AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Wood

2. ROLL CALL

   Mayor Jack Brady  
   Vice Mayor Rich Moyle  
   Commissioner Jerry Graziose  
   Commissioner Lorenzo Wood  
   Commissioner Samson Borgelin  
   City Manager Ambreen Bhaty  
   City Attorney Samuel S. Goren  
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES

   a. February 27, 2018

4. PRESENTATIONS

   a. FLC Hometown Health (Aaron Carper and Lindsey Larson)

   b. Elizabeth Garcia-Beckford – Recognition for having received her Certified Municipal Clerk’s Designation from the IIMC

5. PUBLIC DISCUSSION
6. OTHER BUSINESS

a. **RESOLUTION - Juan Linares Scholarship Program for North Lauderdale Fire Explorer Program Graduates**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Chief Rodney)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUPPORTING THE JUAN LINARES SCHOLARSHIP PROGRAM FOR NORTH LAUDERDALE FIRE EXPLORER PROGRAM GRADUATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

b. **RESOLUTION – Proposed Resolution Relating to Charter School Transportation**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation
- Commission motion and second to adopt
- Commission discussion
- Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT LEGISLATION AND REGULATIONS THAT PROHIBIT CHARTER SCHOOLS FROM ENTERING INTO AGREEMENTS WITH PARENTS AND GUARDIANS WHICH WAIVE THE CHARTER SCHOOL’S RESPONSIBILITY TO PROVIDE BUS TRANSPORTATION FOR STUDENTS WHO RESIDE MORE THAN TWO (2) MILES FROM THE CHARTER SCHOOL; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK SCOTT, THE BROWARD COUNTY LEAGUE OF CITIES, AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
7. REPORTS
   a. Update on Public Emergency Medical Transportation (PEMT) program (Susan Nabors)
   b. Parks and Recreation Update

8. COMMISSION COMMENTS
   a. Request for Ceremonial Items (Commissioner Borgelin)
   b. Request for Ceremonial Items (Commissioner Wood)

9. CITY MANAGER COMMENTS

10. CITY ATTORNEY COMMENTS
   a. Report/Update on County wide 3/8 City attorney meeting re: Section 790.33, FS, Firearms Super Preemption
   b. RESOLUTION – Ratifying Resolution Calling for Legislator to Enact Gun Control Legislation to Prevent Mass Shootings in America

        • Motion, second and vote to read
        • Attorney reads title
        • Staff presentation
        • Commission motion and second to adopt
        • Commission discussion
        • Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CALLING UPON THE STATE OF FLORIDA GOVERNOR RICK SCOTT, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA SENATE, PRESIDENT DONALD TRUMP AND THE FEDERAL GOVERNMENT TO ENACT GUN CONTROL LEGISLATION TO PREVENT MASS SHOOTINGS AND LARGE SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

11. ADJOURNMENT
CITY OF NORTH LAUDERDALE
COMMISSION MEETING
TUESDAY, FEBRUARY 27, 2018

MINUTES

The North Lauderdale City Commission met at the Municipal Complex on Tuesday, February 27, 2018. The meeting convened at 6:00 p.m.

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Graziose called for a moment of silence to honor the 17 students, 3 faculty members and 15 students who either lost their lives or were injured in the horrific tragedy occurring on February 14, 2018 at Marjory Stoneman Douglas High School in Parkland, FL. He then gave the invocation and led the pledge.

2. ROLL CALL – Clerk called roll. All present.
   
   Mayor Jack Brady (By teleconference)
   Vice Mayor Rich Moyle
   Commissioner Jerry Graziose
   Commissioner Lorenzo Wood
   Commissioner Samson Borgelin
   City Manager Ambreen Bhatty
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES
   
   a. February 13, 2018 – Commissioner Wood moved to approve the Minutes as submitted. Seconded by Commissioner Graziose. Minutes approved unanimously.

4. PRESENTATIONS
   
   a. Establishing an Explorer Scholarship Fund – Fire Chief Rodney Turpel indicated that in honor of Battalion Chief Juan Linares, who passed away last July, they wanted to establish a scholarship fund. He stated that Battalion Chief Linares exemplified what the Explorer program was all about; having been raised in North Lauderdale and participating in its schools; sports activities; attending Explorer and Paramedic programs and eventually applying and becoming a North Lauderdale Firefighter where he worked very hard up through the ranks during his 16 years of employment. Fire Chief Turpel said Battalion Chief Linares established a standard by which future Explorers can judge themselves on. Commission consensus was sought to name the scholarship award that is being established as the Battalion Chief Juan Linares
Scholarship Award, to be given to a Fire Explorer to assist in their opportunity to become a part of the department. City Attorney commented if a formal motion were made, the City Attorney’s office will draft a resolution. **Commissioner Graziose moved to direct the City Attorney’s office to draft a resolution naming the scholarship fund as the Battalion Chief Juan Linares Scholarship Award. Commissioner Wood seconded the motion. No discussion; clerk called roll. All YES. Motion passes unanimously.**

**b. Firefighter of the Year Award to Lt. Christopher Xiste** – Chief Turpel introduced Lieutenant Xiste indicating that he has been with the Fire Department for ten years and was recently promoted to Lieutenant. He works fabulously with the Explorer program and is helping to establish the scholarship fund for the Explorer program. Chief Turpel presented Lt. Xiste with the 2018 Firefighter of the Year Award recognizing his hard work. The family of the late Battalion Chief Juan Linares was present in the audience to acknowledge the establishment of the scholarship fund and the award to Lt. Xiste. Chief Turpel thanked the Commission for their support.

**c. Certificates of Appreciation to Walmart for Holiday Toy Giveaway Donations**
- Dylan Pardis, Manager – Walmart Store – 7900 W. McNab Road
- Kaesha Henry – Walmart Associate
- Artlysha McDuffy – Walmart Associate (not present)

Certificates were read into the record and presented by the Commission. Commissioner Wood spoke on behalf of the Mayor and Commission and thanked Dylan Paradis and his staff for being very accommodating and being a good neighborhood partner in the City. Mr. Paradis addressed the Commission and audience and said he has been with Walmart for about 25 years, in several stores, and just looking around the room at those present including the BSO Captain, the City Commissioners, City Planners, he said he has never had such a good relationship with a community. He mentioned that one store employee, who has been with Walmart for over 20 years is also a City employee. Mr. Paradis said it is very gratifying to be able to share with the community and give back as much as they do, especially to the kids, as what they do is a very positive thing.

**d. Certificates of appreciation for Participation in Martin Luther King, Jr. Ceremony**
- Levi George Williams, Esq. –Guest Speaker (not present)
- Nichele Williams, Principal of North Lauderdale K-8 and Students
- Stephanie Haynes, Singing Entertainment (not present)

Certificates were read into the record and presented by the Commission. Nichele Williams, Principal, North Lauderdale K-8, addressed the Commission and audience. Thanked the City for the great partnership with the City and said she and the students would always be happy to participate in the City events. She also commented on the City’s partnership with Walmart and said they were very thankful for the contribution to her students because of that. She said she is grateful to be here in the City and despite the unfortunate event that happened at Marjorie Stoneman Douglas and said we continue to have great students and will pray for those families.
5. **PROCLAMATIONS**

a. **Women’s History Month – March** – Clerk read the Proclamation into the record. Commissioner Wood asked that a copy of this Proclamation be sent to all of the Schools in the City.

6. **PUBLIC DISCUSSION** – No one in the audience spoke. At this time, City Manager recognized two new Student Resource Officers present. BSO Chief Faer introduced Deputy Tasha Duran, who will be assigned to Broadview Elementary and Pinewood Elementary and also Community Service Aide, Marcie Butler. Chief Faer said they will both do a good job.

7. **ORDINANCES SECOND READING**

a. **ORDINANCE – Second Reading - To Amend Development Agreement for Walmart**

Commissioner Graziose moved to read. Seconded by Commissioner Wood.

Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING THAT CERTAIN DEVELOPMENT AGREEMENT MORE PARTICULARLY DESCRIBED ON ATTACHED EXHIBIT "A," BY AND BETWEEN THE CITY OF NORTH LAUDERDALE, FLORIDA, AND WALMART STORES EAST, LP, AS DEVELOPER, IN ACCORDANCE WITH THE FLORIDA LOCAL GOVERNMENT DEVELOPMENT AGREEMENT ACT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.

Tammy Reed-Holguin presented the item based on backup memorandum. She indicated that as discussed at the last Commission meeting, this Ordinance will extend the time for the County to approve the construction of a bus shelter adjacent to the new Walmart shopping center for an additional five years from the date of the store opening; it will extend it until January 31, 2023. Commission’s approval is being sought on second reading. Public hearing opened. No one spoke. Commissioner Graziose moved to adopt. Seconded by Mayor Brady. No Commission discussion; Clerk called roll. Motion passed unanimously.

ORDINANCE NO. 18-02-1367 PASSED AND ADOPTED UNANIMOUSLY

8. **OTHER BUSINESS**

a. **RESOLUTION – Confirming the February 21, 2018 City Manager’s Administrative Order**
Commissioner Graziose moved to read. Seconded by Mayor Brady.

Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CONFIRMING THE FEBRUARY 21, 2018 ADMINISTRATIVE ORDER ISSUED BY THE CITY MANAGER RELATING TO REVIEW OF USES INCLUDING AUTOMATED CAR WASHES, AUTO WASH RACKS AND AUTOMOBILE DETAILING OR A COMBINATION OF THESE USES IN ZONING DISTRICTS THROUGHOUT THE CITY; APPROVING AND AUTHORIZING THE CITY ADMINISTRATION TO CONDUCT SUCH REVIEW; PROVIDING FOR A TIME PERIOD FOR THE REVIEW; PROVIDING FOR LIMITATIONS ON ISSUANCE OF LICENSES AND PERMITS DURING THE TIME OF THE REVIEW; PROVIDING FOR LIMITATIONS ON THE PROCESSING OF QUASI-JUDICIAL AND ZONING ITEMS PERTAINING TO THESE USES; PROVIDING THAT THE ADOPTION OF THIS RESOLUTION COMMENCES THE AMENDMENT PROCESS FOR AMENDMENTS TO THE CITY’S CODE OF ORDINANCES RELATING TO THE ABOVE-MENTIONED USES WITHIN THE CITY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Tammy Reed-Holguin presented the item based on backup memorandum. She indicated that the City Manager issued an Administrative Order which institutes Zoning in Progress while staff reviews the uses detailed in the memorandum. Ms. Tammy Reed-Holguin commented that at the Commission’s last meeting, and other meetings, there was discussion that the City has seen an influx in the number of these car washes to locate in the City. The concern is that we currently have ten (10) car washes, including one that was recently approved that will also be built within the 5.2 square miles of City limits, and the City has limited commercial space. Staff has been working with Commission to bring a diversity of uses to the City that will beneficial to the City. While the Zoning in Progress is in place, no licensing, permits, site plans applications or special use permits will be accepted by City staff for these uses unless the Community Development Department confirms that the application has a previously approved site plan or for which building permits have yet to be issued or are open and pending as of the date of the Administrative Order of February 21, 2018. Ms. Reed-Holguin reported that an Ordinance will be brought back for consideration which will further outline the process and conditions of the moratorium, but the item will first go before the Planning and Zoning Board. Staff recommends Commission’s consideration and adoption of the attached resolution to confirm the Administrative Order. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. Commissioner Wood reiterated that because of the zoning already currently existing, the last car wash in the McNab Road area was approved, but the commercial space is very limited and we want to attract other businesses. Commissioner Graziose commented also on the previous meeting’s discussion of the color of the car wash building, and indicated that he saw the same building in Fort Myers and the color of the building was brown like the surrounding buildings; he commended staff and said they are on the right track. No further discussion; clerk called the question. All YES.

RESOLUTION NO. 18-02- 6490 PASSED AND APPROVED UNANIMOUSLY
b. SUBJECT - Amendment to 43rd Year (2017-2018) Purchase Assistance Program
Community Development Block Grant Application

Commissioner Graziose moved to read. Seconded by Commissioner Wood. Attorney read the item:

MOTION: To amend the current 43rd Year Purchase Assistance Program by increasing the maximum amount of purchase assistance to income eligible applicants up to $30,000 based on a sliding scale.

Tammy Reed-Holguin presented the item based on backup memorandum. She indicated that they are not seeking to change the 43rd year purchase assistance program when that contract becomes effective and are basically asking that the maximum amount of down payment assistance be increased from $16,000 to $30,000. The reasons for this request are outlined in the backup memo, in order for low-moderate income families to be eligible for the assistance. With this increase, a minimum of five (5) homeowners would be able to be assisted. Commissioner Graziose moved to approve. Seconded by Mayor Brady. No Commission discussion; clerk called roll. All YES.

c. RESOLUTION – 44th Year (2018-2019) Community Development Block Grant Application

Commissioner Graziose moved to read. Seconded by Commissioner Wood. Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, TO APPLY FOR AND TO FILE SUCH DOCUMENTS AS MAY BE REASONABLY REQUIRED FOR AVAILABLE 44th YEAR (FISCAL YEAR OCTOBER 1, 2018 – SEPTEMBER 30, 2019) COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE ESTIMATED AMOUNT OF $250,254 FOR THE SILVER LAKES DRAINAGE IMPROVEMENT PROJECT PROVIDING THAT THE CITY MANAGER SHALL BE AUTHORIZED TO EXECUTE GRANT AWARD AGREEMENTS AND TO TAKE ALL NECESSARY ACTIONS, INCLUDING, BUT NOT LIMITED TO EXTENSIONS OF TIME, LINE-ITEM BUDGET AMENDMENTS, AND PROGRAM MODIFICATIONS TO IMPLEMENT SAID PROGRAMS IF AND WHEN FUNDING IS APPROVED; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY PROCESSING AND OBTAINING SUCH GRANT FUNDS; AND, PROVIDING AN EFFECTIVE DATE.

Tammy Reed-Holguin presented the item based on backup memorandum. She pointed out initially that with regard to the amount of funding there was a typo in the amount of funding and asked for a correction to the title. The amount in the title is $250,254 and unfortunately, it is less. The estimated amount is actually $232,000. Attorney Goren stated that the Resolution as
read will be modified minimally with the body remaining the same and the estimated amount corrected from $250,254 to $232,000. Ms. Reed-Holguin indicated that this application is to be submitted by March and the City Clerk does have a copy of the corrected Resolution for the record. She commented that this year they are changing gears in terms of the application. For several years we did purchase assistance for several years and housing rehab for a while. This year, in working with the Public Works Department, they identified an area where some infrastructure improvements are needed in Silver Lakes area along 10th Street, 10th Court and 76th Avenue to improve the drainage system to avoid flooding resulting in a more sustained community. Ms. Reed-Holguin reported that the bulk of the money would go toward that improvement, with the rest of the money going to our direct oversight of the project to fund our Neighborhood Improvement Coordinator who will manage the project. Ms. Reed-Holguin also pointed out that at the time the backup memorandum was written, they were also providing this information to the Housing Authority for their approval, but unfortunately there was no quorum for that night. It was also going to be presented to the Community Sustainability Board two days later, but they also did not have a quorum. So, Ms. Reed-Holguin stated, it was advertised as a public hearing tonight so that we meet our public hearing requirements. Tonight, approval is being sought for the transmittal of the grant application to the County. Executive Graziolos moved to adopt. Seconded by Commissioner Wood. Commissioner Borgelin stated he is happy to hear of this proposal as this is an area of concern in his district. He also asked for further explanation of how the funds are provided. City Manager Bhatty stated that these block grant funds come directly from the federal government and sometimes they reduce the funding and sometimes they increase the funding. She explained that there are two ways the funding filters down: 1) if you are an entitlement City (a population of more than 50,000 people) the money comes directly to the City through the federal government; and 2) if you are a non-entitlement City, which we are (under 50,000 population), then the money comes through the County who disburses the amount to the cities. Typically they have audits and we have to follow County rules and regulations; funding is based on population. Ms. Reed-Holguin interjected that the funding is based on a complicated formula by population; low-moderate income of the people; and the condition of the housing stock. City Manager Bhatty reiterated that eligibility is income based. Ms. Reed-Holguin pointed out that we get the second largest amount from the County; Lauderdale Lakes getting the first largest; so in the scheme of things we get a good share of the money from the County. Public Works/Utilities Director, George Krawczyk presented a PowerPoint presentation of the areas requiring improvement and explained how the two drainage systems would be inter-connected. Mr. Krawczyk stated this is the right type of project for this grant program to benefit our residents. The PowerPoint is available in the City Clerk’s office. Commissioner Borgelin asked where the water would run; and if the improvements would be made for rain events this year. City Manager Bhatty said this may not be done by the rainy season this year, but it is the first step in applying for grant funding to accomplish the goal of improvements. No further discussion; Clerk called roll. Commissioner Graziolos – YES; Commissioner Wood – YES; Mayor Brady – YES; Commissioner Borgelin – YES; Vice Mayor Moyle – YES.

RESOLUTION NO. 18-02-6491 PASSED AND APPROVED UNANIMOUSLY
d. RESOLUTION – Gravity Sewer Main Lining in Lift Station #4 Basin Area

Commissioner Graziose moved to read. Seconded by Mayor Brady. Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AWARD LAYNE INLINER, LLC TO BEGIN THE LINING OF THE LS #4 GRAVITY MAINS, IN AN AMOUNT NOT TO EXCEED $270,000.00 USING THE CITY OF PLANTATION CONTRACT, ITB 041-14 FOR THE CONTINUATION OF THE SANITARY SEWER REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

George Krawczyk, Public Works/Utilities Director, presented the item based on backup memorandum. He explained that the next three items for the sanitary sewer rehabilitation projects all tie together and gave an explanation of the function of the sewer systems and how they will begin to line the inside of the clay pipes to start the rehab. He said that this is the beginning of a large drainage improvement project. A copy of the Public Works Staff Report and Drainage Map is available in the City Clerk’s office. City Manager Bhatty explained how this rehab will save the City money by fixing the leaks and cracks in the system. Mr. Krawczyk commented that Layne Inliner has done work in our City before, and their pricing structure was in the Plantation bid contact, and is reasonable, and staff recommends using them again to line the mains. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. Commissioner Graziose commented that the figures quoted do not impact his district as that system is maintained by Broward County. Commissioner Wood asked if this project is on Kimberly Blvd corridor. Mr. Krawczyk replied yes; the east side of Kimberly is Lift Station 1 and Lift Station 4 dumps into Lift Station 1. Commissioner Borgelin thanked Mr. Krawczyk for the visual presentation to better understand and also asked for clarification of the bid process. He said Plantation went through the bid process and decided that Layne Inliner was the best price structure and as a municipality, we have a right to piggyback on their price structure without having to go through a bid process. He said we know this vendor; they are local and the rate structure is better through Plantation who is a larger city. City Manager Bhatty advised that there are four different scenarios which allow the City to hire these contractors; 1) do our own bid process; 2) if the contractor is a sole provider; 3) piggyback on another government agency’s contract and 4) if it is an emergency situation. Further she said we are spreading out the projects to three different vendors so that we will be able to have three projects ongoing at the same time. Commissioner Wood interjected that there is a cost with our own RFP process, so we benefit from piggybacking on another city’s RFP to keep costs down. Commissioner Graziose interjected that it is also quicker to get the job going. No further discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-02-6492 PASSED AND APPROVED UNANIMOUSLY
e. RESOLUTION – Gravity Sewer Main Lining in Lift Station #3 Basin

Commissioner Graziose moved to read. Seconded by Commissioner Wood.

Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AWARD HINTERLAND GROUP, INC. TO LINE THE GRAVITY SEWER MAINS IN THE LS#3 BASIN FOR AN AMOUNT NOT TO EXCEED $136,609.00, USING THE CITY OF WEST PALM BEACH CONTRACT, ITB 14-15-119, FOR THE CONTINUATION OF THE SANITARY SEWER REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

George Krawczyk, Public Works/Utilities Director, presented the item based on backup memorandum. He said this is on the east side of 441 on SW 13th Street and there is a new development going up there, which will add more load to our old pipes. This small project will be pro-active in lining the pipes ahead of the completion of the complexes and to make sure new residents have no issues and to prepare for road paving. Mr. Krawczyk stated we will be piggybacking on the West Palm Beach bid contract and rate structure and recommends using Hinterland Group. Commissioner Wood moved to adopt. Seconded by Commissioner Graziose. No Commission discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-02-6493 PASSED AND APPROVED UNANIMOUSLY

f. RESOLUTION – Gravity Sewer Lateral Rehabilitation in Lift Station #9 Basin

Commissioner Graziose moved to read. Seconded by Commissioner Wood.

Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AWARD LMK PIPE RENEWAL, LLC TO BEGIN THE SEWER LATERAL LINING IN THE LS #9 BASIN FOR AN AMOUNT NOT TO EXCEED $400,000.00, USING THE CITY OF PLANTATION CONTRACT ITB 042-14 FOR THE CONTINUATION OF THE SANITARY SEWER REHABILITATION PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

George Krawczyk, Public Works/Utilities Director, presented the item based on backup memorandum. He indicated that the main lines of Lift Station 9 were done in 2016. This is for lateral lining, which goes from the middle of the street to the sidewalk, and will allow for cleanouts also allowing for easier accessibility during emergencies. Mr. Krawczyk said this is a specialty project and LMK is a local vendor that has lined for us before and recommends using them again, choosing the deepest laterals first. This project piggybacks off the Plantation contract. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. Clerk called roll. All YES.

RESOLUTION NO. 18-02-6494 PASSED AND APPROVED UNANIMOUSLY
g. RESOLUTION – Replacement of Vacuum Drum Filter Press at the Water Plant

Commissioner Graziose moved to read. Seconded by Commissioner Wood.
Attorney read:

A RESOLUTION OF THE CITY OF NORTH LAUDERDALE, FLORIDA AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ACCEPT THE PROPOSAL FROM REBUILD-IT SERVICES GROUP, FOR THE AMOUNT NOT TO EXCEED $391,566.00 FOR THE REPLACEMENT OF THE EIMCO ROTARY VACUUM DRUM FILTER UNIT AND $5,000 IN CONTINGENCY FUNDS; AND PROVIDING AN EFFECTIVE DATE.

George Krawczyk, Public Works/Utilities Director, presented the item based on backup memorandum. He explained this is the water that you turn on in your faucet and gave an explanation of how the water is made and how the drum filter affects it, by referring to the PowerPoint presentation which is available in the City Clerk’s office. He explained that last year they rehabilitated the thickener process and this drum replacement will be the last piece to complete this process. EIMCO is the company that built the drum in 1977 and sources out to Rebuild-It Services to provide the components that match up with what we already have to save money. Mr. Krawczyk stated that the funds are available and have been approved by Commission to pay for this expenditure so that there is no amendment to the budget. Also, this is a sole source vendor and they have done work for the City before. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. Commissioner Wood thanked Mr. Krawczyk for the presentation and commented that when we turn on our faucets we want the best quality water. Commissioner Borgelin thanked Staff for the education on this item. No further discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-02-6495 PASSED AND APPROVED UNANIMOUSLY

h. RESOLUTION – Tyler Technology Annual Maintenance/License Payment

Commissioner Graziose moved to read. Seconded by Commissioner Wood.
Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING PAYMENT OF THE “MUNIS” MAINTENANCE FEE IN THE AMOUNT NOT TO EXCEED $77,621.00, FOR THE PERIOD OF MARCH 8, 2018 – MARCH 7, 2019 TO TYLER TECHNOLOGIES, INC.; AND PROVIDING AN EFFECTIVE DATE.

Mitch Williams, Information Technology Manager, presented the item based on backup memorandum. He indicated that the City began using Munis as their Enterprise Resource Planning System in 2007. There is a renewal cost annually to continue to use this software. Funds are allocated in the IT Department’s budget fund. Each department in the City uses this software to perform City business. Administration recommends Commission’s consideration
and approval of this resolution to authorize payment of the renewal of the Munis maintenance fee. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. No Commission discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-02-6496 PASSED AND APPROVED UNANIMOUSLY

9. REPORTS

a. Parks and Recreation Update

Mike Sargis reported that on Saturday, April 21st there will be a Volunteer Appreciation BBQ/Pool Party for the City’s 197 volunteers, board members and Fire Explorers. North Lauderdale Days will have an international flair with numerous cultural entertainment and food vendors and reported on some of the participants that will be performing. The event is on April 13 with open pool and amateur boxing and April 14 the event will be from 12:30 to 9:00 pm ending with fireworks. The logo for the event is “North Lauderdale, 1 People -1 Community”. Also Tamarac has a similar event occurring on the same day.

b. Public Works Update

George Krawczyk reported that we are waiting for FEMA funds for canal clearing, canal bank repair and Somerset Roof. Meanwhile staff will start to work on public bid process hopefully in March. Mr. Krawczyk explained the details of the canal repair and the Somerset Roof bids. He also reported that there is sidewalk repair activity ongoing on 81st Avenue and the Boulevard of Champions. He also gave an update on Mastec and AT&T who is investing in our City to offer a fast fiber system, and stated that his staff is assisting residents in addressing any issues with the right personnel to do any repairs as things come up. With regard to tree damage on McNab Road due to Irma, Mr. Krawczyk reported that they had to remove 14 canopy trees. He commented on the tree fund to replenish them and has asked our landscape consultant for a proposal and type of trees to plant for credits for canopy. The proposal is under the threshold for Commission approval; City Manager has signed off on the project. The last project to be addressed is the air conditioning in the Commission Chambers, Code Dept. and Chambers B. Mr. Krawczyk said they will request a mechanical engineer do a test and balance to perhaps determine what is required to move the unit over the summer break. Another item he is looking into with the County is the procedure for getting the 25MPH speed limit markings on the streets.

10. COMMISSION COMMENTS

Commissioner Wood: Thanked first responders for their support during the Marjorie Stoneman Douglas event stating that it had affected his school as well, and reported on how the school was able to get 218 ESE students on their busses and out of their school in a timely manner, leaving about 600 students on complete lockdown. He said that is what they train for and when we sought to receive two additional resource officers for our elementary schools our hearts were in the right place. He said we pray for the families affected and the safety of everyone including our first responders. He would like to schedule another meeting with the City’s educational
committee and limit the topic to school safety. Also commented on the Business 2 Business event and said that City Manager highlighted all important things the City does and thanked her for that.

**Commissioner Graziose** – Commented that the speed humps recently installed on SW 70th Way are sufficient. Stated he delivered a final notice to the residents in the mobile home park to get rid of their debris and worked with Ft. Lauderdale to clean up 36th Avenue. Also commented that the B2B event was good and had a lot of restaurants from his area. In the breakfast coming up this week, 8 new businesses as being recognized by the Chamber and the Broadview/Pompano Park HOA joined. Also commented that the Employee Appreciation day was great. Thanked Captain Faer and staff who came out to the Homeowner’s Association meeting and also advised Fire Chief Turpel that his Association will continue to support the Explorer’s scholarship fund.

Commissioner Graziose also asked for consensus of the Commission on two proposed resolutions. The first one is to enhance the current SRO program; have see-through backpacks; develop a pool of SRO’s as substitutes and to require training for them and also recommending retired police officers and veterans as backup; and other items to be looked at to make the SRO plan better. Attorney Goren said by motion the Commission could direct the City Attorney’s office to draft a resolution which includes the conditions mentioned. City Manager interjected that having a pool is great, but BSO has quite a few vacancies in the organization. Commissioner Graziose said we have to begin somewhere. Commissioner Borgelin added that the pool of people should be trained in child development and the SRO’s may be able to work with troubled youth. **Commissioner Wood made a motion to direct the drafting of the resolution based on the seven outlined recommendations from Commissioner Graziose. Mayor Brady seconded the motion. All in favor by voice vote.**

The second resolution is to follow along with what is going on in Broward County to support a resolution for the Governor to extend the legislative session to address the following items: minimum age for a person to purchase guns and ammunition; enact legislation regarding the red flag law between House Bill 231 and Senate Bill 530; eliminate the loop holes in private transfer of weapons and require full background checks for all sales and transfers of firearms; enact gun safety legislation set forth in Senate Bill 196 and House Bill 219 to place restrictions on the sale and transfer of assault style weapons and high capacity magazines; and repeal the prohibitions and punitive penalties in Sec. 790.33 F.S. against us as elected officials to be able to address these items as an ordinance as we can only do a resolution. Commissioner Graziose said five or six cities have already done it and quite a few around the state; it would be good for us to get on board. Attorney Goren said a motion is necessary for several reasons, which he will give later in his presentation and discussion on 790.33 F.S., and asked for direction on which model resolution he would be directed to work from. There is a model from Sunrise Mayor Ryan and a model prepared by City Attorney’s law partner, Kerry Ezrol and several other models that could legally be drafted. Commissioner Graziose stated he likes the one from Mayor Ryan. **Commissioner Wood made a motion to direct the drafting of the resolution based on the Sunrise Mayor’s outline and recommendations from Commissioner Graziose. Seconded by Commissioner Borgelin. All in favor by voice vote.**
**Commissioner Borgelin:** Thanked the first responders and said it has been good to see their presence during the events happening at the schools and learned that these people are on the front lines serving us well. He also mentioned that he is proud and the Principals are grateful and thanked City Manager for giving some of the first responders a deserved day off. City Manager Bhatty stated that counseling was provided as well as it was an emotional trauma. Also, Commissioner Borgelin requested approval to recognize some women on the March agenda for Women’s History Month and said he will get the information submitted. Commented on a concerns brought to his attention on the appearance of the plaza between Kimberly and Tam O’Shanter and said it is not well kept and would like Code to do something about it. City Manager Bhatty said they may be able to call a meeting with the property owner and commented that there is a commercial property rehab program that may help the business owners to make improvements, but it is a matching program. Tammy Reed-Holguin reported that the Commission allocated $50,000 for the grant, and a grant application is ready to fund on 81st Avenue, if it is the same plaza referred to, there are two plazas owned by Mr. Bilu, who has been working closely with staff, and the purpose of the grant is to re-do the façade of the building. Commissioner Borgelin also commented that the businesses would like to have better promotion. Ms. Reed-Holguin stated that they have asked the property owner, Mr. Bilu to create a master signage plan for the plaza, because if it is going to be rehabbed and painted they don’t want the same old signs to go back up. Commissioner Borgelin said there are businesses there that are not happy and he will share some pictures of the plaza. Also, he said in the Silver Lakes area, people would like some pressure applied to paint some houses that are in bad shape and to plant some trees and the Pastor at United Methodist would like an electronic sign. Commissioner Wood replied that he spoke with the Pastor this afternoon and they will be coming to get permits for a new electric marquee. He commented that Employee Appreciation Day was well organized and he had a good time. Lastly, residents would like to see a soccer field at Jaycee Park. City Manager Bhatty said Mr. Sargis will be updating that. Mr. Sargis said they are in the process of getting price quotes to do the fencing for that area that will be a soccer field; work will begin in about 30-60 days. Commissioner Borgelin said thank you.

**Mayor Brady:** Commended the Department Heads; BSO and first responders and all City staff for always doing a good job and thanked the City Clerk’s office for keeping his pulse on the City every day.

11. **CITY MANAGER COMMENTS**

   a. **Update on meeting with Walmart regarding pending issues**

City Manager Bhatty said upon Commission’s direction, she had a conference call with Mr. Glass who is the regional representative for this area. Commissioner Grazioste, Brenda Jacobson from Belmont and some of the Code Officers were also at that meeting. Three issues were discussed; 1) the landscaping on the side of the wall facing Belmont; 2) decorative street lights that have not been connected and 3) the $45,000 payment to Belmont for the driveway they built. Mr. Glass was open to the first two issues and they are in the process of hiring the vendors for the landscape plan and to complete the permitting and inspection process for the lighting. The third topic required a lot of discussion. Ms. Bhatt explained to Mr. Glass that because of Walmart, the Belmont had to construct that driveway and pay $256,000 from their pocket and
they are a working class community and paying toward these HOA fees. With regard to the letters that went to Belmont asking them to accept the $45,000, they went to the management company at the time and were not forwarded to the HOA, so they did not refuse the assistance, but they were unaware. She said on one hand, those Belmont residents are Walmart’s customers as well, and they are asking the issue to be revisited to pay them the $45,000. This was not Mr. Glass’ decision to make so he has to approach someone higher in the organization. Ms. Bhatty said she will continue to pursue the issue. Commissioner Graziose explained that he had two serious issues after the phone call; one a big company should send a letter like that for should have a receipt that it was signed for, so they have no proof that anyone received those letters. Secondly, the other controversy that was made was that the Minutes from the meeting relating to the final site approval for Walmart indicate that representatives from Walmart said that they had an agreement with Belmont, but Mr. Glass said he has nothing that has signatures and there is not agreement. Ms. Bhatty said just the fact that there are two letters offering the $45,000 in writing to Belmont is an agreement in her eyes. She will keep updating.

b. Redevelopment Management Associates (RMA) Update

Farrell Tiller, Economic Coordinator with Redevelopment Management Associates, addressed the Commission and stated that this project if for an Economic Development Strategic Plan for the City and reported that his firm has over 30 years of experience in the redevelopment industry. Principles of the firm have overseen the development of Delray Beach, West Palm Beach, Miami Beach, Oakland Park, as well as others. The project will have about a 20 week timeline starting with a kickoff meeting on with staff and interviewing stakeholders from the community as well as the Commission. The public will be invited to an Open House meeting to give some of their thoughts and visions for the community. A market analysis will be done to look at market trends and real estate trends for the area and how that affects economic development. From there, they will go into a plan for specific initiatives and strategies to follow. Their firm is locally situated in Pompano Beach on Atlantic Blvd and they are very familiar with the area. Mr. Tiller said they are happy to be a part of this project.

City Manager also said at the last meeting there was some discussion about finalizing the median designs which will be a pro-type for all median improvements. She suggested having a neighborhood meeting and invite the design consultant would be a good platform to have that meeting soon.

12. CITY ATTORNEY COMMENTS

Regarding 790.33, Attorney Goren stated that what was proposed by Commissioner Graziose is legally acceptable. Resolutions are not enactments; measures; policies or ordinances or items that are otherwise restricted by the stature. This statute was written by the NRA and protects gun owners and gun sellers and gun manufacturers. He stated he sent information that the Commissioner can review. Last night the City of Weston authorized certain resolutions to be executed and deferred taking action on any ordinances with regard to regulating the use of or possession of certain kinds of weapons in public parks. They also authorized their City Attorney to file a declaratory judgment action challenging the constitutionality of F.S. 790.33; the purpose
of which is to suggest that the statute is overbroad and thereby unconstitutional. Attorney Goren stated that he and the Commission took an oath to follow the constitution and laws of Florida. He said we may not like 790.33, but it is a law of the State of Florida. Failure to comply with it has some very serious consequences; the first of which the Governor could remove you from office. Attorney Goren stated that you are personally liable up to $5,000 per incident with regard to any violations of this statute, which would not be paid for by the City. Third parties such as gun manufacturers, the NRA, or any affected party has the absolute legal right to sue this City and sue the Commission personally with regard to a violation of 790.33. If a gun manufacturer were to sue you, and sue the City, there is a cap on liability of $100,000; however, there is a legal fee issue which is not capped, which could be from an hourly rate, plus a multiplier, which would get to be a very serious exposure. Attorney Goren said this is not a threat to any one of us, but the threat not only affects the Commission, but the City Manager and the City Attorney. Attorney Goren said he cannot sign any ordinances that would put anyone at risk. He said his heart goes out to the folks at Marjory Stoneman Douglas. He said he attended the [Broward] Charter Review Committee meeting last week and twelve kids came to that meeting to make a presentation, many of which were at the CNN event. The kids are not yet 18 years of age, but they are smart, thoughtful, passionate, articulate and aggrieved over this. Attorney Goren said his comments are in no way, shape or form, tendered to immortalize or depart from that respect for those young kids who made a tremendous presentation to the Charter Review Commission. He said the same advice he gave this Commission, was given to the Charter Review Commission last Friday. Attorney Goren stated they have some serious issues to consider, such as an assault weapons ban on the Broward County ballot in November, which raises serious concerns as their lawyer.

Also, Attorney Goren stated that this coming Thursday, Vice Mayor Daley and the President of the Broward County League of Cities has called a special meeting of all the Mayors in the County and all the City Attorneys to meet in Lauderdale Lakes City Hall Complex at 10:30 a.m. to talk about the law suit that will be filed by Weston. There is a group out there called “Everytown” that protects the rights of citizens impacted by gun violence and Vice Mayor Daley may bring a representative and someone from their law firm, with him on Thursday, who will offer that the BLC take on this litigation on a pro bono basis. There has to be named plaintiffs or citizens and residents that are impacted by the statute and the filing of a lawsuit against the State of Florida would not be easy. The statute was well drafted and says that except as expressly provided by the State Constitution or general law, the legislature hereby declares it to regulate the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof to the exclusion of all existing and future County, City, Town or Municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto; any such existing rules or regulations are declared null and void. That is called a super-preemption. Attorney Goren stated that if any third party thinks they anyone for any reason may violate this statute he will stand in front of that because he knows that would not be the intention of the Commission or the City.

13. ADJOURNMENT – There being no further business, the meeting adjourned at 9:04 pm

Respectfully submitted,

Patricia Vancheri, City Clerk
TO: Mayor Brady and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Rodney Turpel, Fire Chief
    David Sweet, Deputy Fire Chief

DATE: March 13, 2018

SUBJECT: Juan Linares Scholarship Program for North Lauderdale Fire Explorer Program Graduates

For the past 5 years, North Lauderdale Fire Rescue has operated a Fire Explorer Program for young men and women who are between the ages of fourteen (14) and twenty (21) years old and are interested in seeking a career in EMS and Fire. This opportunity not only enables these students to learn from our staff to enhance their career, but it also allows students to receive latest techniques and information to assist them on their career path as a firefighter.

In 2016, the City established a North Lauderdale Fire Explorer Scholarship fund to assist the most outstanding participant of City’s Explorer Program every year to offset some of the cost to attend the Fire Academy.

Juan Linares, an 18 year veteran of the City of North Lauderdale Fire Rescue Department and former Driver Engineer, Lieutenant, Captain and Battalion Chief of the North Lauderdale Fire Rescue Department, tragically lost his life in July 2017. Battalion Chief Linares was a role model to young upcoming fire rescue personnel, setting the example of hard work, dedication, and commitment to not only the fire service, but to the residents of the City of North Lauderdale.

With this being stated, the City of North Lauderdale City Commission desires to name the Fire Explorer Scholarship Program after Battalion Chief Juan Linares.

The City finds that the operation of the Juan Linares Explorer Scholarship Program serves a municipal and public purpose and it in the best interest of the health, safety, and welfare of citizens and residents.

RECOMMENDATION

The City Administration recommends Commission’s consideration and approval of the attached resolution authorizing the City Manager or her designee to declare that the North Lauderdale Fire Explorer Scholarship Program shall hereafter be named “The Juan Linares North Lauderdale Fire Explorer Scholarship Program.”
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUPPORTING THE JUAN LINARES SCHOLARSHIP PROGRAM FOR NORTH LAUDERDALE FIRE EXPLORER PROGRAM GRADUATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Lauderdale operates a Fire Explorer Program for individuals between the ages of fourteen (14) and twenty (21) years old; and,

WHEREAS, the vision statement for the Fire Explorer Program provides as follows: “To provide positive and meaningful real-world career experiences and leadership development opportunities for all teenagers and young adults in their chosen field of interest.”; and,

WHEREAS, one of the goals of the Fire Explorer Program is to encourage the Explorers to pursue a career in firefighting, emergency medical services, and related fields; and

WHEREAS, graduates of the Fire Explorer Program often pursue careers in firefighting, and attend a Florida Fire Academy in order to obtain the necessary certifications to qualify to be a firefighter; and

WHEREAS, the City of North Lauderdale City Commission supports a scholarship program for graduates of the North Lauderdale Fire Explorer Program, and the community partners that support the Fire Explorer Scholarship Program, which assists those Fire Explorer Program graduates with the costs and expenses associated with the education and training that is required to become a firefighter; and

WHEREAS, the City of North Lauderdale City Commission desires to name the Fire Explorer Scholarship Program after Juan Linares, an 18 year veteran of the City of North
Lauderdale Fire Rescue Department, and former Driver Engineer, Lieutenant, Captain, and Battalion Chief of the North Lauderdale Fire Rescue Department, who tragically lost his life in July, 2017; and

WHEREAS, the City Commission of the City of North Lauderdale finds that Juan Linares’ passion for the North Lauderdale Fire Rescue Department, and specifically firefighting and automobile extrication continue to be a positive presence in the North Lauderdale Fire Rescue Department, and that it is just and appropriate to name a scholarship program after Juan Linares, with the goal of training the next generation of Fire Rescue personnel who will work in the City of North Lauderdale; and

WHEREAS, the City Commission for the City of North Lauderdale finds that the operation of the Juan Linares Fire Explorer Scholarship Program serves a municipal and public purpose, and is in the best interest of the health, safety, and welfare of citizens and residents of the City of North Lauderdale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, THAT:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated by reference.

SECTION 2. The City Commission of the City of North Lauderdale declares that the North Lauderdale Fire Explorer Scholarship Program shall hereafter be named “The Juan Linares North Lauderdale Fire Explorer Scholarship Program.” This naming is in recognition of the contributions made by Juan Linares to the City of North Lauderdale, its residents, and businesses during the eighteen (18) years he served the City of North Lauderdale Fire Rescue Department.
SECTION 3. The City Commission further encourages all North Lauderdale residents and businesses to contribute to the Juan Linares Fire Explorer Scholarship Program, with the goal of assisting qualified individuals to reach their goal of becoming a firefighter to be employed by the City of North Lauderdale.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. This Resolution shall become effective upon adoption.

PASSED, ADOPTED AND APPROVED THIS ____ DAY OF __________, 2018.

______________________________
MAYOR JACK BRADY

______________________________
VICE MAYOR RICH MOYLE

APPROVED AS TO FORM:

______________________________
SAMUEL S. GOREN, ESQ.
CITY ATTORNEY

ATTEST:

______________________________
PATRICIA VANCHERI, CITY CLERK
CITY OF NORTH LAUDERDALE

MEMORANDUM NO. 2018-010

TO: Mayor Jack Brady
       Members of the City Commission

CC: Ambreen Bhatti, City Manager
       Mike Sargis, Assistant City Manager
       Patricia Vancheri, City Clerk

FROM: Samuel S. Goren, City Attorney SSG
        Brian J. Sherman, Assistant City Attorney BJS

DATE: March 9, 2018

RE: City of North Lauderdale (“City”) / Proposed Resolution Related to Charter School Transportation

On February 13, 2018, the City Commission directed our office to draft a resolution to the School Board of Broward County (‘SBBC’) and the Department of Education urging those entities to require charter schools to bus students who reside more than two (2) miles from the charter school.

Charter schools are currently required to provide transportation to their students. However, charter schools are permitted to enter into agreements with parents and guardians where the parties agree that the parents and guardians shall be responsible for the student’s transportation to and from the school. The City Commission wishes to close this ‘loophole’ which permits charter schools to pass its transportation responsibility onto the parents and guardians of its students.

In preparing the attached resolution, our research found that the St. Lucie County School Board unsuccessfully challenged the practice of requiring parents and guardians to provide transportation to charter school students. See Renaissance Charter School, Inc., and Renaissance Charter School at Tradition, Petitioners v. St. Lucie County School Board, Respondent, 2015 WL 4071457.

Accordingly, the City Commission’s Proposed Resolution is more appropriately directed to the Florida Legislature as legislative action is required to achieve the City Commission’s intended result.

Please contact our office if there is any additional information that we can provide.
RESOLUTION NO. _______________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT LEGISLATION AND REGULATIONS THAT PROHIBIT CHARTER SCHOOLS FROM ENTERING INTO AGREEMENTS WITH PARENTS AND GUARDIANS WHICH WAIVE THE CHARTER SCHOOL’S RESPONSIBILITY TO PROVIDE BUS TRANSPORTATION FOR STUDENTS WHO RESIDE MORE THAN TWO (2) MILES FROM THE CHARTER SCHOOL; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK SCOTT, THE BROWARD COUNTY LEAGUE OF CITIES, AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, charter schools are schools of choice and are among the fastest growing schools in Florida pursuant to the Florida Department of Education; and,

WHEREAS, during the 2016-17 school year, over 283,000 students were enrolled in 654 charter schools in 46 Florida districts; and,

WHEREAS, charter schools are generally permitted to enroll students regardless of the student’s residence and proximity to the school; and,

WHEREAS, parents and guardians of children enrolled in charter schools typically enter into agreements with the charter school which requires the parents and guardians to be responsible for the student’s transportation to and from the charter school;

WHEREAS, these agreements alleviate the charter schools’ responsibility to provide bus transportation for students who reside more than two (2) miles from the charter school;
WHEREAS, this practice requires parents and guardians to transport students to and from the charter schools during peak traffic hours; and,

WHEREAS, the vehicular traffic generated by charter schools has become unsustainable and is a constant burden on the surrounding infrastructure and residential communities;

WHEREAS, local government school districts are unable to require charter schools to provide bus transportation for students who live beyond two (2) miles from the school;

WHEREAS, the success of charter schools and the proliferation of the practice of obtaining waivers in lieu of providing bus transportation for charter school students has created the need for statutory and regulatory requirements that prohibit charter schools from requiring parents and guardians to agree to provide student transportation;

WHEREAS, the City Commission for the City of North Lauderdale urges the Florida legislature and other responsible agencies to adopt legislation and regulations that prohibit charter schools from entering into agreements with parents and guardians which waive the charter school’s responsibility to provide bus transportation for students who reside more than two (2) miles from the charter school is necessary to protect the health safety and welfare of the residents of the City of North Lauderdale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, THAT:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated by reference.  

SECTION 2. The City Commission of the City of North Lauderdale hereby urges the Florida legislature and other responsible agencies to adopt legislation and regulations that prohibit charter schools from entering into agreements with parents and guardians which waive
the charter school’s responsibility to provide bus transportation for students who reside more than two (2) miles from the charter school.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the School Board of Broward County, the Florida State Senate, the Florida House of Representatives, The Florida Department of Education, Governor Rick Scott, the Broward County League of Cities, And the Broward County Board of County Commissioners.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 6. This Resolution shall become effective upon adoption.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _________, 2018.

APPROVED AS TO LEGAL FORM:

____________________________
CITY ATTORNEY SAMUEL S. GOREN

____________________________
MAYOR JACK BRADY

____________________________
VICE MAYOR RICH MOYLE

ATTEST:

____________________________
PATRICIA VANCHERI, CITY CLERK
RESOLUTION NO. 2018- 18-03 - 6497

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CALLING UPON THE STATE OF FLORIDA GOVERNOR RICK SCOTT, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA SENATE, PRESIDENT DONALD TRUMP AND THE FEDERAL GOVERNMENT TO ENACT GUN CONTROL LEGISLATION TO PREVENT MASS SHOOTINGS AND LARGE SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is with a heavy heart that the City Commission of the City of North Lauderdale once again takes up the issue of gun control following the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida, on Valentine's Day, February 14, 2018, where fourteen (14) students ranging in age between 14 and 17 were killed along with three (3) teachers, and fifteen (15) other people were wounded; and

WHEREAS, National and State leaders continue to fail to act to implement sensible gun law reforms that are supported by a majority of the nation; and

WHEREAS, an increase in the amount of hate groups, international and lone wolf domestic terrorism, underfunded community mental health programs, and easy access to military grade, high capacity magazine assault weapons have created circumstances which have led to an unprecedented number of mass shootings in American communities in recent years; and

WHEREAS, in recent years mass shootings involving military-grade high capacity magazine assault weapons have occurred at Virginia Polytechnic Institute and State University, Blacksburg, in Virginia; Sandy Hook Elementary School, Monroe, Connecticut; Century 16 Movie Theater, Aurora, Colorado; a retirement party in a social services office, San Bernardino,
California; a church, Charleston, South Carolina; the Pulse Nightclub in Orlando, Florida; and more recently, the Route 91 Harvest Festival, Las Vegas, Nevada; the Sutherland Springs Church shooting, Sutherland Springs, Texas; and the Marjory Stoneman Douglas High School Valentine’s Day Shooting, Parkland, Florida, resulting in the tragic death and maiming of large numbers of innocent citizens (including children) at great pain and costs to their families and our communities; and

WHEREAS, there have also been additional shootings at schools and other public places that did not involve military grade-high capacity magazine assault weapons, but did involve other types of weapons, including, but not limited to, handguns and shotguns; and

WHEREAS, according to the FBI more than 6,100 hate crimes were committed in the United States in 2016 and close to 5,900 in 2015 and the majority of these crimes are violent crimes; and

WHEREAS, according to the Gun Violence Archive, there have been 34 mass shootings in 2018 alone; and

WHEREAS, according to the Gun Violence Archive, there have been 1600 mass shootings since 2012. Together the mass shootings have resulted in 1,829 people killed and 6,447 wounded; and

WHEREAS, according to the “Everytown for Gun Safety Support Fund”, there are on average 96 Americans killed by guns each day, 13,000 gun homicides a year in the United States and there is an average of 50 women shot to death per month by their intimate partners; and

WHEREAS, according to the “Everytown for Gun Safety Support Fund”, seven children and teens are killed by guns on an average day in the United States; and
WHEREAS, the American Medical Association has deemed “uncontrolled ownership and use of firearms a serious threat to public health because the weapons are one of the main causes of intentional and unintentional injuries and deaths;” and

WHEREAS, according to The American Journal of Medicine, Americans are 10 times more likely to be killed by guns than people in other developed countries; and

WHEREAS, the military scaled weaponry used in the recent mass shootings in the United States exceeds the weaponry generally available to local law enforcement officers putting them and residents in their communities in unnecessary peril; and

WHEREAS, military grade-high capacity assault weapons and the grave hazard they present to communities and innocent citizens, have no valid role to serve in community and civilian life and are even disavowed by most reputable pro-hunting organizations; and

WHEREAS, according to multiple national surveys, the majority of the American public including legal gun owners, support extensive background checks for gun ownership and limiting the availability and use of military grade, high capacity magazine assault weapons to bona fide and highly trained law enforcement agencies; and

WHEREAS, the enactment of reasonable changes in gun laws and regulations would go a long way towards keeping guns out of the hands of criminals, making our communities safer, and preventing deaths; and

WHEREAS, pursuant to section 790.33, Florida Statues, the regulation of firearms is preempted to the State of Florida; and

WHEREAS, section 790.33 prohibits the City from adopting any ordinance or administrative rule or regulation pertaining to firearms and ammunition; and

WHEREAS, in recognition of the existence of section 790.33, this Resolution shall not
constitute an administrative rule or regulation of firearms or ammunition; and

WHEREAS, by enacting this legislative position, the City Commissioners and the City Commission seek to exercise their individual and collective first amendment right to express a position on a matter of great public importance; and

WHEREAS, in *Dougan v. Bradshaw*, 198 So. 3d 878 (Fla. 4th DCA 2016), the 4th DCA held that Palm Beach County Sheriff Ric Bradshaw could not enforce a policy of taking a firearm from an individual believed to be suicidal and conditioning the return of the firearm on a court order as a result of the preemption set forth in section 790.33; and

WHEREAS, in 2016 more than 100 medical organizations signed a letter to Congress asking to lift the Dickey Amendment that banned the Center for Disease Control from researching guns as a serious public threat; and

WHEREAS, the City Commission, urges the United States Congress, President Donald Trump, the State of Florida legislators and Governor Rick Scott to utilize their lawful authority to enact gun legislation that would:

1. effectively ban military-style assault weapons, such as AR-15s, and their component parts, including high-capacity magazines and bump stocks, limiting the use of these weapons to bona fide and highly trained law enforcement agencies; and

2. bar or impose limitations upon persons convicted of hate crimes or domestic abuse from obtaining guns; and

3. require that law enforcement be alerted when anyone on the terror watch list attempts to buy a weapon from a licensed dealer; and

4. prohibit anyone on the federal terrorist “no-fly” list from purchasing weapons; and

5. close the "gun show and internet sales loopholes" by requiring every gun purchaser to undergo a background check, and to expand the background check database; and

6. repeal the Dickey Amendment; and
7. repeal the preemption set forth in section 790.33 and allow local government to adopt and implement reasonable rules, regulations and policies to regulate firearms to better protect the public; and

8. prohibit the sale or possession of a long gun to anyone under the age of 21; and

9. pass and sign into law, Florida House Bill 231/Senate Bill 530 which will implement a Red Flag Law authorizing risk protection orders to persons who are at high risk of harming themselves or others from accessing firearms, and terminating a license to carry a concealed firearm; and

10. pass and sign into law Florida Senate Bill 838 which requires that all parties to a sale, lease or transfer of a firearm complete same through a licensed dealer and applies a mandatory 3 day waiting period; and

11. pass and sign in law Florida Senate Bill 196 which prohibits the sale or transfer of an assault weapon or large-capacity magazine, specifies circumstances in which the manufacture or transportation of assault weapons or large-capacity magazines is not prohibited, and provides enhanced penalties; and

12. pass and sign into law House Bill 219 which prohibits sale, transfer, or possession of assault weapons or large-capacity ammunition magazines.

WHEREAS, the City Commission of the City of North Lauderdale not only extends its condolences to the victims and their families of the shooting at Marjory Stoneman Douglas High School in Parkland, Florida, but also, once again, strongly urges our State and Federal legislators, President Donald Trump and Governor Rick Scott to immediately address this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THAT:

Section 1. The City Commission calls upon our elected Federal and State Legislators, President Donald Trump and Governor Rick Scott to enact gun control legislation to prevent mass shootings and large scale human loss of life and suffering from mass shootings in America, and to do so with the sense of urgency and commitment in the face of ongoing tragic and unnecessary loss of life triggered by mass shootings and high powered,
military grade, high capacity magazine assault weapons.

Section 2. The City Commission supports federal legislation that would require a background check for every firearm sale whether the legislation is enacted by passage of the Fix Gun Checks Act in the United States Congress or some other legislation.

Section 3. The City Commission urges the Florida legislature to immediately pass House Bill 231/ Senate Bill 530, popularly described as a “Red Flag Law,” to protect our community from those who are identifiable as a threat to safety and security.

Section 4. The City Commission urges immediate amendment to Florida law to raise the age for legal purchase of guns, including long guns, high capacity magazines, and ammunition to 21 years of age.

Section 5. The City Commission urges immediate passage of legislation that would get military-style weapons and high-capacity magazines away from our community and especially our schools and that would increase the minimum age to purchase and possess a weapon from age 18 to age 21.

Section 6. The City Commission urges the Florida legislature to repeal the preemption provision of 790.33, Florida Statutes.

Section 7. The City Commission urges Florida Governor Rick Scott to take action to pass gun reform, even if it means extending the 2018 legislative session.

Section 8. The City Commission requests that all concerned residents of the City of North Lauderdale, Broward County, the State of Florida and our Country, call, write or e-mail their state and federal elected officials and President Donald Trump to support the enactment of gun control legislation.

Section 9. The City Clerk is directed to cause a copy of this Resolution to be
forwarded to President Donald Trump, Governor Rick Scott, Senator Bill Nelson, Senator Ted Deutch, Representative David Cicilline, City of Parkland, City of Coral Springs, the School Board of Broward County, the National League of Cities, the Broward League of Cities, the Florida League of Cities, the United States Conference of Mayors, the United States Congressional Delegation from Florida and the Broward County Legislative Delegation.

**Section 10.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 11.** If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**Section 12.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED, ADOPTED AND APPROVED THIS [5] DAY OF MARCH, 2018.**

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**APPROVED AS TO FORM:**

[Signature]

SAMUEL S. GOREN, ESQ.
CITY ATTORNEY

**ATTEST:**

[Signature]

PATRICIA VANCHERI, CITY CLERK