: To the web page.

MAYOR WEXLER: -- to the web page, which says a whole lot --

COMMISSIONER EGGELLETON: Okay.

MAYOR WEXLER: -- or their website, which says a whole lot.

COMMISSIONER EGGELLETON: Okay. So it asks -- it directs the person to the web page.

MAYOR WEXLER: Right.

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER EGGELLETON: Okay. Well, if that's the case, now, will the web page -- let me ask the consultant, will the web page contain all of the other necessary details?

(COMMISSIONER KEECHL LEFT THE ROOM.)

MS. YOUNG: Yes, the web page will also have the brochure --

COMMISSIONER EGGELLETON: Okay.

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MS. YOUNG: -- with all the details.

COMMISSIONER EGGELLETON: All right.

MAYOR WEXLER: All right. So we're going to go with the short ad, and we're going to make sure it's consistent.

Advertisement plan.

The advertisement plan, Commissioner Lieberman.

COMMISSIONER LIEBERMAN: I want to add -- We're -- we're a Florida county. There are 66 other counties besides us. I want to add FAC to the list. In fact, I thought we had.

MAYOR WEXLER: I thought we did, too.

COMMISSIONER LIEBERMAN: It says NACO.

COMMISSIONER GUNZBURGER: (Inaudible.)

MAYOR WEXLER: Marjorie -- Marjorie, did you look into FAC, the Florida Association of Counties, as being one of the places we advertise?

MS. YOUNG: No, I didn't. I thought that the -- we can add that. That was never suggested, because I thought that NACO -- that -- that the Florida people would look at the national one, but we'll be glad to add that, if you like.

MAYOR WEXLER: Thank you. Yes.

COMMISSIONER GUNZBURGER: We did add it yesterday, because we talked about the Range Riders, and that's part of the FAC, it's not part of NACO. Do you remember that discussion?

MS. YOUNG: Yes, and we talked about NACO being part of the ICMA, and that if -- that when I talked with ICMA, they said that the Range Riders got the same information as their other members, and I offered to, if you would give me access to the --

COMMISSIONER GUNZBURGER: Oh, I see it there.

MS. YOUNG: -- the Florida Range Riders, that we would actually write them a letter and -- and send them a brochure.

COMMISSIONER EGGELLETON: Where is the advertising?

MAYOR WEXLER: The advertising --

COMMISSIONER EGGELLETON: I got it. I got it. Yeah, I got it.

MAYOR WEXLER: -- is this page here, which we've just added, which was recommended yesterday to add FAC to the list, also.

Are there any other comments on where the ad would be posted? Okay.

COMMISSIONER GUNZBURGER: I'm wondering about the brochure.

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COMMISSIONER JACOBS: We're moving along.

MAYOR WEXLER: Well, we're going to -- the last -- we're going to do the brochure last. The next thing is the advertisement plan itself. Does anybody need further information on that?

COMMISSIONER JACOBS: All right. Now to the text.

MAYOR WEXLER: Now we're getting into the -- the tough one, the brochure itself.

COMMISSIONER LIEBERMAN: Okay. I'm just going back between the two --

MAYOR WEXLER: Okay.

COMMISSIONER LIEBERMAN: -- to see what's been addressed.

COMMISSIONER EGGELLETON: So, Madam Mayor --

MAYOR WEXLER: Yes.

COMMISSIONER EGGELLETON: -- I'm assuming, then, looking at this and looking at the budget, that they're not advertising in USA Today; is that correct.

MAYOR WEXLER: That's correct.

COMMISSIONER LIEBERMAN: That's correct. And, Mayor, on the brochure, the first comment I have is she says the county has a noninterference clause in its charter. We don't have a noninterference clause in our charter. We have an ordinance.

MAYOR WEXLER: Uh-huh.

COMMISSIONER LIEBERMAN: Now, there is a Charter Board proposal, but it's not been adopted yet. So there is no such thing.

(COMMISSIONER KEECHL RETURNED TO THE ROOM.)

MAYOR WEXLER: Right.

COMMISSIONER GUNZBURGER: Well, then we can just change it not from in our charter but to --

MAYOR WEXLER: Ordinance --

COMMISSIONER GUNZBURGER: -- ordinance.

MAYOR WEXLER: A noninterference ordinance.

COMMISSIONER LIEBERMAN: As a -- I would say the county has a noninterference ordinance, which prohibits. Get rid of clause in the charter. Just say ordinance.

MR. YOUNG: Okay.

MAYOR WEXLER: Marjorie, you know where we are here?

MS. YOUNG: Yes.

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MAYOR WEXLER: Okay.

MS. YOUNG: Yes, I've got that.

MAYOR WEXLER: Okay. Great.

MS. YOUNG: A noninterference ordinance --

MAYOR WEXLER: Ordinance.

MS. YOUNG: -- which prohibit the -- okay.

MAYOR WEXLER: Correct. It might give an administrator some piece of mind.

COMMISSIONER JACOBS: Mayor, I had a comment on the last page. I don't know if we're going page by page.

MAYOR WEXLER: Could we go page by page?

COMMISSIONER LIEBERMAN: I'm trying to go back and forth.

MAYOR WEXLER: Go ahead. Last page.

COMMISSIONER JACOBS: First, I appreciate the -- the lack of adjectives in describing the ideal candidate. That was shortened, or tightened up, as well as the bullets under county challenges and issues, and the -- and the personal characteristics.

On page 4 of the characteristics, though, on the one, two, third budget -- bullet down, it says, knowledge of the principles of management policy development. Since we are under Stirling Management, I would think you would want to insert knowledge of the principles of Stirling Management.

MS. YOUNG: Okay.

COMMISSIONER EGGELLETON: Well, you might want to say both.

MAYOR WEXLER: Well, there is nothing else.

COMMISSIONER JACOBS: And policy --

MAYOR WEXLER: It just says principles --

COMMISSIONER JACOBS: Well, just says --

MAYOR WEXLER: -- of policy development.

COMMISSIONER JACOBS: Earlier in the brochure, it speaks to the County Commission having adopted the Stirling --

MAYOR WEXLER: Right.

COMMISSIONER JACOBS: -- model, but then later on, when it looks at the characteristics and competencies of the perfect candidate are, it doesn't mention that they would need --, it would be best if they had some knowledge of the Sterling, so I'm only inserting the word that's mentioned earlier.

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MS. YOUNG: But since -- since you're adding the Sterling Management then, we probably should drop the and policy development, because it's not related. Drop the last three words, as well?

COMMISSIONER EGGELLETON: Well, I -- I -- you know, I --

COMMISSIONER JACOBS: No.

MS. YOUNG: You want to keep that?

COMMISSIONER JACOBS: Well, one doesn't -- I mean, the fact that you're clarifying the type of management system that we are currently under doesn't --

MS. YOUNG: Okay.

COMMISSIONER JACOBS: -- doesn't portend the removal of policy development from the sentence. It would mean that you didn't think it should be there in the first place, and I don't think that's what you're saying.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: Oh, okay, well, the --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER JACOBS: -- that's a good suggestion. One of the things was to put policy development first and Stirling Management following it.

MAYOR WEXLER: Yeah, I like that better.

MS. YOUNG: Yeah, that flows better.

MAYOR WEXLER: Okay? Policy development --

COMMISSIONER JACOBS: So it doesn't look like they're linked. (Inaudible) the same thing.

MAYOR WEXLER: -- policy development and then Stirling.

Commissioner Eggelletion.

COMMISSIONER EGGELLETON: No, that's exactly what I was trying to say.

MAYOR WEXLER: Okay. Good. Good.

COMMISSIONER EGGELLETON: You got it.

MAYOR WEXLER: Okay.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: -- I'm just going back and forth --

MAYOR WEXLER: All right.

COMMISSIONER LIEBERMAN: -- between my comments to see what still is in here and what is gone.

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In the brochure, it says airport, seaport, and international trade experience is preferred. Shouldn't that be in the short ad, too? It's in the long ad. It's not in the short ad. If it's in the brochure, it seems to me --

COMMISSIONER EGGELLETON: Is it on the website?

MAYOR WEXLER: Yeah, but we --

COMMISSIONER LIEBERMAN: You know, if you want --

MS. YOUNG: It's in -- it's the short ad, in the second -- at the end of second paragraph.

COMMISSIONER LIEBERMAN: (Inaudible.)

MAYOR WEXLER: Airport and seaport manager. It is. It's the last sentence.

COMMISSIONER LIEBERMAN: Okay.

COMMISSIONER EGGELLETON: Yeah, it is. It's the last sentence.

COMMISSIONER LIEBERMAN: That's the problem with having to do this stuff from the dais.

MAYOR WEXLER: I know.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: I'm going to be in all day tomorrow. I guess I can make friends with a lawyer or -- or someone, or Evan, and sit and do this word by word by word, and make sure that we -- I mean, I don't want to be the only one responsible for critiquing this. I had to critique the Foreclosure Task Force. It took a month to get the report that you got in front of you. Okay? That was hard work.

COMMISSIONER GUNZBURGER: I have a question. What are we doing with this brochure? Are we sending the brochure out --

MAYOR WEXLER: Yes.

COMMISSIONER GUNZBURGER: -- to interested candidates? Marjorie?

MS. YOUNG: Yes. Yes.

COMMISSIONER GUNZBURGER: Is -- is -- now I have a question --

COMMISSIONER JACOBS: And it will be on the web.

MAYOR WEXLER: Yes.

COMMISSIONER GUNZBURGER: And it'll be on the web. I understand that.

Mr. Lukic, you were here the last time around, correct, when we got Pam?

MR. LUKIC: Yes, I was.

COMMISSIONER GUNZBURGER: Did we send out a brochure in addition to an ad?

MR. LUKIC: I believe -- I've been involved in two prior recruitments. In both cases, I believe we created

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a brochure and -- and used it in that manner.

COMMISSIONER GUNZBURGER: Okay. I just wanted to know if this was the usual.

MAYOR WEXLER: It is the usual. It's the usual for even non-county administrator and city manager jobs. It's the usual. I know they do it -- search firms that do airport director, port director, upper level management, usually a high level position, they do create a brochure.

COMMISSIONER GUNZBURGER: All right. The reason being, I also like to see -- one of the things I really look for is once they decide that this might be the place they want to come to, I don't want everything having been spelled out in the material. I want what we want and what we're looking for --

COMMISSIONER LIEBERMAN: Yeah.

COMMISSIONER GUNZBURGER: -- but I want to see some initiative from the candidate that they do some homework on Broward County and on the Commission, that they're interested enough to do the homework.

So that's why I asked the question.

MAYOR WEXLER: Okay. We will check all the -- the populations, the ranking in the state, the ranking in the nation. We will make sure --

COMMISSIONER LIEBERMAN: The SMA.

MAYOR WEXLER: -- that there is consistency throughout the document, from whatever we have in the ad, whatever we have in the brochure, whatever we have on the web page. We will troubleshoot that change.

COMMISSIONER LIEBERMAN: Mayor, I have a few more grammatical changes.

MAYOR WEXLER: Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Under compensation and benefits, where it says your resume should indicate, I'd change that to your resume should list exact dates of employment in years and months for positions held.

COMMISSIONER GUNZBURGER: Did Marjorie hear that?

MS. YOUNG: No, I didn't hear that.

COMMISSIONER LIEBERMAN: Your resume should list exact dates of employment in years and months for positions held.

MS. YOUNG: Right. Are you asking why that's there?

COMMISSIONER LIEBERMAN: No, I grammatically changed the way you had written it.

COMMISSIONER GUNZBURGER: Where are you?

MS. YOUNG: Oh, okay.

MAYOR WEXLER: We're on page 4 of the brochure.

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COMMISSIONER LIEBERMAN: Uh-huh.

MS. YOUNG: Yes.

MAYOR WEXLER: And --

COMMISSIONER LIEBERMAN: Right under where it says this position closes on July 28th, 2008.

MAYOR WEXLER: Uh-huh.

MS. YOUNG: Uh-huh.

COMMISSIONER LIEBERMAN: The third sentence, instead of the way you've written it, should grammatically read your resume should list exact dates of employment in years and months for positions held.

MS. YOUNG: Okay. (Inaudible.)

COMMISSIONER WASSERMAN-RUBIN: Mayor, can I finish this (inaudible)?

MAYOR WEXLER: Can you pay me a bonus?

COMMISSIONER LIEBERMAN: Absolutely.

MAYOR WEXLER: I am all day tomorrow, it's --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Yes, but --

COMMISSIONER GUNZBURGER: Some of us are all day doing something else for the county.

MAYOR WEXLER: I know. I know that. I'm not going to FAC tomorrow, and I'm going to be right here, doing whatever --

COMMISSIONER LIEBERMAN: We'll miss you.

MAYOR WEXLER: -- needs to be done.

COMMISSIONER JACOBS: Well, hopefully, we won't still be on this (inaudible).

MAYOR WEXLER: Well, I -- I understand that, but --

COMMISSIONER LIEBERMAN: Can I have one other question?

MAYOR WEXLER: Commissioner.

COMMISSIONER LIEBERMAN: She says visit the Broward County website at www.county.broward.fl.us. You can get to the Broward County website at www.broward.org.

COMMISSIONER GUNZBURGER: Yes.

MAYOR WEXLER: Much easier.

COMMISSIONER LIEBERMAN: Much easier.

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COMMISSIONER GUNZBURGER: Did you hear that Marjorie?

MS. YOUNG: Do you want to put --

COMMISSIONER GUNZBURGER: www.broward.org.

COMMISSIONER LIEBERMAN: As opposed to what you put.

MAYOR WEXLER: In the ad, Marjorie, and --

COMMISSIONER LIEBERMAN: Also in the brochure.

MAYOR WEXLER: -- and in the brochure, you make reference to getting to the website, and you've got it from broward.florida.us.

MS. YOUNG: Yes.

MAYOR WEXLER: The way we get to it is broward.org.

MS. YOUNG: Okay.

MAYOR WEXLER: You don't have to go in through the state.

MS. YOUNG: Okay.

MAYOR WEXLER: Okay. I would also ask, to make it easier, is it possible to have the minutes of the -- transcribed for just this one piece so that I have something to work with? I'm busy writing everything. I'm sure Marjorie is.

Commissioner Lieberman --

COMMISSIONER JACOBS: Yes, she's done.

COMMISSIONER LIEBERMAN: I'm done.

MAYOR WEXLER: No, no, no. Do you want to be point on this?

COMMISSIONER LIEBERMAN: No.

COMMISSIONER GUNZBURGER: She's got to go to FAC tomorrow.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: This has got to -- this has got to be done tomorrow.

COMMISSIONER LIEBERMAN: Mayor, I am so comfortable with you handling this.

MAYOR WEXLER: This has got to be done tomorrow. If she's going to FAC, then I don't know when it would --

COMMISSIONER GUNZBURGER: She's one of our vice presidents.

MAYOR WEXLER: I know she -- and very proud of it.

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COMMISSIONER LIEBERMAN: In fact, my meeting started at 5:30.

MAYOR WEXLER: Okay. Well, we're -- we're moving right along here. Okay.

Marjorie --

MS. YOUNG: Yes.

MAYOR WEXLER: -- does Mr. Lukic have these documents? Can you e-mail these documents to him -- to him or his secretary so that we can then --

MS. YOUNG: They both have them.

MAYOR WEXLER: All right. Because we -- what we'll need to do is we'll just do the minor editing. That's the only way to --

COMMISSIONER GUNZBURGER: I understand, or else we'll be months behind.

MAYOR WEXLER: Correct. We're going to do the minor editing, and we'll get it back late to you tomorrow afternoon, Marjorie.

MS. YOUNG: All right.

MAYOR WEXLER: Okay? And if we need to reach you by phone, we certainly know how to do that.

MS. YOUNG: Yes.

MAYOR WEXLER: Thank you. All right.

MS. YOUNG: You're welcome.

MAYOR WEXLER: If there -- if there are any other ideas that Commissioners have or corrections that you see overnight, please feel free to let Mr. Lukic know. Okay. Thank you.

AGENDA ITEM 141

MAYOR WEXLER: We're moving right along. Where am I?

UNIDENTIFIED SPEAKER: 141.

MAYOR WEXLER: I think 141 is -- Vice Mayor wanted to discuss the calendar, and I think that she wanted to discuss August 26th, if I'm not mistaken --

COMMISSIONER GUNZBURGER: Yeah, they (inaudible).

MAYOR WEXLER: -- regarding it being a longer --

COMMISSIONER LIEBERMAN: You know, Mayor, I'm sorry. I apologize. I have one other thing circled on the page.

MAYOR WEXLER: Go ahead. We got it.

COMMISSIONER LIEBERMAN: On the brochure, on the first page, where it talks about the community

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--

MAYOR WEXLER: Yes.

COMMISSIONER LIEBERMAN: -- in the second paragraph, it says Broward provides quality public and private education and diverse colleges and universities. We don't provide that.

MAYOR WEXLER: Does that need to be in there?

COMMISSIONER LIEBERMAN: Yeah. I have that whole question, because --

MAYOR WEXLER: If you're giving -- if you're giving me a little bit of carte blanche, I take it out.

COMMISSIONER LIEBERMAN: I would take this whole --

MAYOR WEXLER: Yes.

COMMISSIONER LIEBERMAN: -- second paragraph completely out.

MAYOR WEXLER: I totally -- it has no relevance.

COMMISSIONER LIEBERMAN: (Inaudible.)

MAYOR WEXLER: Correct. Good.

COMMISSIONER LIEBERMAN: Thank you.

MAYOR WEXLER: Oh, I'm right there. You wait and see what it looks like.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: Good.

COMMISSIONER GUNZBURGER: It should have your face smiling out.

MAYOR WEXLER: Oh, yeah. Right. Okay. All right.

We are on Item Number 141, the calendar.

COMMISSIONER GUNZBURGER: I know what it was.

MAYOR WEXLER: It was -- it was August 26th, and --

COMMISSIONER GUNZBURGER: She wanted to move it to the 28th.

MAYOR WEXLER: -- I think we had plugged in -- didn't we plug in a workshop?

COMMISSIONER EGGELLETON: On the 26th?

COMMISSIONER JACOBS: No, on the 12th.

COMMISSIONER GUNZBURGER: No, it was a regular and public meetings.

MAYOR WEXLER: No, it's August 12th that we did.

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COMMISSIONER JACOBS: (Inaudible.)

MAYOR WEXLER: It was the 12th. That's the only thing that's different here.

COMMISSIONER GUNZBURGER: Right, but they want these changed. There's a couple of people here, one to your left, and one to your right, who really don't want to be here on August 26th.

MAYOR WEXLER: So they don't want a meeting that day?

COMMISSIONER EGGELLETON: On the 26th.

MAYOR WEXLER: On the 26th?

COMMISSIONER GUNZBURGER: Yeah. Because of the Primary.

MAYOR WEXLER: I know that, but that one has actually been on the calendar all along. That's not new. The only thing new is August 12th, the Fire/Rescue Council workshop that we rescheduled, because we never made it in there that day.

I'm -- look, I don't -- it's your pleasure.

COMMISSIONER GUNZBURGER: It's not my election.

COMMISSIONER JACOBS: Can I just check something?

COMMISSIONER LIEBERMAN: Are you going to the convention? You may not have a quorum on the 26th.

MAYOR WEXLER: No, I don't --

COMMISSIONER EGGELLETON: On the 26th, I won't be here.

COMMISSIONER LIEBERMAN: You may not have a quorum.

COMMISSIONER EGGELLETON: I'm just telling you.

COMMISSIONER LIEBERMAN: That's the problem.

MAYOR WEXLER: Yeah, when is the --

COMMISSIONER LIEBERMAN: The same -- the 26th.

COMMISSIONER GUNZBURGER: What else is on the 26th?

COMMISSIONER LIEBERMAN: You have Commissioner Ritter --

MAYOR WEXLER: The Democratic National Committee -- the convention.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER GUNZBURGER: That's three out.

MAYOR WEXLER: So on the 26th, we have -- we'll have at least two Commissioners --

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COMMISSIONER LIEBERMAN: On the ballot.

MAYOR WEXLER: -- on -- on the ballot. We'll have at least two Commissioners that are delegates.

COMMISSIONER LIEBERMAN: Right.

COMMISSIONER RODSTROM: I'll be here, if you'd like me to be.

COMMISSIONER JACOBS: I'll be here.

COMMISSIONER GUNZBURGER: I'll be here.

UNIDENTIFIED SPEAKER: I'll be here.

MAYOR WEXLER: We would love you to be here.

UNIDENTIFIED SPEAKER: Maybe you could have a short meeting, because --

MAYOR WEXLER: How about if we just do the regular meeting and not the Public Hearing that day?

COMMISSIONER RODSTROM: Whatever.

MAYOR WEXLER: We'll stick to the --

COMMISSIONER RODSTROM: If you promise -- you know, if you're respectful of the fact that --

MAYOR WEXLER: And -- and I will try to make it that it's over at noon.

COMMISSIONER RODSTROM: Yeah.

MAYOR WEXLER: How's that?

COMMISSIONER RODSTROM: I think that's reasonable.

COMMISSIONER JACOBS: It's mostly Consent items, that type of thing, usually we set on that day, in and out in an hour.

MAYOR WEXLER: We will -- correct.

COMMISSIONER RODSTROM: Yeah.

MAYOR WEXLER: Steven, are you listening to all this?

UNIDENTIFIED SPEAKER: Yes.

MAYOR WEXLER: Okay.

COMMISSIONER RODSTROM: We can get this done.

MAYOR WEXLER: Okay. He's so wonderful.

COMMISSIONER GUNZBURGER: I was just trying to be nice. But it says, I'd like to point out, regular

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and Public Hearing.

MAYOR WEXLER: I -- I'm looking at the calendar. It says regular and Public. We also have a regular and Public on August 12th, so -- and -- and we have sent many things today from today's Public Hearing to August 12th.

COMMISSIONER GUNZBURGER: So --

MAYOR WEXLER: So --

COMMISSIONER GUNZBURGER: And -- and that's --

MAYOR WEXLER: As long as we, in a timely manner, which would be --

COMMISSIONER GUNZBURGER: Lois, we only have two meetings in that month.

MAYOR WEXLER: I know.

COMMISSIONER GUNZBURGER: Oh, no, three. Oh, yeah, we have August 5th.

MAYOR WEXLER: We have August 5th.

COMMISSIONER KEECHL: The day we get back.

MAYOR WEXLER: We have -- but it's the public meeting part that I -- I'm concerned about. We have one public meeting.

COMMISSIONER JACOBS: Mayor.

MAYOR WEXLER: I think that we need to probably cancel the afternoon so we can, you know, accommodate Commissioner Rodstrom. Thank you, you know, for at least agreeing to be here for part of that day.

Commissioner?

COMMISSIONER JACOBS: Mayor, I'm so sorry to interrupt, but my aide just pointed out a fact, and that is that this election, the Supervisor of Elections has asked all kinds of staff members to participate in this election, and we may be short-staffed on that day.

COMMISSIONER RODSTROM: They won't be here to present the issues to us.

COMMISSIONER JACOBS: The issues, or answer questions or whatever, because they sit in the audience the whole time, just in the event we ask a question. So I think it's just one more organizational hurdle, to make sure that whatever is on the agenda that day, that there is somebody that could address the issues.

MAYOR WEXLER: Ms. Henry, I -- how do you feel regarding your staff's being here versus possibly volunteering to be working a site?

MS. HENRY: The staff that would normally be here in the -- in the chambers will probably be here.

MAYOR WEXLER: I would think so.

MS. HENRY: The department heads would be here. If they need any follow up from any staff, we'll

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work that through --

MAYOR WEXLER: Okay.

MS. HENRY: -- but the department heads are usually here.

MAYOR WEXLER: Okay. Then what we're going to look to do is make the morning meeting light --

COMMISSIONER RODSTROM: Sure.

MAYOR WEXLER: -- morning meeting light on August 26th. Most of it will be Consent Agenda. They're both standing now. Look, you see, they're both standing. What --

COMMISSIONER LIEBERMAN: There is not meeting the first week in September because of Labor Day.

MAYOR WEXLER: There is no meeting the first week in September, because of Labor Day, as far as Public Hearings are concerned.

COMMISSIONER LIEBERMAN: So is there some reason we can't --

UNIDENTIFIED SPEAKER: How about moving (Inaudible)?

MAYOR WEXLER: Oh, Thursday. We're doing it in November.

COMMISSIONER LIEBERMAN: You have a Public Hearing on August 12th.

MAYOR WEXLER: I do. I do. And then the next one would be September 9th.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: Is it -- no, folks, help me understand why there is a problem --

COMMISSIONER LIEBERMAN: I don't think there's a problem.

MAYOR WEXLER: -- for not having a Public Hearing. Are we required to have two Public Hearings in a month, Mr. Newton?

MR. NEWTON: No, changed the Board's rules and procedure to say you can have your Public Hearings typically on a Tuesday, but on any other date that the Board may choose.

MAYOR WEXLER: Okay. So --

MR. NEWTON: No. I started out by saying no.

MAYOR WEXLER: Okay. He started out -- so these are our choices here. Either we move the 26th in its entirety, regular and Public Hearing, to the 28th of August, or we keep the 26th regular meeting, and we keep it short and tight and cancel the Public Hearing agenda.

COMMISSIONER LIEBERMAN: Right.

MAYOR WEXLER: Okay?

COMMISSIONER LIEBERMAN: I like option two.

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(VICE MAYOR RITTER RETURNED TO THE ROOM.)

MAYOR WEXLER: The second two? Okay. Okay. So if the next time we see the calendar, which will be August 5th, if it could please reflect --

COMMISSIONER GUNZBURGER: (Inaudible).

MAYOR WEXLER: Okay. The next time that we have the opportunity to advertise our calendar is August 5th. It will reflect that on August 26th we are only going to have a regular meeting. And it -- I -- I promise you, I give you my word that it will be short. It will be an easy meeting, and noncontroversial and compact. Okay? The -- the 12th is a regular --

COMMISSIONER WASSERMAN-RUBIN: (Inaudible.)

MAYOR WEXLER: Yeah, the 12th --

COMMISSIONER WASSERMAN-RUBIN: We're not touching that.

MAYOR WEXLER: We're not touching that. It's only the 26th, because it's going to be difficult. Okay? And the Public Hearing part -- so there -- if staff can also be informed, those that prepare Public Hearing Agenda Items, that there is only one Public Hearing in August, which is the 12th --

COMMISSIONER WASSERMAN-RUBIN: Uh-huh.

MAYOR WEXLER: -- and that in September, the next Public Hearing is September 9th.

COMMISSIONER WASSERMAN-RUBIN: Right.

MAYOR WEXLER: So they guide themselves accordingly.

MS. HENRY: We're back on schedule at that point. Right. We're back on schedule.

MAYOR WEXLER: Thank you. All right? Okay. Thank you.

AGENDA ITEM 146

MAYOR WEXLER: We are now on Item Number 146.

Commissioner Jacobs.

COMMISSIONER JACOBS: Thank you, Mayor. Commissioners, I brought this item forward. As you know, FDOT is moving forward with very little public input on privatizing Alligator Alley. They proposed no major improvements. It is different than the privatization of 595 and soon I-95's managed lanes or toll lanes, but, in fact, turning it over to another company, a private company to collect those tolls. And if -- and I've included a lot of the backup that they have put out, which, when you read, you see there is nothing but holes in it.

The legislation that was passed does not require them, if they privatize it and raise tolls, which is what the secretary will tell you they plan to do, to raise those tolls and ensure that any of those dollars come back to Broward County.

Additionally, there will be a lump sum up front payment given to the state by the private contractor, and it is expected, if you look at the language, that those dollars can be spent for any state need --

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transportation need.

CONFERENCE OPERATOR: You are the only person in the meeting now.

COMMISSIONER JACOBS: So none of this benefits Broward County. And what particularly galls me is recently, when they had a briefing for the public about how this -- what -- how this -- the details of this project, it wasn't held in Broward County or Collier County, where the residents who are going to be paying these tolls most likely are going to be coming from. In fact, they held it in Orlando.

I -- I find that they are going off in the complete wrong direction, and this resolution is one to state our opposition to privatizing Alligator Alley. With the dollars that people are now paying increased for gasoline and the costs of having a car, to go further exacerbate this situation by putting another toll, and then, even more egregious, to make sure that those new dollars that would be generated by increasing a toll in the community do not come back to Broward County or benefit us, and further, that no new construction is being considered as a part of this privatization, and that they want to do it for between 50 and 75 years, I don't think there's a politician in Broward County that will be alive when this process goes forward and -- and ends.

So I put this thing for you -- out before you now so that we can move forward at least to join Collier County and others to stand up against what FDOT is trying to do in privatizing the Alley.

MAYOR WEXLER: Thank you for bringing this forward.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: You know, this nomenclature, public/private partnership, P3 they call it, and it sounds, you know, like it's an attractive thing. But when you look at what the government has done, they've -- they've sold the Skyway Bridge. They just did the New Jersey Turnpike. And, you know, to me, it's what -- it's sort of short-sighted, because, yeah, you take a billion dollars in, but now you've lost total control over your roads forever. And -- and you -- you know, and the government will spend the money in a couple years, and yet the road will be gone forever.

And to me, I think that this is, I agree with you, very short-sighted on our part. The state's, you know, triple A rated credit. The state's got really strong financially. It doesn't need to be selling its assets.

COMMISSIONER JACOBS: No, (inaudible).

COMMISSIONER RODSTROM: And the road system is one of the greatest assets that the state has. The Florida Turnpike is one of the most successful turnpikes in the country. So now we're going to start selling our assets because of what reason?

COMMISSIONER JACOBS: Short term.

COMMISSIONER RODSTROM: I don't get it. I don't get it at all. So, you know, I -- I applaud you for bringing this forward.

COMMISSIONER JACOBS: Thank you, Commissioner.

MAYOR WEXLER: Any other comments? I do, too. Excellent. Thank you.

COMMISSIONER GUNZBURGER: If you move it, I want to second it. It's a great --

COMMISSIONER JACOBS: Well, when the time was appropriate, I was going to move it.

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So if it's deemed, I would like to move the item.

COMMISSIONER GUNZBURGER: The time is appropriate.

MAYOR WEXLER: Item Number --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: -- Item Number 146 opposing the privatized -- privatization of Alligator Alley, moved by Commissioner Jacobs; seconded by Commissioner Gunzburger.

COMMISSIONER JACOBS: Mayor, I forgot something, I'm sorry, before you vote, that staff has asked direction that they would -- that governmental affairs would do a letter -- the cover letter that would send it off to Collier and -- and other interested parties.

MAYOR WEXLER: Absolutely.

COMMISSIONER JACOBS: That would go under the Mayor's signature.

MAYOR WEXLER: Certainly. Certainly.

COMMISSIONER JACOBS: Thank you.

MAYOR WEXLER: I think it should go out --

COMMISSIONER JACOBS: Well, hopefully, they'll have it ready for me to take to FAC so that we can get a little more behind it.

MAYOR WEXLER: Okay.

COMMISSIONER JACOBS: Thank you.

MAYOR WEXLER: All those in favor, indicate aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: I think that concludes the last agenda before break. Do I have that right?

COMMISSIONER GUNZBURGER: But we all have all sorts of Non-Agenda.

MAYOR WEXLER: We have all sorts of Non-Agenda, we do, we do, we do. But I just want a quick check, we're done with the items?

COMMISSIONER JACOBS: Yes.

COMMISSIONER LIEBERMAN: Yes.

MAYOR WEXLER: County Administrator's report?

COUNTY ADMINISTRATOR'S REPORT

AGENDA ITEM 146

COMMISSION MINUTES

MS. HENRY: Very briefly, I wanted to inform the public that the Resource Recovery Board is providing for a trash-free -- trash -- I'm sorry -- trash-free Saturdays through September 27th, if you are a -- if your city is a member of the Resource Recovery Board. The cities that are not, and this would not be eligible for this benefit, would be residents living in Pembroke Pines, Parkland, Pompano Beach, and Hallandale Beach.

COMMISSIONER GUNZBURGER: So what does that mean?

MS. HENRY: As we're gearing up for the hurricanes, we have debris. Everybody is gathering the debris, and they are allowing homeowners with the proper ID to take their debris to the transfer stations and have it be disposed of for free. It's a free service.

MAYOR WEXLER: Oh, so it's free.

MS. HENRY: Free --

MAYOR WEXLER: Like money.

MS. HENRY: -- free service. Uh-huh.

MAYOR WEXLER: Is that it?

MS. HENRY: Also, I would like to also let the public know that we are kicking off Christmas in July donation. We have barrels in places that you can bring your donations throughout the county, including our -- our libraries, the Government Center, and our water and waste water services facility in Pompano Beach.

So the community has always been very supportive of this effort, and we look forward to them doing so again.

And, finally, we are running the -- the quarterly blood drive through the 26th of this month. And so --

COMMISSIONER GUNZBURGER: (Inaudible.)

MS. HENRY: I know. No, it's -- the more you give, the better it is for you.

And with that --

MAYOR WEXLER: It gets all the impurities out of your system.

MS. HENRY: Yes. And with that, I will leave Green Thursday to Commissioner Jacobs, as I understand. Thank you.

COMMISSIONER GUNZBURGER: You did red blood, she does green.

MAYOR WEXLER: I'm -- I'm going to pass --

Ms. Henry, does that conclude your report?

MS. HENRY: Yes, it does.

MAYOR'S REPORT

COMMISSION MINUTES

AGENDA ITEM 147

MAYOR WEXLER: I'm going to pass some of these down there. Those that came to the insurance committee meeting the other day already have -- have seen this --

COMMISSIONER LIEBERMAN: Yeah.

MAYOR WEXLER: -- but there's another one.

One of the things that I wanted to do and wanted to do with zero expense to the county was to work with our insurance company and work with Ms. Ruh -- and I don't know if Mr. Acton or Ms. Ruh are in the audience. They did say they were going to stay late today, because I did indicate this would be presented under the Mayor's report, but that to try to take a -- take the cafeteria and make it a welcome place -- and -- and I go down there at least a couple of times a week, and I go down and I get my lunch or I, you know, say hello. I do, I go down there a couple of times a week. And they say, oh, there's that Mayor again. You know what she wants to do to us. And so that was really difficult. What was difficult -- because working --

COMMISSIONER WASSERMAN-RUBIN: This is bigger than the actual cafeteria.

MAYOR WEXLER: No, the cafeteria is a -- is wonderful, and there are people that use the cafeteria. And what I really wanted to be able to do, and I know that Commissioner Lieberman and others have tried over the years to make the food healthier, to -- I mean, I don't even want to --

COMMISSIONER LIEBERMAN: No, no.

MAYOR WEXLER: I don't want to go there. But I -- I believed and -- and Scott Campbell and people from the Division of the Blind, because the cafeteria is run by the Division of the Blind, and they've had a contract in place with Broward County government for a very, very, very long time. But every body has agreed, their attitude and their -- their direction was very positive in trying to make something happen for the employees.

There --it -- but the main part is is to make it more welcome, to get some new furniture in there, to change the flooring in there, to put little seating areas in there. But the major focus -- and I don't know how many of you know -- we do have a wellness person on staff now, and the wellness person on staff would, at least, during the lunch period, be housed there. There would be a television there. There would be the opportunity for many, many health education classes to be there, work -- workshops to be there for employees, such as Weight Watchers at Work. There -- there is a -- there -- to measure fat. I don't know what the machine is called, bio -- to

COMMISSIONER RODSTROM: Biomass (inaudible).

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER GUNZBURGER: Biomass.

MAYOR WEXLER: Right. We have that machine. The county bought that machine. It's in health benefits and has been there. It would be here.

COMMISSIONER GUNZBURGER: It's gathering dust.

MAYOR WEXLER: It probably is. It's probably holding clothes, as exercise machines do in people's homes, you know, throw the jacket over it, or something. But that -- that's the vision for it, but the key is, is that staff wanted to -- I wanted to make sure that you

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were aware this would be going on during the summer.

Again, it's -- it's no expense to the county, and -- these -- these -- this here (indicating) -- this here would be half walls, so that there would be definition, with all kinds of health brochures, but there would be resources. The ultimate goal there would be to make some kind of -- I'm not sure if you're aware that the clinic that was within walking distance did close. That was a contractual obligation under the Vista contract that they're no longer able to keep for us. So, instead, resources are being shifted to make this become a reality.

So -- I -- I --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Well, it started out -- it started out a massage, masseuse. It could be lots of things. It is open for direction. But it -- the first step was to get something in the wellness arena with food, along with people taking responsibility for their health, whether it's weight management, whether it's disease management, whatever it is, whether it's -- I don't know if you've noticed that our vending machines now have a much more healthy supply of foods in it. It's not just -- and don't shoot me -- chocolate. There is a couple of chocolate --

COMMISSIONER LIEBERMAN: Chocolate is a health food.

MAYOR WEXLER: Yes, but it was overwhelmingly chocolate. Now there are --

COMMISSIONER LIEBERMAN: It's a very big health food.

MAYOR WEXLER: -- now there are combinations of --

COMMISSIONER WASSERMAN-RUBIN: Chocolate is one of the five food groups.

MAYOR WEXLER: Yes, but -- but there are many --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: We can. I just wanted to -- I wanted to keep you advised and abreast of -- of this. It was -- it happened to have been one of my priorities when I -- when I was selected Mayor, and I hope in the early fall to have the ribbon cutting with you there.

COMMISSIONER WASSERMAN-RUBIN: Can we have an idea box?

MAYOR WEXLER: Pardon me?

COMMISSIONER WASSERMAN-RUBIN: An idea box to put stuff in?

MAYOR WEXLER: Absolutely. Absolutely.

NON-AGENDA

MAYOR WEXLER: Commissioner Jacobs, I'm through.

COMMISSIONER JACOBS: Mr. Newton was just telling me about some of the wonderful things they did in Orange County government with their wellness initiative --

MAYOR WEXLER: They do it at the school board.

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COMMISSIONER JACOBS: -- their contests with pedometers --

MAYOR WEXLER: Yes.

COMMISSIONER JACOBS: -- and the 3,000 steps --

MAYOR WEXLER: Yes.

COMMISSIONER JACOBS: -- the national effort. You know what that is, where you wear a pedometer and it measures your -- you're supposed to get up to 3,000 steps a day.

I would love to see us emulate some of what they did. If you share with them what you just told me about incidences of --

MR. NEWTON: And what we found with the more healthy employee base, that Workers' Compensation claims started to drop as well. So it makes a big difference. You don't necessarily see it until about three to five years out, but it makes a very big difference.

MAYOR WEXLER: Well, this is all Becky Cherney stuff.

COMMISSIONER JACOBS: And he said --

MAYOR WEXLER: This is all Becky Cherney, and she started all of her stuff up in Orlando. We're a part of this proactive health wellness, and I -- and so I'm really so excited about being able to have something that we can tell our employees that they're very important to us.

COMMISSIONER JACOBS: Yes, I like it.

MAYOR WEXLER: And their health is important to us.

COMMISSIONER JACOBS: I think it's a good idea.

AGENDA ITEM 148

MAYOR WEXLER: I'm going around the queue. Commissioner, your report.

COMMISSIONER JACOBS: Okay. Two things.

MAYOR WEXLER: Jacobs.

COMMISSIONER JACOBS: One, I -- forgive me for being a little bit technical here, but it's important that you understand, and you may already understand, the issue. I serve on the South Florida Water Management's Resource Advisory Commission, which is a group that comprises all 16 counties under their authority, and you have everyone from the Army Corps of Engineers to stakeholders and -- and wildlife and environmental and -- and utilities, and you name it on this panel. And one of the things that came up to my attention recently that I raised at the last RAC meeting, and that was that there is -- there's a document that prioritized all of the different projects that went into the comprehensive Everglades restoration plan. And it's initials are worded WRDA -- W-R-D-A -- and they were Broward County's projects that never made it into this implementing bill and the language. It was supposed to be added supplementally. And it was added -- the way that these things are added is through something called the Chief's Report, which is the chief of the Army Corps of Engineers.

We were supposed to have the Broward County projects included as a part of the 2007 amendments, and

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they didn't make it in. One of the reasons why this is so key is there is a percentage of all of these projects that has recreational elements that would help pay for the greenway on the levy. So as we missed the '07 deadline, then we were looking forward to getting it in at some point this year. And at the RAC, I understand that the South Florida Water Management District and the Army Corps of Engineers are having some issues in working out some reimbursements on unrelated issues, unrelated to Broward County's elements of the project, and that we may not have our elements included in the Chief's Report until possibly '09.

When I raised the issue of concern there, because if we're not in the Chief's Report then, that means that our projects never make it, they're not -- they're not blessed, so they don't even go forward to get in line for funding. The gentleman, Mr. Salt, who is there from the Army Corps of Engineers said that I was right to bring these issues up, that, in fact, he believed that we probably didn't have a chance to get in until 2011, and that was still iffy.

He recommend the that if we wanted to move these issues forward, that we really needed to pursue it politically, and so I'm recommending today that staff draft a letter for the Mayor's signature to raise this issue to a higher level, that these -- that the concern now is -- I don't know if you've all seen the press release that the Water Management District is going to be purchasing about 187,000 acres of Sugarland now that as -- as this land needs -- they will be reevaluating all the components of the cert, and that means that at some point, since we're not in the Chief's Report yet, we may never get in there and we may not have our projects funded.

So that would be the first thing, without -- without objection, I'd ask staff to draft that letter for the Mayor's signature, and we move it forward both through the Corps and through the district.

AGENDA ITEM 149

COMMISSIONER JACOBS: And then, finally, on a happier note, Green Thursdays, we announced last week, and we are all off on the month of July, but this program goes through September 25th, and it doesn't mean that you necessarily have to get out and get on a bus. You can find alternate ways. The idea's to, in essence, dump the pump for at least one day a week, either to carpool with someone, take alternative forms of transportation, maybe it's your bike, or some other way of getting to work. And so we'd encourage anybody in the community that wants to learn a lit bit more about it to join us by calling Broward County Transit at 954-357-8400.

Or, more importantly, what we launched that day was Google Transit, which is this awesome site where you go to Google.com/transit. You type in where you live and where you want to go, and it will tell you how not only how long it's going to take you to walk to the stop and where it is, it will map out your route, tell you how long it's going to take to get where you going, and then it will also show you what it would cost you to take our bus versus drive your car. So it gives you an amount of money that you will save by taking these alternative forms on transportation. It's really nifty. So if you get a chance, I'd love to have you guys participate, and anyone in the community, with it.

That's it.

MAYOR WEXLER: Well, I'll be on it.

COMMISSIONER JACOBS: Me, too.

MAYOR WEXLER: One Thursday.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Thank you. I actually carpoled last Thursday, and it was an

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interesting experience.

MAYOR WEXLER: With your husband?

COMMISSIONER LIEBERMAN: No, I actually caught three different rides to different locations, so it was really fascinating, but I assure you, I did not hitchhike.

AGENDA ITEM 150

COMMISSIONER LIEBERMAN: Okay. First issue is you may have all seen the e-mail -- I'm sorry, the memorandum from the County Attorney's Office that we cannot put a provision in our deeds about the sales price. And so what I'm bringing back to all of you, if you think about the DR 219, the DR 219 was nothing more than like a fax cover sheet. It was a synopsis of the terms of the deal.

And so I'm asking whether, because we can't put it in the deed, why we wouldn't have an affidavit from the buyer as to the sales price. It's really going to be an issue. You have to have something. And the problem is that you may get information on multiple listing sites if somebody used your realtor, but on By Owner, you may not, or if it's private deal, and you'd want some degree of assurance. We might -- I don't want to get the sales contract. It's very long. And just if you did the affidavit as to price, it wouldn't even necessarily have to be filed, but it could be just so that we could verify the price. It would have to be notarized, you know, signed in front of a notary.

Anybody object to that?

MAYOR WEXLER: If we can do it.

MR. NEWTON: We're doing -- well, that's -- that's the issue, and I think there is a follow up to those two questions that you had asked --

COMMISSIONER LIEBERMAN: Okay. Good.

MR. NEWTON: -- that's on my desk.

COMMISSIONER LIEBERMAN: Perfect.

MR. NEWTON: And so we'll get it out to you tomorrow.

COMMISSIONER LIEBERMAN: Okay. Okay.

MAYOR WEXLER: Okay? So Legal will look into that further.

AGENDA ITEM 151

COMMISSIONER LIEBERMAN: Okay. Second issue is, several counties, including Leon, Alachua, Collier, Flagler, Manatee, Charlotte, Gillcrest, Monroe, Levy, and Bay --

COMMISSIONER JACOBS: Say that again a little faster.

COMMISSIONER LIEBERMAN: Okay. Have agreed to join in a lawsuit, the cost for conflict counsel being passed down to them.

COMMISSIONER GUNZBURGER: Oh, yes.

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER LIEBERMAN: I'd like us to join, too and to offer our County Attorney's service.

COMMISSIONER GUNZBURGER: I agree.

COMMISSIONER LIEBERMAN: Does anybody object?

COMMISSIONER GUNZBURGER: That's on our agenda tomorrow.

COMMISSIONER LIEBERMAN: Yes, it is. It was on my executive board meeting today at 5:30.

COMMISSIONER GUNZBURGER: Well, I did read my backup.

COMMISSIONER LIEBERMAN: Okay. Good. Okay. So if you, Mr. Newton, can take the necessary actions to put Broward County in there.

AGENDA ITEM 152

COMMISSIONER LIEBERMAN: Number three, the riverfront property is being auctioned on August 5th at 11:00 due to foreclosure.

MAYOR WEXLER: Across the street.

COMMISSIONER LIEBERMAN: Across the street. Well, which -- sort of, that way. Has staff looked at that and just made sure, as -- as the foreclosure moves forward, that it doesn't in any way impair any of our abilities or create a bigger problem for us with respect to where we're located, or maybe, you know, depending on what the price is of the property, you know, I think you just need to monitor that and see what the issue is.

And then finally --

COMMISSIONER GUNZBURGER: Wait a minute. (Inaudible).

MAYOR WEXLER: Okay. So -- wait, wait.

COMMISSIONER LIEBERMAN: It's in foreclosure, and an Order of Foreclosure has been issued. The public sale's --

COMMISSIONER GUNZBURGER: I know it's an Order of Foreclosure.

MAYOR WEXLER: What's the date?

COMMISSIONER GUNZBURGER: August 5th.

COMMISSIONER LIEBERMAN: It's August 5th at 11:00 on the courthouse steps.

COMMISSIONER GUNZBURGER: I'm just wondering, you know, this was property that at one time we were very interested in.

COMMISSIONER LIEBERMAN: Yes, it was, and that's -- without much more, I'm asking staff --

COMMISSIONER GUNZBURGER: Okay.

AGENDA ITEM 153

COMMISSION MINUTES

COMMISSIONER LIEBERMAN: Okay? And then, finally, I want to share with all of you a major success. The governor signed the bill, passed first time out from the legislature, suspending versus terminating the health benefits of incarcerated individuals. So, Ms. Henry, because it suspended versus terminated, it should reduce some of our health care costs in the jail and post-incarceration.

So I'd ask during summer break that you look at that, because we might have some additional cost savings to factor in when we come back to do our wrap-up budget issue. And I just -- I can't thank Gretchen Harkins enough for her advocacy on this issue. For those of you who think that I am not a wall flower, she makes me look like one in terms of the way she approaches our legislative issues. But for her absolutely amazing and dogged persistence of this issue, where she went and met with budget directors and everyone, it is so unusual to have this passed first time out, and she's a major treasure.

MAYOR WEXLER: Very bright. Very bright. Thank you.

AGENDA ITEM 154

MAYOR WEXLER: Commissioner Wasserman-Rubin.

COMMISSIONER WASSERMAN-RUBIN: I just wanted to say a few things about swimming. I don't know if you've noticed, but lately there's a renewed, I guess, passion for -- to teach children how to swim --

COMMISSIONER GUNZBURGER: Do you want to put your mic on?

COMMISSIONER WASSERMAN-RUBIN: -- and et cetera, by the Sheriff and others. I'm sure you've seen (inaudible). And the McDonald House charities donating 57,000 to SWIM Central.

MAYOR WEXLER: We spoke about you a number of times.

COMMISSIONER LIEBERMAN: Yes, we did. We talked about the initial --

COMMISSIONER WASSERMAN-RUBIN: Thank you very much. But I think what's important is that, in whatever capacity, there is an awareness out there now that is heightened and that's -- we should keep it up.

And I wish every one of you a very happy successful -- not successful, but restful and non-stressful summer for all of you. I'll be floating somewhere --

COMMISSIONER LIEBERMAN: Mayor, if you'll forgive me, I'm going to go make my 5:30 meeting.

COMMISSIONER WASSERMAN-RUBIN: -- in strange waters, but have fun, everybody.

MAYOR WEXLER: Thank you.

AGENDA ITEM 155

MAYOR WEXLER: Commissioner Keechl.

COMMISSIONER KEECHL: Yes, just one thing. I want to say congratulations to Commissioner Lieberman and Vice Mayor Ritter for being re-elected.

MAYOR WEXLER: Oh, publicly.

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COMMISSIONER LIEBERMAN: It was tough.

COMMISSIONER WASSERMAN-RUBIN: It's the best, isn't it?

COMMISSIONER KEECHL: We should all have it so tough. That's it. Thank you.

MAYOR WEXLER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I had done that privately, but I'm glad it's done publicly, as well. I think they did a very hard-fought campaign, and we saw the dividends that it paid off. And I understand according to the Vice Mayor it was the first time she had such a hard campaign, so --

COMMISSIONER RODSTROM: Once in a while, you get lucky, right?

COMMISSIONER GUNZBURGER: Right. And I wanted to also join in wishing everybody a wonderful month away from this.

MAYOR WEXLER: Us.

COMMISSIONER GUNZBURGER: From all of us. And I was wearing red, white, and blue, because I was thinking of next week. and the 4th of July and our country's birthday, and happy birthday, USA.

MAYOR WEXLER: Thank you.

Commissioner Rodstrom.

COMMISSIONER RODSTROM: I have nothing. Thank you. Have a great time, everybody, on the break.

MAYOR WEXLER: Thank you. Vice Mayor.

VICE MAYOR RITTER: Nothing.

MAYOR WEXLER: Okay. Again, I don't know if Mr. Lukic, or Mr. Newton, you want to say anything other than --

MR. LUKIC: Nothing. Just have a good break.

MAYOR WEXLER: Have a good break. Come back -- come back in good spirits and healthy. Healthy and safe. Thank you. Meeting adjourned.

(THE MEETING ADJOURNED AT 7:11 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

COMMISSION MEETING

2

1

JR/LL/LR/JH/DH/PL
06-24-08

COMMISSION MINUTES

Meeting 2:10 p.m.

PUBLIC HEARING OF JUNE 24, 2008

(Meeting convened at 2:10 p.m. and adjourned at 4:11 p.m.)

PLEDGE OF ALLEGIANCE was led by Dr. David Lazerson, Special Education and Music Director of the Quest Center in Hollywood, and a 2008 inductee into the National Teachers Hall of Fame.

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

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

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING CHAPTER 27 OF THE BROWARD COUNTY CODE OF ORDINANCES PERTAINING TO ENVIRONMENTAL PROTECTION, ARTICLE I, DIVISION 4, REGARDING ADJUDICATORY PROCEDURE, LIABILITY AND REMEDIES; PROVIDING FOR RECOVERY OF COSTS EXPENDED BY BROWARD COUNTY FROM RESPONSIBLE PARTIES WHEN ABATING VIOLATIONS OF CHAPTER 27 OR CONDUCTING CORRECTIVE ACTIONS TO ADDRESS NONCOMPLIANCE WITH CHAPTER 27; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:33 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

2. MOTION TO ADOPT Resolution 2008-459 to vacate a 55-foot wide, platted, unimproved right-of-way known as SW 45th Street, lying within, over and across Davie Tropicana Replat, located at 5951 Orange Drive, in the Town of Davie; at no cost to the County. Petitioners: Scott Gorton (2007-V-17) (Orangemen Holdings, Inc., Agent) (Commission District 7)

ACTION: (T-2:33 PM) Approved.

VOTE: 9 – 0.

3. MOTION TO ADOPT Resolution 2008-460 to vacate an irregularly shaped utility easement, generally 16 feet in width, lying within, over and across a portion of Parcel A, Reflections Plat, located at 6750 North Andrews Avenue, in the City of Fort Lauderdale; at no cost to the County. Petitioners: T-C

COMMISSION MINUTES

CYPRESS PARK WEST LLC (2008-V-11) (Akerman Senterfitt, Agent) (Commission District 9)

ACTION: (T-2:34 PM) Approved.

VOTE: 9 – 0.

4. MOTION TO ADOPT Resolution to vacate a portion of a 10-foot wide equestrian trail easement in Parcel B, and a portion of a 10-foot wide public utility easement in Parcels A and B, Charleston Oaks Plat, located at southwest corner of SW 142nd Avenue and SW 26th Street, in the Town of Davie; at no cost to the County. Petitioners: Hector Garcia, Jeffrey Eichel and Lana Eichel (2008-V-12) (Leigh R. Kerr, AICP., Agent) (Commission District 5)

ACTION: (T-2:35 PM) The Board continued this item until the next Public Hearing to be held on August 12, 2008, at 2:00 p.m. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

5. MOTION TO CONSIDER renewal of licenses to provide Nonemergency Medical Transportation Services (NEMTS) to Gent-Trans, Inc.; Handi-Van, Inc.; Laboss Transportation Services, Inc.; Kams Wheelchair Services, Inc.; and M & T Transportation, Inc.

ACTION: (T-2:41 PM) Approved.

VOTE: 7 – 0. Commissioners Eggelton and Gunzburger were out of the meeting room at the time of the vote.

ACTION: (T-2:43 PM) Commissioner Gunzburger returned to the meeting room and requested that she be shown voting in the affirmative.

VOTE: 8 – 0.

6. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 08-1, located in the city of Coconut Creek, as a part of the first annual proposed 2008 amendments to the Broward County Comprehensive Plan (Commission District 2), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2008 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF COCONUT CREEK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:42 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 8 – 0. Commissioner Gunzburger was out of the meeting room at the time of the vote.

ACTION: (T-2:43 PM) Commissioner Gunzburger returned to the meeting room and requested that she be shown voting in the affirmative.

VOTE: 9 – 0.

COMMISSION MINUTES

7. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 08-2, located in the city of Coconut Creek, as a part of the first annual proposed 2008 amendments to the Broward County Comprehensive Plan (Commission District 2), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2008 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF COCONUT CREEK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:42 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

8. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan map amendment, PC 08-3, located in the city of Coral Springs, as a part of the first annual proposed 2008 amendments to the Broward County Comprehensive Plan (Commission District 3), the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2008 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN MAP LOCATED IN THE CITY OF CORAL SPRINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-2:43 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 7 – 0. Commissioners Eggelton and Rodstrom were not in the meeting room at the time of the vote.

ACTION: (T-3:52 PM) Commissioner Rodstrom returned to the meeting room and requested that he be shown voting in the affirmative.

VOTE: 8 – 0.

9. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text (PCT 08-1), regarding open space areas, including existing and former golf courses, as a part of the first annual proposed 2008 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2008 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT REGARDING OPEN SPACE AREAS, INCLUDING EXISTING AND FORMER GOLF COURSES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COMMISSION MINUTES

ACTION: (T-3:01 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 8 – 0. Commissioner Rodstrom abstained from voting.

10. MOTION TO ENACT an Ordinance amending the Broward County Comprehensive Plan to adopt Broward County Land Use Plan text (PCT 08-2), to revise platting requirements, per Section D.2, Chapter IV., as a part of the first annual proposed 2008 amendments to the Broward County Comprehensive Plan, the substance of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT AS PART OF THE FIRST ANNUAL 2008 AMENDMENTS TO THE BROWARD COUNTY COMPREHENSIVE PLAN; AMENDING THE 1989 BROWARD COUNTY LAND USE PLAN TEXT TO REVISE PLATTING REQUIREMENTS, PER SECTION D.2., CHAPTER IV; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-3:53 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

11. A. MOTION TO ADOPT Resolution to transmit a proposed amendment to the Broward County Land Use Plan text (PCT 08-3), establishing a "Local Activity Center" in the city of Sunrise, relating to the Harrison Park (Westerra) Development of Regional Impact, to the State of Florida Department of Community Affairs pursuant to Section 163.3184(15). (Commission District 5)

ACTION: (T-3:54 PM) The Board continued this item until the next Public Hearing to be held on August 12, 2008, at 2:00 p.m. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

B. MOTION TO ADOPT Resolution to transmit a proposed amendment to the Broward County Land Use Plan map (PC 08-12), establishing a "Local Activity Center" in the city of Sunrise, relating to the Harrison Park (Westerra) Development of Regional Impact, to the State of Florida Department of Community Affairs pursuant to Section 163.3184(15). (Commission District 5)

ACTION: (T-3:54 PM) The Board continued this item until the next Public Hearing to be held on August 12, 2008, at 2:00 p.m. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

12. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Transportation Element to the Broward County Comprehensive Plan, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

COMMISSION MINUTES

ACTION: (T-4:10 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

13. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Sanitary Sewer Element to the Broward County Comprehensive Plan, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE SANITARY SEWER ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:10 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

14. MOTION TO ENACT an Ordinance to adopt a proposed amendment to the Future Unincorporated Area Land Use Element to the Broward County Comprehensive Plan, the title of which is as follows:

AN ORDINANCE OF BROWARD COUNTY, FLORIDA, ADOPTING AN AMENDMENT TO THE BROWARD COUNTY COMPREHENSIVE PLAN BY AMENDING THE FUTURE UNINCORPORATED AREA LAND USE ELEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-4:10 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law.

VOTE: 9 – 0.

QUASI-JUDICIAL HEARING

Please be advised that the following item on the Commission's agenda is quasi-judicial in nature. If you wish to object or comment upon these items, please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. All witnesses who will testify on any quasi-judicial item will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross examination if they are not sworn. The Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

15. MOTION TO CONSIDER enactment of an Ordinance to change the Zoning District boundaries from M-2, General Manufacturing and Industrial District, to B-3, Intense Commercial Business District for 2.468 +/- acres within the Central County Unincorporated Area of Broward County, Florida. (Commission District 7) (This is a Quasi-Judicial Public Hearing)

REZONING PETITION 1-Z-08

COMMISSION MINUTES

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CHANGING THE ZONING DISTRICT BOUNDARIES BY REZONING A PORTION OF SECTION 5, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA, FROM M-2, GENERAL MANUFACTURING AND INDUSTRIAL DISTRICT TO B-3, INTENSE COMMERCIAL BUSINESS DISTRICT; PROVIDING FOR AMENDMENT OF THE ZONING DISTRICT MAPS; PROVIDING FOR THE REPEAL OF ALL ZONING 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 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: (T-2:29 PM) Filed proof of publication and enacted the Ordinance to become effective as provided by law. (Refer to minutes for full discussion.)

VOTE: 9 – 0.

END OF QUASI-JUDICIAL HEARING

THE BROWARD COUNTY
BOARD OF COUNTY COMMISSIONERS
MEETING OF
JUNE 24, 2008
2:00 P.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 2:00 p.m., Tuesday, June 24, 2008.

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

CALL TO ORDER: Mayor Lois Wexler called the meeting to order.

GOOD AND WELFARE

MAYOR WEXLER: Good afternoon, ladies and gentlemen. If we could find seats, please. Ladies and gentlemen --

COMMISSION MINUTES

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: I don't have it. Folks, if we can find our seats, please. Thank you ever so much. Appreciate your recognizing that we do want to begin our Public Hearing today, but we have a few wonderful recognitions first this afternoon.

I've asked a very special individual to lead us in the Pledge today, and he's not only going to lead us in the Pledge today, but he's also going to receive a Proclamation. And I can't wait until -- I know that Commissioner Gunzburger and myself have actually seen Dr. Laz's magic and Dr. Laz at work. I would like to call Dr. Lazerson to the podium, please, and just tell you a little bit about him. Dr. Laz -- Laz, as he is affectionately known by his -- his friends and students, runs the experimental music program at the Quest Center in Hollywood. He has received numerous awards and accolades this year, and, actually, in previous years for community service and the ability, in particular, to bring positive change to communities. He's a dedicated teacher, a talented musician, a writer, and a true humanitarian.

We'll have more on his accomplishments in just a few minutes, but it is now my pleasure to introduce to you, and ask us all to rise, please, for the Pledge of Allegiance, Dr. David Lazerson to lead us in the Pledge.

Doctor.

(PLEDGE OF ALLEGIANCE WAS LED BY DR. DAVID LAZERSON, Special Education and Music Director of the Quest Center in Hollywood, and a 2008 inductee into the National Teachers Hall of Fame.)

MAYOR WEXLER: If you would stay there. Thank you.

First, for leading us in the Pledge, we have a little tradition here in Broward County. We have a little goody bag, with, of course, a T-shirt, and a little book. I mean, things are rough, budget issues. That's -- that's all that we have to offer, but we do have something very, very special to offer you this afternoon, and to honor and recognize you, so if you would just join me here at -- at the podium.

I had read not too long ago, about a month or six weeks ago, about another special -- another special recognition that you had gotten, and I said to my staff, I want him at a Commission meeting. I really wanted you here. You were recognized for your -- as the Arts Teacher of the Year, and your contribution by the Cultural Council of Broward County. And Commissioner Gunzburger and myself had the honor and the pleasure of being there, not just to see yourself and you perform, but also your students perform.

But I do want to share this with you, colleagues, and read it into the record.

Dr. David Laserson, a Buffalo native, currently residing and teaching special education in Broward County's school system, has been named a distinguished alumni recipient from both the University of Buffalo and Buffalo State College. Dr. Las, as he is affectionately known, received the prestigious Dr. Richard T. Sarkin Award for excellence teaching at University of Buffalo's -- as a University of Buffalo alumni award event on April 20th and on May 12th at Buffalo State's commencement ceremony. He received this distinguished alumni award for community service and contributions to education.

Dr. Las is being honored for his work in race relations, and in the fact that he formed Project CURE -- and CURE stands for communication, understanding, respect, and education -- a racial harmony group that began shortly after the race riots in Crown Heights, New York, in the 1990s.

According to his agent -- you have an agent -- David Coleman of Coleman Productions, his new book, *Sharing Turf*, was used by Showtime to write the story and screenplay for the movie which features Howie Mandell as Dr. Las. The movie also features three of Dr. Las's original songs played by his band, Dr. Las and the CURE.

COMMISSION MINUTES

In October of 2007, Dr. Laserson was honored as the Broward County Arts Teacher of the Year for his unique contributions to the field of special education. He currently runs the experimental music program at the Quest Center, a school in Hollywood, Florida, and he formed a unique group called Sing and Sign, a choir made up of students with autism spectrum disorder, Down's Syndrome, cerebral palsy, medically fragile conditions, and other profound special needs, period.

Since most of his 200-plus students are nonverbal, the students were taught American sign language, which they use to communicate during the performances. Students utilize adaptive switches, so even the kids in wheelchairs are able to participate. Dr. Las and his choir perform for schools and senior centers throughout Florida.

He was recently featured on national television. His work is published extensively in newspapers and educational journals, and he has received the Mr. Holland Opus Foundation Award.

Lastly, Dr. Las is currently conducting an important research study that involves utilizing experimental music and adaptive technology for students with profound special needs. He will be presenting his findings soon at various conferences.

There -- now, therefore, be it proclaimed by the Board of County Commissioners of Broward County, Florida, that the Board hereby designates Tuesday, June 24th, 2008, as Dr. David Laserson Appreciation Day in Broward County, Florida. It's signed by myself as Mayor of this wonderful county.

Thank you ever so much, and I don't know how we thank you for all you do.

(Applause.)

DR. LASERSON: Thank you.

MAYOR WEXLER: Thank you. And I invite you if you would like to comment. And my colleagues, I know, want to congratulate you and thank you for all that you do in our community.

DR. LASERSON: Thank you so much. Thank you so much, Honorable Mayor, and all the Commissioners, and everyone here. I'm sorry my back is turned to you, so please excuse me for that.

Actually, we just came back from Kansas, got back last night for the National Teacher's Hall of Fame event. And so it was very inspiring, and I just want to share with you that you have a promise from me, and from my colleagues whom I met there, there were four other inductees in Kansas from across the country, and you have my promise that we're just getting warmed up.

And there's a lot of work to be done, as you know, in particular, in the area of special needs, so this I think is a wonderful opportunity for me to kind of function as an advocate for my students, who range in age from preschool all the way up to age 22. And they always boggle my mind and surprise me. So just when we think, you know, oh, we know what they can do and what they can't, they -- thank God, they end up surprising us. So I think there's no limit to what we all can do.

And Broward County, this is -- I -- in my 30-year career so far, I've been in a few different school districts, and this is by far the most amazing school district and community to work in and to work for. And I'm very honored. And I thank you all so much.

(Applause and Standing Ovation.)

COMMISSIONER GUNZBURGER: You know, his principal is so impressed with his band that she plays drums with it.

COMMISSION MINUTES

DR. LASERSON: And guitar.

COMMISSIONER GUNZBURGER: And guitar, I'm sorry.

MAYOR WEXLER: Commissioner Jacobs, if you would be kind enough to do the next recognition.

COMMISSIONER JACOBS: Okay. If I could be joined up here by Dr. Dick Dodge, who is with the NSU Dean of Oceanographic Center and chair of the local organizing committee for the 11th ICES, which I'll explain in a moment what that is. As well as Chantal Collier, who is with the Florida Department of Environmental Protection Coral Reef Conservation Program. She's their director. And Ken Banks, who's Broward County's very own biological resources in EPD. And here you all are. Come on, don't be shy. Mandy, you're welcome, too. You weren't on my sheet. Nice to meet you, and thank you for being here today.

Well, we all know, living in Broward County, Florida, how important our reefs are. And for anybody who's been diving or swimming off our coast knows that Broward County has some of the finest reefs in the state, and are very much worthy of our protection. I am really pleased to be able to read this Proclamation to you today.

Whereas coral reefs ecosystems locally, nationally, and globally represent extraordinary biological, geological, and economic resources; and

Whereas coral reefs protect coastal shorelines from erosion, produce sand for beaches, create habitat for diverse animals and plants, and provide nurseries, breeding grounds, and food for fish, thus creating a tremendous economic value through fishing, diving, recreation, and just pure enjoyment; and

Whereas the coral reefs of southeast Florida, including those of Broward County, generate over \$6,000,000,000 in sales and income, and sustain more than 61,000 jobs annually; and

Whereas coral reefs worldwide, as well as in Florida, are suffering degradation from the effects of over fishing, coastal destruction and development, land-based sources of pollution, and global climate change; and

Whereas coral reefs and their associated ecosystems can and do rebound if protections exist and stresses do not become overwhelming; and

Whereas 2008 has been designated as the International Year of the Reef by the International Coral Reef Initiative. IYOR is a world-wide campaign to raise awareness about the value and importance of coral reefs, and to motivate people to take action to protect them; and

Whereas the Southeast Florida Coral Reef Initiative, led by the Florida Department of Environmental Protection is a local action strategy for collaborative action among government and nongovernmental partners to identify and implement priority actions needed to reduce key threats to southeast Florida's coral reef resources, and has developed outstanding public service announcements about coral reefs; and

Whereas the 11th International Coral Reef Symposium will be held in Broward County from July 7th through July 11th, 2008, and Broward County is donating the use of the space at the Greater Fort Lauderdale Broward County Convention Center for the symposium; and

Whereas the 11th ICRS will be the premier meeting of its kind, and the largest meeting of coral reef scientists, managers, conservationists, and students in the world. The conference will highlight important areas of knowledge, concern, and management of coral reefs to address their most pressing threats; and

COMMISSION MINUTES

Whereas this is the first time that the ICRS has been held in the continental United States in over 30 years. Amazing when you consider how important reefs are to the State of Florida.

Whereas the State of Florida and the U.S. Coral Reef Task Force, a coalition of federal agencies, states, and territories that have interest in or purview over coral reefs are co-hosting the 11st ICRS; and

Whereas Nova Southeastern University, through its oceanographic center, is spearheading the organization of this important conference; and

Whereas the Broward County Environmental Protection and Growth Management Department is leading several field trips to show local reefs to symposium participants.

Now, therefore, be it proclaimed by the Board of County Commissioners of Broward County, Florida, that the Board hereby supports the International Year of th Reef 2008, recognizes the work of Southeast Florida Coral Reef Initiative, and designates the week of July 7th through July 11th, 2008, as the 11th International Coral Reef Symposium in Broward County Day. And it's my pleasure to be able to give this Proclamation to you today signed by our Mayor, Lois Wexler.

Congratulations and thank you so much for all you do.

(Applause.)

COMMISSIONER JACOBS: The microphone is all yours.

DR. DODGE: Thank you, Commissioner Jacobs, and thank you, Commission, for this wonderful honor today.

I think the Proclamation said it all. We're very honored to have been -- to have received it. And we do want to express our thanks to all the sponsors of the symposium. And this includes the United States Coral Reef Task Force, of which the State of Florida is a part, and also the State of Florida.

Early on, however, our sponsors were few and far between, and one of our first sponsors onboard was Broward County, giving us the space in the Convention Center, and giving us support. So we -- that was instrumental in our success, and the success of Broward County in being able to offer this symposium to the very world.

And I think it's very important to note this is an international conference. We're going to have people all over the world learning about coral reefs from their peers everywhere, but it will highlight the wonderful reefs that we have here in Broward County and throughout southeast Florida. We're very pleased to have Chantal here, who leads the South Florida -- Southeast Florida Coral Reef Initiative, and Ken Banks, who has been instrumental in helping us study the reefs offshore. So it's going to be a -- truly a Broward County event amenable to all the people of the world.

We thank you again. We have some brochures and handouts we'd like to pass out as we shake your hands, especially a wonderful public service announcement video, and we couldn't show it today, but you can show that at -- at your leisure at home. It's wonderful. It really highlights the reefs offshore, and I think very enjoyable. You'll enjoy it. So thanks again. Appreciate it.

MAYOR WEXLER: Thank you.

COMMISSIONER JACOBS: And, Mayor, I would ask that if it's at all possible for staff at our future meetings to queue up that -- that video and let the residents of Broward County see what's off our shores.

COMMISSION MINUTES

MAYOR WEXLER: Absolutely. Absolutely. We can do it at our next one. August 5th would be wonderful. In between the --

COMMISSIONER JACOBS: In between meetings when they're running PSAs.

MAYOR WEXLER: Correct. You bet. Great. Thank you.

COMMISSIONER JACOBS: Thank you.

MAYOR WEXLER: And I'm sure the Board would like to acknowledge you, too, and say thank you. Thank you.

PUBLIC HEARING

QUASI-JUDICIAL HEARING

AGENDA ITEM 15

MAYOR WEXLER: All right. Thank you. We will now begin our Public Hearing of June 24th.

Will the minutes person please post the appropriate notice of Public Hearing.

And, Mr. Newton, I recall that -- that we wanted to do the quasi-judicial first? Right?

MR. NEWTON: Yes.

MAYOR WEXLER: Okay. Item 15 is what we're looking to do first on the agenda, and then we'll go to Item Number 1.

COMMISSIONER LIEBERMAN: Item 15?

MAYOR WEXLER: Item -- right, the quasi-judicial.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: Maite is, you know, the -- so she can go back to work.

COMMISSIONER LIEBERMAN: Okay.

MAYOR WEXLER: That was the request made by the Attorney.

COMMISSIONER LIEBERMAN: No problem.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: No, that's on the Regular --

COMMISSIONER LIEBERMAN: It's on the morning --

MAYOR WEXLER: That's on the morning agenda.

Right now we're on the Public Hearing.

COMMISSIONER LIEBERMAN: We're on the 2:00 p.m. meeting. That's in the 10:00 a.m. hearing.

COMMISSION MINUTES

MAYOR WEXLER: Yes. The Public Hearing to consider enactment of an ordinance to change the zoning district boundaries from M2, general manufacturing and industrial district, to B3, intense commercial business district for 2.468, plus or minus -- what is that sign, plus or minus, right? Acres within the central county unincorporated area of Broward.

The Public Hearing to consider enactment of this ordinance is now open.

There are no speakers, Maite.

MS. AZCOITIA: But I have to do the spiel for (inaudible).

MAYOR WEXLER: Go ahead. I'm done. It's yours now. The spiel.

MS. AZCOITIA: All witnesses who will testify on Agenda Item 15 will be sworn. Participants who are members of the general public need not be sworn and will not be subject to cross-examination if they are not sworn. However, the Commission shall not assign unsworn testimony the same weight or credibility as sworn testimony in its deliberations.

The applicant has the burden of proof. After the applicant's concluding remarks, the hearing will be closed and no additional testimony, material, or argument will be allowed unless the Commission chooses to request additional testimony. The Commission will then deliberate.

All evidence relied upon by reasonably prudent persons in the conduct of their affairs may be considered in these proceedings, regardless of whether such evidence would be admissible in a court. Hearsay evidence may supplement or explain other evidence, but shall not alone support a conclusion, unless it would be admissible over objection in court.

The material in the Commission Agenda Packets will be considered as evidence without authentication.

All witnesses who intend to give sworn testimony should be sworn in at this time.
(Witnesses sworn.)

MS. AZCOITIA: Mr. Stewart, can you briefly describe the nature of this rezoning request?

MR. STEWART: Mayor, Vice Mayor, Greg Stewart, Planning and Redevelopment Department.

As the Mayor briefly described the property, the petition in front of you is 1Z08, and the petitioner is the Urban League of Broward County. The approximate size of the property is a little under 2.5 acres, and the existing site is vacant. It is adjacent to the African-American Research Library on 550 NE 27th Avenue in Central County. The existing zoning is currently M2, general manufacturing and industrial district, and the applicant is asking to go to B3, intense commercial business district, which would allow the operation of the Urban League facility. The LPA was held on June 5th, 2007, and recommended the Board approve petition number 1Z08.

MS. AZCOITIA: Are there any questions of Mr. Stewart?

Seeing none, the Quasi-Judicial proceeding is closed, and the Board may now deliberate.

UNIDENTIFIED SPEAKER: Did you have a question?

UNIDENTIFIED SPEAKER: No.

MAYOR WEXLER: We don't have any members of the public that are here to speak to this item.

COMMISSION MINUTES

Commissioners, any comments?

Did you have a comment, Commissioner Eggelleton?

COMMISSIONER EGGELLETON: No, I -- I just -- the rezoning of this really fulfills the county's commitment to a very strong partner in Broward County, and that is the Urban League of Broward County. And I strongly support this, and, Madam Mayor, at the appropriate time, I would like to move the item --

MAYOR WEXLER: Make the motion?

COMMISSIONER EGGELLETON: -- or it's Commissioner Rodstrom's district, really. I -- I think he would be more than happy to make the motion on this item, and I think the rest of us will follow suit (inaudible) Commissioner Rodstrom.

MAYOR WEXLER: Commissioner Rodstrom, Item 15, did you want to move that item for approval?

COMMISSIONER RODSTROM: So moved.

MAYOR WEXLER: It's been moved by Commissioner Rodstrom; seconded by --

COMMISSIONER EGGELLETON: Second.

MAYOR WEXLER: -- Commissioner Eggelleton.

Hearing no other discussion, all those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 1

MAYOR WEXLER: This does end the Quasi-Judicial Hearing. We will now go back to the regular meeting.

Item Number 1 is a motion to consider enactment of an ordinance. The title is amending Chapter 27 of the Broward County Code pertaining to environmental protection.

The Public Hearing to consider enactment of this ordinance is now open.

Are there any members of the public who wish to speak?

Seeing none, the Public Hearing is now closed.

Commissioners, any questions, comments?

Seeing none, the item is moved by Commissioner Wasserman-Rubin; seconded by Commissioner Gunzburger.

All those in favor. indicate by aye.

Opposed, like sign.

COMMISSION MINUTES

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 2

MAYOR WEXLER: Item Number 2 is a motion to adopt a resolution to vacate 55-foot wide unimproved right-of-way SW 45th Street, Davie, Tropicana replat located at 5951 Orange Drive in the Town of Davie.

The Public Hearing to consider adoption of this resolution is now open.

Are there any members of the public who wish to speak?

Seeing none, the Public Hearing is now closed.

Are there any comments from the Board of County Commissioners?

Seeing none, the item is moved by Commissioner Rodstrom. It's seconded by Commissioner Keechl.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 3

MAYOR WEXLER: Item Number 3 is a motion to adopt a resolution to vacate an irregular shaped utility easement lying over and across portion parcel A, reflection plat located at 6750 North Andrews Avenue in the City of Fort Lauderdale.

The Public Hearing to consider adoption of this resolution is now open.

Are there any members of the public who wish to speak?

Seeing none, the Public Hearing is now closed.

Commissioners, any questions, comments?

The item is moved by -- who has Fort Lauderdale?

Commissioner Eggelletion, I know you have Fort Lauderdale.

COMMISSIONER EGGELLETON: Yes.

MAYOR WEXLER: Commissioner Rodstrom has Fort Lauderdale.

COMMISSIONER EGGELLETON: Move the item, Madam Mayor.

MAYOR WEXLER: Commissioner Eggelletion moves it; Commissioner Rodstrom seconds it.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

COMMISSION MINUTES

AGENDA ITEM 4

MAYOR WEXLER: Item Number 4 is a motion to adopt a resolution to vacate a portion of a 10-foot wide equestrian trail easement, parcel B, portion of 10-foot wide public utility easement in Charleston Oaks plat located on the southwest corner of 146th Avenue in the Town of Davie.

We have one speaker for that, Steven Kilmon. Mr. Kilmon, you're recognized, and you have three minutes to address the Board.

MR. KILMON: Good afternoon, Mayor --

MAYOR WEXLER: Good afternoon.

MR. KILMON: -- Vice Mayor, and County Commissioners. Howdy from the western community of the Town of Davie.

COMMISSIONER JACOBS: I couldn't tell that's where you were from.

MR. KILMON: Couldn't, huh?

If I may put two hats on, first I'm a property owner adjacent to this equestrian trail. I do have a grandfathered easement by gate access to this equestrian trail. It was removed, with a chain-link fence replacement by the developer. We have never had access to this equestrian trail from Boy Scout or 147th Avenue, so I'm not really sure what gave them permission to close the trail in the first place, since we're here still trying to close the trail.

The trail is an extension of a trail that continues easterly, also one that continues westerly, and this is a link in the trail. I understand it's been rerouted. However, some of us have grandfathered access to the existing trail that's there. What's to do?

If I may put my engineering hat on, and my surveying and mapping hat on for you now, there is a utility easement that is containing drainage for that area. If this utility easement is vacated, the current property owners, or the potential property owners of the next lots that are to be developed, could alter these drainage swales, which would alter the design criteria for the plat. The plat is designed by the developers to -- to guarantee that drainage for that subdivision will be contained in that subdivision. This is now being altered by a vacation of this easement.

What alternative method of containing drainage have they offered in trade for vacating this easement? Currently, I've heard none. So I'm very concerned about the drainage, because that particular cow field, as it was before this developer came into be, was a very serious problem in that area, which was remedied by having these drainage swales constructed, and that took care of the problem. But if this is going to be vacated, I'm not really sure what's going to happen. That means that the property owners can take care of the swales, and make it flat level territory, put a pool out there, do what they want with it, and that's a big problem.

Another problem is that the utilities off the westerly-most pole, utility pole, coming from Boy Scout Road westerly along the south edge of this property, the utilities come off this pole, and they cross the equestrian easement and proceed to the other houses that are out there, that are existing now in that subdivision.

They don't have the right to cross the equestrian easement with utilities, number one. Number two is that, what are you going to do about vacating utility easements and then you have all these utilities in the ground? And I'm talking about power. I'm talking about telephone cable and that sort of thing. So I've got a problem with vacating utilities and then we've got utilities in the ground.

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So I've got several concerns, and I haven't heard anything from the developer to put any of these concerns to rest.

Thank you very much for your time.

MAYOR WEXLER: Thank you. Questions, commission? Okay.

The -- there are no more public speakers, the Public Hearing is now closed.

Commissioner.

COMMISSIONER JACOBS: Well, the speaker raised several issues, and I'm not familiar with this little piece of Broward County --

MAYOR WEXLER: If you're not going to address -- do you want to do it, because it's my district, I'll be very happy --

COMMISSIONER JACOBS: I was just going to ask if somebody could clarify the issues that he's raised.

MAYOR WEXLER: Please. I'd like them to do it for me, too.

COMMISSIONER JACOBS: Okay.

MAYOR WEXLER: Thank you.

First of all, before I recognize you, Mr. (Inaudible), Mr. Kilmon, could you come back up to the microphone?

MR. KILMON: Yes, ma'am.

MAYOR WEXLER: Could you tell me who you might have spoken to prior to standing before the Board of County Commissioners today to raise concern about this issue?

MR. KILMON: Over the past year since I've been the property owner, new property owner in this area, I've tried to talk to the developer on -- on-site, just in brief as he came by to ask about the permission for changing the fence out and that sort of thing.

MAYOR WEXLER: And who is the developer?

MR. KILMON: I'm sorry, I can't --

MAYOR WEXLER: Okay.

MR. KILMON: -- pronounce his name.

MAYOR WEXLER: All right.

MR. KILMON: Eagle, I believe, his name was.

MAYOR WEXLER: Okay.

MR. KILMON: But in any case, discussing with him, discussing with all the property owners that are along that south line, who are also intimately familiar -- even more familiar than myself with what's been going at that development, and, again, just from my engineering, surveying, and mapping background.

COMMISSION MINUTES

MAYOR WEXLER: I understand. Did you talk to anybody in the Town of Davie?

MR. KILMON: No. No, ma'am.

MAYOR WEXLER: Did you talk to anybody at the county?

MR. KILMON: No, ma'am.

MAYOR WEXLER: Okay.

MR. KILMON: We were just abruptly told about this meeting, so I'm here to find out for the first time.

MAYOR WEXLER: I'm going -- I'm going to ask my colleagues -- this is the first time that I've heard that there is an issue, it's my district -- that we defer this until the next Public Hearing so that I can have an opportunity, now that you've brought it to my attention, in front of the world here today --

MR. KILMON: I'm sorry.

MAYOR WEXLER: If you -- no, if you had brought it to my attention prior to this moment --

MR. KILMON: Uh-huh.

MAYOR WEXLER: -- it would have been my pleasure to look into it.

MR. KILMON: I understand.

MAYOR WEXLER: And I'm sure that anybody in the town would have been able to. But I want the opportunity to look into it, to actually find out who, what, where, and everything that you've said, discuss it with staff, and find out exactly what the provisions are. I think you are entitled to an answer, you bet.

MR. KILMON: Well, thank you very much. I appreciate the Board's attention.

MAYOR WEXLER: But I want your number, too.

MR. KILMON: Yes.

COMMISSIONER LIEBERMAN: Move to defer it.

MAYOR WEXLER: Thank you. To the next Public Hearing.

COMMISSIONER LIEBERMAN: To the next Public Hearing.

COMMISSIONER RODSTROM: Second.

MAYOR WEXLER: Okay. It's been moved and seconded to defer the item to the next Public Hearing.

I don't know if Steven is out there or not. Is Steven there?

UNIDENTIFIED SPEAKER: Yes.

MAYOR WEXLER: Could you take this gentleman's phone number, and I -- I have his address, please, but I -- actually, I do have your phone number on here.

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MR. KILMON: Yes, ma'am.

MAYOR WEXLER: Perfect. I'll be in touch.

MR. KILMON: Thank you very much, ma'am.

MAYOR WEXLER: Thank you very much.

AGENDA ITEM 5

MAYOR WEXLER: All right. The item has been deferred. We are now on Item Number 5, which is a motion to consider renewal of a license to provide --

COMMISSIONER LIEBERMAN: So move.

MAYOR WEXLER: -- non-emergency medical --

UNIDENTIFIED SPEAKER: Second.

MAYOR WEXLER: -- for GenTrans, Handi-Van, LaBoss, CAMs, and MNT Transport.

The Public Hearing to issue these renewal licenses is now open.

There are no members of the public who have signed up to speak.

The Public Hearing is closed.

Commissioners have moved the item.

All those in favor. indicate by aye.

Opposed, like sign.

(COMMISSIONER EGELLETON ENTERED THE ROOM.)

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 6

MAYOR WEXLER: Item Number 6 is a motion to enact an ordinance amending Broward County Comp Plan to adopt county land use plan map amendment PCO 8-1 located in the City of Coconut Creek.

The item is moved by Commissioner Jacobs. You have Coconut Creek, right? Commissioner Jacobs --

UNIDENTIFIED SPEAKER: Second.

MAYOR WEXLER: -- seconded by -- you have Coconut Creek, right?

COMMISSIONER JACOBS: I'm sorry, my computer is not loaded properly. So I apologize for being distracted.

MAYOR WEXLER: No problem.

COMMISSIONER JACOBS: I'm not getting the items properly, they're coming up.

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MAYOR WEXLER: Okay. No problem.

COMMISSIONER JACOBS: So we are on 6 --

MAYOR WEXLER: We are on Item Number 6.

COMMISSIONER JACOBS: -- and it is mine and I'm happy to move it. Thank you, Mayor.

MAYOR WEXLER: Item -- thank you.

There are no public speakers signed up.

The Public Hearing is closed.

Commissioner has moved the item. It's been seconded by Commissioner Wasserman-Rubin.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER GUNZBURGER ENTERED THE ROOM.)

AGENDA ITEM 7

MAYOR WEXLER: Item Number 7 is a motion to enact an ordinance amending Broward County Comp Plan land use map amendment PC 08-2, located also in the City of Coconut Creek.

The item is also moved by Commissioner Jacobs; seconded by Commissioner Wasserman-Rubin.

There are no speakers signed up for this item.

The public's speaking portion is closed.

No comments from the Board.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 8

COMMISSIONER GUNZBURGER: Please show me as voting in the affirmative.

MAYOR WEXLER: Okay. In the affirmative for Commissioner Gunzburger.

Item Number 8 is a motion to enact an ordinance amending the Broward County Comp Plan to adopt Broward County land use plan amendment PC 08-3 located in the City of Coral Springs.

We have -- the Public Hearing is now open. There is one speaker signed up to speak, Mr. David Jay

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Bernstein.

Mr. Bernstein, I believe that the microphone that's right there on the side is also live.

MR. BERNSTEIN: I will stand in front of this August body.

MAYOR WEXLER: Thank you, sir.

MR. BERNSTEIN: Madam Mayor, Madam Vice Mayor, David Jay Bernstein of the Law Offices of David Jay Bernstein, P.A., on behalf of Kensington Green Homeowners's Association.

Ladies and gentlemen, the Kensington Green Homeowners's Association looks to you today as a gatekeeper of their safety of the quiet enjoyment of their home and their neighborhood.

It is their feeling that the City of Coral Springs is disregarding the safety of their children and the quiet enjoyment of their homes in the interest of financial development and commercial development of the area in question.

The proposal before you requires the rezoning of a parcel at the northeast corner of Wiles Road and Coral Ridge Drive, which I will refer to as the Kensington Square parcel, from a residential low/medium density multiple dwelling family area to a B2 commercial. It's already -- there has already in that immediate area been a Home Depot project cleared, and the proposed rezoning will greatly increase the traffic in the area beyond what they feel is the ability of the neighborhood to accommodate it.

Coral Springs City Commission has already ignored their requests for a traffic light at their development, ignored their request to prohibit 24-hour stores on those premises in the light of articles that have appeared in the Sun Sentinel about the great number of robberies that are taking place in such places, and they feel that the City of Coral Springs has not sufficiently aired this issue to the communities nearby. They only formally noticed residents living with 100 square feet of the proposed commercial site, and there has been no mention of the project in the Coral Springs newsletter or on its website.

The pushing forward of this project without giving the people of the area sufficient opportunity to respond is of special concern when one looks at the fact that the former Mayor of Coral Springs has a financial interest in the project, as well as a current Commissioner on the Board of Coral Springs.

The Planning and Zoning Board voted 2 to 2 as to what their recommendation would be on proposals to either change the zoning from residential to commercial or to keep the status quo. And despite the fact that it was 2 to 2, the City Commission acted as if the vote had actually been a majority in favor of moving forward.

So Kensington Green requests that this Board either keep the residential zoning -- thank you, ladies and gentlemen.

MAYOR WEXLER: Okay. Thank you. There are no other public speakers signed up, so the Public Hearing is now closed.

Commissioners, comments?

Vice Mayor.

VICE MAYOR RITTER: Thank you, Madam Mayor. I -- I know that there are others who may not have signed up to speak, but I'd like for this gentleman --

MAYOR WEXLER: But they should have.

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VICE MAYOR RITTER: -- to hear what the developers have done with respect to this piece of property, which is in District 3, to address some of the concerns. I know that you have received -- or you're the president of Kensington Green has received a letter from Henry Sniezek, who's our Planning Council executive director, addressing some of your concerns, traffic for one.

So I'd like Mr. Mele to come forward and give this Board an opportunity to hear the other -- what the other side might be before we deliberate.

MAYOR WEXLER: I would have liked -- Mr. Mele, you know, you need -- you need to sign up. I don't have a problem with your answering questions of Commissioners, but --

MR. MELE: Mayor, I asked before the meetings if the applicant's representative needed to sign the form.

MAYOR WEXLER: And they told -- they told you no?

MR. MELE: They told me I did not need to sign it, or I would have done so.

MAYOR WEXLER: So you're just going stand there and speak for three minutes? Are we re-opening Public Hearing, then?

MR. MELE: Well, Mayor, I --

MR. BERNSTEIN: Shall I move aside?

MAYOR WEXLER: Yes, please, sir.

MR. MELE: -- I did ask. They didn't -- they said I didn't need to sign it.

MAYOR WEXLER: Okay. I don't know who they is. I don't know who they are. I don't know who would have said that, but --

MR. MELE: Well, I don't want to say anybody's name.

MAYOR WEXLER: No, no, no, no. No, but I closed the Public Hearing. I closed the Public Hearing. You're here representing the applicant. If a Commissioner has a question, my colleague asked for you to address us, that's fine.

MR. MELE: I'll keep it brief.

MAYOR WEXLER: But three minutes you've got.

MR. MELE: Thank you.

MAYOR WEXLER: Thank you.

MR. MELE: This property was commercial on the land use plan when the land use plan was first put into effect in the 1970s. It was amended to residential four years ago. We filed an application to put it back to commercial. There were two hearings at Coral Springs. They lasted several hours. There were representatives of several communities around the site that appeared, including Mr. Bernstein's clients.

There has been no decision made about what hours stores would be open. This was a land use amendment. Those kind of decisions are dealt with at Coral Springs at the time of conditional use approval. So there was nobody ignoring the request.

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The vote at the City of Coral Springs' Commission meeting was unanimous in favor of application. As each speaker from the neighborhood got up to speak, one of the Commissioners would ask them to specify whether they had moved into their home prior to the property being amended from commercial to residential, or whether they had lived in the home when it was originally commercial. And almost everyone lived in the home when it was originally commercial. These homes were built in the late '70s. This property was commercial at that time. It's only been a period of three to four years now where it was residential. Nothing has been built there.

We're asking to put it back to the commercial designation it had for many years. It was previously zoned B3 in Coral Springs. When we brought this proposal forward, we only asked to go to B2, so it would eliminate a lot of the objectionable uses.

In addition, we agreed to record a restrictive covenant that even prohibits some of the normal B2 uses. And so those things have been done in response from the concerns from the neighborhood.

As for the issue of a traffic signal, it was fully discussed at the meeting, and, of course, the City of Coral Springs has no jurisdiction over traffic signals on Wiles Road, because it's a trafficway, and that comes under the jurisdiction of Broward County.

We had agreed that we would pay for a warrant study for that location, and also one on Coral Ridge Drive with another neighborhood that had a concern there, also again under the county's jurisdiction, but we, of course, represented and the city attorney advised them the same as what we represented, that a traffic signal can only be approved by the Broward County Traffic Engineering Division if you meet the signal warrants. And, in the past, when Traffic Engineering looked at it, it did not meet the signal warrants and, therefore, they did not prove the signal.

So the city didn't ignore that request. They simply advised the residents that they had no jurisdiction over it, but they would support our efforts and your efforts if your Traffic Engineering Division determined that we met the warrants for a signal.

Other than that, I'll be happy to answer any questions you may have. Thank you.

MAYOR WEXLER: You still have the floor, Vice Mayor. Did you have anything -- okay. Any other questions, Commissioners?

The Public Hearing is now closed.

The -- nobody has any questions? I'd like to ask someone a question about the traffic light. Yeah, I'm dealing with this in more than one community. And I don't think it's Mr. Mele that I want to ask about the traffic light, either.

UNIDENTIFIED SPEAKER: (Inaudible.).

MAYOR WEXLER: Not mine. His. The -- Mr. Hui, who am I going to ask about the traffic light?

MR. HUI: Tony Hui, Public Works.

Mayor, our Traffic Engineering Division would obviously have specific information on the light. I don't believe we have any individual at the meeting right at the moment. If there's any question that I can try to answer, then provide an additional answer --

MAYOR WEXLER: Let me get the answer out, and maybe there can be a group answer. Is there a way -- do -- do we believe that if this approval goes through today that there would be an increase in traffic?

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MR. HUI: Mayor, I'm not familiar with the details of this project, and -- but --

MAYOR WEXLER: Mr. Mele, could you help me here?

MR. MELE: Yes, I can. Dennis Mele on behalf of the applicant.

Although the land use plan was done four years ago, the plat that had been approved when it was commercial the first time was never changed. So the approved and recorded plat still shows this property being developed for commercial use.

So in terms of plat, which is the issue you look at when you look at traffic signals, there's no change, because it's still commercial.

MAYOR WEXLER: Well, I -- my question goes to more of the heart of if something is actually built here and it's commercial, will there be more traffic?

MR. MELE: Certainly. Absolutely.

MAYOR WEXLER: I guess the answer is yes. Okay.

MR. MELE: And I will point out, too, as part of the land use amendment there was an examination done by Planning Council staff of the increase in traffic when you compare commercial to ten units per acre residential. There is mitigation that we have to pay for improvements on Coral Ridge Drive. The City of Coral Springs has set up a traffic mitigation bank for that area. Your MPO staff has reviewed our proposal for that mitigation and has signed off, indicating that it will mitigate our impact on any regionally significant roadway.

MAYOR WEXLER: Mr. Mele, do the residents want a traffic light there and it doesn't warrant one at this time?

MR. MELE: The residents said at the meeting they want a traffic light at their entrance on Wiles Road, and the city had indicated there have been previous with Traffic Engineering --

MAYOR WEXLER: And it does not warrant one at this time.

MR. MELE: -- and it did not warrant it. That's correct.

MAYOR WEXLER: Right. Is your client willing to fund the potential, within a certain number of years, put that money in some kind of a-- I don't know what we do over here where it's held, that escrow for that potential light?

MR. MELE: We had -- we had indicated at the City Commission meeting that we would fund the warrant study for the light. We -- normal rule here is that you wait until two years after the last CO. We agreed to wait until five years after the last CO, because that's what the Commission asked us to do.

MAYOR WEXLER: So you agreed to fund the study but not the installation of the light.

MR. MELE: We weren't asked about the installation of the light, because keep in mind --

MAYOR WEXLER: I'm asking you that.

MR. MELE: I know. I just want to -- I know you are. I'm trying to get to the answer.

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(COMMISSIONER RODSTROM LEFT THE ROOM.)

MR. MELE: The entrance to their community is several hundred feet east of our property. So even when our traffic comes out of our entrances, there'll be more traffic on Wiles, but the problem with the light being warranted before was not Wiles Road. It was the number of cars coming out of their intersection, because warrant studies look at all four legs of the intersection. There's enough traffic on Wiles right now. There's not enough traffic coming out of their neighborhood.

MAYOR WEXLER: That intersection. Right.

MR. MELE: And even when we build, we're not going through their neighborhood, because we're separate.

MAYOR WEXLER: So you -- but your -- isn't this project across the street?

MR. MELE: No, it's next -- it's west --

MAYOR WEXLER: Oh, it's right next door to it.

MR. MELE: -- it's west of their property.

MAYOR WEXLER: See, that's what I --

MR. MELE: So it's a totally different intersection.

MAYOR WEXLER: Okay. Got it. Sorry.

MR. MELE: So I don't -- I mean, the study may be something that wouldn't be needed. but we said we would do it.

MAYOR WEXLER: All right. I'm not that familiar with the thing, and it's extremely --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: I've got the picture. Can you tell where Kensington Green is?

MR. MELE: Kensington Green is just east --

MAYOR WEXLER: You know where it is, because you're from that part of Broward County.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Okay. So -- but it's on the same side of the street as the project?

MR. MELE: That's correct.

MAYOR WEXLER: Okay. Got it. I was trying to be creative here.

Commissioner Jacobs.

COMMISSIONER JACOBS: Here's my concern. Wiles Road is currently not that crowded, but we are growing in this corner of the community greatly. And I don't know how to say this without really hurting an engineer's feelings, but there is this presumption of correctness for traffic engineers that I think is unwarranted, and what -- the data that they look at, they are counting cars. They are not counting how

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long it takes you to cross the street, or if you're a kid on the bike, and you're all riding over to the new retail center to get an ice cream cone or whatever, that you're not being really -- you're not the one that's being counted. They're counting the movement of cars and the visibility of cars, and curb cuts are all directed around cars, and it's always about the car.

So I would think that if the community wants this, in many instances those things that a community wants, that a Commissioner wants, that we know makes life livable from a pedestrian or a more urban environment, is ignored in -- in the traffic engineer's mantra. They are not -- they are not urban designers. They don't consider all of those things. They don't consider fascias, and the way you step back buildings, and how you could create a more comfortable environment. That's not what they're supposed to do. So those things often get left out of the consideration.

(COMMISSIONERS LIEBERMAN AND EGELLETON LEFT THE ROOM.)

So with all deference to the District Commissioner, it would seem that there ought to be some way to kind of nail their feet down about implementing the cost of it, because going through this, as I did in one other area of my district, the issue came down to the county wouldn't fund it, but the developer could. And then as it turns out, the developer didn't want to pay for it.

(COMMISSIONER EGELLETON RETURNED TO THE ROOM.)

COMMISSIONER JACOBS: So I think, Mayor, you're asking some of the questions that are getting us there, and I'd be really interested to hear from Commissioner -- Vice Mayor Ritter how this issue might be addressed in the future if we do change the land use back to what it used to be.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

MAYOR WEXLER: Vice Mayor, would you respond?

VICE MAYOR RITTER: Thank you. First of all, I think that the way we do traffic warrants is very reactive, anyway, not proactive, and it's based on federal, from what I'm told by our traffic department, federal regulations or a handbook. And it's -- we all know the traffic is going to increase. Why we don't put lights up before that happens and we wait until afterwards, you know, I know the answer, but I'm not satisfied with it.

Having said that, knowing this community and where they want the light, there is a light at Coral Ridge and Wiles; there's a light at Coral Springs and Wiles. This community is right in the middle. And if you put a light -- in my opinion, if you put a light right outside this community, you're actually going to get more bottlenecked when you're waiting at Coral Springs traveling west to get to Coral Ridge traveling west, or, actually, even the other way. It's not that big a development to begin with. There aren't that many houses in Kensington Green, either, where I actually think that a traffic light would -- would ever be warranted here, even with an increase in traffic on Wiles Road.

And I'm one of the -- I mean, I -- and I don't usually say that, because I usually think that we should have the traffic lights there before we build. Having -- traveling this on a regular basis, I've got to tell you, I just don't that a light -- I think the light would actually make the bottlenecks worse than -- than not.

MAYOR WEXLER: You still have the floor.

COMMISSIONER JACOBS: My concern isn't so much about these particular residents or where they want the light, but for the movement in and out of the site, it often seems that you're now, as the road gets very busy, now you're battling across multiple lanes to be able to exit the site. So that's -- that's kind of my worry is where it seems that, given the -- the length of the site, if the major -- you've got an entrance off of, I would imagine, Mr. Mele, correct me if I'm wrong, but there would be an entrance off the western

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end on Coral Ridge Drive at some point.

MR. MELE: That's correct.

COMMISSIONER JACOBS: And then, of course, you'd have something coming in off Wiles Road.

MR. MELE: That's correct.

COMMISSIONER JACOBS: And, to me, that's where you would have some sort of -- some way to protect people moving in and out off of Wiles Road.

MR. MELE: Mayor, can I respond?

MAYOR WEXLER: Yes.

MR. MELE: If you're asking me that if a light is warranted at our entrance on Wiles Road, will we pay for it, the answer is yes. I will tell you that I don't think it will ever be warranted, because it's too close to the corner of Coral Ridge Drive and Wiles, and doesn't meet the distance separation requirement. And when the plat was originally approved, it was approved with this already being commercial. But if the question is if a light is warranted at our entrance on Wiles, will we pay for it, the answer is yes.

COMMISSIONER JACOBS: Okay. So for a safe travel movement though, if you didn't want to cross all those lanes as in the future it gets increasingly busy, then someone would have to exit on the western end, take a left, go up to Wiles, take another left in order to continue east, for example, for this residential area?

MR. MELE: There is a median opening there on Wiles. And please keep in mind, I -- I live off of Wiles Road myself, just west of University. So I travel this way a lot, as well.

Wiles Road ends a little bit west of Coral Hills -- of Coral Ridge Drive. It does not connect to the Sawgrass. So we're kind of at the tail end of Wiles Road here. And so certainly the traffic will grow, but it's not going to grow as much as it would closer to University, where it's still a through street for a few miles. And keep in mind that your Planning Council report takes you to the year 2030, which is the build-out. So they do take into account not just what's happening today, but for what's happening to all the property being built out in the county.

COMMISSIONER JACOBS: Okay. No other questions.

MAYOR WEXLER: All right. Thank you. Vice Mayor, did you want to move the item? The item has been moved by the Vice Mayor --

COMMISSIONER KEECHL: Second.

MAYOR WEXLER: -- seconded by Commissioner Keechl.

All those in favor indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 9

MAYOR WEXLER: We are now on Item Number 9. Item Number 9 is a motion to enact an ordinance

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amending Broward County Comprehensive Plan, land use plan PCT 08-01 regarding open space areas, including existing and former golf courses as part of the first annual proposed 2008 amendments to the Broward County Comp Plan.

We have many speakers signed up today for Item Number 9. Well, not that many. It's not that many. More than the last one. The first speaker is Bill Ciani, followed by John Washburn, followed by Jason Ulbrich. If they can begin to come towards the front, there's empty seats in the front row, we appreciate it.

Mr. Ciani, you have three minutes.

MR. CIANI: Okay. Good day, Mayor, Vice Mayor, Commissioners. Well, I'm going to forgo my probably planned speech that I usually give, because I happen to have the time to golf in Pompano at their city golf course, which they have two par four golf courses on Federal Highway, a restaurant and a bar and a pro shop. And I would like to tell you I did a lot of questioning up there before I played and after. Those golf courses do terrific. The restaurant owner has a -- pardon my hoarseness -- has a 30-year lease, which you couldn't pry out of his hands with a jackhammer. And that area is doing very well in a city that -- that, when you ride up Federal Highway, doesn't look like the greatest rental area in the world right now.

I only bring this up because the main -- well, one of the big excuses for these developers on these golf courses is that they can't make any money. I happen to speak, because I live in Coral Ridge, mainly for Coral Ridge Golf Course, which has a restaurant and a building on it that could be leased out, expanded and leased out. And I would not be surprised if it would pay any bond issue that the city or county wanted to use for money to buy that piece of land. And I don't know why the owner couldn't do the same thing and make himself some money, because the area residents, the hotels, and everyone always used that golf course. And I would venture to say, without looking at the books, that it always made money.

I hope that the Commissioners will see fit to keep this jewel of our northeast section of Fort Lauderdale green space and park like it is zoned, and not put houses in an area that we already have plenty of homes. Thank you.

(Applause.)

(COMMISSIONER EGGELLETON RETURNED TO THE ROOM.)

MAYOR WEXLER: Thank you. Folks, I -- we recognize that you're here in support of the item. I just ask that you hold your applause, please. We don't do that in this chamber.

The next speaker is John Wishburn, followed by Jason Ulbrich, followed by Betsy Dow. And, please, if you could come sit in the front row so that we can move this along.

Mr. Wishburn, you have three minutes.

MR. WASHBURN: My name is John Washburn. I'm president of the Fort Lauderdale Green Space Coalition, and we're a group dedicated to preserving the remaining green space in the county that's zoned for park and recreation, specifically in Fort Lauderdale, and in general in Broward County.

Golf courses remain the last large tracts in Fort Lauderdale that can be used for significant parks. And as Fort Lauderdale continues to densify through redevelopment of multi-family structures, the need for larger parks where we can have larger soccer fields, practice fields, baseball fields, et cetera, perhaps a golf course, or just general areas where people can recreate and escape the urban crush is -- is paramount.

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We don't feel that there's any significant -- any significant reason for -- or any significant benefit to Fort Lauderdale to allow or change the zoning on these parks to allow housing. We seem to have plenty of that. There seems to be plenty of areas in Fort Lauderdale that could stand to be redeveloped and made a little nicer.

So in closing, I just urge you to -- to enact the ordinance amending the Broward County Comprehensive Plan to adopt the Broward County land use plan text PCT 08-1 regarding open spaces. Thank you.

MAYOR WEXLER: Thank you.

The next speaker, Jason Ulbrich, followed by Betsy Dow.

MR. ULBRICH: Dear Madam Mayor, Madam Vice Mayor, and Commissioners, my name is Jason Ulbrich. I live at 2525 NE 37th Drive, Fort Lauderdale, Florida. I am secretary of the Fort Lauderdale Green Space Coalition. I am also a 31-year resident of the American Golf Course.

On behalf of the Fort Lauderdale Green Space Coalition, we ask that you support and vote yes on the land use plan proposed amendment open space golf course conversions.

Since 2006, three separate development surveys have circulated the surrounding communities in regards to golf course conversions. All three surveys share similar results in the fact that they are 90 percent plus against future golf course conversions.

In total, 939 surveys are against future conversions of golf course, and 62 surveys are in favor of converting golf courses. I have the 2006 and 2008 surveys that are against golf course conversions. I'd like to show a visual of the amount of individuals and constituents who have represented their opinion. This is the amount of constituents who have supported the conversion of golf course conversions. These are only the 2006 and 2008 surveys. The Coral Ridge Association has also done a separate survey, and there are an additional 123 surveys that are against golf course conversions, and 11 that favor golf course conversions.

So if you listen to the majority of your constituents, it's obvious they're against converting park space or golf courses for development into homes.

If these policy changes are put in place, not only will we be protecting green spaces for future generations, but we'll be protecting the property values and the rights of residents who now live on or near golf courses.

Please side with the overwhelming majority and vote yes. Thank you.

MAYOR WEXLER: Thank you.

Betsy Dow, followed by Linda McCreary.

MS. DOW: Good afternoon, Commissioners.

MAYOR WEXLER: Good afternoon.

MS. DOW: Thank you for listening to me again. I believe this is about the fourth time. Jason has told you about the surveys we've taken, and I believe, with a great deal of communication among our neighborhoods, you have been inundated with e-mails. So we have the surveys, we have the e-mails. You realize that our green space is very precious to us. And I also think that Bill Ciani from the Coral Ridge Association has said about his investigation at Pompano Park makes an interesting possibility that possibly the developer might sell the land that had been American Golfers to the city, and make it into a

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profitable golf course and restaurant, in which we all enjoy. Thank you.

MAYOR WEXLER: Thank you.

Linda McCreary, followed by Alex Alghussain.

MS. MCCREARY: Good afternoon, Mayor --

MAYOR WEXLER: Good afternoon.

MS. MCCREARY: -- Commissioners. Linda McCreary. I'm going to make this really very short. I'm here only today sort of representing Oak Tree.

I'm going to ask you, please, vote yes today. Do it for our neighborhoods, our cities, and our county. Keep us all green. It's the right thing to do. Thank you.

MAYOR WEXLER: Thank you.

Alex Alghussain, followed by Raymond Novak.

MR. ALGHUSSAIN: Hello. My name is Alex Alghussain, and I'm here today because I'm the third generation in my family to call Fort Lauderdale home. When my grandmother came to Fort Lauderdale in 1950, green space was everywhere, and no one thought about it. As a runner for Cardinal Gibbons High School, I think about it every day.

(COMMISSIONER LIEBERMAN LEFT THE ROOM.)

MR. ALGHUSSAIN: Training year-round to run cross-country and track and field, I realize firsthand how little green space there is in Broward County. My school is next to a small park, which affords my team little room to run workouts, fences around playgrounds, baseball fields, soccer fields, and tennis courts provide a maze for us to run through when preparing for our races.

Since there is little -- since there is a lack of substantial amounts of green space in our city, we are forced to run on sidewalks of cement and roads of asphalt that in turn wreak havoc on our bodies. My team members -- many of my team members, including myself, have experienced injuries from running on sidewalks and streets for prolonged amounts of time, that put the brakes on an entire season of hard work. I continually have to ice my shins and knees in order to prevent serious injuries.

I see the preservation of -- of green space in Broward County as a necessity to our communities and our future. As teenagers, our future is determined by votes cast by adults. My teammates and I hope the adults voting today will carefully consider the power they have, and do the right thing.

You grew up in a time when open space was taken for granted, because there was enough. Now you need to insure that we can have the same experience to enjoy open green space, just as you did. Large areas of green space in communities where housing is plentiful should be preserved to benefit the public, like our state parks do for all ages. An environment with substantial amounts of green space is imperative to a productive city where citizens can live a healthy lifestyle.

Where do kids fit into the future of Fort Lauderdale? Where do kids run, play, and go to be outdoors, away from the streets and traffic? We have the opportunity to keep the remaining green space and golf courses, such as American Golf Course and Coral Ridge Country Club Golf Course, as they were planned in the beginning, for outdoor activity by all ages.

I would appreciate your careful consideration about where we are heading, and I hope for a future Fort Lauderdale as great as the one that brought my grandmother here 58 years ago. Thank you.

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MAYOR WEXLER: Thank you. Good job.

Raymond Novak, followed by Donald Hall.

MR. NOVAK: I didn't luck out in my position speaking to you. That young man is a difficult --

MAYOR WEXLER: Act to follow, right?

MR. NOVAK: -- act to follow. I was going to bring -- Madam -- Mayor Wexler and Commissioners, I was going to bring many young golfers with me, and Commissioner Keechl's staff persuaded me not to do so. I brought photographs of them, and of the people who used to play there. I have a packet for each of you, and I pray that you will thumb through those photographs before you vote today, and please just look at them.

I've attended many, many hearings on this issue, and, frankly, it's become a bit of a we/they situation, and there are essentially two arguments. One, this is green space, and it must be protected. On the other side, these are private businesses, and these owners are entitled to use their property in a profitable way.

(COMMISSIONER LIEBERMAN RETURNED TO THE ROOM.)

MR. NOVAK: Who's correct here? Well, it's obvious that both sides are correct. These are businesses, and golf is struggling today. There's no question of that. But they're very, very special businesses. Fly out from Fort Lauderdale's airport and look down. A substantial part of what green space remains are the golf courses. A few parks, the beaches, and the golf courses.

Now, one of the objections that's brought up is, well, golf courses are not the most environmentally responsible way to use green space, because of all the insecticides and all of that. That's correct.

But the answer, I submit, my dear Commissioners, is not to pave them over, but rather it lies in the direction of a program which I've submitted to you this afternoon -- I got it when I traveled to a seminar on this issue -- called Wildlife Links, which is a joint program of the USGA and the National Fish and Wildlife Association, a nine-step program to make golf courses environmentally friendly, to restore the natural flora and fauna of these properties, and make them friendly once again.

I suggest that that is the answer to the environmental concerns, and I urge you to vote for this legislation which essentially says, when there's an application to change, *proche dende caute*, proceed cautiously. Thank you.

MAYOR WEXLER: Thank you.

Mr. Donald Hall, followed by Bruce Quaily.

MR. HALL: Good afternoon. I'm Donald Hall, Gunster, Yoakley and Stewart, representing Coral Ridge Golf Course, Inc., the owner of the Coral Ridge Country Club and the American Golfers.

You've heard my observations about the proposal, and I'm -- I'm simply going to briefly summarize them.

There is truly a logic and factual gap between the objective and the policy. Somehow, magically, golf courses, no matter how they are owned -- my client is a private corporation -- but suddenly, in the objective, golf courses are, through some alchemy, transformed into public open space. That's a fatal flaw.

Let's look at my client's property, Coral Ridge Country Club, a longstanding and excellent golf course, and the adjacent property, American Golfers, which was a driving range, and -- I'm not a golfer, so I'll

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undoubtedly offend those who are -- a par 3 course, or whatever a real golfer would say.

But here's the point. The point is, it's not a park. It's not green space. And it is most certainly not public space. I -- I sympathize with the young man who must ice his shins, but I rather doubt, and I hope, that he's not running on our client's golf course. I rather doubt he is. And if he is, he's trespassing.

Mr. Ulbrich made an interesting point, and he put in front of you a statement which I, without reviewing, certainly take as true, vox populi, of course, always knows how to use someone else's land. I have no doubt that if I were to circulate a petition in his neighborhood saying Mr. Ulbrich's property should be taken for a public park, it would be overwhelmingly defeated. Well, yes, that's an absurd analogy, but not altogether, because that is exactly what Mr. Ulbrich is suggesting for my client's property.

This is going to pass today, I know that. It's ill-advised, it's bad policy, and it's just plain wrong, but the votes are there. If it passes, I -- I hope when applications come to convert that you will -- you will pay attention in the evaluation of those applications to two things.

Number one --

MAYOR WEXLER: Please conclude.

MR. HALL: -- is there public open space being lost. And if so -- or even not so, let's assume a generous applicant --

MAYOR WEXLER: Mr. Hall, you need to conclude.

MR. HALL: Good afternoon.

MAYOR WEXLER: Thank you.

Bruce Quaily, followed by Brandon Biederman. And Mr. Quaily --

MR. QUAILEY: -- Good afternoon.

MAYOR WEXLER: -- before you start --

MR. QUAILEY: Thank you for --

MAYOR WEXLER: -- before you start, Mr. Quaily --

MR. QUAILEY: Oh, I'm sorry.

MAYOR WEXLER: -- that's the last person that I have signed up to speak. I know a whole bunch of other people came in here this afternoon. I don't know if it's on this issue or another issue, but I want to thank you all for being here.

Mr. Quaily, you're recognized.

MR. QUAILEY: Thank you very much for the opportunity to speak this afternoon. My name is Bruce Quaily, and I live at 3070 NE 43rd Street in Fort Lauderdale. I've been a resident of Broward County since 1972. I'm currently a director of Coral Ridge Homeowners's Country Club Association, along with being vice president of the Lauderdale Green Space Coalition.

Build it, and they will come. Build it, and they will come. Thank you, Kevin Costner in Field of Dreams. Build it, and they did come. For years, Broward County was one of the fastest growing communities in

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the country. Oceanfront and canal front homes sold for a premium. Golf course communities were thriving. But there was always another agenda besides sitting around hitting a little white ball.

Glitzy brochures were used to sell homes and condos with golf course frontage and views, all for a much higher number. These knowledgeable developers were promising a golf course setting to their buyers. Were these buyers hoodwinked to believe they were just like the ocean and canal front buyers, getting this amenity in perpetuity, and not just until a developer sold out his lots?

We have 23 miles of beaches, 1800 miles of canals, numerous parks, and 15 remaining golf courses. When an area becomes built out, much as we are, developer speculators are always looking for opportunities to develop. They typically find these opportunities in two places: mobile home parks and golf courses, provided they can convince public officials of the benefits to change the land use and zoning classifications.

Tragically, we have already lost nine golf courses the last few years. We have all heard the saying over the years, "I have a bridge to sell you." Sadly, there was a time in Florida as well where one of the sayings was "I have swamp land to sell you."

Don't let today's golf course communities be our swamp land legacy by virtue of letting their valuable asset be turned into concrete. This debate is about the developer and their lobbyists changing the rules for their own personal gain, versus the people and their quality of life, the wildlife, open space, tree canopy, storm water retention, and aquifer recharging.

Coral Ridge took a survey with over 1,000 respondents this past couple of years.

MAYOR WEXLER: Mr. Quailey, you know that I forgot to push your minutes.

MR. QUAILEY: Oh, okay. Am I running over?

MAYOR WEXLER: I realized that about 30 seconds ago.

MR. QUAILEY: Sorry.

MAYOR WEXLER: So I'm just asking that you please, you know, begin to wrap up.

MR. QUAILEY: I'm almost finished. Thank you very much.

MAYOR WEXLER: Thank you.

MR. QUAILEY: Over a thousand people responded on the question of redeveloping American Golf Course, and the -- the vote was overwhelming. Ninety-three percent to keep it as a golf course. I believe this landslide vote would be similar in every area of the county.

Developer speculators know full well what risk they are taking when they purchase golf course land in hope of land use, zoning, and -- and zoning changes. There is no hardship here. The great hardship, one that is both quality of life and financial loss, is experienced by the surrounding neighborhood. This is legally and morally wrong, and, personally, I find it unconscionable. How could any of this be in the best interest of the public?

It's time to draw our line in the sand trap, stopping this horrible taking of our precious green space. I thank you very much.

MAYOR WEXLER: Thank you.

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Mr. Brandon Biederman. And I'm going to set your clock. I've definitely got to remember.

MR. BIEDERMAN: I'll be happy to be let you do that.

Thank you, Madam Mayor, Commissioners.

For the record, Brandon Biederman, representing the Builders Association of South Florida.

(COMMISSIONER EGELLETON LEFT THE ROOM.)

MR. BIEDERMAN: Firstly, I think it's important to note that we're all concerned about open space, and that is why any land use amendment is appropriately vetted by the cities, the local planning agency, planning and zoning boards, the Broward County Planning Council, and the County Commission, after much debate, and after many Public Hearings.

However, we believe this amendment is somewhat duplicative of this process, and attempts to label all golf courses, including open and closed golf courses, public and private golf courses, in the same manner.

Make no mistake, this amendment also begins to tie the hands of the cities when, instead, any future land use change should be decided on a case-by-case basis.

The League of Cities' growth management subcommittee, sustainability committee, and full board of directors proposed compromised language that begins to strike a balance on this issue. At the Planning Council hearing on this topic, actually, someone made the comment and they made the comparison of this issue to the tale of the three bears fable where the first bear's porridge was too hot, the second bear's porridge was too cold, and we would urge you today to find the porridge, or in this case the language, that is just right, and instead strikes an appropriate compromise on this issue.

In the end, we believe the cities, LPAs, and this body has a wide degree of discretion to deny any land use change. As such, we believe this discretion is sufficient without amending the land use plan to accomplish your goal. Thank you.

MAYOR WEXLER: Thank you, Mr. Biederman.

Okay. The Public Hearing is now closed.

Commissioners, there are two Commissioners I want to recognize first, Commissioner Keechl and Lieberman, who sponsored this item.

Commissioner Keechl, do you want to begin?

COMMISSIONER KEECHL: Please. Thank you, Mayor. First, colleagues, this is a long time coming, and I'm glad we're finally here. Let's remember how this all started. We were all -- all nine of us were concerned about the loss of open space, and we discussed it after my election and Vice Mayor Ritter's election at our first workshop, and there really wasn't much debate about that, that topic.

(COMMISSIONER WASSERMAN-RUBIN LEFT THE ROOM.)

COMMISSIONER KEECHL: We all directed Urban Planning to study this issue, and our staff held two public workshops and forwarded draft language to the Broward League of Cities. Urban Planning finalized its June 12th, 2007, report and submitted it to us, and we're all familiar with that report which contained proposed language which, hopefully, today we're going to adopt.

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(COMMISSIONER WASSERMAN-RUBIN RETURNED TO THE ROOM.)

COMMISSIONER KEECHL: The Urban Planning language, as you all know, everybody knows, was an amendment to objective 5.04.00, and the policies that go with the objective. And briefly, policy 5.04.03, if we adopt it today, states that amendments to the Broward County Land Use Plan which would result in a loss of open space shall be strongly discouraged, and be required to address how open space and recreation needs of the existing and projected residents of the community will be met, including how the negative impacts of the loss of open space on surrounding neighborhoods will be minimized or mitigated.

Policy 5.04.04 continues, and it says that, nevertheless, should an applicant who owns a golf course come forward -- at a minimum, we're setting out a policy and we're saying you must address at least five issues. One, the impact of the loss of open space on the surrounding residential areas. And it must be mitigated through the provision of parks and open space to serve the surrounding neighborhoods.

I can't believe that that, in and of itself, would be objectionable to anybody up here.

We also talk about the management of storm water retention, minimizing the impact of this proposed discretionary land use change on our natural resources, the mitigation of environmental contamination, and we want this applicant, who, notwithstanding our proposal strongly discouraging the conversion of our few remaining golf courses, to explain to us the integration of the proposed development with the surrounding neighborhoods, including how the development that's being proposed will tie the existing neighborhoods through roads, sidewalks, and greenways.

(COMMISSIONER RODSTROM RETURNED TO THE ROOM.)

COMMISSIONER KEECHL: After a review of this report, colleagues, we voted 9-0 to initiate the changes that, hopefully, today five or more of us are going to adopt. The report was then sent to our Planning Council for review, to the Broward League of Cities, and to all municipal mayors, managers, and planning directors. And, as I told you last time, of the 31 cities, only one city, Hallandale, totally opposed what we were thinking of doing here.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER KEECHL: Two didn't object to what we were trying to do, but didn't like the "strongly discouraged" language. 23 had no comments, and 5 absolutely supported this policy decision, including Cooper City, Pembroke Pines, Parkland, Plantation, and Oakland Park.

So, stated differently, 28 cities supported our policy or didn't take the time to say anything to us because it didn't shock their conscience, and only three cities had any real issue with what I hope we're going to adopt today.

So where did the opposition come from? Well, you hear a little bit of it today, respectfully. It's not coming from the cities, and it's not coming from the residents. It's coming from a few landowners who, in my opinion, are land speculators.

The witnesses said it better than I can say it up here, because we know what's going on, and many times -- and with all due respect, American Golf Course in my district is a perfect example -- we have land speculators buying these properties for pennies on the dollar, because guess what? They're land designated under the Broward County Comprehensive Land Use Plan as commercial recreation, so they're worth a lot less.

And then, of course, as Mr. Novak said, they come to the cities and then to the county, using their influence, which is the American way, and they -- they get us to allow them to develop their properties for lots and lots of money.

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So before the transmittal hearing, which was the first hearing -- this is the second and the last -- I testified before the Planning Council in a special hearing. The vote was 9-3 in favor. And, again, what was the argument in opposition? Well, you heard it a little bit said very well by Mr. Hall. He was much kinder today than last time, but basically the argument originally was you can't do this, it's illegal. It's an inverse condemnation, or a Burt Harris claim. And our County Attorney's Office said to us, and so did the Planning Council's attorney, absolutely not, because this is a discretionary decision. There are no vested rights to build residences on a golf course, with few exceptions, and those exceptions will not be impacted here.

So when Mr. Hall tells us that we are singling out his client, or any developer's attorney tells us that, we're singling out those properties that have been, under Chapter 163, designated commercial recreation for a purpose, because those in Tallahassee believe that when we set out our land use plans, we need to have residential, we need to have commercial, we need to have open space, we need to have parks. And they know that 95 percent of the time -- because I bet if we looked at when they bought these properties, they bought them in the last five years, knowing that they really couldn't do much with them other than commercial recreation.

MAYOR WEXLER: I'd be more than happy to come back to you.

COMMISSIONER KEECHL: Okay.

MAYOR WEXLER: Because I'm almost ready to set a five-minute clock on this again.

COMMISSIONER RODSTROM: You got it. I'm almost --

MAYOR WEXLER: It worked last time.

COMMISSIONER KEECHL: I was only going to talk one time and then I was going to be quiet.

MAYOR WEXLER: No, no, no. I -- we'll come around again.

COMMISSIONER KEECHL: That's fine.

MAYOR WEXLER: But, you know -- oh, you haven't been here, so you're like -- you know, we're tired.

COMMISSIONER KEECHL: Actually, it was the same speech I gave last time. Apparently I'm talking slower this time.

MAYOR WEXLER: I'll be more than happy to come back and recognize you again, no problem.

COMMISSIONER KEECHL: Mayor, you're the boss. I'm prepared to hold the rest of my comments.

MAYOR WEXLER: We -- we have a whole afternoon ahead of us. We -- we never finished the morning agenda, not even close, so.

COMMISSIONER KEECHL: Okay.

MAYOR WEXLER: Okay. Commissioner Lieberman.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR WEXLER: Okay. Well, I hope we don't need them. I hope we don't need them.
Commissioner --

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COMMISSIONER LIEBERMAN: Am I ready?

MAYOR WEXLER: -- you're recognized, yes.

COMMISSIONER LIEBERMAN: Let me make it clear, this land use plan amendment is designed to resolve a problem. It started, unfortunately, in my County Commission District and Commissioner Eggelletion's County Commission District.

When we voted to do our land preservation bonds, I don't think anybody in their wildest dreams thought that by floating the bond, the \$400,000,000 in bonds, that what we'd actually be doing is encouraging the next great frontier for development, which was golf courses. That was an unintended consequence. We -- it took us quite some time to get bond counsel to agree that those funds could be used to buy golf courses and turn them into passive or active parks. That was an issue that we tried to address, and we encouraged cities where there were some golf courses that they might want to acquire, including some in my district, to apply for funds from the bond issue and to do that.

Let me dispel a myth about this. If there's anyone here today that believes that by passing this, another golf course will never, ever be developed, that is wrong.

MAYOR WEXLER: That's right.

COMMISSIONER LIEBERMAN: What this does -- and it's not unlike what happens everywhere else in our Comprehensive Plan. There were no standards. This simply set some standards so when a land use plan amendment comes in which proposes to change the land use on a golf course, then it will come in front of the Board, and they have to meet this criteria, which are concerns that the Board has had as we're seeing golf courses disappear from our community.

(COMMISSIONER EGDELLETION RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: So, you know, I don't want anybody to leave here, as much as I support this item, I support it because I think it's the right thing to do is to set some criteria. It won't stop someone from proposing a conversion. What it will do is require that they have some criteria to move it forward.

The second -- so with respect to Mr. Hall, who says we're singling somebody out, I still think I have the most golf courses up for sale of anybody in their district. There are four more that I am aware of as of today, besides the one that's already been sold and is under redevelopment. I think it's good stewardship for us to have some conditions. It may be that as we go forward we want to put some other conditions in, because the right kind of plan, which deals with environmental issues, is probably a good plan for getting rid of contamination around well fields. But we won't know that. We'll have to review these on a case-by-case basis.

But I am pleased to vote for this. I am pleased to be a co-sponsor of it, because I think it does something to do away with what was an unintended consequence of our \$400,000,000 bond issue, and that was we weren't intending to drive development to golf courses by preserving what's left in our county of green and open spaces. And I think this also furthers that objective, as well.

MAYOR WEXLER: Okay. Commissioner Jacobs.

COMMISSIONER JACOBS: I had something I wanted to share with you all. It's about Central Park in New York. "As the city expanded, people were drawn to the few open spaces, mainly cemeteries, to get away from the noise and the chaotic life of the city."

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You know, that's where we're headed, that the only open spaces left in this county are going to be cemeteries, because we continue to grow and build and build. And if you look at New York City now and where it is, would anybody doubt that in the early 1800's, when they started to look around, and say 1811 is when they started thinking, gee, we need a park. Now, here you are, all this time later, and you -- not even a park, just open space.

You consider where we are this time now 50 years away, and you understand what this county will look like. That even if you are not using -- even if you're not a golfer, even if you're just that person who is isn't trespassing but happened to be walking by and enjoying the fact that it's there, or flying overhead and realizing that it isn't all concrete in Broward, that any step we can take to try to preserve the future open space left in this county as it dwindles more and more and more, the golf courses today that are failing will someday be very profitable, as they will be the only one of their kinds left.

The idea that if you own a golf course, as Commissioner Keechl said so eloquently earlier, is a -- they don't have a vested right. They will assert that they do, but land use doesn't give you a vested right. You have what you have, which happens to be commercial recreation. And in my district and the golf courses up in Deerfield Beach, they've exhausted the idea that they can build on them and have now gone to something that is allowed under -- well, so we hope that it is not and we'll work to see that it doesn't happen -- but under commercial recreation that is now a place where you can go build borrow pits. You can go in and actually do mining for fill in these sites, right outside peoples' homes, and dig down 60 feet. Oh, and by the way, you get to do this because you'll designate it as commercial recreation by stocking it with fish and putting out a little dock and renting fishing poles.

This is the future, folks. This is where I see us going if we don't make these kind of changes now. Ultimately, I -- I walk three days a week around the Pompano Golf course and the open space that's out there, and it is one of the most valued places in the county. People get in their cars and drive all the way from Coral Springs and other cities far away just to come enjoy the open space around Pompano's air park. And I can tell you, without a single tree along most of that -- of that walkway, it's amazing that anyone comes out, given the condition, but they still do because it's one of the few places where you can get out and walk and enjoy that space.

Someday there will be areas in this county, cities that will take on these golf courses, whether they're failing or not, and help move them along, because it's better for their bottom line to do so. Your cities are more valuable, more attractive if you have the open space that's necessary. And this does not preclude any future golf course from changing from its use. It merely, as Commissioner Lieberman so well said, sets forth some criteria so that if we are going to change them, then there are some better expectations about how that should occur.

We're entering a new era in Broward County as we move forward -- I'm wrapping up, Mayor -- and I would urge my colleagues --

MAYOR WEXLER: (Inaudible) that look.

COMMISSIONER JACOBS: -- to support this issue. I'm happy to support it today.

MAYOR WEXLER: Thank you. I guess I'm giving that look like I do to the grandchild.

COMMISSIONER JACOBS: (Inaudible).

MAYOR WEXLER: I'm not in the pool.

UNIDENTIFIED SPEAKER: Are we finished?

UNIDENTIFIED SPEAKER: No.

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MAYOR WEXLER: Are there other speakers on this issue?

COMMISSIONER EGGELLETON: Yeah. Yeah.

MAYOR WEXLER: Commissioner Eggelletion.

COMMISSIONER EGGELLETON: Madam Mayor, members of the Board --

MAYOR WEXLER: We're going to try to stick to no more than five minutes worth of comments, Commissioner. You had walked out when I made that statement. We'll come back to you, but we want to try to, you know, be fair to go around the queue.

COMMISSIONER EGGELLETON: Got it. Madam Mayor, and members of the Board, let me just say, Commissioner Keechl, in particular, I realize this is a very contentious issue. And when I was first elected in 2000, one of the things that I said that I wanted to do is to be a part of a collegial body, and -- and hopefully, that's where we're headed, and I think we're pretty much a collegial body here.

And, as you well know, initially I really opposed your amendment, and I believe I can support it now. I'm not going to do so, and I passed out an amendment, but I am going to support your -- your issue. I'm not going to offer the amendment. I'm going to withdraw the amendment that I passed out, is what I'm trying to say.

But let me just say this, the reason why I want to really support this. In 1994, when I served in the Florida House of Representatives, I authored a bill that has become a very important piece of legislation for Florida, and it's called the Environmental Justice and Equity Act. And what I found out recently is that many of these golf courses -- and it was speculation that they were contaminated with arsenic. All soil in Florida is contaminated with arsenic, but it's the level of contamination that we have to live with. And my philosophy and what I wrote in that bill is that what people who are in these areas of contamination seek is -- is not equal pollution, but equal protection.

And so, you know, my -- my point here is simply this: do I believe that we should be passing policies to take away the rights of private ownership of golf courses? No, I don't believe that at all. I think that's dreadfully wrong. And as I pointed out, there are two pieces of property in Broward County, and in Florida in general, that sell for all time historic high value. One are on oceans. The other is on golf courses. And I just don't think that we should be offering policies that inure to individuals a private right by trying to make it public.

So, having said all that, there are other extenuating circumstances, and that -- that's the contaminants that exist on these properties that really concern me from an environmental perspective.

And because of that, I'm going to support the amendment that you offer here today. But, you know, and after this is in for a while, I may offer another amendment at some future date, way into the future, after we see what the results of this is, because I believe the proof of the pudding is in the taste. And so we need to see how this is going to work in the future.

And so I know you were on the borderline between who's going to be the fifth vote for you. So, I mean, we can all count up here, ladies and gentlemen, and this was an issue that could have gone either way. I have golf courses in my district, and it -- it's not that I'm swayed by that. I'm swayed by the level of contamination that we're finding out that actually exists, empirical data that I have received, and I think important for us to weigh. So I'm -- I'm happy, if you want to know, colleagues, to be number five.

MAYOR WEXLER: I think -- I think he had five votes anyway. All right.
Are there any more comments, Commissioners?

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COMMISSIONER KEECHL: I'll move the item.

MAYOR WEXLER: No, I -- I want to comment. I want to comment, since I was one of them -- I was one of them last time that was not in support of this. And not that I don't support the concept. I do. There's only one word that I don't support in here, and I think that -- and I -- the audience really -- all the e-mails that we got seem to indicate that you think that if we pass this, there won't be golf course conversions. That's not true. That's not true.

What we've done is raised the bar. We've raised the bar in here. We've put standards in here that has to occur in order for that to happen. And my colleague, Commissioner Lieberman, so eloquently laid it out. I guess I'm being a little bit more direct about it to those members of the audience that I'm sure I've received your e-mails. This does not stop it. It raises the bar. If they meet the bar, the mitigation, it still happens.

So that's the piece that -- at some point, your cities and their county -- I'm going to tell you, my condo, my home's on the 18th hole of a golf course. All right? I would be extremely unhappy, extremely unhappy if I was in your -- your spot, Commissioner (indicating), absolutely, with American, and bought my property and believing, and last -- last time we heard from folks from the Oakland Park area, as well. So there were two that were particularly in front of us that were under the microscope of potentially being a different use.

There's still a word in here, and I'm going to say it again, that I think is very troublesome, and should be troublesome to the members of this audience. It's the fact that there is no mitigation standard. And when things start coming forward -- and I asked this of Mr. Sniezek, I asked it of members of the Planning Council. Why don't you -- if there's going to be a replacement, if there's going to be a mitigation, then why don't we say that it's an acre for an acre? Why -- why am I going to let some cities do a quarter of an acre for an acre, or a half of an acre for an acre, and other cities are going to be a acre for an acre? That is -- that is absolutely unfair if we're making public policy for the good of the whole county. Oh, gee, I don't want to take away the right of the city. And I'm sure that's what someone is going to tell me, we don't want to impact that the city now can decide what that mitigation will be. And you know very well that some cities it will be minimal, and in other cities it will be a lot higher standard for mitigation.

And as a countywide policy maker, that troubles me tremendously. And that was the fairness that I was looking for here, Commissioner Keechl. And I know you heard me last time. That was the piece that I was very troubled by.

The rest of it, I don't have an issue with. And if we're going to be sued and it's going to be -- wind up in court, then it will wind up in court. And we're there a lot. So we'll see what happens. That doesn't -- that doesn't frighten me at all. But what frightens me is making public policy for this whole county without identifying a mitigation standard for the county.

And -- and, I mean, it's easy to vote yes. It's hard to vote no. I'll tell you that, it's much easier to vote yes. I can go along. I don't have an issue with that. But I have to -- I need you, audience, to recognize that this is -- watch it. Watch it, because this is the issue. This is what we're going to see as we move six months, and a year, and two years, and three years down the road, and these -- not -- these impact -- the golf courses that have been deserted that are not in use, that somebody wants to convert, they meet the standards, now what's the mitigation? Set by the cities. That, to me, is the most troubling.

So that's -- that's the piece that I still struggle with. And I'd really like to hear --

UNIDENTIFIED SPEAKER: (Inaudible.)

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MAYOR WEXLER: -- on a case by case -- you bet, on a case by case basis, and that's what absolutely the developers and the lobbyists and everybody is waiting for, on a case by case basis. I don't like that. I'd like to see a standard.

Commissioner Keechl, and then Commissioner Lieberman.

COMMISSIONER KEECHL: Just briefly. My daddy always said, shut up when you're ahead, and I think I should probably just shut up, but I do -- Mayor, I do want you to know that I've looked into that issue, and I talked to staff about it, and I listened to you, and I understand what you are saying. And so, we may be addressing that issue later, but through the enactment of this amendment in three minutes or less, we are making a policy statement using our discretionary authority to say we strongly discourage these things.

MAYOR WEXLER: Uh-huh.

COMMISSIONER KEECHL: This is -- you know, this is our policy. We strongly discourage them. If you want to come forward, this is the minimum.

And I like what I'm hearing from you, and I liked it last time, because I agree, the devil is in the details. And I will be working on mitigation principles, as well. But we all know that since I've been on the dais, not one has failed, but I -- and many times they won't, but I sure wish we had some minimum standards in here to make it a better application. And in a few minutes, we're going to. So I'm not done looking at the mitigation.

MAYOR WEXLER: I -- I -- you know, I -- I think it's important for there to be a collegial body, I truly do. And I absolutely believe and I hope and I -- and I really hope and counting on the next step, Commissioner. And if you tell me that you will look into that and you will bring something forward in the future, then I will -- you know, then let's make it unanimous.

COMMISSIONER LIEBERMAN: Mayor?

MAYOR WEXLER: You know, I don't have an issue with that, but I want the community to know that that's the -- that's the troubling issue.

Commissioner Lieberman.

COMMISSIONER LIEBERMAN: Mayor, I understand your concern. I'm not as troubled by it as you are for a couple of reasons. This is the first time that I've heard that Commissioner Keechl is looking into the issue. I've had discussions with staff about making sure there's consistency in application and how they're going to do this.

And one of the things staff said, the reason that it is written this way is because mitigation is a factor of exactly what's being proposed, and it will vary. You could have someone who is proposing a densely -- densely populated project, or one that has mostly green space with little -- or perhaps some of the innovative techniques where the parking lot has pavers that grows grass. And so one of the reasons this is the way it is in front of you is because the applications will be different. But I've already talked to staff. They're already look at that issue.

This, to me, is a first step. At least it sets some criteria where we had none.

MAYOR WEXLER: You know, this is -- see what a collegial body we can be.

COMMISSIONER LIEBERMAN: And I'm prepared to second Commissioner Keechl's motion. Are you making it?

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COMMISSIONER KEECHL: I am making this motion.

COMMISSIONER LIEBERMAN: Second.

MAYOR WEXLER: Okay.

On the item, all those in favor indicate -- Item Number 9.

VOTE PASSES UNANIMOUSLY WITH COMMISSIONER RODSTROM
ABSTAINING FROM VOTING.

MAYOR WEXLER: I will indicate that Commissioner Rodstrom has abstained.

COMMISSIONER RODSTROM: Let me make a comment for the record.

MAYOR WEXLER: Please.

COMMISSIONER RODSTROM: And, Commissioner Keechl, you mentioned that it was an 9-0 vote. It was an 8-0 vote, because I have repeatedly had a conflict on this issue. The reason for that is that Fort Lauderdale -- the Fort Lauderdale Country Club, of which I'm a member, have an equity membership, and it is the view of mine -- my view and also shared by the County Attorney that that equity membership rises to the level of my having a financial interest in the outcome should golf courses become anything other than a golf course.

So, with that, I will abstain, and I have filed the necessary papers.

MAYOR WEXLER: Thank you. Okay. All right. We're done with that.

AGENDA ITEM 10

MAYOR WEXLER: We're on Item Number 10 now.

COMMISSIONER GUNZBURGER: Moving right along.

MAYOR WEXLER: Moving right along.

AGENDA ITEM 7 AND 8

COMMISSIONER RODSTROM: And, Madam Mayor, if you would show me voting in the affirmative on Item Number 7 -- Number 7. Excuse me, Number 8.

MAYOR WEXLER: If the record could please show Commissioner Rodstrom --

COMMISSIONER RODSTROM: Thank you.

MAYOR WEXLER: -- affirmative on 8. Thank you.

AGENDA ITEM 10

MAYOR WEXLER: On Item Number 10 is a motion to enact an ordinance amending the Broward County Comprehensive Plan. Just let me read one more line. Chapter 5 is -- land use planned text PCT 08-2 to revise platting requirements.

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The Public Hearing to consider this ordinance is now open.

I have nobody signed up to speak.

The Public Hearing is now closed.

COMMISSIONER EGGELLETON: Move the item, Mayor.

COMMISSIONER LIEBERMAN: Second.

MAYOR WEXLER: The item has been moved by Commissioner Eggelation; seconded by Commissioner Lieberman.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER WASSERMAN-RUBIN: Mayor?

MAYOR WEXLER: Yes. Do you want to --

COMMISSIONER WASSERMAN-RUBIN: Yes. The Commissioner from West Park and the city manager have been sitting here all day on 61, which we were waiting for.

MAYOR WEXLER: We'll go right to that in just a minute.

COMMISSIONER WASSERMAN-RUBIN: Just as a courtesy.

MAYOR WEXLER: As a matter of fact, there's only a couple more items here.

COMMISSIONER WASSERMAN-RUBIN: Okay.

AGENDA ITEM 11

MAYOR WEXLER: Okay? The next item is Item Number 11, which is a motion to adopt a resolution to transmit a proposed amendment to the Broward County Land Use Plan establishing a local activities center in the City of Sunrise relating to the Harrison Park, Westerra development of regional impact. It's a Motion A and a Motion B.

UNIDENTIFIED SPEAKER: Commissioner -- I mean, Mayor?

MAYOR WEXLER: Yes?

UNIDENTIFIED SPEAKER: I have a comment.

MAYOR WEXLER: Yeah, I do, too, but I have one public speaker signed up.

UNIDENTIFIED SPEAKER: Okay.

MAYOR WEXLER: One public speaker and then, it is my district. I would like to comment as -- as well, but I will recognize you after the public speaker. Thank you.

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The speaker that we have signed up is Mr. Richard Coker.

MR. COKER: Good afternoon, Mayor, members of the Commission. My name is Dick Coker, and I'm an attorney representing the applicant and the owner of the property.

I just wanted to say a couple things, and I'm available for questions on this matter. This is, if you don't remember the site, this is the old Racal Milgo site at the southwest corner of Sunrise Boulevard and 136th Avenue. It's part of -- that's the aerial that's on your monitors right now. It's a-- it's a little bit less than a hundred acres, the land use plan amendment. It is part -- it's the Harrison Park development of regional impact. Its DRI approval is for a combination of industrial and office of about a million three, a million four square feet. Its designation of industrial on the county land use plan allows the development of the site as pure office, which would allow anywhere from 2,000,000 to 4,000,000 square feet of -- of office development on the site.

What this amendment does is change the land use from industrial, and change -- there's a corresponding DRI amendment that is -- that is being processed at the same time to reflect exactly the same uses that are shown on the LAC designation here, to make this a mixed use project rather than straight office and commercial.

The unique thing about this particular site is if you had to pick a perfect location in Broward County for the development and redevelopment of a major mixed use site, this is exactly the site that you would pick. It is in an area of existing infrastructure. It's an area close by the Sawgrass Expressway. There's 3,000,000 square feet of commercial around it next to the Sawgrass Mills. There's the hockey arena right north of it -- north of it. The DRI approval that's -- that's existing right now requires a good amount of traffic mitigation requirements and improvements, but the DRI amendment that's being processed also requires substantial amendments in mitigation measures, in addition to the original ones.

Let me just go over a couple of those things, because they're significant to Broward County. There -- the Sunrise Boulevard and Sawgrass Expressway intersection is going to be substantially modified by this developer to make it much easier to get on and off the Sawgrass Expressway ramps. There are bus bays that are going to be developed along 136th and Sunrise Boulevard to facilitate mass transit. And there are a lot of other turn lanes and small improvements.

But the biggest improvement, which was recommended by Broward County Traffic Engineering, was a signal timing and management program for all -- throughout the -- the Sawgrass area. And this developer, through the DRI and also through a declaration of covenant offered in connection with this land use plan amendment, will be contributing just a little bit less than a million dollars, in addition to all the other improvements to Broward County in order to install this traffic signal management system that will address both mass transit and vehicle traffic all throughout the Sawgrass area.

This is a --

MAYOR WEXLER: Thank you, Mr. Coker.

MR. COKER: I'd be glad to answer any questions you have.

MAYOR WEXLER: Thank you.

MR. COKER: Thank you.

MAYOR WEXLER: Commissioner Gunzburger.

COMMISSIONER GUNZBURGER: I know -- I know it's your district, Mayor, but there's an issue that I have with any large development over 100 units. This is 1,700, and I believe there are some trailer parks

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that are being closed.

UNIDENTIFIED SPEAKER: Uh-uh.

MAYOR WEXLER: No, not in this development.

COMMISSIONER GUNZBURGER: No?

MAYOR WEXLER: No.

COMMISSIONER LIEBERMAN: This is the former Racal Milgo site.

COMMISSIONER GUNZBURGER: Okay. Then I'm incorrect at that. But I read the reason that was stated by the applicant that they would not have any affordable housing is because they have enough affordable housing in the community.

That is not an acceptable answer to me when we have all these foreclosures going on, and people losing homes, and desperately needing affordable housing. We had a rule that anything over 100 units was to have 15 percent of the units affordable.

And I do have a question for Mr. Coker. Is your -- the applicant willing to set aside 15 percent of the units for affordable housing?

MR. COKER: May I -- may I address the criteria first? The criteria that you have for a land use plan amendment in terms of affordable housing is the -- the city involved must prepare an affordable housing study and submit it to the Broward County Planning Council. The City of Sunrise has done that. One of the few cities that has done -- done that. They have shown, to the satisfaction of your staff, that there is sufficient affordable housing stock within the area of this particular development. Your staff has recommended approval of this amendment without any additional affordable housing, because of what Sunrise has done.

And if you really look the numbers, because we had to do a comprehensive affordable housing study for the DRI, which we also submitted for the land use plan amendment, but that comprehensive study showed that Sunrise, there -- there are sufficient affordable housing units. And, in fact, the City of Sunrise, frankly, because of that huge housing stock, affordable housing stock that they already have in place, would not want to see, in -- in the Sawgrass Mills area, affordable housing, because of the existence of affordable housing within the geographic area that was under review under the DRI and the land use plan amendment.

No one has asked us about affordable housing on this particular development.

COMMISSIONER GUNZBURGER: Well, I -- I'm going -- I started it, and the Mayor would like to finish it. So I'm going to yield to the Mayor. I -- I already was slightly offended by your statement, and I'm sorry to say so, Mr. Coker, because you and I have a very longstanding good relationship, and we just got through a lengthy process elsewhere. When you said that the City of Sunrise wouldn't want to have affordable housing in the Sun --

MAYOR WEXLER: Sawgrass.

COMMISSIONER GUNZBURGER: -- Sawgrass area, I mean, well, let's put all the affordable housing there, and God forbid it should be anywhere else in the city. I'm sorry, maybe you didn't mean to say it, but that's what came out of your mouth, and that's what I heard.

MR. COKER: May I --

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MAYOR WEXLER: No.

MR. COKER: Or just -- I'll just wait.

MAYOR WEXLER: No, actually you may not.

MR. COKER: Okay.

MAYOR WEXLER: And you may sit down.

MR. COKER: Okay.

MAYOR WEXLER: Thank you. What I -- I want you to know, maybe some of you that have been here a long time know Mr. Coker. I don't. This is a project that was -- I've been waiting, waiting, waiting for something to come forward. And three and a half years nobody has bothered to pick up the phone to call me to sit down with the District Commissioner and have a meeting ever. Ever. And, quite frankly, I'm a bit appalled and insulted. And I think you would be, too, if nobody reached out to you. I've been working with two other huge projects in that district since day one that they've reached out, they've worked with me. We've worked on mitigation. We've worked on affordable housing. We've worked on transportation. But nothing on this. So here it comes today.

I have spoken to staff. I am very, very concerned about a number of issues. I'm concerned, and I really would like to see, and talk to staff, and talk to the City of Sunrise regarding this not having affordable housing in Sawgrass, because there's another development I'm working with, two, that are looking at that as part of their components. So I'm not sure that that is exactly their position, in writing. I need that, and I'd like to see that. It's not -- it's not here as part of my backup, their report stating they don't want affordable housing around Sawgrass Mills mall.

Yes, there is affordable housing in Sunrise, particularly age-restricted affordable housing, particularly, but we'll get into that, because I'm sure that we're going to meet after this meeting at some point in time.

I would also ask that as far as the impact on the roads, there are three DRIs, three DRIs, and forget IKEA, I mean, forget -- if you imagine 136th Avenue going north, State Road 84 and 136th Avenue has IKEA, which many days even now on weekend they have traffic cops out there, police officers out there directing traffic, because it's really tough. It is, it's tough.

The impact of this -- this -- and I think -- and I think it's a pretty good project. I'm not opposed to this project. I'm opposed to the fact that there was no communication. I'm opposed to the fact that there -- there really needs to be a comprehensive cumulative look at traffic in the area. The last conversation about traffic that I had with the deputy mayor in Sunrise was the cumulative impact of traffic, and can't the county do a traffic study regarding IKEA, Westerra, Metropica, and Bank Atlantic Center, all of it. If you take 136th Avenue from State Road 84 and head north, it just curves around to Bank Atlantic Center, you are creating New York City, potentially.

And as long as the infrastructure is in place, I don't have an issue. As long as the infrastructure is in place, and the city wants it, and we work together as partners. But there are some issues here, and particularly traffic, and I'm asking -- and I know this is not an item that's part of the twice a year thing. This is a land use change. I'm asking that it come back at our next meeting and give us a chance to sit and talk, and get through the issues that I have and would like to raise with you privately, so that maybe we can address them.

MR. COKER: Can I say one thing, Mayor?

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MAYOR WEXLER: No, not really. Not really.

Commissioner Jacobs, followed by Commissioner Lieberman.

COMMISSIONER JACOBS: See, here's the thing. We are District Commissioners and we're also regional. We have to look at the whole county. So I find it really surprising that -- I just assumed the Mayor had been -- was up to speed on all of those pieces. But I'm not, either. And I have a vote, and I have concerns about these projects. I share Commissioner's concern about affordable housing. I share concern about having certified under county's program as a NatureScape so that it's environmentally sustainable. I don't know how -- that's not mentioned here.

Generally what happens on these kinds of projects is someone will come and sit down with us and say what do you think? What are your concerns? Let's see if we can't work them out. So those are the things I would like to see happen on the property, as well as a conversation.

But one of the greater concerns I have, and I think at some point this Board needs to take another look at our stand on affordable housing, and the language that we put in place, because our language, Commissioner Gunzburger, does not say that you have to build 15 percent after 100 units. It says there is a menu, A through J, and included in that menu is a statement by a city that says we don't need affordable housing. Well, basically, they can do their study and their study, it doesn't set forth any criteria about the qualifications of who does the study or whether it's just an employee who goes out and takes a look around the city and says, as long as the city says we don't need enough -- we have enough affordable housing, thank you, we don't need anymore, under our menu that we passed, that is good enough to excuse them out of that requirement to address.

What it says is they have to address affordable housing. It doesn't tell them exactly what to do. And that was a discussion, a long discussion we had with the League of Cities, is we did not want to be in a position of telling them specifically what to do. It was the hope that affordable housing would be addressed in a comprehensive and a real way, never that a city would actually say we don't need it, let them build it over there or put it in another part of the city. It already exists.

If you look at the number of the -- the salaries that are required for most housing, you'll find that what some cities say is they have enough affordable housing. Generally, what they're speaking of is substandard housing, not affordable housing.

So those -- those are real concerns that I have. As -- as this project goes away and comes back, Mayor, I would ask, too, that if it isn't timely, that they've had time to speak to each of us, or at least myself included, that that happen as a part of it coming back. If it comes back at the very next one, we are on hiatus after today for the month of July, so that that try to be worked out with our schedule before it comes back.

MAYOR WEXLER: I think it's August 12th is the next Public Hearing.

MS. HENRY: That's correct.

MAYOR WEXLER: So I -- I would hope that my colleagues defer this until August 12th, Mr. Coker, and I would hope that you meet with the -- at least make the phone call to see if Commissioners have interest in sitting down and talking to you or any other representative, so that we can get through whatever issues so the next time it comes before us it just passes right along.

But I -- I have some questions. I agree with my colleagues.

Commissioner Lieberman, you wanted to be recognized?

COMMISSION MINUTES

COMMISSIONER LIEBERMAN: Yeah, Mayor, I have no problem with deferring this to get all of the information. I agree with a lot of comments that are said. The only question I have is -- and I'm trying to remember -- is when the city transmits a land use plan amendment to the county, it starts a process under Florida Law Chapter 163 that we need to weigh in on or we lose the right to comment, both on transmittal and adoption. And so I'm just -- I just want to make sure that we don't lose any of those rights by delaying the transmittal. Because transmittal is not adoption. Transmittal just means we're sending it, you know, with comments. And certainly I think we can revise our comments to better reflect some of the concerns which have all been expressed.

(COMMISSIONER EGGELLETION RETURNED TO THE ROOM.)

COMMISSIONER LIEBERMAN: So I just want to make sure that we are not running afoul of 163 in any way, shape, or form by deferring this item at this point.

MS. AZCOITIA: 163 has a 60-day period after we get comments from the state for adoption.

COMMISSIONER LIEBERMAN: Okay. So transmittal --

MS. AZCOITIA: I'm not aware -- I'm not aware of the same requirements for transmittal.

COMMISSIONER LIEBERMAN: Okay. Then I have no problem.

COMMISSIONER GUNZBURGER: I'll make the motion.

MAYOR WEXLER: It's been moved to defer to August 12th. It's been seconded by --

COMMISSIONER KEECHL: Second.

MAYOR WEXLER: -- Commissioner Keechl.

And all those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: We look forward to meeting with you, Mr. Coker. Thank you.

COMMISSIONER GUNZBURGER: As do I.

COMMISSIONER LIEBERMAN: As we all do.

MAYOR WEXLER: As we all do. The next item --

COMMISSIONER GUNZBURGER: See how popular you've become?

AGENDA ITEM 12

MAYOR WEXLER: -- The next item is Item Number 12, is a motion to enact ordinance to adopt proposed amendment to the transport -- transportation element of the Broward Comp Plan.

COMMISSIONER LIEBERMAN: So moved.

MAYOR WEXLER: There -- there are -- I don't think I have any more speakers.

COMMISSION MINUTES

The Public Hearing is now open.

There are no speakers signed up.

The Public Hearing is closed.

The item has been moved by Commissioner Lieberman; seconded by Commissioner Wasserman-Rubin.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 13

MAYOR WEXLER: Item Number 13 is a motion to enact an ordinance to adopt proposed amendment to the sanitary sewer element to the Broward Comp Plan.

COMMISSIONER LIEBERMAN: So moved.

MAYOR WEXLER: The Public Hearing to consider enactment of this ordinance --

COMMISSIONER KEECHL: Second.

MAYOR WEXLER: -- is now open.

There are no speakers.

The Public Hearing is now closed.

The item has been moved by Commissioner Lieberman; seconded by Commissioner Keechl.

All those in favor. indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 14

MAYOR WEXLER: Item Number 14, and the last one ,is a motion to enact an ordinance to adopt a proposed amendment to the future unincorporated area land use element to the Broward Land -- Comp Plan.

The Public Hearing to consider enactment of this ordinance is now open.

There are no speakers.

The Public Hearing is now closed.

The item has been moved by Commissioner Gunzburger; seconded by Vice Mayor.

COMMISSION MINUTES

All those in favor indicate by aye.

Opposed, like sign.

VOTE PASSES UNANIMOUSLY.

MAYOR WEXLER: This does conclude the Public Hearing.

(THE MEETING ADJOURNED AT 4:11 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MINUTES.)

PUBLIC HEARING MINUTES

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LL/JR/LR/JH/DH/PL

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August 12, 2008 commission minutes

August 12, 2008 public hearing minutes

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