

# City of Lauderhill

*City Hall  
5581 W. Oakland Park Blvd.  
Lauderhill, FL, 33313  
[www.lauderhill-fl.gov](http://www.lauderhill-fl.gov)*



## Meeting Minutes - Draft

**Monday, January 27, 2020**

**7:00 PM**

**City Commission Chambers**

## **City Commission Meeting**

***LAUDERHILL CITY COMMISSION***

***Mayor Ken Thurston  
Vice Mayor Howard Berger  
Commissioner M. Margaret Bates  
Commissioner Richard Campbell  
Commissioner Denise D. Grant***

***Charles Faranda, City Manager  
Andrea M. Anderson, City Clerk  
Earl Hall, City Attorney***

**I CALL TO ORDER****II COMMUNICATIONS FROM THE PUBLIC (AND RESPONSES TO THE PUBLIC, IF THE TIME PERMITS DURING THIS PORTION OF THE MEETING OF THE CITY COMMISSION)****III ADJOURNMENT (NO LATER THAN 7:30 PM)****I CALL TO ORDER OF REGULAR MEETING**

Mayor Thurston called to order the Regular City Commission Meeting at 7:08 PM.

**II ROLL CALL**

**Present:** 5 - Commissioner M. Margaret Bates, Vice Mayor Howard Berger, Commissioner Richard Campbell, Commissioner Denise D. Grant, and Mayor Ken Thurston

**ALSO PRESENT:**

Charles Faranda, City Manager  
Earl Hall, City Attorney  
Constance Stanley, Police Chief  
Andrea M. Anderson, City Clerk

**III PLEDGE OF ALLEGIANCE TO THE FLAG FOLLOWED BY GOOD AND WELFARE**

A. A MOMENT OF SILENCE FOR KOBE BRYANT, GIANNA BRYANT, AND ALL THOSE WHO PERISHED IN THE HELICOPTER CRASH (REQUESTED BY COMMISSIONER DENISE D. GRANT.)

**HOUSEKEEPING**

A motion was made by Vice Mayor Berger, seconded by Commissioner Bates, to **ACCEPT** the Final-Revised Version of the City Commission Meeting Agenda for January 27, 2020 and to **REMOVE FROM THE TABLE** Resolution No. 20R-01-04. The motion carried by the following vote:

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

**IV CONSIDERATION OF CONSENT AGENDA**

A motion was made by Commissioner Bates, seconded by Commissioner Grant, that this Consent Agenda was approved. The motion carried by the following vote:

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

## V APPROVAL OF MINUTES

- A. Minutes of the City Commission for January 13, 2020.

Attachments: [January 13, 2020 - City Commission Meeting Minutes](#)

These Minutes were approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)

## VI PROCLAMATIONS / COMMENDATIONS

## VII SPECIAL PRESENTATIONS

## VIII GENERAL PRESENTATIONS (5 MINUTES MAXIMUM)

- A. A PRESENTATION OF A DONATION TO THE FLORIDA BREAST CANCER FOUNDATION (REQUESTED BY COMMISSIONER M. MARGARET BATES).
- B. A PRESENTATION FROM THE LAUDERHILL REGIONAL CHAMBER OF COMMERCE (REQUESTED BY CITY MANAGER CHARLES FARANDA).

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

1. ORDINANCE NO. 200-01-101: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND FLORIDA PUBLIC UTILITIES CO. FOR THE CITY OF LAUDERHILL TO PURCHASE A PORTION OF A PARCEL OF LAND IN EXCHANGE FOR VARIOUS CONCESSIONS WITH NO MONETARY EXCHANGE, AS STATED IN THE AGREEMENT, ON THE PROPERTY DESCRIBED IN THE EXHIBITS; ACCEPTING THE DEED TO THE DESIGNATED PARCEL; AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

Attachments: [ORD-200-01-101-Ord-Land Purchase-Sale -Florida Public Utilities.pdf](#)

[AR 200-01-101](#)

[FPUC - lauderhill - Purchase and Sale Agreement -DRAFT.pdf](#)

[EX. C-Access Road Easement.pdf](#)

[EX. F-Utility Easement.pdf](#)

[FPUC s-t City of Lauderhill - Closing Doc - Special Warranty Deed](#)

This Ordinance was approved on the Consent Agenda on first reading to the City Commission Meeting, due back on 2/10/2020. (See Consideration of Consent Agenda for vote tally.)

2. ORDINANCE NO. 200-01-105: AN ORDINANCE AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCES, APPENDIX G, FRANCHISES, ARTICLE III, GARBAGE, REFUSE AND TRASH, APPROVING THE FIRST AMENDMENT TO THE SOLID WASTE COLLECTION AND HAULING SERVICES FRANCHISE AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND WASTE MANAGEMENT INC. OF FLORIDA; APPROVING A 5-YEAR TERM RENEWAL THROUGH SEPTEMBER 30, 2024; APPROVING EXHIBIT "A" AMENDING THE RATE SCHEDULE OF FEES EFFECTIVE OCTOBER 1, 2020; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [ORD-200-01-105-Appendix G-Franchises-Garbage Solid Waste 1st Amendment 5 Year Renewal and Amend Rates 2020.pdf](#)  
[AR 20R-01-105](#)  
[lauderhill amend city revision - Solid Waste 01-27-20.pdf](#)

Commissioner Campbell mentioned a suggestion was made that having the subject ordinance on the present agenda was somewhat running behind schedule, as its first and second reading were needed to catch up, asking where in the process was the City in that regard.

City Attorney Hall stated the City issued a letter of agreement that was forwarded to Waste Management for execution, and on Thursday just prior to the City Retreat, the Commission would hold a special meeting, at which staff would present the Commission with a resolution to extend the existing contract. The City was currently in a 120-day extension, so the Commission would be asked to agree to an additional 14 days that would take the City beyond the date of the second reading on February 10, 2020.

Commissioner Campbell wished to know the overall impact.

City Attorney Hall indicated the terms of the letter of agreement stated the parties agreed to maintain the same terms and conditions of the present agreement through February 14, 2020, so the situation would remain status quo.

Commissioner Campbell recalled mentioning a few months prior the procedure by which the City continued with Waste Management, as he was concerned with some of the increases in the agreement.

Deputy City Manager Giles-Smith affirmed the increases would become effective October 1, 2020.

Commissioner Campbell wondered if a Waste Management representative was present, as he hoped, in the future, the company did not exploit the City and charge higher rates; the City could continue with Waste Management with the understanding that negotiations should be better.

Ms. Giles-Smith stated the proposed ordinance was for a five-year extension to 2024, after which the City had to put the services out to bid. The current agreement

was as a result of a request for proposal (RFP) issued by the City in 2016.

Commissioner Campbell mentioned the City sometimes received complaints about the garbage service, but he heard few, so it seemed the City was going in the right direction

**A motion was made by Commissioner Bates, seconded by Commissioner Grant, that this Ordinance be approved on first reading to the City Commission Meeting, due back on 2/10/2020. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

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

3. ORDINANCE NO. 200-01-100: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING ORDINANCE NO. 190-06-111 ENACTED ON JULY 8, 2019 TO MODIFY THE 2019B PROJECT DESCRIBED THEREIN; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE MATTERS PROVIDED FOR HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [ORD-200-01-100-Lauderhill Half-Cent Sale Tax Amending Series Ordinance.pdf](#)  
[AR 200-01-100](#)

**This Ordinance was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

4. ORDINANCE NO. 200-01-102: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE LEASE AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND CASTLE #14 CONDOMINIUM, INC. FOR THE CITY OF LAUDERHILL TO LEASE A PORTION OF THE PARKING LOT TO PARK CITY VEHICLES SUBJECT TO THE TERMS OF THE LEASE AGREEMENT; AUTHORIZING THE CITY MANAGER AND/OR HIS DESIGNEE TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS; PROVIDING FOR PAYMENT FROM THE APPROPRIATE BUDGET CODE NUMBER; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [ORD-200-01-102-Ord-Parking Lot Lease - Castle #14.pdf](#)  
[AR 200-01-102](#)  
[CASTLE GARDENS LEASE AGREEMENT-final 12-31-19.pdf](#)  
[Castle 14-Exhibit A.pdf](#)  
[Water Treatment Plant Exhibit B.pdf](#)  
[Castle 14 lot-Exhibit C.pdf](#)  
[Partially Executed Castle 14 - Lease Agreement 1.3.2020](#)

**This Ordinance was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

5. ORDINANCE NO. 200-01-103: AN ORDINANCE APPROVING AN APPROPRIATION OF REVENUE AND EXPENDITURE FUNDS IN FISCAL YEAR 2020; APPROVING AN INTERDEPARTMENT BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$12,000.00, A CAPITAL BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$96,682.00 AND A SUPPLEMENTAL APPROPRIATION IN THE TOTAL AMOUNT OF \$1,115,139.00 REFLECTING APPROPRIATE ADJUSTMENTS TO VARIOUS REVENUE AND EXPENDITURE ACCOUNTS; PROVIDING VARIOUS BUDGET CODE NUMBERS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [ORD-200-01-103-Interdepartment-Capital-Supplemental FY 2020.pdf](#)  
[AR 200-01-103](#)  
[Capital Adjustment 3.pdf](#)

**This Ordinance was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

6. ORDINANCE NO. 200-01-104: AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA, AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCES, CHAPTER 2 - ADMINISTRATION, ARTICLE II - OFFICERS & EMPLOYEES, DIVISION 3 - RETIREMENT, PART 4 - SENIOR MANAGEMENT PENSION PLAN AND TRUST FUND TO AMEND THE CONFIDENTIAL AND MANAGERIAL EMPLOYEES' DEFINED BENEFIT RETIREMENT PLAN; AMENDING SECTION 2-88.15 DEFERRED RETIREMENT OPTION PLAN TO ALLOW EMPLOYEES IN CERTAIN POSITIONS TO CONTINUE CITY EMPLOYMENT AT THE CONCLUSION OF DROP PARTICIPATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [ORD-200-01-104-Conf-Managerial-Senior Management Drop Amend 2-88.15.pdf](#)  
[AR 200-01-104](#)

This Ordinance was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)

## **XI RESOLUTIONS (IF NOT ON CONSENT AGENDA)**

### **ITEM TABLED TO JANUARY 27, 2020 MEETING.**

7. RESOLUTION NO. 20R-01-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE RANKING OF QUALIFIED FIRMS FOR RFP #2019-056 TO PROVIDE FOR LICENSE PLATE READER SERVICES, AS RECOMMENDED BY THE EVALUATION COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-04-Ranking-License Plate Readers #2.pdf](#)  
[AR 20R-01-04](#)  
[FINAL RANKING RFP 2019-056 DESIGN INSTALLATION OF LPR.pdf](#)  
[REKOR PRICE SHEET.pdf](#)  
[ORIGINAL FILE NOTIFICATION.\(002\).pdf](#)

Commissioner Bates disclosed speaking with Mr. Ceasar, the attorney for Vetted Security Solutions.

Vice Mayor Berger indicated he too spoke with Mr. Ceasar.

Commissioner Grant disclosed she spoke with a Vetted representative. She knew two companies bid for the subject contract, and in her conversation with Vetted, they expressed concerns, and she believed their representatives were present, so she wished to hear from them. The reason she was asking for them to speak was based on that conversation, during which she advised she would listen to their presentation.

Ryan Barnett, owner of Vetted Solutions, distributed packets to the City Commission and City Clerk for the record. He stated they were the largest public safety innovator in the State of Florida and they deployed thousands of license plate reader cameras across the State. They partnered with Motorola and Vigilant Solutions, and with the partnering of the three companies, they had over 800 employees located in Broward County. He stated Motorola purchased Vigilant Solutions in 2019, and Vetted had a local office in Sunrise, Florida; virtually every municipal agency in Broward County was currently on their platform, and they were the sole service provider for Broward County Sheriff's Department. Millions of plate reads resulted in the saving of countless lives across the County with their platform working with law enforcement partners, and they were used by every single sheriff's department in the State; they had the largest data-sharing platform in the world, as illustrated in the portfolio contained in the packet distributed to the Commission. Mr. Barnett noted the Lauderhill Police Department (PD), the end user of the subject service, called for a head-to-head test that did not take place due to procurement guidelines. However, they did head-to-head tests in virtually every part of the State and came out on top in all tests. He said part of the new technology the other

competitor offered was the optical character recognition (OCR) software; this software took the video from the traffic camera and gave a searchable readout. This information generated the alert from the license plate driving past the camera, and the soft OCR read of the plate gave an analysis on the backend of the software. Mr. Barnett remarked similar solutions were deployed across South Florida in the past; recently, the town of Palm Beach spent \$300,000.00 deploying a soft OCR from one of their competitors, and five months later they removed the system and restarted with Vetted due to the solution's failure to perform. He claimed this was the solution the Commission was getting ready to move forward on by approving the subject resolution based on City staff's recommendation; that is, to hire a company with zero proven deployment in the State, making Lauderhill a guinea pig for that company that had less than 45 days of operating cash. He walked the Commission through an example using data from the City of Miami Beach, where police officers, along with the assistance of other law enforcement agencies via data sharing from the Vetted/Motorola platform, were able to track and apprehend the suspects. He urged the City Commission not to award the contract to the firm recommended by City staff, as it would turn Lauderhill into an island among surrounding Broward municipalities using the Vetted system, which the City was already using. The data from surrounding cities and the Broward Sheriff's Office (BSO) would not be accessible, and the competitor's platform was not capable of doing what his was already doing across Broward County. Mr. Barnett mentioned Vetted had a hardwired solution, whereby, they had \$600,000.00 in electrical work that would be a capital improvement in Lauderhill, which they included in their proposal, but was absent from their competitor's proposal.

Mitchell Ceasar, a representative of Vetted, stated the process of the subject procurement included two versions, a protest, a finding of non-responsiveness, and this was a very important decision for the City to make. He believed City staff put the Commission in a tough position, as the recommended vendor lost \$13 million, had no customers in Florida, and could offer no interoperability. The Commission had two options on a \$2 million public safety procurement: choose a proven vendor that partnered with Motorola, whose system was currently used by every law enforcement department in the County and almost every department in the State, or choose an unproven startup company whose viability was not a given. He requested that the City Commission award the subject contract to Vetted as a better solution for the City.

Commissioner Bates expressed a wish to hear from the first ranked vendor.

Commissioner Campbell sought clarification as to what was the goal of the subject item.

Commissioner Bates responded the aim was to hire a license plate reader vendor.

Vice Mayor Berger wished to know what Vetted currently did for the City's PD.

Mr. Barnett stated Vetted had two existing LPR cameras on surveillance trailers that gave the City's police access to the Law Enforcement Archival Reporting Network (LEARN). They were currently using the back office platform that would be the same currently proposed in Vetted's bid proposal, and the City's PD staff was already trained to use this system.

Commissioner Campbell questioned if Mr. Barnett meant by his presentation to say that the subject procurement process that resulted in the selection in the proposed resolution was unfair.

Mr. Barnett affirmed this was his meaning, restating one of the selection committee members called the PD and directly requested a head-to-head test, and his company was prepared to do so with the other vendor. They were later told a head-to-head test would not be performed, as it was not a stated requirement in the bid.

Commissioner Campbell understood this was during the second bid.

Mr. Barnett noted the first time the whole bid was thrown out, because the competitor was nonresponsive, as the bid called for 73 intersections with all directions of travel covered, and they responded with 73 with cameras with a directional line of sight. In the second bid, his company lost by four or five points, and the procurement division was given 20 points based directly on pricing, as the competitor used a solar solution; had Vetted provided a solar solution, their costs would have been similar by removing the \$600,000.00 in electrical wiring, despite the improvements adding value to the City.

City Attorney Hall asked Mr. Barnett what his bid was in the first procurement process.

Mr. Barnett did not recall the exact number but believed it was close to \$4 million, compared to \$2.3 million in the second bid. The first bid called for coverage of all lanes of travel in all directions, while the second bid request coverage for ingress and egress points in the City, cutting the camera counts by almost half.

Commissioner Campbell noted, based on Mr. Barnett's presentation, monopoly was the word that came to his mind, and the difference between a small company, the selected vendor, and a large company, Vetted; Mr. Barnett appeared to be recommending this as one of the reasons the City should choose his company. This bothered him, as in the United States the award of a bid should not be contingent on the most powerful vendor.

Mr. Ceasar clarified the first bid was thrown out due to the other vendor's failing to be responsive to the RFP; rather than awarding Vetted the contract at that time, the City chose to send the contract out to bid a second time. He noted Vetted was given first ranking based on experience, financial stability, and a host of other categories, with the only category they were outranked being cost, not size, and this was due to the \$600,000.00 in electrical improvements they proposed elevating their costs. Regarding the scoring done by the committee, it was very, very close, as the other vendor had 396.5 points to Vetted's 387. They believed they were the superior company, remaining concerned about the selection committee's discussion about a side-by-side test.

City Attorney Hall stated he was the attorney for the City of Lauderhill, and he did not advise any vendor, including Vetted, as to the reason the first bid was thrown out. The decision to rebid the contract was made by the City Manager at that time. He

wished the Commission to note this correction about one of the vendors in the first bid being nonresponsive, as that was neither the City Manager's nor his ruling; he did not know how Vetted came to that conclusion. He disagreed with the idea that the procurement process was not followed by staff, and he did make a ruling on the matter of conducting of a side-by-side test, as he read through the City's procurement code that had very specific language on how the procurement process should take place. The related RFP for the subject contract had very specific language as to what should take place, and the rules that governed the RFP did not call for a side-by-side comparison, so none was allowed. He stressed that City staff followed Lauderhill's code in every way possible, as Vetted had lawyers following staff's every step in the process, and it would not surprise him if Vetted's lawyers initiated a lawsuit against the City if they were not awarded the subject contract. Vetted watched City staff throughout this process, so to now intimate that City staff did not follow the City's process was false. Mr. Hall said Vetted came up second a second time in the subject procurement process, and they were very unhappy with that, but he had no wish for them to stand before the Commission and enter into the record misleading facts about the procurement process followed by City staff.

Mr. Ceasar clarified he never stated City staff did not follow the procurement process, rather, he did not feel in the first bid the competitor was responsive to the RFP, hence its being thrown out, but if this was incorrect, he apologized. He asked for a reason for the first bid being set aside if being nonresponsive was not the reason.

City Attorney Hall indicated he did not report to Vetted's representatives.

Commissioner Bates wished to hear from Rekor Recognition Systems, Inc., the first ranked vendor, as they deserved the same courtesy extended to Vetted.

Rod Hillman, Chief Operating Officer of Rekor Recognition Systems introduced company members present as Charles Degliomini, Executive Vice President of Government Relations, Maurice Nelson, Vice President of Program Development, and Barry Arfa of Arfa Construction based in Broward County. They were a public company based in Maryland and had been in business for over 20 years, doing advanced machine learning and license plate recognition (LPR) for about three years. He said their software operated more than 10,000 cameras around the world in over 70 countries, acknowledging they did not have a major presence in Florida, but a company having the latter did not give an automatic right to gain business in Florida. For the record, Rekor was never told by the City it was rejected for being nonresponsive in the first bid, rather, they were told by the City there were some internal issues that led to the canceling of the first RFP. He said, however, Rekor was the first ranked bidder in the first RFP, as was the case in the second RFP. They were the manufacturer of their own equipment, controlling everything that was to be used, and all their software was proprietary; thus, they were not a partner with a major company, such as Motorola, so they had total control over the way they conducted their business. Mr. Hillman gave a short presentation, as noted in the handout given to the Commission and City Clerk.

Mayor Thurston remarked it was stated Rekor's not being integrated with other PDs in Florida placed Lauderhill at a disadvantage if Rekor was awarded the subject

contract.

Mr. Hillman indicated there were capabilities for data sharing that provided some advantage, such as for adjacent communities. In terms of how the City and its PD intended to operate the system, much of that would be dictated by the City's preferences. Rekor had data sharing capabilities, and they had a public safety network. Unlike Motorola and Vigilant Solutions, they did not charge companies to use that network; their network would be launching shortly and made available nationwide. He restated they did not have a statewide presence in Florida, but they had locations in Mobile, Alabama, and New York, as well as a system of more than 500 cameras operating in western Pennsylvania; from a size and scale perspective, they were more than qualified to provide the subject services in Lauderhill.

Mayor Thurston heard from Vetted that they were connected to other PDs, allowing them access to information in multiple jurisdictions to facilitate quick results.

Mr. Hillman responded this was half true, as there were two elements to license plate vehicle recognition. One was the National Crime Information Center (NCIC) hot list that was transmitted through the Florida Department of Law Enforcement (FDLE) via the State and available to every jurisdiction in Florida. That information was transmitted on a daily basis, and any vendor operating a system had access to the information on behalf of the agencies they served, and any vehicles of interest were on that list. Secondly, as it related to adjacent communities from an investigatory standpoint, there were some advantages if adjacent communities had data going back 30, 60, 90 days, and a crime was committed, and there was a need to search for multiple locations of a specific vehicle. However, as the City currently operated two Vigilant Solutions systems, there were ways to gain access to that data without a problem. Mr. Hillman referred to page three of the handout that provided information on what their system was, and what it was not, noting OCR was an antiquated solution that had been around for more than 20 years, and many legacy companies deployed specialized cameras that required perfect conditions in order to capture vehicle license tags. Their system was based on artificial intelligence (AI), and they had an extensive, multimillion unit training database that continuously learned; it not only identified vehicle tags barely readable by the human eye, they identified color, make and model of the vehicle, all extremely important in investigatory situations for PDs, which he did not believe Vetted did. He said a key element from the hardware standpoint was they were agnostic, so they did not care what type of camera was used; they used best-in-class solutions, such as Access Communications, for example, owned by Canon, one of the largest camera manufacturers in the world with security systems around the country and the world. A key element was because they used those cameras, and their software worked with them and any other IP camera, existing security cameras could be used in their LPR systems, another advantage they offered.

Commissioner Bates wished to hear from staff.

Assistant City Manager/Finance Director Kennie Hobbs stated City staff stood by the recommendation of the selection committee.

Commissioner Bates questioned if Vetted wished to sue the City based on the results of the first bid process.

City Attorney Hall clarified Vetted was not suing the City, rather they filed a bid protest, reiterating the possibility of the City being sued by Vetted if they were not awarded the contract currently before the Commission based on the numerous letters he already received from their legal representatives. The City was never formally sued by Vetted.

Commissioner Bates inquired as to the basis of the bid protest filed by Vetted.

City Attorney Hall replied the Vetted attorney made allegations about the process the selection committee used to rank the firms; that is, that they were not following the City's procurement guidelines. The City Manager decided to throw out the first bid and begin the process again, resulting in Rekor being named the first ranked firm again.

Commissioner Bates said her major concern was in the initial bid process, the City was given one figure, and in the second bid process, the figure given was significantly less. She wished to understand the reason behind the two bids from Vetted, as she was dissatisfied with the explanation about requested camera directionality, etc.

Mr. Barnett restated the difference in cost came from the requested camera count differences, as in the first bid, vendors were instructed to provide camera coverage for all lanes of traffic at all 73 intersections in all directions, making it 73 times four. In the second bid, for the 73 intersections, only two cameras were required, one ingress, one egress, cutting the camera counts in half and drastically affecting their proposed cost.

Commissioner Grant asked about the process of the selection committee; that is, how did they arrive at their ranking of the firms, as she understood cost was one of the variables considered.

Mr. Hobbs responded, as part of the City's RFP, there was a breakdown of the points assigned based on different criteria that led to the subsequent ranking; price was one criterion that went into the final consideration.

Commissioner Grant wished to know the difference in price between the two vendors, as she believed there was about a \$300,000.00 difference.

Mr. Hobbs stated he did not have the exact figures, but he agreed the difference between the two was about \$300,000.00.

Commissioner Grant questioned if the selection committee considered each company's track record, years of experience, etc.

Mr. Hobbs affirmed the selection committee looked at a company's experience and references as part of the evaluation process, and that was shown in the allocation of points, of which everyone participating in the City's bid process was aware.

Commissioner Grant wished to confirm the City's PD currently used Vetted's equipment.

Deputy Chief Allen Siegel answered correct; Vetted currently had two trailers deployed in the City on an as needed basis.

Commissioner Grant wondered what would transpire if the Commission awarded the subject contract to Rekor, if Vetted would continue to deploy their trailers in the City.

Deputy Chief Siegel indicated Vetted would continue to provide the existing service to the City.

Commissioner Grant mentioned Mr. Hillman's comment regarding the potential for different vendors to access and share data.

A discussion between unidentified speakers ensued about accessing existing data and sharing data; one male speaker affirmed there could be data sharing, while another male speaker stated upcoming litigation would result in no data sharing, as Vetted wished to protect their intellectual property and remove their competitor from the data sharing rule.

Deputy Chief Siegel clarified the City would still have access to the data the City paid for, and Rekor would have access to that data; if the Commission awarded the contract to Rekor, the City's PD would have access to their data, so the City would have access to data from both companies.

Commissioner Grant commented the Commission's goal was to select a company that would provide the best service for the City of Lauderhill for the betterment of the community. She believed in giving starter companies a chance, as they could not grow if they were not given opportunities to provide services. Considering the present situation in Lauderhill its PD was working on, the Commission needed to ensure the contract was awarded to a company that had the necessary equipment to do the best job, so access to the data was important. If City staff stood behind staff's recommending Rekor, the Commission should accept that recommendation.

Commissioner Campbell wished to confirm the bid procedure in both RFPs for the subject service was appropriate.

City Attorney Hall affirmed it was within the norm, as bids were complicated, and on both occasions, qualified staff served on the selection committee from the Police, Fire, IT and Finance Departments. The committee, both times, reviewed both firms' proposals and ranked them similarly; that is, Rekor was ranked number one both times.

Commissioner Campbell noted Rekor was not a startup company; as they had experience in providing the subject service, and in the bidding process, it was not unusual for the company that lost the bid to be dissatisfied with the final result.

Mr. Hobbs indicated it was not unusual for City staff to hear dissatisfaction expressed by companies that were not awarded a particular contract.

Commissioner Campbell stated, while he respected the achievements of Vetted, he was turned off by the manner in which Vetted secured many contracts in the State of Florida, as it appeared they had a virtual monopoly. When one company was the sole or major provider of a service, it would end up costing the City over time, which meant increased costs for residents and taxpayers. He said it was his personal position that the City should not, in any business engaged in, rely on the monopoly of any one company. If City staff judged Rekor capable of doing the job required, there was nothing wrong with the City utilizing them, considering they were ranked first in two bid processes. He felt it would be grossly unfair for the Commission to deny them the opportunity to do business with the City of Lauderhill.

**A motion was made by Commissioner Campbell, seconded by Commissioner Bates, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

8. RESOLUTION NO. 20R-01-13: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPOINTING VARIOUS MEMBERS OF THE CITY OF LAUDERHILL YOUTH COUNCIL BY INDIVIDUAL CITY COMMISSIONERS AS INDICATED TO SERVE FOR THE REMAINDER OF A ONE (1) YEAR TERM EXPIRING NOVEMBER 2020; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-13-BRD-Youth Council 2020.pdf](#)

[AR 20R-01-13](#)

[Youth Council List](#)

[Shelah Polk Youth Council Application](#)

[Fabiola Saint-Hubert Youth Council Application](#)

[Xzayvier Rich-Garrett Youth Council Application](#)

[Walnna Orelie Youth Council Application](#)

[Chamanda Saintil Youth Council Application](#)

[Jeffrey Dixon Youth Council Application](#)

[Jonathan Beckford Youth Council Application](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

9. RESOLUTION NO. 20R-01-14: A RESOLUTION OF THE CITY OF LAUDERHILL ACCEPTING THE PROPOSAL FROM SOUTHERN UNDERGROUND INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$183,200.00 TO PERFORM EMERGENCY SERVICES TO REMOVE AND REPLACE THE EXISTING GRAVITY SEWER MANHOLE AND GRAVITY SEWER PIPE LOCATED AT THE INTERSECTION OF N.W.

49TH AVENUE AND N.W. 21st STREET, WHICH WAS DISCOVERED TO BE BROKEN AS A RESULT OF A SINK HOLE AND WHICH LEADS TO LIFT STATION #1 WET WELL; PROVIDING FOR PAYMENT FROM THE APPROPRIATE BUDGET CODE NUMBER; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-14-Emergency Proposal-Underground Utilities Gravity Sewer.pdf](#)  
[AR 20R-01-14](#)

[Water and Sewer Emergency Repair Services - Resolution](#)

[Southern Underground Emer Purchase and Proposal](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

10. RESOLUTION NO. 20R-01-15: A RESOLUTION APPROVING THE NEW PART-TIME POLICE PAY PLAN; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-15-PT Police Pay Plan.pdf](#)  
[AR 20R-01-15](#)  
[PT Police Pay Plan FY 20 - 2% CPI REVISED with SRO.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

11. RESOLUTION NO. 20R-01-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF BARTENDER (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF BARTENDER (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-16-JOB-creation-Bartender \(LPAC\).pdf](#)  
[AR 20R-01-16](#)  
[Bartender \(LPAC\)](#)  
[LPAC New Org Chart.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

12. RESOLUTION NO. 20R-01-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF BOX OFFICE I (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF BOX OFFICE I (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-17-JOB-creation-Box Office I \(LPAC\).pdf](#)  
[AR 20R-01-17](#)  
[Box Office I \(LPAC\).pdf](#)  
[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

13. RESOLUTION NO. 20R-01-18: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF BOX OFFICE II (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF BOX OFFICE II (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-18-JOB-creation-Box Office II \(LPAC\).pdf](#)  
[AR 20R-01-18](#)  
[Box Office II \(LPAC\).pdf](#)  
[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

14. RESOLUTION NO. 20R-01-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF BOX OFFICE LEAD (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF BOX OFFICE LEAD (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-19-JOB-creation-Box Office Lead \(LPAC\).pdf](#)  
[AR 20R-01-19](#)  
[Box Office Lead \(LPAC \).pdf](#)  
[LPAC New Org Chart.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

15. RESOLUTION NO. 20R-01-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF CONCESSIONS I (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF CONCESSIONS I (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-20-JOB-creation-Concessions I \(LPAC\).pdf](#)  
[AR 20R-01-20](#)  
[Concessions I \(LPAC\).pdf](#)  
[LPAC New Org Chart.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

16. RESOLUTION NO. 20R-01-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF CONCESSIONS II (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF CONCESSIONS II (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-21-JOB-creation-Concessions II \(LPAC\).pdf](#)  
[AR 20R-01-21](#)  
[Concessions II \(LPAC\).pdf](#)  
[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

17. RESOLUTION NO. 20R-01-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF CONCESSIONS LEAD (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF CONCESSIONS LEAD (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-22-JOB-creation-Concessions Lead \(LPAC\).pdf](#)  
[AR 20R-01-22](#)  
[LPAC Organizational Chart](#)  
[Concessions Lead \(LPAC\).pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

18. RESOLUTION NO. 20R-01-23: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF FRONT OF HOUSE I (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF FRONT OF HOUSE I (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-23-JOB-creation-Front of House I.pdf](#)  
[AR 20R-01-23](#)  
[Front of House I \(LPAC\).pdf](#)  
[LPAC New Org Chart.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

19. RESOLUTION NO. 20R-01-24: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF FRONT OF HOUSE II (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF FRONT OF HOUSE II (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-24-JOB-creation-Front of House II.pdf](#)  
[AR 20R-01-24](#)  
[Front of House II \(LPAC\).pdf](#)  
[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

20. RESOLUTION NO. 20R-01-25: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF FRONT OF HOUSE LEAD - HOUSE MANAGER (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF FRONT OF HOUSE LEAD - HOUSE MANAGER (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-25-JOB-creation-Front of House Lead - House Manager.pdf](#)  
[AR 20R-01-25](#)  
[Front of House Lead - House Manager \(LPAC\).pdf](#)  
[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

21. RESOLUTION NO. 20R-01-26: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF OPERATIONS I (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF OPERATIONS I (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-26-JOB-creation-Operations I.pdf](#)

[AR 20R-01-26](#)

[Front of House I \(LPAC\).pdf](#)

[LPAC New Org Chart.pdf](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

**22.**

RESOLUTION NO. 20R-01-27: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF OPERATIONS II (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF OPERATIONS II (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-27-JOB-creation-Operations II.pdf](#)

[AR 20R-01-27](#)

[Operations II \(LPAC\).pdf](#)

[LPAC Organizational Chart](#)

Commissioner Grant sought clarification there would be three positions: Operations I, II and a lead, asking if they would be on different shifts, and why there were so many.

Ms. Giles-Smith explained the three positions would be part of the crew that would ensure the Lauderhill Performing Arts Center (LPAC) was kept clean, ready and operational for shows and post shows. There could be a combination or aggregate of all dedicated staff based on the LPAC's needs. She said, presently, there were a number of positions titled theater assistants I, II and III, and whenever the LPAC was readied for an upcoming show or post show, people came in to help execute the specifics based on their job descriptions. The subject resolutions was to place out who would be the operations lead, defining the designated staff and their duties.

Commissioner Grant asked if the existing staff would be filling the proposed operations roles, so it was more a matter of renaming their positions.

Ms. Giles-Smith affirmed the resolution was to change their titles, but the job descriptions would remain the same for the most part.

Commissioner Bates thanked Amanda Segur for doing an awesome job running the LPAC. When people told her they were unaware of the LPAC's existence, after going to the LPAC, they were totally impressed; the facility was always clean and the staff very friendly. She thanked the LPAC team for the excellent job they did.

**A motion was made by Mayor Thurston, seconded by Commissioner Grant, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

23. RESOLUTION NO. 20R-01-28: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE MINOR MODIFICATIONS TO THE JOB DESCRIPTION FOR THE EXISTING JOB POSITION OF BUILDING INSPECTOR INCLUDING THE CHANGE OF THE TITLE TO STRUCTURAL BUILDING INSPECTOR; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-28-JOB-modification-Building Inspector.pdf](#)

[AR 20R-01-28](#)

[Structural Building Inspector 2020](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

24. RESOLUTION NO. 20R-01-29: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL CREATING THE NEW JOB POSITION OF OPERATIONS LEAD (LPAC); APPROVING THE JOB DESCRIPTION FOR THE NEW POSITION OF OPERATIONS LEAD (LPAC); PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-29-JOB-creation-Operations Lead.pdf](#)

[AR 20R-01-29](#)

[Operations Lead \(LPAC\).pdf](#)

[LPAC Organizational Chart](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

25. RESOLUTION NO. 20R-01-30: A RESOLUTION APPROVING THE GRANT APPLICATION PROCESS FOR KABOOM! TO PROVIDE A PLAYGROUND BUILD GRANT AWARD TO THE CITY OF LAUDERHILL IF SELECTED; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LETTER OF INTENT; PROVIDING THAT THE NEW PLAYGROUND WOULD BE INSTALLED AT WOLK PARK IF AWARDED; PROVIDING FOR TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R\\_01-30-KABOOM Grant Letter of Intent.pdf](#)

[AR 20R-01-30](#)

[2019 Self-Insured LOI Cover Letter Lauderhill.pdf](#)

Commissioner Grant wished to know the exact location of the playground, asking if it was new.

Parks & Leisure Services (PALS) Director Irvin Kiffin replied this would be a new playground at Wolk Park.

Commissioner Grant thought there was already a playground at Wolk Park.

Mr. Kiffin affirmed there was; it was being replaced.

Commissioner Grant wondered what was being done about the bridge.

Mr. Kiffin stated staff and he were still working on grant funding for the bridge.

Vice Mayor Berger recalled a previous request from residents for playground equipment at Waterford Park, and he believed Mr. Kiffin thought at the time it was a good idea to have a playground there; he asked if there were any such plans.

Mr. Kiffin remembered there being such a request for Waterford Park about two years ago, but there were no such plans at present.

Vice Mayor Berger thought if Mr. Kiffin and his staff thought playground equipment at Waterford Park would be well received, he should consider installing playground equipment there in the future.

**A motion was made by Commissioner Bates, seconded by Commissioner Grant, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

## **25A. REMOVED**

## **25B.**

RESOLUTION NO. 20R-01-34: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL AUTHORIZING A CHANGE ORDER TO BIG BANG MOSAICS IN AN AMOUNT NOT TO EXCEED \$12,997.34 TO DESIGN AND FABRICATE TWO MOSAICS TO BE USED FOR A SIGN AND SIDEWALK INSERT FOR THE SPLASH PAD AT JACKIE GLEASON PARK; PROVIDING FOR PAYMENT FROM THE APPROPRIATE BUDGET CODE NUMBER UTILIZING FUNDS FROM THE FOUNDATION GRANT; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA).

**Attachments:** [RES-20R-01-34-change order - Mosaics.pdf](#)

[AR 20R-01-34](#)

[change order Lauderhill](#)

Commissioner Bates desired additional information on the subject change order. She visited the site and observed the implants in the walkway and the water feature; they looked really beautiful. She asked if this was via the Public Art Board or another grant.

Ms. Giles-Smith replied it was \$75,000.00 the City received from the Broward Community Foundation to install public art and the splash pad, and the additional money in the subject resolution was to pay artists for helping to insert more public

art into the sidewalk and the sign; this used the entire \$75,000.00. The specific changes were a sign the City made applying the tile mosaic, and adding more tiled mosaics to the sidewalk. She explained, as there were additional funds left over from the grant, and rather than giving them back, staff decided to infuse more art into the project.

**A motion was made by Commissioner Bates, seconded by Commissioner Grant, that this Resolution be approved. The motion carried by the following vote:**

**Yes:** 5 - Commissioner Bates, Vice Mayor Berger, Commissioner Campbell, Commissioner Grant, and Mayor Thurston

**Abstain:** 0

## **XII QUASI-JUDICIAL MATTERS (IF NOT ON CONSENT AGENDA)**

26. RESOLUTION NO. 20R-01-31: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO BODY & MIND WORKS, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PROVIDER AND URGENT CARE FACILITY ON A 1.0± ACRE SITE ON PROPERTY LEGALLY DESCRIBED AS INDUSTRIAL 100 UNIT 2 PT OF TRS C & DESC AS COMM SW COR OF SEC 31, NLY 3765, ELY 100, NLY 50 TO POB, CONT NLY 145, ELY 300, SLY 145, WLY 300 TO POB, AS RECORDED IN OFFICIAL RECORDS BOOK 85 PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY; FLORIDA; MORE COMMONLY KNOWN AS 1600 N.W. 40TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [RES-20R-01-31-Special X-Body & Mind Works.pdf](#)

[AR 20R-01-31](#)

[DRR \(19-SEU-017\) Body & Mind Works, Inc.pdf](#)

[A. SEU Application, Body & Mind Works, Inc.](#)

[B. Medical and DEA Licenses, Jonelle Rivas Gibson](#)

[C. Site Plan, 1600 N ST RD 7](#)

[D. Conditions Affidavit \(19-SE-017\)](#)

**This Resolution was approved on the Consent Agenda. (See Consideration of Consent Agenda for vote tally.)**

27. RESOLUTION NO. 20R-01-32: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO SUNFIRE HIGH SCHOOL A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN EDUCATION, SECONDARY CHARTER OR PRIVATE SCHOOL USE FOR A 11,763+ SQUARE FEET BUILDING LOCATED ON AN APPROXIMATE 1.38 + ACRE SITE LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 2,

BOULEVARD SHOPPES NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 106, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4800 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**Attachments:** [RES-20R-01-32-Special X - SunFire Highschool.pdf](#)

[AR 20R-01-32](#)

[DRR \(19-SE-010\) SunFire High School.pdf](#)

[Sunfire School-SEU Conditions Affidavit 19-SEU-010 SFHS.pdf](#)

[Attachment A- SUNFIRE - Special Exception Use Application \(2\).PDF](#)

[Attachment B-SUNFIRE - School Organizational Chart.PDF](#)

[Attachment C- SUNFIRE - Five Year Budget Projection and 2018-19 State of School Report.PDF](#)

[Attachement D -SUNFIRE - 4800 N University Contract to Purchase.PDF](#)

[Attachment E -Traffic Impact Study Sunfire HS 01-07-2020 SIGNED.PDF](#)

[Attachment F - Comments to Applicant.pdf](#)

[Attachment G- Email from PD.pdf](#)

[Attachment H -SEU Conditions Affidavit 19-SEU-010 SFHS.doc.pdf](#)

[Attachment I- SUNFIRE - 4800 N University Site Plan \(2\).PDF](#)

Commissioner Bates disclosed she met with applicant in summer 2019 at their Oakland Park location.

Commissioner Campbell sought feedback from staff as to their recommendation.

City Planner Chris Torres stated some of the items noted in the staff report included the acknowledgement that the building existed, and the proposed use was a prior use; North University High School was the previous occupant. The prior use was considered a nuisance, as there was significant loitering, with area businesses making calls for service to the PD, an ongoing issue from 2008 to 2018. With the proposed use, the Commission was being asked to take into consideration that the prior use existed before the shooting at Marjorie Stoneman Douglas (MSD) High School in 2018, so many more safety precautions were recommended. He said staff asked the applicant to provide additional information as to a safety school assessment tool analysis, which the applicant said they would comply with by August 2020, but staff had those safety concerns now. The backup contained a record of the back and forth correspondence between City staff and the applicant's traffic consultant, and with some of issues left pending, staff could not draw conclusions as to certain traffic concerns. He stated, for example, there was a simple question as to how the shifts worked, as the school proposed a total of 350 students spread over two shifts, and as part of the traffic analysis, City staff asked the time of the shifts. The applicant claimed the question was not asked before, making it difficult for staff to address their traffic concerns.

Commissioner Campbell met previously with the applicant's team, and the concerns he expressed at the time included a similar proposal presented to the City

by another institution; he said some of the City's concerns raised at that time were now more relevant. This included: the proximity to Piper High School (Piper), the opening of a Wawa service station that did not exist when the previous institution occupied the subject site, and as a similar arrangement was being proposed by the applicant, similar problems were anticipated. He said he would need much more convincing to be assured of major differences between the prior institution and the applicant's.

Mr. Torres noted there was correspondence with the City's PD, and the latter expressed safety concerns about crossing University Drive, as during 2008 to 2018, as many students from both Piper and the previous occupant of the subject site loitered at area businesses. One of the hardest things to do was tabulate all the data, so staff relied on the intel from the PD, including emails, as part of their analysis.

Commissioner Campbell reminded City staff the points of concern were for the proposal made for a similar use on West Commercial Boulevard, but the applicant's location could be more detrimental. The proximity to Piper and other risk scenarios were even closer to the proposed use than they were to Commercial Boulevard. He said these matters had to be addressed.

Mayor Thurston collectively swore in all persons wishing to speak on the following quasi-judicial item.

Gregory McAloon, the applicant's legal representative, introduced other members of the team, including Attorney Jeffrey Wood, a leading charter school expert, DeeEtte Naukana, principal for SunFire High School (SunFire), Phil Neese, Tamiko Ashe in charge of security, Stephen Williams, assistant principal for SunFire, Marion Silver, Board member, and traffic consultant, Lisa Bernstein. He stated it was fantastic working with City staff on the subject application, as they were very responsive, which the applicant appreciated greatly. The subject process began in July 2019, and they looked for specific site considerations not related to Lauderhill, rather they were related to the location of the subject building site. His presentation highlighted the following:

- Student success; the applicant had a staff extremely dedicated to the success of their students, many of whom fell by the wayside in the traditional public school program, leaving them few education options; the applicant sought to provide this alternative schooling option
- The applicant's team understood the regulations in place and the City's concerns, the main being the regulation of the students and the procedures; enforcement could only be verified by those responsible for enforcing them
- The traffic study done in July 2019 began with the form template from the Commercial Boulevard property, and it was not until mid-December 2019/early January 2020 that more information was requested by City staff; the applicant was unable to go back out to get new counts in time, which was outside the scope of services, and the new study would cost an additional thousands of dollars to create new contracts; the traffic study only came about, due to its being pursuant to a development order, as the proposed school required conditional use approval; thus, if the school was not located along Commercial Boulevard, 441 or University Drive, no traffic study would have been required

- The existing facility was in Oakland Park, and many of the issues with the previously proposed Commercial Boulevard site were found at SunFire located off West Oakland Park Boulevard
- The proposed 4800 N University location was much safer compared to the existing SunFire location, where they already did a very good job addressing the concerns voiced by staff for the proposed Lauderhill site
- SunFire operated for about eight years at the current Oakland Park location, though they went through a name change from SunEd to SunFire
- Regarding site selection, they were not looking to enter the Lauderhill market, rather they sought a strategic location in relation to the existing facility, so Mr. Neese created a radius map, and they looked at properties anywhere outside that radius, which brought them to the subject site in Lauderhill
- The schools at both locations would work together to resolve issues and have each other's resources immediately available
- SunFire was a local school with 954 area codes, so if the City had an issue, they could be contacted directly and immediately
- The 4800 N University Drive location was selected for its strategic location, as the canal to its rear presented a natural barrier to nearby residences, leaving the commercial aspects of the plan to be dealt with; the Commercial Boulevard site was a piece of land for development into a charter school, but it was prime commercial real estate that could be developed into a variety of other uses; the subject site was an existing building the applicant proposed to occupy with a similar use to that of the previous occupant
- The building was unoccupied for a year; the property owners had no other bidders to occupy the space; he pulled up police reports from the past year during the vacancy, and there were complaints of vagrancy, suspicious vehicles and packages, etc., activities associated with unoccupied buildings for a lengthy period of time
- The team members present with him wished to give the City Commission and staff the confidence that the applicant would be able to enact the procedures set forth in the backup
- There was no perfect site, but they felt they had come as close to that with the subject site
- The Transit Management Plan included consideration given to the proposed school's proximity to Piper, and their students would be directed north rather than south to prevent any conflict with Piper students; students would be directed to the north bus stop along Inverrary Boulevard that only allowed southbound transportation; the bus stop for northbound transportation was situated directly in front of the school's site; this cut the number of students in half as it related to walking towards undesirable locations; the bus stop being located right in front of the school was a major point of consideration when selecting the subject location
- They understood there were some issues as they related to traveling to Inverrary Boulevard, which they sought to remedy via their Transit Management Plan; they would place school officials outside the building and along the way to the crossing points
- The maximum number of students would be 350, though the charter might allow more over time, but pursuant to the subject approval, the applicant sought approval for 350 students broken into two separate shifts; that is, 175 students per shift; 80 to 90 percent of the students used public transportation the school provided funds for them to utilize; the 150 students per shift that utilized public transportation was further divided in half for those traveling northbound and southbound, assuming 100

percent attendance

- The backup contained procedures already in place at the Oakland Park location, including a bus policy, a regimented schedule of teacher orientations and how they were rotated, and processes were in place to ensure the Transit Management Plan to be effectuated adequately.

Phil Neese continued the presentation, further detailed in the backup:

- The previous occupant of the subject building maintained about 40 schools in the southeast U.S., and recently they closed all five schools in Broward County, two of which were in Lauderhill; part of their issue was not being locally based, as they were located in Tennessee, and they were a major corporate player in the charter school industry; after the applicant's investigation, they concluded the previous occupant's management went astray, as it was difficult to manage the school without being on the premises
- The management of SunFire lived and worked in Broward County, they were easily accessible, participating in the day-to-day running of the school; they were guided by their board of directors, many of whom had been with the school since 2012, and they were a stable, consistent and well-versed group of professionals, offering guidance and oversight, and they, too, were accessible; the board of director's main function was approval of all the improvements done to the school buildings and the budgets
- The school's budget was driven by enrollment, and the Oakland Park school, enrollment consistently ran between 300 and 350 students; the applicant's desire for the proposed location was to replicate the Oakland Park school
- They had a full-time staff of 17, and with additional support staff, they employed about 25 people; this pattern would be replicated in Lauderhill; they were proud to bring additional jobs to the City.

DeeEtte Naukana, Principal of SunFire High School, continued the presentation as illustrated in the backup, highlighting the following:

- It was a significant job to educate youth, and this was the goal at SunFire, as they took children who were unsuccessful in the regular education arena and facilitated them gaining a high school diploma; many of their attendees were children the regular school system had given up on, as had some of their families, etc. They were not throwaway children and deserved the best education they could get, which was what SunFire strove to provide
- Many of the concerns were based on the history of the City's experiences with a previous school on the subject site, but this was not the case with SunFire, as their children were like family; at the school they were fed, clothed, and the school administration made sure they were safe; she treated every single student like they were her own, and her staff was truly invested in the students, because they would make a difference in society's future
- Ms. Naukana was recruited by the school that previously occupied the subject building, and once she learned about their program and the way they did things, she declined their job offer, as she had a high standard for the way things should be done; in the education field, integrity was very important, and this was something the administration stressed in the students they served, which were 15 to 21 years of age; they were given the chance to be successful, enabling them to show everybody they were wrong in thinking they were not worth every effort put in to help

them; she apologized for not meeting the members of the Commission and staff when they visited the Oakland Park campus, as she was away on family business, and she invited them to come to SunFire to witness the magic happening; they started out as SunEd High in Oakland Park, and they had a charter approval for another school, so they became two SunEds, and in 2019, there was a split between the two, with each becoming independent, and they chose to do a name change to something more dynamic when they chose the phoenix symbol, as they gave students the chance to reinvent themselves. Thus, SunEd and SunFire were the same entity

- A video was shown that was used in acquiring the existing school's accreditation from the Southern Association of College and Schools (SACS) (video shown).

Commissioner Bates asked the age range of students at the proposed location.

Ms. Naukana responded students' ages would range between 15 and 21 years. The school would begin at 250 students the first year, increasing by 25 students in the next year, and proceeding thus in subsequent years until the 350 figure was attained.

Commissioner Bates stated her major concern was safety, in light of what took place at MSD, so she wished to know the types of safety procedures the applicant would put in place at the Lauderhill location.

Mr. Ashe, the applicant's security representative, stated he was a guardian and provided security specialists; by guardian, he meant the school had an armed guardian on location. Regarding security procedures, they had guards arrive on the school campus prior to the students' arrival; the school opened at 7:00 a.m., and the guards were in place by 6:30 a.m. until every student left the school premises and the area each day. He noted, at their existing location, there was a gas station across the street, along with a plaza next door, and when they first opened at that site, there was an issue of students loitering at those locations, and this led to them putting their current process in place to eliminate such occurrences. That process included informing students if they were caught loitering, they would be suspended and parents brought in accordingly. He said the same procedure would be implemented at the Lauderhill school with the same level of success as that of the existing school, and security guards were outside the school watching what activity took place, and students were fully aware they were being watched and knew there would be consequences if they disregarded the school's rules.

Commissioner Bates questioned the current procedure when a student brought a firearm to school.

Mr. Ashe stated the guards were armed and trained to diffuse such situations; they would respond under the new State law that took effect in January 2019. Security specialists were on location to break up any incidents that might occur on campus.

Commissioner Bates asked how students arrived at and departed from the school.

Mr. Ashe responded most students used public transportation to get to and from school.

Commissioner Bates wished to know if any of the students drove themselves to school.

Mr. Ashe replied some students did.

Commissioner Bates questioned the number of student parking spaces provided. For example, if 100 students drove to school, could the school accommodate them.

Mr. Neese said they had approximately 35 parking spaces on the campus, and they had cross use agreements with properties to the west and east of the school, giving them a capacity of about 75 to 80 parking spaces. They had a procedure in the morning: when a student came into the building, they first had to surrender their cell phone, as cell phones were not allowed in the building. The student then signed in, so staff knew exactly who was in the building, after which they dropped off their school bag, taking out what they need for the day's classes, and then every student was checked with a metal wand detector. He knew it sounded a bit harsh, but these times required such steps. Students then went to breakfast; the school had the National Safety Lunch Program, so all students ate free. Every year prior to the MSD shooting, the school had BSO come in to do a threat assessment of the property, and this requirement was now part of the Marjory Stoneman Douglas Public Safety (MSDPS) Act, so they were already taking those steps to ensure the school building was safe and secure. He said the school's administration felt they provided students with a very safe environment in which they felt at home and comfortable. In the unlikely event a student brought a firearm into the building, the armed guard on the premises was trained to deal with the matter; there was no question of them complying with the MSDPS Act, as it was a practice they did all along. He said though the 4800 N. University Drive building was not yet compliant with the Act's guidelines, this was due to its being vacant, and when the applicant occupied the building, steps would be taken to make the building code compliant.

Commissioner Grant asked if the security guardian was appointed by the Broward County School Board or BSO.

Mr. Ashe responded the guardian was trained by BSO; each school selected their own guardian, putting them through a background check, a psychological evaluation, and a drug test, after which they were trained via going through BSO's guardianship program, after which they began serving their designated school.

Commissioner Grant observed, along with being the SunFire guardian, Mr. Ashe owned his own security guard company, from which security guards were provided to the school. She asked if a guardian for the proposed location had already been selected.

Mr. Ashe answered yes.

Commissioner Grant wished to know the percentage of Lauderhill children that would attend SunFire's Lauderhill location, asking if those students were already in place, or would the school be recruiting students in the City.

Ms. Naukana said it would be both, as they already served Lauderhill students at their Oakland Park campus, and with a new location in Lauderhill, the school would

seek to recruit students who resided in the City. Charter schools did not require students to live in the area where the school was located, but they hoped to attract Lauderhill students.

Commissioner Grant asked about the existing school's graduation rate.

Ms. Naukana stated they were rated as a school improvement, and this was all done by cohort; they had four years to help their students achieve a high school diploma, and by the time they got many of their students, they had already been in high school for four years, yet some only had five or six credits. She said they were in the process of trying to change legislature, as a child coming through their doors with 18 credits and needing 24 to graduate was considered a SunFire senior. The Commission should remember SunFire did not get students on time, rather, they came to them after the fact, students no longer in the public school system, because they were out of their cohort.

Commissioner Bates made a motion to Approve moving Communications from Public Officials to the end of the agenda, seconded by Commissioner Campbell. The vote was as follows:

|                       |     |
|-----------------------|-----|
| Commissioner Bates    | Yes |
| Vice Mayor Berger     | Yes |
| Commissioner Campbell | Yes |
| Commissioner Grant    | Yes |
| Mayor Thurston        | Yes |

Ms. Naukana remarked, of the students they classified as seniors, 55 percent of them were graduating.

Commissioner Grant said the applicant's attorney indicated the school would be directing student traffic to the north of the proposed site, asking how the applicant could ensure this took place.

Ms. Naukana stated they would have staffing outside the building, who would direct students north to the crosswalk approximately 400 feet north of the building, where they would cross the street to get to the bus stop, and there would be a school representative at various points along the way to ensure this process ran smoothly. She was a certified crossing guard trainer and knew one of City staff's conditions was to have crossing guards, and the applicant had no issue with abiding by that condition.

Commissioner Campbell asked if SunFire was a nonprofit organization.

Ms. Naukana answered yes.

Commissioner Campbell wished to know if the applicant would be lease or own the property.

Mr. McAloon said the school would own the property, so there would be an alignment of incentives for the school to remain in place at the subject location. He knew the City encountered prior situations, whereby, a school lost their lease and

looked frantically for another location, but this was not the case with SunFire.

Mr. Neese added it was the applicant's intention to acquire the property, making a substantial investment in the property by developing it accordingly to meet their needs.

Commissioner Campbell stated in prior discussions about this being a nonprofit charter school, there was a difficulty in understanding the tax base, asking if the applicant had anything proposed in this regard.

Mr. McAloon indicated within the staff conditions was a condition that the City of Lauderhill receive their proportionate share of the property taxes they would have otherwise received from a for-profit use, and the applicant was in agreement.

Commissioner Campbell sought clarification on staff's recommendation for the Commission's vote on the subject resolution. If staff was not recommending approval, was this due to staff's desire for more information from the applicant to determine whether the proposed use should be supported.

Mr. Torres read staff's recommendation into the record as follows: the Planning & Zoning Division recommends the City Commission do not approve the resolution granting to SunFire Academy of Oakland Park, Inc., d/b/a SunFire High School, to allow an education secondary charter school use on a 1.38-acre site zoned general commercial.

Commissioner Grant questioned if this was staff's final recommendation, or did staff anticipate the applicant providing the City with more information to allow the Commission and staff to further assess the possibility of approving the proposed use.

Mr. Torres said the above stated recommendation was staff's final recommendation. The applicant had until February 2020 to provide staff with additional information through the process, and the City's code allowed for additional information. He said, regarding the traffic study, although it was technically required, as the location the proposed school was on University Drive, City staff had the ability to ask for additional information, and this was codified specifically for the charter school use. Thus, City staff requested additional information based on another traffic study that was not supplied, and this helped bring staff to its recommendation of denying the subject resolution.

Commissioner Campbell remarked his main concern was based on his being told in prior discussions that there were issues with the previous school, and he had yet to see an itemized list of those issues, and whether specific measures would be put in place to address each one, if possible. He questioned if the proposed development would be revisited to provide the Commission with additional clarification. He was unsure if the previous school generated problems for the area because of the failures of the school's administration, or if the subject site was just unsuitable for a school. If the City Commission was not made aware of specific problems in detail, nothing the applicant proposed could indicate if those issues were being addressed or corrected.

Mr. McAloon acknowledged City staff requested additional information from the applicant that spoke to at least how the site would operate using the Broward County Schools safety assessment tool, and the applicant did not provide that information for staff to make those assessments. The notion was the buildings on the site already existed, and the applicant intended to continue operating the site as a high school, updating the site after that assessment was completed.

Commissioner Campbell noted a question was asked by Commissioner Bates about parking, and there was no indication by either City staff or the applicant if this was adequate for the facility. He heard from previous discussions that the proposed school's proximity to Piper could create complications, asking if any steps were being taken to combat possible problems in that regard.

Mr. Torres indicated that information would have been a part of the traffic impact study the applicant provided to staff in 2019, and staff made a further request for tabular data from the applicant for clarification; the information had yet to be provided to staff.

Commissioner Campbell wished to know how the applicant expected the Commission to make a decision without the needed information.

Mr. Torres said the decision to put the subject item on the agenda was due to the applicant exercising the right to be heard by the City Commission.

City Attorney Hall explained the applicant filed their application and properly paid their fees, and once City staff reviewed their application, the applicant was entitled to be heard, and to request of staff that they be put on the present Commission agenda. The City Commission's and staff's questions were appropriate and timely.

Mayor Thurston mentioned reviewing the package the Commission was provided with, and it included a special exception use affidavit of compliance with staff's conditions for approval. Those conditions listed numerous items; number 16 asked the applicant to provide a school resource officer (SRO) on premises at all hours of operation; the form was promulgated and required the signature of the applicant agreeing to the 17 staff conditions. He asked for the rationale behind City staff including the affidavit.

Mr. Torres indicated the intent of the conditions for approval was to act as a safety net, so if the City Commission approved the subject application, City staff had documented the conditions of approval. In a conversation with the applicant on City staff's conditions of approval, they agreed with some, while on others staff was willing to amend if the Commission approved the application.

Mayor Thurston asked the applicant if they were willing to sign the affidavit agreeing to comply with the 17 staff conditions listed.

Mr. McAloon answered yes, remarking they only had minor points of clarification, which he labeled as clerical errors, such as in condition one, the applicant was stated as SunFire Academy of Oakland Park, d/b/a as SunFire High School, when it should say Sunshine Academy of Oakland Park. In condition three, the applicant requested 6:00 p.m., in condition five, the applicant requested 15 years of age, and

to be allowed to install a fence rather than a wall, condition 14 said ALS when it should say SunFire ALS was the previous operator, and condition 16 said SRO, and the applicant used the term guardian. He reiterated the applicant was amenable to all staff conditions, with the correction of those verbiage errors.

Commissioner Bates noticed in the conclusion staff drew for the subject application, all the points were directed at the City's experience with the school that once occupied the subject site, rather than specifically to the proposed school.

Mr. Torres indicated staff had to take into consideration the City's experience, including the adverse effects of the previous occupant, as the proposed use would be the same, despite the operators being different. He went through the City's code point by point, and there were certain things that were addressed, while others were not, and staff's conclusion related to code based on the prior use.

Commissioner Bates understood City staff needed a basis to go by, wondering if staff checked with the City of Oakland Park as to their experience with the applicant's existing school, whether the school's presence impacted area businesses. She knew they were located in a plaza, with a gas station across the street, and other nearby professional offices, and there were condominiums behind the gas station. Thus, did staff do its due diligence of checking for major issues generated by the existing school?

Mr. Torres said he would have to defer to his predecessor, who was absent from the present meeting, as he was part of the original meetings, but he knew of no spill over at the existing Oakland Park location. City staff based its recommendation to deny the application on what took place with the school that previously occupied the subject site.

Commissioner Bates questioned if the basis of staff's recommendation was fair to the applicant.

City Manager Faranda commented one of the things City staff tried to do was request additional information, which the applicant failed to provide, leaving staff to base the recommendation on the City's past experience with the previous occupant of the subject site. Staff could not recommend approval based on the data in hand, as the previous use, similar to that proposed by the applicant, at the subject site created challenges for the City that were, at times, untenable.

Commissioner Bates questioned if the Commission approved the subject application, allowing the applicant to open the proposed school in Lauderhill, along with the 17 staff conditions noted in the backup, would this create an issue for the City.

City Manager Faranda thought this was the reason staff provided the information detailing their conditions of approval, should the Commission choose to approve the application, despite staff's recommendation of denial.

Commissioner Grant wished to know what outstanding information was needed.

Mr. Torres explained, as part of the MSDPS Act the County passed that took effect

in early 2019, there was a safety assessment tool with checklist items, some site specific, some operation specific. He acknowledged the applicant satisfied some items, but they still had yet to provide other information; no deadline had been established, as the request for the information arose during the review process, and no deadline could be assessed, as staff had not scheduled the application to go before the Commission. However, the applicant's wish to be heard at the present Commission meeting did not allow for sufficient time to gather and provide the remaining information requested.

Commissioner Grant wished to know why the applicant failed to provide staff with all the information requested.

Mr. McAloon explained when the applicant's team created their traffic methodology, the crux of the City staff's request, the information came in came in two books: the additional information requested pursuant to the traffic study, and the additional information pursuant to MSDPS Act. As it related to the traffic study, the applicant was provided with the traffic study the commercial property did, which was at the time of the site development from the ground up, not just for the existing building, and the applicant's traffic engineer followed that methodology when conducting their study. He stated the additional methodology requested by City staff was over and above the methodology the City requested of the owner of the commercial site that included specific intersection counts applicable to it. Thus, the applicant felt it was not necessary to further expand the scope of their traffic engineer's work when she spoke with City Planner Steve Tawes in July 2019 and received the scope of the work required for the traffic study at that time. Mr. McAloon commented the MSDPS Act was a very specific legislation that had a reporting requirement with a deadline of August 1st, and that requirement was assessed by the School Board and the State, not a local municipality.

Jeffrey Wood, the applicant's representative, reiterated the MSDPS Act was not in effect when the previous school occupied the subject space, as it took effect in July of 2018 and was amended July 2019 to allow charter schools to use guardians who went through the proper training program. When the City sent its request to the applicant for information on how the MSDPS Act was being complied with, there were certain trigger dates that allowed a school to open and be operational in order to conduct a safety assessment; the assessment could not be done if the school was not operating. He said the applicant responded to City staff's inquiry in writing, including their wish to present their application to the City Commission at the present meeting.

Mr. McAloon added he sent City staff a very in depth email, asking them to narrow the scope of their questions, so the applicant could better respond.

Commissioner Grant noted, in terms of the outstanding information from the applicant that staff requested, it appeared the applicant provided a portion of the information requested, along with written correspondence on why some information was missing.

City Attorney Hall indicated this was accurate, as the applicant indicated they would comply with the MSDPS Act before the school opened, which he found satisfactory.

Commissioner Grant sought clarification as to why City staff was recommending denial of the subject application in light of the explanation above.

Mr. Torres thought Commissioner Grant was referring to the email sent to City staff in response to staff's request on why the applicant did not have to comply.

City Attorney Hall understood this, but he knew the applicant would follow up with the assessment tool prior to the school opening.

Commissioner Campbell said, based on what he heard thus far, he was on the side of City staff, asking if it was possible to table the subject application. He could not support the application as it stood presently.

City Manager Faranda remarked his point was as it related to City staff's request for additional information on the safety of the students attending the school, as the City was trying to stay ahead of the curve. He understood there were certain deadlines the applicant had to meet, but the City had a responsibility for the safety of these schools, as when the MSD tragedy occurred, it was not only the State or the School Board that was held responsible for not doing their proper duty. City staff sought to make sure everything was in place, while thinking about the future businesses in the City if the applicant failed to fulfill the MSDPS Act requirements. He had no wish to litigate the matter, rather, he was speaking from a reasonable person's position, which was that his staff requested the information and could not understand why the applicant could not provide it, hence the recommendation not to approve the application. Staff's felt they had no other choice but to recommend what they thought was a responsible action.

Mr. McAloon completely agreed with the City Manager's comments, adding the applicant would fully comply, but they were unable to put the cart before the horse, in terms of how they would operate. They had no wish to circumvent the rules.

Commissioner Bates wished to know the type of deadlines the applicant had.

Ms. Naukana replied they had to do their threat assessment, a process set up by the School District via an online tool the applicant did not have access to until they had a building; as they did not yet have a building, they could not request access. The deadline to submit their threat assessment to the School Board was August 1, 2020.

Commissioner Bates inquired as to how tabling the subject item to give the applicant and City staff time to do their due diligence would affect the applicant's schedule.

Ms. Naukana responded a further delay meant they could not open.

Mr. McAloon asked that the Commission take an up or down vote on the subject item, rather than table it, as the applicant had a contract with an option to purchase that was contingent upon approval or denial. The applicant could not be in the business of spending \$10,000.00 a month to keep an option open for a chance to get something; it was not a prudent business practice. He believed the applicant provided ample information to allow a vote, and tabling the item for that purpose

would result in the school not being able to open at the subject location in the next school year.

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

City Manager Faranda knew the staff conditions detailed in the backup were discussed, and the applicant indicated their willingness to pay a fee in lieu of the displaced City taxes. However, he knew staff and the applicant had discussions about percentages.

Mr. McAloon clarified the applicant was willing to pay an amount equivalent to the share in the taxes that Lauderhill would have been entitled to, had the use been a for-profit one; the applicant was not offering to pay the full amount of the tax liability.

City Attorney Hall stated that condition needed to be added to the affidavit listing City staff's conditions of approval.

Mr. McAloon added other verbiage errors needed to be corrected, as he detailed earlier in the meeting.

City Attorney Hall responded those were technical matters staff could address if the item were approved by the Commission.

**A motion was made by Commissioner Bates, seconded by Mayor Thurston, that this Resolution be approved. The motion failed by the following vote:**

**Yes:** 2 - Vice Mayor Berger, and Mayor Thurston

**No:** 3 - Commissioner Bates, Commissioner Campbell, and Commissioner Grant

**Abstain:** 0

### **XIII QUASI-JUDICIAL MATTERS, FIRST READING**

### **XIV QUASI-JUDICIAL MATTERS, SECOND READING**

### **XV UNFINISHED BUSINESS**

### **XVI OLD BUSINESS**

### **XVII NEW BUSINESS**

**XVIII COMMUNICATIONS FROM PUBLIC OFFICIALS AT 9:00 PM, OR IMMEDIATELY BEFORE ADJOURNMENT, WHICHEVER SHALL FIRST OCCUR. IF AN ITEM OF LEGISLATION IS BEING DISCUSSED AT 9:00 PM, THE CHAIR MAY DELAY THESE COMMUNICATIONS UNTIL AFTER THE ITEM OF LEGISLATION HAS BEEN RESOLVED.**

Commissioner Campbell stated the R&B Reggae Classic, the first event of its kind, would take place at the Lauderhill Sports Park on February 8, 2020, beginning at

7:00 p.m. The family event would feature musical selections from the 1970s and 1980s, and the public was invited to come out to this free event and have fun.

Commissioner Bates reminded everyone the adult party with a purpose would take place at the LPAC on Saturday, February 15, 2020, at 7:00 p.m. featuring Freddie Jackson and Regina Belle. She stressed it would be a “grown folk” party, so the adults should leave the children at home and come out and have a good time; they could go online to purchase tickets, as she was quite sure, based on the response she received from the community, the event would be sold out.

Vice Mayor Berger said the Lauderhill Regional Chamber of Commerce would hold their annual SoLa Rum, Food & Wine Festival on February 16, 2020; the event was being moved from the grounds of the LPAC to the grounds of the Lauderhill Mall. The Chamber’s Women of Distinction Awards would take place on Friday, March 20, 2020, at the BB&T Center; and on Wednesday, March 18, 2020, he would honor 12 Lauderhill residents for Women’s History Month at the LPAC.

Commissioner Grant mentioned recently receiving the news that the Lauderhill hotel, Chateau Mar Golf Resort, was now open and ready for business. She thanked City staff for all their hard work in helping to coordinate the business brunch that took place the previous Thursday, noting the event was well received, as evidenced by the very positive feedback from business owners and other individuals who attended. She mentioned two of the individuals who spoke at the brunch and were on the panel were from Tallahassee, and while she was there the previous week, she again heard positive comments from them, as they were impressed with how great the City was doing with its local businesses. Special thanks were extended to Ms. Giles-Smith, as she worked very hard, helping her to execute the business brunch, as well as to Leslie Johnson for doing an amazing job putting things together and all she did in operations. She thanked the Economic Development team led by Mr. Hobbs, and for lending them Julie Brown to help with the event, as many times she served as the voice of reason with such grace. Again, she thanked everyone who came together to make the business brunch a great success, including her fellow members of the Commission who attended: Mayor Thurston, Vice Mayor Berger, and Commissioner Bates. Commissioner Grant thanked the City for giving her the opportunity to represent Lauderhill in Tallahassee the previous week, as it was a great learning experience; she was there for Broward Days and the Black Caucus Conference, and it was the first time she attended those two events. She enjoyed the experience of interfacing with other elected officials from Broward County, as they discussed their issues and possible solutions. While there, she met with some of the City’s representatives, such as Bobby DuBose, and she sat in the Florida House of Representatives and heard Anika Omphroy present one of the City’s appropriation requests that was later approved; it would now move to the Appropriations Committee for funding consideration. She indicated she would be driving up to Tallahassee after the present meeting, as she helped advance an initiative with the Youth Empowerment Village, and some 16 students from the City of Lauderhill were in Tallahassee. It was Children’s Week, and they were meeting other children from across the State, and interfacing with different State representatives, learning about government, and enjoying the experience. Governor Ron DeSantis’s wife heard of the initiative and gave them a special invitation to visit the Governor’s mansion, so there would be a private reception on January 28, 2020, with the Governor and his wife. She wished

to attend the visit and speak about the City of Lauderhill, and she had some literature to present to Governor DeSantis to apprise him of the big steps the City was embarking on, for which funding to help those initiatives would be more than welcome. Commissioner Grant thanked everyone for giving her the opportunity to serve Lauderhill, as she truly loved the community, which she believed had a very bright future.

City Manager Faranda noted this was one of the last two or three Commission meetings he would be attending, and he wished to take every opportunity until the last meeting to thank the City for allowing him to serve Lauderhill.

Commissioner Campbell mentioned on the previous Thursday, January 23, 2020, the City Attorney, other City staff and he attended the Broward County Zoning Board's meeting, and the final vote of ten to four was not in the City's favor. However, what was extremely positive was almost 50 persons spoke, and over 95 percent of them spoke against the subject development in Tamarac. He said, moving forward, the advent of that development was nowhere close to the finish line, and there were many things the City had to do to secure Lauderhill. They took out NW 44th Street, but included a footnote that part of it would be utilized for emergency vehicles, though what that meant he would leave to the interpretation of the experts. NW 64th Avenue remained in the plans, but he hoped City staff and his colleagues understood the City should not allow this to happen. Fortunately, at present, the forces against that project indicated they would overcome the project, as people in both Tamarac and Lauderhill were loudly voicing their opposition.

Mayor Thurston stated February's Jazz Picnic in the Park event would take place on February 9, 2020, 11:00 a.m. to 2:30 p.m. with William Penn House performing.

## **XIX ADJOURNMENT - 9:49 PM**