



## **REGULAR MEETING OF THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA**

**FEBRUARY 27, 2017**

The City Commission of the City of Lauderhill, Florida, met in a regular public session pursuant to the law and rules of said Commission on Monday, February 27, 2017, at 7:00 p.m. in the Commission Chambers at 5561 West Oakland Park Boulevard, Lauderhill Florida, 33313.

Commissioner Bates called the meeting to order at 7:00 p.m.

Upon roll call, the following were determined to be present:

Mayor Richard J. Kaplan  
Vice Mayor Ken Thurston  
Commissioner M. Margaret Bates  
Commissioner Hayward J. Benson, Jr.  
Commissioner Howard Berger  
City Manager Charles Faranda

Also Present: Deputy City Manager Desorae Giles-Smith  
City Attorney W. Earl Hall  
Finance Director/Assistant City Manager Kennie Hobbs  
Police Chief Constance Stanley  
City Clerk Andrea M. Anderson

### **COMMUNICATIONS FROM THE PUBLIC (ADJOURNMENT NO LATER THAN 7:30 P.M.)**

1. Carmen Hamilton
2. Glen Hinkson

A. UPDATE ON THE LAUDERHILL SAFE NEIGHBORHOOD DISTRICTS

Adjourned Communications from Public: 7:06 p.m.

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**MAYOR KAPLAN CALLED TO ORDER THE REGULAR COMMISSION MEETING (TO BEGIN IMMEDIATELY AFTER COMMUNICATIONS FROM THE PUBLIC MEETING, BUT NO LATER THAN 7:00 P.M.)**

**ROLL CALL – 7:07 P.M.**

Upon roll call, the following were determined to be present:

Mayor Richard J. Kaplan  
Vice Mayor Ken Thurston  
Commissioner M. Margaret Bates  
Commissioner Hayward J. Benson, Jr.  
Commissioner Howard Berger  
City Manager Charles Faranda

Also Present: Deputy City Manager Desorae Giles-Smith  
City Attorney W. Earl Hall  
Finance Director/Assistant City Manager Kennie Hobbs  
Police Chief Constance Stanley  
City Clerk Andrea M. Anderson

### III. PLEDGE OF ALLEGIANCE, FOLLOWED BY GOOD AND WELFARE

#### **HOUSEKEEPING**

*Vice Mayor Thurston made a motion to:*

#### **ACCEPT:**

Version two of the regular City Commission meeting agenda for February 27, 2017  
*on the agenda,*

seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

### IV. CONSIDERATION OF CONSENT AGENDA

The following Ordinances were read by title only, and Resolutions by resolution numbers only by the City Attorney for approval on the **Consent Agenda:**

#### V. APPROVAL OF MINUTES:

- A. MINUTES OF THE REGULAR COMMISSION MEETING OF THE CITY COMMISSION, FEBRUARY 13, 2017

#### **ORDINANCES & PUBLIC HEARINGS - FIRST READING (AS ADVERTISED IN THE SUN-SENTINEL)**

**#3. ORDINANCE NO. 17O-02-116:** AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES OF THE CITY OF LAUDERHILL, CHAPTER 15, ARTICLE III, RECREATION FACILITIES FEES, SECTION 15-35, FEES, RULES AND REGULATIONS FOR REGISTRATION, USE AND RENTAL; MODIFYING THE SCHEDULE OF FEES FOR SUMMER CAMP; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**ORDINANCES & PUBLIC HEARINGS - SECOND READING: (AS ADVERTISED IN THE SUN-SENTINEL)**

**#4. ORDINANCE NO. 17O-02-109:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 11½, HOUSING, ARTICLE IV, ASSISTANCE, SECTION 11½-65, AFFORDABLE HOUSING ADVISORY COMMITTEE, TO ALLOW ITS MEMBERS TO SERVE ON OTHER CITY BOARDS OR COMMITTEES SIMULTANEOUSLY WITH SERVICE ON THIS COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY COMMISSION)

**#5. ORDINANCE NO. 17O-21-110:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, PUBLIC ART PROGRAM; SECTION 6.36, PUBLIC ART COMMITTEE; AMENDING THE TERMS TO BE CONCURRENT WITH THE CITY COMMISSION SEAT TERMS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY MAYOR RICHARD J. KAPLAN)

**#6. ORDINANCE NO. 17O-02-111:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING. THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS OF GOVERNMENT, DIVISION 8, DIVISION OF PURCHASING; AMENDING SECTION 2-141, EXCEPTION TO BID REQUIREMENTS, TO ADD VARIOUS PROVISIONS CONSISTENT WITH FLORIDA STATUTE, SECTION 287.057; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#8. ORDINANCE NO. 17O-02-113:** AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS, ARTICLE VI., PLANNING AND ZONING BOARD; SECTION 12, TERM OF OFFICE; AMENDING THE PROVISIONS TO PROVIDE THAT APPOINTMENTS SHALL BE CONCURRENT WITH EACH INDIVIDUAL CITY COMMISSIONER'S SEAT FOR STAGGERED TERMS, INSTEAD OF THE ENTIRE NEW BOARD BEING APPOINTED WITHIN 60 DAYS FOLLOWING EVERY GENERAL ELECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY MAYOR RICHARD J. KAPLAN)

**RESOLUTIONS**

**#9. RESOLUTION NO. 17R-02-50 – REMOVED**

**#11. RESOLUTION NO. 17R-02-56 – REMOVED**

**#12. RESOLUTION NO. 17R-02-57:** A RESOLUTION BY THE CITY COMMISSION OF

THE CITY OF LAUDERHILL WAIVING COMPETITIVE BIDDING REQUIREMENTS; AUTHORIZING THE PIGGYBACK OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE) CONTRACT (#ITN 1531) FOR THE PURCHASE OF LIVSCAN EQUIPMENT AND SOFTWARE FROM BIOMETRIC4ALL IN AN AMOUNT NOT TO EXCEED \$15,000.00; PROVIDING FOR PAYMENT FROM THE APPROPRIATE BUDGET CODE NUMBER; PROVIDING TERMS AND CONDITIONS. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#13. RESOLUTION NO. 17R-02-58:** A RESOLUTION APPROVING THE REMETERING AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND RICHARD MORGAN TO ALLOW SUBMETERS AT THE TRIPLEX PROPERTY LOCATED AT 2311-2315 N.W. 59TH WAY, LAUDERHILL, FLORIDA IN ORDER TO SEPARATELY BILL EACH INDIVIDUAL USER BASED UPON ACTUAL WATER CONSUMPTION AT THE SAME RATE UTILIZED BY THE CITY; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#14. RESOLUTION NO. 17R-02-59:** A RESOLUTION APPROVING AND ACCEPTING THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF LAUDERHILL FOR THE CONSTRUCTION OF A MULTI-USE COURT AT THE SPORTS PARK; PROVIDING FOR THE CITY TO RECEIVE GRANT FUNDING IN AN AMOUNT UP TO \$50,000.00; PROVIDING THAT NO MATCHING FUNDS ARE REQUIRED; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#15. RESOLUTION NO. 17R-02-60:** A RESOLUTION APPROVING AND ACCEPTING THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM (FRDAP) GRANT AGREEMENT BETWEEN THE STATE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE CITY OF LAUDERHILL FOR THE CONSTRUCTION OF OUTDOOR FITNESS STATIONS AT ST. GEORGE PARK; PROVIDING FOR THE CITY TO RECEIVE GRANT FUNDING IN AN AMOUNT UP TO \$50,000.00; PROVIDING THAT NO MATCHING FUNDS ARE REQUIRED; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#16. RESOLUTION NO. 17R-02-61:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL ACCEPTING THE PROPOSAL FROM SYNALOVSKI, ROMANIK, SAYE IN AN AMOUNT NOT TO EXCEED \$78,055.00 FOR PROFESSIONAL DESIGN SERVICES FOR THE LAUDERHILL FIRE STATION #30 LOCATED AT 4501 N.W. 16TH STREET, LAUDERHILL, FLORIDA; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#17. RESOLUTION NO. 17R-02-62:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE PROPOSAL OF SALTZ MICHELSON ARCHITECTS, INC. IN THE AMOUNT OF \$56,450.00 FOR PRE-DESIGN, SCHEMATIC DESIGN, AND THE DEVELOPMENT OF A DESIGN CRITERIA PACKAGE TO USE IN SOLICITING DESIGN-BUILD TEAMS FOR UPCOMING GENERAL OBLIGATION (GO) BOND IMPROVEMENTS AT WOLK PARK; PROVIDING FOR PAYMENT FROM BUDGET CODE

NUMBER 307-327-03110; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#18. RESOLUTION NO. 17R-02-63:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE PROPOSAL OF SALTZ MICHELSON ARCHITECTS, INC. IN THE AMOUNT OF \$56,660.00 FOR PRE-DESIGN, SCHEMATIC DESIGN, AND THE DEVELOPMENT OF A DESIGN CRITERIA PACKAGE TO USE IN SOLICITING DESIGN-BUILD TEAMS FOR UPCOMING GENERAL OBLIGATION (GO) BOND IMPROVEMENTS AT WEST KEN LARK PARK; PROVIDING FOR PAYMENT FROM BUDGET CODE NUMBER 307-329-03110; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#19. RESOLUTION NO. 17R-02-64:** A RESOLUTION APPROVING A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$80,855.00 TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES; PROVIDING FUNDS FOR THE PURCHASE OF NEW COMPUTER AND EQUIPMENT FOR ADMINISTRATION; PROVIDING FUNDING FOR CONSULTANT FEES FOR DESIGNING FIRE STATION #30; PROVIDING FOR PAYMENT FROM VARIOUS BUDGET CODE NUMBERS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#20. RESOLUTION NO. 17R-02-65:** A RESOLUTION APPROVING THE SETTLEMENT AGREEMENT BETWEEN COLLEEN MCGREGOR AND THE CITY OF LAUDERHILL IN THE AMOUNT OF \$150,000.00 IN ATTORNEYS FEES; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#21. RESOLUTION NO. 17R-02-66:** A RESOLUTION APPROVING THE APPOINTMENT OF EVON BUTLER-FELIX BY MAYOR RICHARD J. KAPLAN TO THE CITY OF LAUDERHILL ART, CULTURAL AND TOURISM BOARD TO FILL THE UNEXPIRED TERM OF SUSAN LINDSAY EXPIRING NOVEMBER 2018; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#22. RESOLUTION NO. 17R-02-67:** A RESOLUTION OF THE CITY OF LAUDERHILL AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF \$479,010.00 TO BE PAID TO CORELAND CONSTRUCTION FOR EMERGENCY SIDEWALK REPAIRS CITYWIDE; PROVIDING FOR PAYMENT FROM BUDGET CODE NUMBER 450-925-3150; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

**#23. RESOLUTION NO. 17R-02-68:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, RECOGNIZING THE ANNUAL TEACHER APPRECIATION DAY PROGRAM AS AN OFFICIAL CITY-SPONSORED EVENT; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY VICE MAYOR KEN THURSTON)

Commissioner Benson made a motion to approve the **Consent Agenda**, seconded by Vice Mayor Thurston. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |

Vice Mayor Thurston  
Mayor Kaplan

Yes  
Yes

**VI. PROCLAMATIONS/COMMENDATIONS**

NONE

**VII. SPECIAL PRESENTATIONS**

NONE

**VIII. GENERAL PRESENTATIONS (5 MINUTES MAXIMUM)**

NONE

**ORDINANCES**

**IX. ORDINANCES & PUBLIC HEARINGS - FIRST READING: (NOT ON CONSENT AGENDA) (AS ADVERTISED IN THE SUN-SENTINEL)**

**#1. ORDINANCE NO. 170-02-114:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS OF GOVERNMENT, DIVISION 8, DIVISION OF PURCHASING; AMENDING SECTION 2-140, OPEN MARKET PROCEDURE REGARDING AN INCREASE IN PURCHASING AUTHORITY OF THE CITY MANAGER AND PROVIDING MODIFICATIONS TO OPEN MARKET PROCEDURES WHEN SOLICITING QUOTATIONS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Mayor Kaplan noted the subject amendment sought to approve an increase in Mr. Faranda's authorization of expenditures without Commission approval to \$60,000.00. However, he wished language added that required Mr. Faranda to issue a quarterly report to the Commission itemizing expenditures between \$25,000.00 and \$60,000.00, so the Commission remained aware of expenditures made without their authority. He said if the Commission became unhappy with such expenditures, the matter could be revisited.

Commissioner Benson wished to know if there were any line items that would be excluded.

Finance Director Hobbs replied there were items on the present agenda for second reading that would not be included.

City Attorney Hall commented, in terms of items that were exempt, there were a litany of items that were exempt.

Commissioner Benson said he had no objection to the amendment, as it enabled efficiency.

Commissioner Bates made a motion to Amend Ordinance #17O-02-114, seconded by Commissioner Benson. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

Commissioner Berger observed that the ordinance proposed more than a 100 percent increase in the City Manager's spending authority without Commission approval; not only was this a significant increase, the amendment allowed the Commission to monitor such expenditures after the fact. When the subject matter was previously discussed, his concern was that it went against the spirit of checks and balances, and transparency. He felt that he, as a Commissioner, should not forfeit his right to know what was being bought, and his ability to judge prior to a transaction.

Mayor Kaplan suggested requiring the City Manager to inform the Commission of intended expenditures over \$25,000.00 but below \$60,000.00, that did not require Commission approval. He could then give the Commission ten days to voice any objection, and if none were voiced, the transaction could proceed. This would delay the process considerably.

Commissioner Benson asked if Commissioner Berger was against the amount or the process.

Commissioner Berger replied both, as by not coming before the Commission, both the residents and the Commission were being denied the opportunity to see what was being purchased in terms of services or contracts. The Commission's agenda was seldom inundated with such resolutions, and most of them went to the Consent Agenda.

Commissioner Benson clarified, if Commissioner Berger was against the process, then no amount made a difference. He believed the subject ordinance facilitated efficiency in City business, though the amount could be debated.

Mayor Kaplan questioned if Commissioner Berger's objection was the amount going from \$30,000.00 to \$60,000.00, asking if lowering the amount to \$50,000.00 made the proposed ordinance more palatable.

Commissioner Berger observed a lesser percentage increase made it more acceptable. He asked if staff knew how many cities had a threshold at \$60,000.00.

Mr. Hobbs stated it varied from city to city. His staff looked at four or five, and two had it at \$60,000.00, Lauderdale Lakes was at \$50,000.00, and he believed Deerfield Beach's was at around \$40,000.00.

Mayor Kaplan remarked the amount was relative to the size of the city and the amount of its budget.

Mr. Hobbs indicated the City's current budget was about \$110 million.

Mayor Kaplan suggested lowering the amount from \$60,000.00 to \$50,000.00.

Commissioner Bates answered no, she had no objection to \$60,000.00. She was puzzled at Commissioner Berger's response to the question of his objection being to the amount or the process. It was a matter of his trusting the City Manager, and the Mayor's amendment requiring a quarterly report listing the expenditures of a certain amount seemed to cover his objection, whether it was to the process or the amount.

Mayor Kaplan concurred, stating when the Commission received the quarterly report, they could address any concerns immediately with the City Manager, and if they still found his explanation unsatisfactory, they could bring the matter up at the next Commission meeting. Based on the Commission's feedback, the amount would be left at \$60,000.00, and the Commission would observe the situation and see what the first quarterly report reflected.

Commissioner Berger thought the subject matter came up last year.

Mr. Hobbs indicated it had not, it was discussed many years prior when the decision was made to increase the amount from \$10,000.00 to \$30,000.00. The matter had not been discussed since then.

Mayor Kaplan believed the increase was done in the late 1990s. He opened the discussion to the public and received no input.

Commissioner Bates made a motion to Approve Ordinance #17O-02-114 as amended, seconded by Vice Mayor Thurston. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**#2. ORDINANCE NO. 17O-02-115:** AN ORDINANCE OF LAUDERHILL, FLORIDA ESTABLISHING AND IMPOSING A 180 DAY MORATORIUM ON THE DISPENSING OF MEDICAL CANNABIS TO INCLUDE, BUT NOT BE LIMITED TO, MEDICAL MARIJUANA TREATMENT CENTERS WITHIN THE CITY OF LAUDERHILL; PROHIBITING ANY AND ALL DISPENSING OF MEDICAL CANNABIS DURING THE MORATORIUM PERIOD FOR ANY PROPERTY LOCATED WITHIN THE CITY OF LAUDERHILL; PROVIDING FOR THE MORATORIUM TO EXTEND TO ALL APPLICATIONS FOR DEVELOPMENT ORDERS AND DEVELOPMENT PERMITS RELATING TO REAL PROPERTY LOCATED IN THE CITY LIMITS OF THE CITY OF LAUDERHILL IN ORDER TO ALLOW AN OPPORTUNITY FOR THE CITY TO DEVELOP GOALS, OBJECTIVES AND POLICIES OF THE CITY'S COMPREHENSIVE PLAN AND AMENDMENTS TO THE CITY'S LAND DEVELOPMENT REGULATIONS, AS APPROPRIATE, RELATING TO THE DEVELOPMENT OF DESIGN STANDARDS AND RELATED MATTERS PERTAINING TO DISPENSING OF MEDICAL CANNABIS AS WELL AS POLICE POWER REGULATIONS; PROVIDING FOR LEGISLATIVE AND ADMINISTRATIVE FINDINGS; PROVIDING FOR GEOGRAPHIC AREA ENCOMPASSED BY THE MORATORIUM; PROVIDING FOR DEVELOPMENT WHICH IS SUBJECT TO MORATORIUM; PROVIDING FOR POSSIBLE EXTENSION OF

MORATORIUM; PROVIDING FOR AN ADMINISTRATIVE REMEDY TO ASSERT VESTED RIGHTS CLAIMS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR NON-CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Commissioner Benson referred to page three, the third paragraph, where the City Commission was erroneously referred to as the City Council.

City Attorney Hall replied the correction would be made accordingly.

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Benson made a motion to Approve Ordinance #17O-02-115 as corrected, seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**XI. ORDINANCES & PUBLIC HEARINGS - SECOND READING: (NOT ON CONSENT AGENDA) (AS ADVERTISED IN THE SUN-SENTINEL)**

**#7. ORDINANCE NO. 17O-02-112:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS OF GOVERNMENT, DIVISION 8, DIVISION OF PURCHASING; DELETING SECTION 2-147, LAUDERHILL ECONOMIC DEVELOPMENT AGENCY IN ITS ENTIRETY; CREATING A NEW SECTION 2-147, ESTABLISHMENT OF THE AUDIT SELECTION COMMITTEE PURSUANT TO FLORIDA STATUTES, SECTION 218.391; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Commissioner Bates desired more discussion and wished to table the item.

Vice Mayor Thurston sought clarification as to the number of members on the audit selection committee being set at five.

Mr. Hobbs replied about ten years prior the issue as to the number of members on the audit selection committee arose and, at that time, there were five members, as in previous years. At that previous discussion, it was noted that the members were all City employees, so the decision was made to have five members, with three external raters, and two internal raters. He had no objection to changing the number of members, as long as it was an odd number.

Vice Mayor Thurston concurred with Commissioner Bates' wish to table the item and send it to a workshop for further discussion; he wished to know how external raters were selected.

Mr. Hobbs responded the City put out a request to the Florida Government Financial Officers Association (FGFOA) for anyone wishing to serve on the committee, and respondents' names were sent to the City Commission for selection.

Vice Mayor Thurston stated the Commission received a list of only three external raters.

Mr. Hobbs clarified only three external raters responded, noting, initially, only two responded, and the City sent a second request, and a third person responded.

Vice Mayor Thurston commented, though this was not a bad process, he thought staff could do better, possibly having a member of the City Commission serving on the committee.

Mr. Hobbs indicated Commissioners were not allowed to serve on the committee. He reminded the City Commission that the contract with the firm currently engaged to do the City's Audit expired in 2017, so at the end of the fiscal year, the City would either have to engage a new auditor or extend the existing contract, as the selection process took time. City staff sought to get an early start.

Commissioner Benson wished to know what was the absolute date by which the decision had to be made on whether to hire a new auditor or extend the existing contract.

Mr. Hobbs could provide that date in the next day or two, but he knew the hiring of a new auditor included a transition period, during which the new auditor familiarized themselves with the controls, etc.

City Attorney Hall explained if the item was tabled to the March 17, 2017, Commission workshop, the ordinance would be put on the regular Commission meeting agenda in March.

Commissioner Benson asked if a decision was reached by April, would this provide sufficient time for the selection of a new auditor.

Mr. Hobbs responded that would be pushing it, as if a decision were made in April, the request for proposal (RFP) process still had to take place, which usually expanded out to a few months, including an evaluation by the City Commission. At the last Commission meeting, in the first reading of the ordinance, there was discussion about making changes to the ordinance, moving the matter to the present meeting. He indicated staff sought to put out the RFP in February 2017, as they expected the selection committee to be approved at the last Commission meeting, as the selection committee had to be put in place prior to the RFP being issued. As this was an ordinance change, it would take two meetings, after which the selection committee had to be approved, though they could be done at the same meeting.

City Attorney Hall affirmed the intent would be to make the appointment of the committee members at the meeting when the final reading of the ordinance was considered.

Mayor Kaplan summarized the Commission's choices present: 1) approve the ordinance as is; 2) table the matter to a workshop for further discussion; and, 3) discuss the matter at the present meeting to see if the Commission could come to a consensus, modify the ordinance and send it to a third and final reading. He asked the Commission how many members they wish the audit selection committee to consist of; it did not have to be an odd number.

Vice Mayor Thurston preferred a committee of three members, two internal, one external.

Commissioner Bates preferred there be more external than internal members.

Commissioner Benson said he had no preference.

Mayor Kaplan preferred four members, three external, one internal.

Commissioner Bates had no objection to the five-member composition shown in the ordinance, her concern lay with the process of selecting the auditors, how long an auditing firm could be retained, as detailed in section E.

Mayor Kaplan asked if that matter could be addressed separately.

Mr. Hobbs affirmed it could.

Mayor Kaplan suggested pulling section E from the ordinance, and addressing it in a separate ordinance, possibly in a workshop, as this would prevent any further delay.

City Attorney Hall added if section E were removed, the subject ordinance could be approved and final at the present meeting.

Mayor Kaplan questioned if the Commission had no objection to the volunteers selected by the City Manager for the audit selection committee, or did they need the list expanded.

Commissioner Bates reiterated she had no objection to either having five members, three external, two internal, or to the list of external members supplied by the City Manager.

Vice Mayor Thurston wished the list expanded, as the three outside persons on the list all seem to have an affiliation with the City.

Mayor Kaplan noticed this as well. As the matter was not on the present agenda, staff could canvas for more volunteers and the matter placed on the next Commission meeting agenda for consideration by the Commission.

Commissioner Bates made a motion to Amend Ordinance #17O-02-112, removing paragraph E, seconded by Vice Mayor Thurston. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

Mayor Kaplan opened the discussion to the public and received no input.

Vice Mayor Thurston made a motion to Approve Ordinance #17O-02-112 as amended, seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

## **RESOLUTIONS**

### **XII. RESOLUTIONS (IF NOT ON THE CONSENT AGENDA)**

**#10. RESOLUTION NO. 17R-02-55:** A RESOLUTION OF THE CITY COMMISSION AS A WHOLE APPOINTING \_\_\_\_\_ TO SERVE AS A MEMBER OF THE GENERAL EMPLOYEE PENSION BOARD FOR A TWO (2) YEAR TERM TO EXPIRE FEBRUARY 2019; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Mayor Kaplan received a Commission consensus to appoint Paul Shelton. He opened the discussion to the public and received no input.

Vice Mayor Thurston made a motion to Approve Resolution #17R-02-55, seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**#24. RESOLUTION NO. 17R-02-69:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING VARIOUS EASEMENT AGREEMENT DEDICATIONS FROM THE CITY OF LAUDERHILL TO WE FLORIDA FINANCIAL REGARDING THE PROPERTY LOCATED AT 6079 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER CHARLES FARANDA)

Commissioner Benson stated his comments were applicable to both items 24 and 25. He wished to disclose he had several accounts at We Florida Financial, asking the City Attorney if this would constitute a conflict of interest.

City Attorney Hall answered no, as all members of the City Commission banked with We Florida Financial. He stated it create no conflict of interest, equating the situation to that of the City Commission voting to approve an adjustment to their salary.

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Benson made a motion to Approve Resolution #17R-02-69, seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

### **XIII. QUASI-JUDICIAL MATTER (IF NOT ON CONSENT AGENDA)**

Mayor Kaplan explained the City's quasi-judicial process, swearing all persons wishing to speak on items 25 and 26.

### **XIV. QUASI-JUDICIAL MATTERS, FIRST READING**

**#25. RESOLUTION NO. 17R-02-70:** A RESOLUTION GRANTING TO WE FLORIDA FINANCIAL A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A FREESTANDING BANK BUILDING WITH THREE DRIVE-THROUGH LANES ON AN APPROXIMATELY 1.15 ACRE SITE LEGALLY DESCRIBED AS BAYTREE OF INVERRARY 146-44 B PORTION OF PARCEL B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 146, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOCATED AT 6079 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Benson made a motion to Approve Resolution #17R-02-70, seconded by Commissioner Bates. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**#26. RESOLUTION NO. 17R-02-71:** A RESOLUTION GRANTING TO 7-ELEVEN, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A GAS SERVICE STATION AND CONVENIENCE STORE BUILDING CONSISTING OF 4,285 SQUARE FEET ON AN APPROXIMATELY 0.918 ACRE SITE LEGALLY DESCRIBED AS TRACT A OF TEXACO LAUDERHILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOCATED AT 5590 WEST OAKLAND PARK BLVD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Benson abstained from voting on the subject item, due to a conflict of interest. He disclosed that he met with the persons named as the applicant.

Commissioner Bates disclosed she too met with the applicant.

Commissioner Berger disclosed he met with the applicant.

Vice Mayor Thurston disclosed he met with the applicant.

Mayor Kaplan disclosed he met with the applicant.

City Attorney Hall explained that Commissioner Benson would file a conflict of interest form in the next 15 days with the City Clerk, and the form would be published as part of the record in the minutes. It was his opinion that, as 7-Eleven recently supported one of the City's events, and it was too close to the present vote, he felt, in an abundance of caution, and for appearance and propriety, Commissioner Benson should abstain from voting.

Commissioner Benson stated he spoke with the applicant on the 16<sup>th</sup>, and the night of the 16<sup>th</sup> was the S.A.K.E. Awards, and 7-Eleven provided a scholarship for the winner of the S.A.K.E. Awards. When he saw the program, he became concerned and called Mr. Hall, as he was unaware until then that 7-Eleven provided funds to the S.A.K.E. Awards.

Mayor Kaplan opened the discussion to the public and received no input.

Vice Mayor Thurston made a motion to Approve Resolution #17R-02-71, seconded by Commissioner Bates. The vote was as follows:

|                     |           |
|---------------------|-----------|
| Commissioner Bates  | Yes       |
| Commissioner Benson | Yes       |
| Commissioner Berger | Yes       |
| Vice Mayor Thurston | Abstained |
| Mayor Kaplan        | Yes       |

Mayor Kaplan hoped, in relation to the site plan, that City staff looked at the security issues at the premises to ensure there was no loitering or other unwanted conditions attracted to the area that warranted the City's police having to respond regularly. He asked for the police to be involved in the process to ensure the use did not become a problem area.

Commissioner Benson wondered if exceptions in the site plan arose, would he be able to ask for conditions to be added.

City Attorney Hall affirmed he would.

Deputy City Manager Giles-Smith indicated she could forward the Commission a copy of the documents the applicant submitted very recently.

Mayor Kaplan reminded the Commission they could always get information in advance from City staff. They could attend the Planning & Zoning meeting and, if dissatisfied with what transpired, ask staff to pull the item and include it on the next Commission agenda.

## **XV. QUASI-JUDICIAL MATTERS, SECOND READING**

NONE

**XVI. UNFINISHED BUSINESS**

NONE

**XVII. OLD BUSINESS**

NONE

**XVIII. NEW BUSINESS**

**A. A DISCUSSION OF MARCH 13, 2017, CITY COMMISSION MEETING**

Mayor Kaplan received a Commission consensus to cancel the March 13, 2017, meeting.

Commissioner Bates made a motion to Approve the cancellation of the March 13, 2017, City Commission meeting, seconded by Commissioner Berger. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**B. A DISCUSSION OF APRIL 10, 2017, CITY COMMISSION MEETING**

Mayor Kaplan received a Commission consensus to cancel the April 10, 2017, meeting.

Commissioner Bates made a motion to Approve the cancellation of the April 10, 2017, City Commission meeting, seconded by Vice Mayor Thurston. The vote was as follows:

|                     |     |
|---------------------|-----|
| Commissioner Bates  | Yes |
| Commissioner Benson | Yes |
| Commissioner Berger | Yes |
| Vice Mayor Thurston | Yes |
| Mayor Kaplan        | Yes |

**X. COMMUNICATIONS FROM THE PUBLIC OFFICIALS AT 9:00 P.M. OR IMMEDIATELY BEFORE ADJOURNMENT, WHICHEVER SHALL FIRST OCCUR:**

Vice Mayor Thurston stated on Thursday, March 9, 2017, at 6:00 p.m. would be the next in the Gardening Series, and the topic was "Identifying Diseases in Plants". The presenter was Kadene Williams. He mentioned the previous week he had the honor of meeting with the Education Advisory Board (EAB). They discussed an issue he asked the Board to address, which was the fact that Lauderhill 6-12, the City's first public high school, would host their first graduation during the first week of June. He asked the EAB to recommend ways in which

the City could celebrate this first graduating class. The list of suggestions included giving each graduate a certificate or medallion from the City, a book scholarship of \$250.00 for each senior who enrolled in college, provide media coverage and press releases of the upcoming graduation ceremony, a group photograph of the graduates, a monument of some kind, and creating and displaying a 3-D photograph of the graduates on the side of public buses. Vice Mayor Thurston said the discussion could be continued at the next Commissioner workshop.

Commissioner Benson recalled the Commission tabled an item at its last meeting that was related to a dispensary issue, asking what progress had been made, and when might the item reappear on the agenda.

City Attorney Hall explained that staff believed the Florida Legislature was likely to take some action in the current legislative session that could give the City some guidance. If not, in May the item would return before the Commission.

Commissioner Benson mentioned receiving calls from a number of homeowners associations (HOA), and the action taken by the County Commission with regard to location of dispensaries, one of which he understood could be located close to the City's boundaries. He went on to state that the 2017 S.A.K.E. Awards were outstanding, and he could not thank City staff enough for the way in which they handled the event. They were able to award \$2,500.00 in scholarships to young, student athletes, of which 7-Eleven contributed the lion's share. He thanked Parks & Leisure Services (PALS) Director Irvin Kiffin and his staff for all their work in honoring the City's student athletes.

Commissioner Berger commented that the Lauderhill Regional Chamber of Commerce was doing their Fourth Annual Women of Distinction Award on the coming Friday at the BB&T Center, where ten women would be honored for their contribution to the community; tickets to the event cost \$65.00. He mentioned a similar free event would be hosted at the LPAC, the Tribute to Women's History Month on March 29, 2017, which was by-invitation only, so anyone interested in attending should call him for invitations.

Mayor Kaplan mentioned, for the second meeting in a row, there was no sound in the broadcast of the City Commission meeting, despite assurances that the error was fixed. The first tribute concert took place the previous Saturday, and about 600 people attended; the next tribute concert would take place on March 25, 2017, with a tribute to the Beatles, and in April, there would be a tribute to the Eagles. He indicated during the Communications from the Public portion of the agenda, there was update on the Lauderhill Safe Neighborhood Districts (SND).

Deputy City Manager Giles-Smith noted the City had four SNDs, out of which some great projects came. The Windermere SND was created in 2009, and the Isles of Inverrary SND, the Manors of Inverrary SND, and the Habitat SND were all created in 2010. She reviewed the various improvement projects conducted in each, as detailed in the backup, stating these improvements were very important for these communities, as oftentimes, roadway, safety, equipment, etc. improvements were cost prohibitive. With SND dollars, many projects were successfully executed, enabling these communities to thrive, and she gave high praise to the excellent and diligent work of City staff who worked with the SND communities.

Mayor Kaplan noticed over the last several years when the property values for the City of Lauderhill were published, because of these special districts in Lauderhill, there was an increase in property values in those districts, as compared to the rest of the City. The values continued to increase by ten to 20 percent every year since the SNDs came into being in Lauderhill.

**XIX. ADJOURNMENT**

Meeting adjourned at 8:16 P.M.

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Andrea Anderson  
City Clerk  
AA/cp

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                                   |                          |                                                                                                                      |  |
|-------------------------------------------------------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><i>Benson, Jr. Hayward J.</i> |                          | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><i>Lauderhill City Commission</i>                     |  |
| MAILING ADDRESS<br><i>5581 W. Oakland Park Boulevard</i>          |                          | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |  |
| CITY<br><i>Lauderhill</i>                                         | COUNTY<br><i>Broward</i> | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br><i>February 27, 2017</i>           |                          | NAME OF POLITICAL SUBDIVISION:<br><i>Lauderhill</i>                                                                  |  |
|                                                                   |                          | MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE                     |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

### APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

### DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Hayward J. Benson, Jr., hereby disclose that on February 27, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

See attached

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1 Mar '17  
Date Filed

Hayward J. Benson, Jr.  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

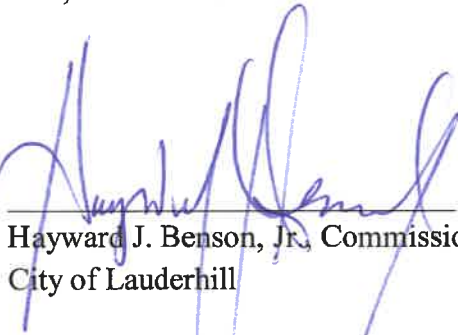
## Disclosure of Local Officer's Interest

1. (b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

While none of the above represents any gain or loss on my behalf, but on the advice of the City's Attorney, I abstained from voting on Item #26: Resolution NO. 17R-02-71, which provided for granting a Special Exception Use Development for 7-Eleven.

The abstaining from voting on this matter was triggered because the 7-Eleven organization had made, on February 13, 2017, a contribution to the S.A.K.E. Awards Ceremony in the amount of \$1000.00 from which I awarded to the scholar athlete.

This matter had been discussed with the City Attorney prior to the award and in his opinion there was no conflict, however, given the timing of the item on the agenda for February 27, 2017 and out of an abundance of caution, the attorney recommended that I abstain from the vote, which I did.



Hayward J. Benson, Jr., Commissioner  
City of Lauderdale

1 Mar '17