CITY OF NORTH LAUDERDALE

COMMISSION MEETING

TUESDAY, MAY 29, 2018

REGULAR MEETING – 6:00 p.m.

AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Moyle

2. ROLL CALL

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

3. APPROVAL OF MINUTES

a. [May 8, 2018]

4. PRESENTATIONS

a. City of North Lauderdale’s 2017 Charter Review Committee
   • Stancil Kinsley, Chair
   • Nivia Roldan, Vice Chair
   • Janet Lanni
   • Calisha Francis
   • Debbie Phillip
b. Certificates in honor or Haitian Heritage Month – (Requested by Commissioner Borgelin)
   • Dr. Lulrick Balzora – Interim Dean, Broward College
   • Israel Francoix – BSO Associate Chaplain
   • Woodlyson Acluche
   • Wicliff Fleurizard
   • Brandon Gibson
   • Gustavo Cordido
   • Zane Ashraf

5. PROCLAMATIONS
   a. Caribbean American Heritage Month – June
   b. National Safety Month – June
   c. National Gun Violence Awareness Day – June 1st

6. PUBLIC DISCUSSION

7. ORDINANCES SECOND READING
   a. SUBJECT – Proposed Revisions to North Lauderdale Charter
      i. ORDINANCE – Second Reading – Draft Proposal #1 - Charter Review
         Time Frame
           ▪ Motion, second and vote to read the ordinance
           ▪ Attorney reads title
           ▪ Staff presentation (City Attorney)
           ▪ Public Hearing opened
           ▪ Public discussion
           ▪ Public Hearing closed
           ▪ Commission motion and second to adopt
           ▪ Commission discussion
           ▪ Commission vote

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.9 ENTITLED “AMENDMENTS TO CHARTER; REVIEW”; INCREASING THE TIMEFRAME IN WHICH THE CITY COMMISSION SHALL APPOINT A CHARTER REVIEW COMMISSION FROM EVERY FIVE (5)
YEARS TO EVERY EIGHT (8) YEARS, COMMENCING IN 2025; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

ii. ORDINANCE – Second Reading - Draft Proposal #2 – Procurement Code

- Motion, second and vote to read the ordinance
- Attorney reads title
- Staff presentation (City Attorney)
- Public Hearing opened
- Public discussion
- Public Hearing closed
- Commission motion and second to adopt
- Commission discussion
- Commission vote

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.10 ENTITLED “PURCHASES”; DELETING THE REFERENCES TO PROCUREMENT IN THE CITY CHARTER AND REQUIRING THE CITY COMMISSION TO ADOPT A PROCUREMENT CODE BY ORDINANCE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

9. OTHER BUSINESS

a. RESOLUTION - FY 2018 Assistance to Firefighter Grant
   (Regional Joint Application)

- Motion, second and vote to read
- Attorney reads title
b. **RESOLUTION - National Resources Conservation Service Funding for Eligible Disaster Relief Activities – Hurricane Irma BRW-014W**

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO EXECUTE A GRANT AGREEMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF $1,921,218.75, REQUIRING MATCHING DOLLARS IN THE AMOUNT OF $582,187.50; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY ACCEPTING SUCH GRANT FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

c. **RESOLUTION – Award of Somerset Re-Roof Project - Bid #18-04-372**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (George Krawczyk)
- Commission motion and second to adopt
- Commission discussion
- Commission vote
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH ATLAS APEX ROOFING, LLC FOR THE RE-ROOF OF THE SOMERSET ACADEMY, A CITY OWNED BUILDING, LOCATED AT 7101 KIMBERLY BOULEVARD AS OUTLINED IN BID #18-04-372 IN AN AMOUNT NOT TO EXCEED $396,500.00, AND SET ASIDE $15,000.00 IN CONTINGENCY FUND FOR ANY UNFORESEEN COSTS ASSOCIATED WITH THIS PROJECT; PROVIDING FOR FUNDING; AND PROVIDING AN EFFECTIVE DATE.

d. RESOLUTION - First Amendment to Broward County Interlocal Agreement for Solid Waste Disposal and Support Services

  ▪ Motion, second and vote to read
  ▪ Attorney reads title
  ▪ Staff presentation (George Krawczyk)
  ▪ Commission motion and second to adopt
  ▪ Commission discussion
  ▪ Commission vote

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE MAYOR TO SIGN THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL SUPPORT SERVICES WITH BROWARD COUNTY; AND PROVIDING AN EFFECTIVE DATE.

10. REPORTS

11. COMMISSION COMMENTS

  a. Discussion and possible motion to authorize attendance at the 92nd Annual Florida League of Cities Conference August 16-18 at the Diplomat Beach Resort, Hollywood, FL and approval of a quarter page advertisement in the amount of $250 for the Quality Cities Conference issue (City Clerk)

  b. Nominations and motion to approve a voting delegate to represent the City of North Lauderdale at the Annual Business Session of the Florida League of Cities 92nd Annual Conference in Hollywood – August 16-18

  c. Discussion and possible motion regarding Resolution for Gun Reform Lawsuit Support – (Commissioner Graziose) –

12. CITY MANAGER COMMENTS

13. CITY ATTORNEY COMMENTS

14. ADJOURNMENT
The North Lauderdale City Commission met at the Municipal Complex on Tuesday, May 8, 2018. The meeting convened at 6:00 pm.

1. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Commissioner Wood 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 Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. **APPROVAL OF MINUTES**

   a. April 24, 2018 – Commissioner Graziose moved to approve the Minutes as submitted. Seconded by Commissioner Wood. Clerk called roll; all yes. Minutes approved unanimously.

4. **PRESENTATIONS**

   a. **Certificates of Appreciation were presented to Fire Rescue Staff relating to two calls for assistance** - Commissioner Graziose and Chief Rodney Turpel commented that on two occasions the North Lauderdale Fire Rescue were called to assist in two major incidents and the following people were recognized for their valuable service and efficient response as valued First Responders:

      - Marjorie Stoneman Douglas - February 14, 2018
        1. Battalion Chief Jon Sucher
        2. Lt. Chris Passino
        3. Firefighter/Paramedic Matt Santana
        4. Firefighter/EMT Nick Ruesga
- **Intracoastal Tower Condominiums Fire in Pompano Beach - March 13, 2018**
  1. Lt. Esnell Morales
  2. Driver Engineer Randy Monroe
  3. Firefighter/Paramedic Matt Hurt

b. **Haitian Heritage Month – Certificate of Recognition** - Commissioner Borgelin commented that the following people are being recognized for their commitment to the community as part of Haitian Heritage Month for advocating for the rights of indigents:

1. Dr. Marie Flore Lindor-Latortue
2. Father Gabriel Lormeus
3. Attorney Ronald Surin
4. Richard Salzmann, DMD
5. Jacqueline Charles, Journalist

c. **Principal Nichele Williams, North Lauderdale K-8 – Video Presentation of Accomplishments Resulting from Partnership with the City of North Lauderdale** - Principal Williams thanked the City for their support throughout the year and spoke of some of the important things that the City did for the school such as Hurricane Irma assistance; Christmas gifts for the students; 5 K Marathon and the Fire Department providing CPR/First Aid training to the middle school students, to name a few. She provided a video clip showing some of the School’s special events, such as “Donuts for Dads” and “Muffins for Moms”. Ms. Williams also commented that she is proud that the City holds their Summer Camp program at the school. She also reported that on May 19th they are holding a registration fair. Ms. Williams reiterated her gratitude to the City for helping to make North Lauderdale K-8 a great school.

d. **Metropolitan Planning Organization – Metropolitan Transportation Plan Presentation** - Commissioner Jerry Graziose, North Lauderdale’s representative on the MPO Board invited Daniel Knickelbein and Peter Gies to make a presentation. Mr. Gies attested to the partnership that the MPO has with the City in many of their efforts, stating that Board Member Graziose is certainly making sure that school safety needs are kept at the forefront when thinking about transportation. Also, in things such as their walking audit as part of their Complete Streets Initiative, North Lauderdale has stepped up to the plate. Mr. Gies shared the MPO’s upcoming Transportation Plan, which is federally mandated and updated every five years, and provided information about the MPO and why it exists; how projects get started; the goals and commitments and how to fund a balanced, safe, effective and affordable transportation system and steps taken to achieve the vision. Mr. Knickelbein touched base on some of the elements that go into determining a project list; where they see economic development and employment opportunities; and how they reach out to all 31 of Broward’s municipalities to get the public’s and stakeholder’s engagement to best decide how to use funding to move plans forward. Mr. Gies also gave an update on the missing link between I-95 and the Sawgrass Expressway and stated they are working with the local community to come up with a design, a portion of which will be tunnel-like; this is a big project costing $870 million dollars but will be a benefit to the whole County. A PowerPoint presentation provided is available in the City Clerk’s office.
5. **PROCLAMATIONS**

   a. **Haitian Heritage Month – May 2018** – Commissioner Borgelin read the Proclamation into the record and presented it to Guithelie Ruiz-Nicholas, President of the Haitian American Democratic Club.

   b. **EMS Week – May 21-27** – Battalion Chief Bill McGrath, who is in charge of the Emergency Medical Services for the City, accepted the Proclamation and read it into the record.

6. **PUBLIC DISCUSSION**

   **Dan Daley** – Coral Springs City Commissioner and President of the Broward League of Cities – Commented he is a graduate of Marjorie Stoneman Douglas and thanked the City’s First Responders, both Police and Fire, for their assistance on that day [February 14, 2018] and said the outpouring of support since then has been tremendous. From the bottom of his heart and on behalf of his residents, Commissioner Daley thanked everyone. As President of the Broward League of Cities, he provided the City with 100 copies of the first publication of “31 Cities from Sawgrass to Seagrass” that tells “who” and “what” Broward County is, highlighting the uniqueness of all of the cities. Commissioner Daley stated the purpose of the booklet is to assist the League, the County and the Cities in marketing going forward to empower “One Broward” by providing information. He thanked Executive Director, Mary Lou Tighe and Deputy Executive Director, Sely Cochrane for spearheading this project and making this publication possible. Also, Commissioner Daley thanked the Commission for considering support of the BLC event coming up later in the agenda. Commissioner Graziose also thanked BLC Executive Director and commented that it was North Lauderdale who gave the BLC the idea for the publication and mentioned that North Lauderdale is still trying to meet with the County to be placed on the County’s tourist map.

7. **OTHER BUSINESS**

   a. **RESOLUTION** – Appointing Gerda Brillant as an alternate member of the Planning and Zoning Board

   Commissioner Graziose moved to read. Seconded by Commissioner Wood.

   Attorney read:

   **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPointING GERDA BRILLANT AS AN ALTERNATE MEMBER OF THE NORTH LAUDERDALE PLANNING AND ZONING BOARD (SPONSORED BY COMMISSIONER GRAZIOSE); PROVIDING FOR TERM OF OFFICE; AND, PROVIDING AN EFFECTIVE DATE.**

   Commissioner Graziose pointed out that Gerda Brillant was present in the audience. Mayor Brady moved to adopt. Seconded by Commissioner Wood. No Commission discussion. All in favor by voice vote.
RESOLUTION NO. 18-05-6517 PASSED AND ADOPTED UNANIMOUSLY

b. RESOLUTION – Appointing Gerda Brillant as an alternate member of the Code Enforcement Board

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPOINTING GERDA BRILLANT AS AN ALTERNATE MEMBER OF THE NORTH LAUDERDALE CODE ENFORCEMENT BOARD (SPONSORED BY COMMISSIONER JERRY GRAZIOSE); PROVIDING FOR TERM OF OFFICE; AND, PROVIDING AN EFFECTIVE DATE.

Mayor Brady moved to adopt. Seconded by Commissioner Graziose. No Commission discussion. All in favor by voice vote.

RESOLUTION NO. 18-05-6518 PASSED AND ADOPTED UNANIMOUSLY

c. RESOLUTION - East Rock Island Road Wall Project

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ACCEPTABLE AGREEMENT WITH PRECAST WALL SYSTEMS INC. IN AN AMOUNT NOT TO EXCEED $260,481 AND TO SET ASIDE $20,000 IN CONTINGENCY FUNDS FOR ANY UNFORESEEN COSTS ASSOCIATED WITH A NEW BUFFER WALL PROJECT ALONG THE EAST SIDE OF ROCK ISLAND ROAD; AND PROVIDING AN EFFECTIVE DATE.

George Krawczyk, Public Works/Utilities Director, presented the item based on backup memorandum. He said this long awaited project is proposing to move forward with a wall for the East side of Rock Island Road from McNab Road to Tam O’Shanter Blvd. to match the wall on the West side of Rock Island, totaling 2,200 linear feet. An easement agreement was requested from each property owner; of 22 properties, 21 signed an agreement. The projected start date of this project is going to be around August and there will be periodical lane closures during the day and the message will be relayed to commuters as to when the lanes will be closed to accommodate equipment trucks and cranes. The city will work with the residents case by case with regard to tying into existing fences and providing temporary safety fences. This project will entail three gates to allow FPL to access their poles for service. The vendor has done this work previously for the City and is considered a sole source vendor. Staff recommends consideration and approval of the resolution authorizing an agreement with Precast Wall Systems for $280,481, which includes a contingency fund of $20,000 for any unforeseen costs of the project. Commissioner Wood moved to adopt. Seconded by Commissioner Graziose. Mayor Brady
thanked Mr. Krawczyk for his efforts to keep the costs on this project the same with the vendor as their previous work. Commissioner Wood also echoed that and for the Community Forum which was held in an effort to educate the community and get their agreements. Commissioner Moyle also commented that the person who is holding out may later regret it. No further discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-05-6519 PASSED AND ADOPTED UNANIMOUSLY

d. RESOLUTION - Purchase and installation of Station Alerting Devices for Fire Stations 34 and 44 to be compatible with Broward County E-911 System from Keylite Power & Electric Corp

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 EXECUTE AN AGREEMENT WITH KEYLITE POWER & ELECTRIC CORP. FOR THE PURCHASE AND INSTALLATION OF STATION ALERTING DEVICES AT FIRE STATIONS 34 AND 44; AND PROVIDING FOR AN EFFECTIVE DATE.

Fire Chief Rodney Turpel presented the item based on backup memorandum. He indicated that they have been working really hard with the County E-911 system and part of that agreement is that they pay for all of the infrastructure; software and dispatchers. Municipalities’ Police and Fire have to provide the infrastructure in our Fire Stations and Police Departments, as well as radios that are in the fire trucks, rescue trucks and portable radios. This item is for the purchase of alerting devices for the stations which is the last piece to be compatible with the E-911 system. Chief Turpel stated that the County went out for a bid and recommends the City piggy-back off that bid with the same vendor, Keylite. Chief Turpel said the equipment requested will serve the City for some time to come and also gave some history of previous equipment by showing some of the alerting devices used decades ago, in the 60’s, 70’s and 80’s. The new equipment will have digital screens at both stations. Commissioner Graziose moved to approve. Commissioner Wood seconded. Commissioner Borgelin asked how much the monthly maintenance fee associated with the operation of the devices would be. Chief Turpel answered that the backup documents indicate three plans, premium; standard and basic. He said most of the departments utilize the basic plan which will run both stations for a year for about $12,720 or approximately $583 a month. Chief Turpel said you have to have a preventative maintenance plan with any of this equipment to keep it working 24/7. Commissioner Borgelin also asked how it alerts; do you have to be in the station or in the field. Chief Turpel replied that these are only to alert staff in the stations. They will not alert in the field; that is what the radios and pagers they carry are for. There are multiple backups if a system goes down. No further discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-05-6520 PASSED AND ADOPTED UNANIMOUSLY
9. REPORTS – None

10. COMMISSION COMMENTS

a. Commissioner Graziose – Discussion and possible motion regarding Broward League of Cities Fund Raising Event
Commissioner Graziose stated that the BLC seeks sponsors for the annual gala event for fundraising to operate and to fund scholarships. If municipalities do not support this, they will have to raise the annual membership dues substantially. **Commissioner Graziose moved to approve a $2,500 sponsorship. Commissioner Wood seconded the motion. Clerk called roll. All YES. Motion passed unanimously.**

**Mayor Brady** – Thanked City Manager and Commission for working together as a team on all issues.

**Commissioner Graziose:**
- Commented that the City of Tamarac Commissioners and City Departments have challenged the City of North Lauderdale Commission and Departments to a North Lauderdale Tamarac Chamber of Commerce Bowling for Business event and would like the City to sponsor two teams in the amount of $140 per team, scheduled for Thursday, June 21, 2018 at 6:00 pm. **Commissioner Graziose moved to approve funding for two teams for this event. Commissioner Wood seconded the motion. City Manager Bhatty commented that this supports our local Chamber and businesses. All in favor by voice vote.**
- Commented that, in support of local business, if you go to Chow Time this week and mention Millennium Middle School, 15% of your bill will be donated to the school. Chow Time has stepped up and offered this to North Lauderdale schools as well to provide a way for schools to raise money.
- Commented that on Saturday, May 19 from 8:00 to 11:00 Reggae Pon the Grille Restaurant will be holding a Pancake Breakfast for $5.00 per person in support of the North Lauderdale Kiwanis Club fundraising event and they will also hold a raffle for gifts.
- Thanked Public Works for their work on many projects such as painting the Breast Cancer Awareness insignia on the lawn; Community Development for attending MPO meetings and committees for the 14 projects that are ongoing.
- Commented on a voter registration fraud incident that occurred in the near past that was brought to the City’s attention and measures have been taken to address it to the appropriate agencies with regard to the illegal use of someone else’s name to seek a voter’s registration card.

**Commissioner Wood:**
- Thanked City Manager for finding money in the budget to support the North Lauderdale Tamarac Chamber of Commerce, in an effort to connect with our community businesses, which has been one of his pet projects to make sure we have a viable Chamber of Commerce.
- Thanked the family of Roshain Brooks for reaching out to us to advise that he is a fallen hero who previously lived in North Lauderdale and graduated from Coconut Creek High School and served his Country was killed in Iraq. He will be memorialized on Memorial Day in our
Veterans Memorial Park. He also thanked Mr. Sargis and City Manager Bhatt for their work and efforts to get this accomplished, as well as the old Veteran’s Park being restored.

- Commented on resident concerns about building permits which have overwhelmed the Community Development Department and asked for patience while the City Manager works to fill positions and catch up on backlogs.

**Commissioner Borgelin:**

- Commented that he is still being asked about median plans for Kimberly Boulevard and when is it anticipated to be finished.
- Commented that a few families have commented on speeding issues on McNab by the Publix and the school and asked for the flashing sign to slow people down.
- Commented that there has been positive feedback about the Town Plaza on 81st Avenue by business owners and visitors, except that entrepreneurs have questioned what will be done during the rainy season because the parking lot is usually flooded.
- Commented that families on one side of the city have asked for smaller garbage bins.
- Commented that he would like to see a multi-sports facility/field for soccer, football, lacrosse and cricket here for use year round.
- Commented on what happened to the former Police Chief.
- Commented that there was positive feedback on Jaycee Park, but would like to see a bathroom at the park and what the status for that project is.

**City Manager Bhatt** (In response to questions):

- Median design - RFP is almost ready to be put out on the street in June. Staff is looking at trees that would be economical as well as aesthetically pleasing. Construction of the medians is planned for summer when school is out.
- Flashing lights – Has been awarded to a vendor and will be going in before opening of next school session.
- Flooding at Town Center Plaza – Staff has been working with the property owner for grants to improve the façade and landscaping. The parking lot is the owner’s responsibility and he needs to maintain the stormwater drains. Public Works will get in touch with the owner to address this issue.
- Smaller Garbage Bins – Mr. Krawczyk stated they can provide smaller bins (64 gal. v. 96 gal.), but the width will be the same at the top since the truck has to pick them up. Requested addresses of the home owners requesting smaller bins.
- Former Police Chief – Private conversations were held with each Commissioner and a transfer was requested; not termination or retirement.
- Jaycee Park – Mr. Sargis reported that the current phase is upgrades including lighting, water fountains, walking pathway, fencing and covered picnic tables, etc. which should be done by the end of June. The restroom is in the capital budget for next year after October and is an approximate $80,000 expenditure due to it being a new building construction with water and sewer lines. He also commented on the pros and cons of artificial turf and stated they would have to bring in an engineer to see if that turf would be feasible to be used at Highland Park and what the cost would be. Removing soil from Highland Park would be hazardous due to the removal of tires that fill in the soil. Artificial turf is not feasible for the other fields due to annual fireworks; only field 4 would be an option. Recommendation is to budget money for an engineering study to come back with a cost plan.
Vice Mayor Moyle: Commented on National Day of Prayer stating that a lot of prayer went up for the Commission and the nice people of the City of North Lauderdale.

11. CITY MANAGER COMMENTS

a. Upcoming Events Reminders:
   - Annual North Lauderdale Tamarac Chamber of Commerce Trustee Luncheon – Tuesday, May 15th at 11:45 am – 1:15 pm
   - Memorial Day Ceremony & Unveiling of Sgt. Roshain Brooks Fallen Soldier Memorial – Monday, May 28 at 10:45 am at Veterans Memorial - Rock Island and Kimberly

12. CITY ATTORNEY COMMENTS

a. SUBJECT – Proposed Revisions to North Lauderdale Charter

   i. ORDINANCE – First Reading – Draft Proposal #1 - Charter Review Time Frame

Commissioner Graziose moved to read. Seconded by Commissioner Wood.

Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.9 ENTITLED “AMENDMENTS TO CHARTER; REVIEW”; INCREASING THE TIMEFRAME IN WHICH THE CITY COMMISSION SHALL APPOINT A CHARTER REVIEW COMMISSION FROM EVERY FIVE (5) YEARS TO EVERY EIGHT (8) YEARS, COMMENCING IN 2025; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Goren stated that this item came before the Commission at the last City Commission meeting as presented by Nivia Roldan, Vice-Chair of the Charter Review Committee and is being considered for approval on first reading. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. No Commission discussion; Clerk called roll; all YES.

ORDINANCE PASSED UNANIMOUSLY ON FIRST READING
ii. ORDINANCE – First Reading – Draft Proposal #2 – Procurement Code

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

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.10 ENTITLED “PURCHASES”; DELETING THE REFERENCES TO PROCUREMENT IN THE CITY CHARTER AND REQUIRING THE CITY COMMISSION TO ADOPT A PROCUREMENT CODE BY ORDINANCE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Goren commented that this item is very valuable to the City’s future. Currently, the City’s Charter provides for the procurement code for the City, which was done many years ago when Charter’s tended to be the controlling feature in how things were actually done. During the course of discussion and at the behest of Administration and the Finance Director, it was realized that all these years we have been travelling under the Charter without the benefit of an actual Code section that could be different and more flexible toward the current time in how procurements actually occur. So this provision asks voters to repeal the Charter provision and require the City Commission to adopt a Procurement Code, within 180 days, which will be a lengthy document that will reflect current trends and requirements which will give the City options which are in the best interest of the City. Attorney Goren reported that the Charter Review Committee studied this item carefully made a recommendation that this item be presented to the voters on the November, 2018 ballot. Commissioner Graziose moved to adopt. Seconded by Commissioner Wood. No Commission discussion; Clerk called roll. Commissioner Graziose – YES; Commissioner Wood – YES; Mayor Brady – YES; Commissioner Borgelin stated “I don’t know how to vote for that”. Vice Mayor Moyle said “Yes or No would be fine”. Commissioner Borgelin – “I need some time to study, so I say NO”. Vice Mayor Moyle – YES.

ORDINANCE PASSED ON FIRST READING ON A 4-1 VOTE; Commissioner Borgelin dissenting.
Attorney Goren ended by thanking the Commission who attended the BLC Boot Camp on Ethics Training and stated that North Lauderdale had more attendees that any other in the County.

13. **ADJOURNMENT** - There being no further discussion, the meeting adjourned at 8:04 pm.

Respectfully submitted,

Patricia Vancheri, City Clerk
PROCLAMATION

CARIBBEAN HERITAGE MONTH

WHEREAS, from a region that conjures images of a scenic paradise, Caribbean Americans are as vibrant as the islands from which they come, possessing a wealth of talent and history that reverberates throughout this great state and nation; and

WHEREAS, as educators, authors, community leaders, activists, athletes, artists, musicians, and politicians, Caribbean Americans have made their mark in every facet of our society and have contributed to the betterment and diversity of our state and nation, and

WHEREAS, counted among the many famous sons and daughters of the Caribbean are activist W. E. B. Du Bois; Secretary of the Treasury Alexander Hamilton; the first African American Secretary of State, Colin Powell; actress Cicely Tyson; actor Sidney Poitier, the first African American actor to receive the Academy Award for Best Actor in a Leading Role; author, poet, and civil rights activist James Weldon Johnson; musician, actor, and activist Harry Belafonte; athlete Roberto Clemente, the first Latino inducted into the National Baseball Hall of Fame; and numerous others who have displayed great strength and resiliency while serving as pioneers among the people of the Caribbean; and

WHEREAS, the modern political influences of Caribbean Americans are evident in the election of a former member of the Florida House of Representatives, Jennifer Carroll of Trinidad and Tobago, as Florida’s first Caribbean American Lieutenant Governor; the election of former Maryland Lieutenant Governor Anthony G. Brown, who is of Jamaican descent; and the continued representation in local, state, and national governments by members from the Bahamas, the Cayman Islands, Haiti, Jamaica, and other Caribbean nations; and

WHEREAS, in 2008, Trinidad and Tobago-born former 25 Lieutenant Governor and former State Representative Jennifer 26 Carroll, along with Jamaica-born former House member and current City of Lauderdale Lakes Mayor Hazelle Rogers, decided to officially recognize the significance of people of the Caribbean Diaspora and their descendants in the history and culture of Florida by establishing the first Caribbean Recognition Day in the Florida House of Representatives, and

WHEREAS, Ms. Carroll and Mayor Rogers wanted to teach communities about the great contributions Caribbean Americans, with their rich mixture of Caribbean and African influences, have made to this state, enriching the strength of America with leaders in government, education, medicine, business, sports, entertainment, and many other fields, and

WHEREAS, we recognize the outstanding contributions to this state by the chair of this great event, Senator Daphne Campbell; her co-chair, Mayor Rogers; and her vice chair, Ms. Carroll, and express the gratitude of all Floridians for their service, and

WHEREAS, this initial legislative celebration was a prelude to the issuance of a proclamation by then-Governor Charlie Crist which declared the month of June as “Caribbean Heritage Month” in Florida, and

WHEREAS, the United States has thrived as a country of immigrants, united by common values and by the promise of a better tomorrow,

NOW THEREFORE, the Mayor and Commission of the City of North Lauderdale, proclaims the month of June as

“Caribbean Heritage Month,”

and urges all of the residents of our City to honor to honor their cultural and historical bonds and be reminded that America’s greatness lies in its diversity.

Dated this 29th day of May, 2018

__________________________________
MAYOR JACK BRADY
Whereas the rate of unintentional injuries and deaths in the United States remain at unacceptable levels;

Whereas injuries and deaths from emergencies, unintentional drug overdose, falls and motor vehicle crashes, remain leading causes of preventable injuries and deaths in the United States;

Whereas the cost of unintentional injuries to Americans and their employers exceeds $853 billion each year and causes great suffering among individuals and their families;

Whereas North Lauderdale residents and all Americans deserve to live in communities that promote safe and healthy living;

Whereas preventing unintentional injuries and deaths requires the cooperation of all levels of government, employers and the general public;

Whereas the National Safety Council, founded in 1913, was congressionally chartered in 1953 to lead this nation in injury prevention through safety and health information, education, training and advocacy in the United States;

Whereas the National Safety Council and the City of North Lauderdale work to promote policies, practices and procedures leading to increased safety, protection and health in business and industry, in schools and colleges, on roads and highways, and in homes and communities;

Whereas the National Safety Council and the City of North Lauderdale in 2018 will provide a month-long educational safety campaign;

Whereas the summer season is a time of increased rates of unintentional injuries and deaths, it is an appropriate time to focus attention on injury risks and preventions;

Therefore, the City Commission of the City of North Lauderdale does hereby proclaim its support of National Safety Month in June 2018 and strongly urges the citizens and businesses to observe National Safety Month by practicing safe and healthy behaviors in all aspects of their lives.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of North Lauderdale, Florida to be affixed this 29th day of May, 2018.

____________________________
MAYOR JACK BRADY
PROCLAMATION

National Gun Violence Awareness Day

WHEREAS, every day, 96 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to be killed with guns than people in other developed countries; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, Hadiya Pendleton, a 15-year-old teenager who marched in President Obama’s second inaugural parade and was tragically shot and killed just weeks later in Chicago, should be now celebrating her 21st birthday; and

WHEREAS, to help honor Hadiya – and the 96 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 1st, 2018, the first Friday in June, as the 4th National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya’s friends, who asked their classmates to commemorate her life by wearing orange choosing this color because hunters wear orange to announce themselves to other hunters when in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to WEAR ORANGE on the first Friday in June of 2018, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 1, 2018 Americans will honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children and our communities safe.

NOW THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of North Lauderdale, I, Jack Brady, together with the City Commission do hereby proclaim June 1 to be

NATIONAL GUN VIOLENCE AWARENESS DAY

and encourages all citizens to support their local communities’ efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Dated this 29th day of May, 2018. 

___________________________________
MAYOR JACK BRADY
The Charter Review Committee (CRC) held its first monthly meeting on May 25, 2017 and concluded its work on February 22, 2018. The CRC examined each section of the City Charter, with the assistance of the City Attorney’s Office and the City Clerk’s Office. As part of its review, the CRC considered recommendations of the City’s professional staff.

After discussing and deliberating on each section of the Charter, the CRC is presenting two (2) recommendations to the City Commission for its consideration.

1) **Section 9.9** – The City Charter currently requires the City Commission to convene a charter review committee every five (5) years. The CRC is recommending an increase in the duration of time between charter review committees from five (5) years to eight (8) years, with the next CRC convening in January 2025.

2) **Section 9.10** – The City Charter currently contains a detailed procurement code. At the recommendation of the City’s professional staff and with the concurrence of the City Attorney’s Office, the CRC is recommending deleting the procurement code from the City Charter and requiring the City Commission, by ordinance, to adopt a comprehensive procurement code for the city. This CRC is not recommending any substantive changes to the procurement code; rather, the proposal seeks to convert the procurement code from a Charter provision to an ordinance of the City Commission.

Some of the benefits of removing Section 9.10 from the Charter and converting it to the Code of Ordinances are as follows:

- Minor revisions or enhancements can be handled more efficiently as they can be approved by the Commission rather than waiting for voters to approve at bi-annually elections. This timeframe and the current process hinders staff’s ability to make enhancements to the purchasing operations smoothly and in a timely manner.
- It will be highly cost effective and it saves the cost of having to pay the Supervisor of Elections office for placing revisions or enhancements on the ballot.
• Places the decisions on City purchasing policies in the hands of the Commission who have a better understanding of city operations.

On May 8, 2018, the proposed Ordinances reflecting the two charter amendments were considered at the City Commission meeting for first reading. The City Commission adopted recommendation 1) Section 9.9 unanimously on first reading and 2) Section 9.10 was adopted on a 4-1 vote. Tonight, we are presenting the item for consideration and adoption on second reading.

**Recommendation:**

The CRC and the City Attorney’s office is recommending Commission’s consideration and adoption of the two proposed charter review amendments and if approved, placement on the ballot for voter consideration at the November 8, 2018 General Municipal Election.
ORDINANCE NO. __________________________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTING TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.9 ENTITLED “AMENDMENTS TO CHARTER; REVIEW”; INCREASING THE TIMEFRAME IN WHICH THE CITY COMMISSION SHALL APPOINT A CHARTER REVIEW COMMISSION FROM EVERY FIVE (5) YEARS TO EVERY EIGHT (8) YEARS, COMMENCING IN 2025; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of North Lauderdale, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Council of the City of North Lauderdale, Florida, in an ordinance format; and

WHEREAS, the City Commission has recommended modifications to Article IX, “General Provisions,” and in particular has recommended the amendment of Section 9.9, “Amendments to Charter; Review” to increase the timeframe in which the City Commission shall appoint a charter review commission from every five (5) years to every eight (8) years, commencing in 2025; and

WHEREAS, the City Commission deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF NORTH LAUDERDALE, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article IX, entitled “General Provisions,” shall be revised by amending
Section 9.9 entitled “Amendments to Charter; Review” of the Charter of the City of North
Lauderdale, as follows:

Sec. 9.9 - Amendments to charter; review.

(a) The Charter shall be amended in accordance with the provisions of F.S. ch. 166.

(b) In January, 20002025, and every five-eight (85) years thereafter, the Council shall
appoint a Charter Review Commission to be composed of five (5) electors of the City which
electors shall hold no other office, appointment, or employment with the City, provided,
however, that members of purely advisory boards of the City shall be eligible for appointment
to the Charter Review Commission. The Charter Review Commission shall review the
Municipal Charter, and within one (1) year after such appointment, recommend to the City
Council such revisions and amendments as the Commission determines to be desirable. Upon
submission to the City Council of any revisions or amendments proposed by the Charter
Review Commission, the City Council shall submit to public hearing, not later than sixty (60)
days subsequent to the receipt by them of such proposed revisions or amendments.

Section 3. The Ballot Title shall be as follows:

TIMEFRAME FOR APPOINTING A CHARTER REVIEW COMMISSION

Section 4. At the General Municipal Election on November 6, 2018, the following
question shall be placed on the ballot for consideration by the qualified electors of the City of North
Lauderdale, Florida, and shall read as follows:
Draft Proposal #1

Shall the City Charter be amended to increase the timeframe in which the City Commission shall appoint a charter review commission from every five (5) years to every eight (8) years, commencing in 2025?

This proposed Charter amendment will have no financial impact to the City.

YES ☐ NO ☐

Section 5. Advertisement. The City Clerk of the City of North Lauderdale is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of North Lauderdale, Florida, as well as the State of Florida Election Code.

Section 6. Codification. It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading by the City Commission of the City of North Lauderdale, Florida the 8th day of May, 2018.

PASSED and ADOPTED on second reading by the City Commission of the City of North Lauderdale, Florida this _____ day of ____________, 2018.

APPROVED AS TO FORM:

CITY ATTORNEY SAMUEL GOREN

________________________________
MAYOR JACK BRADY

________________________________
VICE MAYOR RICH MOYLE

ATTEST:

________________________________
PATRICIA VANCHERI, CITY CLERK
ORDINANCE NO. ______________________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUBMITTED TO REFERENDUM AN AMENDMENT TO THE CHARTER OF THE CITY OF NORTH LAUDERDALE AT ARTICLE IX, ENTITLED “GENERAL PROVISIONS,” AND IN PARTICULAR AMENDING SECTION 9.10 ENTITLED “PURCHASES”; DELETING THE REFERENCES TO PROCUREMENT IN THE CITY CHARTER AND REQUIRING THE CITY COMMISSION TO ADOPT A PROCUREMENT CODE BY ORDINANCE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF NORTH LAUDERDALE, ON THE NOVEMBER 2018 GENERAL ELECTION BALLOT AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR THE PLACE AND PLACES WHERE SAID ELECTION IS TO BE HELD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of North Lauderdale, Florida; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Council of the City of North Lauderdale, Florida, in an ordinance format; and

WHEREAS, the City Commission has recommended modifications to Article IX, “General Provisions,” and in particular has recommended the amendment of Section 9.10, “Purchases” to remove references to procurement from the City Charter and require the City Commission to adopt a procurement code by ordinance; and

WHEREAS, the City Commission deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF NORTH LAUDERDALE, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article IX, entitled “General Provisions,” shall be revised by amending
Section 9.10 entitled “Purchases” of the Charter of the City of North Lauderdale, as follows:

Sec. 9.10 - Purchases.

The City Commission shall adopt an ordinance establishing a procurement code for the City of
North Lauderdale within one hundred eighty (180) days of the adoption of this provision.
[a] Any purchases of supplies, equipment, materials, or services not exceeding the amount of ten
thousand dollars and 00/100 ($10,000.00), except purchases through procurement cards and petty
cash, may be authorized by the purchasing administrator with a minimum of three (3) written
quotations. Purchases of, or contracts for commodities and/or services in excess of ten thousand
dollars ($10,000.00) but not exceeding twenty-five thousand dollars ($25,000.00) shall require
the approval of the City Manager after a minimum of three written quotations have been
submitted. City expenditures in excess of twenty-five thousand dollars and 00/100 ($25,000.00)
for the purchase of supplies, equipment, materials or services shall be approved by the City
Commission. Any purchase of commodities and/or services in excess of twenty-five thousand
dollars and 00/100 ($25,000.00) shall follow administrative procedures approved by the City
Commission for bidding or requests for proposals sought from at least three (3) different sources
of supply. If only two (2) different sources of supply exist, competitive bids shall be sought from
both of them, and the above requirement regarding three (3) sources shall be deemed met.
Expenditures in amounts less than or equal to twenty-five thousand dollars and 00/100
($25,000.00) shall, unless otherwise required by law, not require the approval of the City
Commission. The above requirement shall not be deemed to require receipt of bids from at least
three (3) different sources of supply, nor shall the requirements of this section be deemed to
apply to sole source goods, materials, equipment or services of a unique character not otherwise
obtainable, nor shall the requirements of this section be deemed to apply to professional services
substantially effected by the particular qualities and abilities of the person(s) providing the
professional services. Competitive conditions may be maintained by methods other than
newspaper advertisement.
[b] Excepting that expenditures in excess of twenty-five thousand dollars and 00/100
($25,000.00) shall require the approval of the City Commission, the above stated
requirements regarding maintenance of competitive conditions and bidding shall not be required for the purchase of goods listed on federal, state, county or other governmental and cooperative contracts. If the bidding of said contracts was in substantial compliance with generally accepted competitive bidding conditions. In order to apply the exception contained in this paragraph, said governmental contracts must be current and in force, and further, it shall be ruled by the City Commission that there is no compelling reason to believe that the City would receive bids lower than the government contract price, if the City, for itself, were to solicit its own competitive bids. Purchases from governmental and cooperative contracts meeting the requirements above shall be at prices equal to or less than the amounts fixed by the said contracts. (Cost-plus basis governmental contracts shall not be included in the exception provided for by this paragraph.)

[c] All of the requirements of this section shall be deemed waived if it shall be determined by the City Manager or City Commission that there is a situation, occurrence or exigency necessitating immediate or quick action not permitting adequate time to utilize competitive bidding conditions. The circumstances justifying the waiver of the provisions of this section need not be wholly unforeseen, sudden or unexpected. Circumstances being deemed justification for a waiver of the provisions of this section shall be, in the case of a City Manager's determination, reduced to writing and filed with the City Clerk, with copies to the Commission; and in the case of the City Commission's determination shall be specifically set forth in the minutes of the meeting at which said determination is made.

[d] As to any specific purchases of supplies, equipment, materials or services requiring the maintenance of competitive bidding conditions, if, after competitive conditions have been maintained, no bids meeting bid requirements are received or all complaint bids received are too high or all bids are rejected for failure to meet bid requirements (i.e.: bids are noncompliant), the City Commission may by motion approve and authorize the contracting for the said specific purchases without the necessity of seeking out additional bids, provided, however, no such contract shall be authorized or let if such a contract would equal or exceed the bid price for the lowest conforming bid received by the City.

[e] The provisions of this section shall be cumulative to all other provisions of law applicable to the City regarding bidding requirements.

Section 3. The Ballot Title shall be as follows:

REMOVING PURCHASE PROVISIONS FROM CITY CHARTER; REQUIRING CITY COMMISSION TO ADOPT PROCUREMENT CODE

Section 4. At the General Municipal Election on November 6, 2018, the following question shall be placed on the ballot for consideration by the qualified electors of the City of North Lauderdale, Florida, and shall read as follows:
Shall the City Charter be amended to remove the provision related to purchases and require the city commission to adopt an ordinance establishing a procurement code for the City of North Lauderdale within 180 days of the adoption of this charter amendment?

This proposed Charter amendment will have no financial impact to the City.

YES ☐ NO ☐

Section 5. Advertisement. The City Clerk of the City of North Lauderdale is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of North Lauderdale, Florida, as well as the State of Florida Election Code.

Section 6. Codification. It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article," or such other word or phrase in order to accomplish such intention.

Section 7. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 8. Conflicts. All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.
Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED on first reading by the City Commission of the City of North Lauderdale, Florida the 8th day of May, 2018.

PASSED and ADOPTED on second reading by the City Commission of the City of North Lauderdale, Florida this _____ day of ______________, 2018.

APPROVED AS TO FORM:

________________________________
CITY ATTORNEY SAMUEL GOREN

________________________________
MAYOR JACK BRADY

________________________________
VICE MAYOR RICH MOYLE

ATTEST:

________________________________
PATRICIA VANCHERI, CITY CLERK
The Federal Emergency Management Agency (FEMA) is currently accepting Assistance to Firefighter Grant (AFG) applications. This competitive grant provides funds to Fire Departments across the nation to meet a wide variety of departmental needs that are difficult to fund through other budgetary means available. Being a competitive grant, FEMA has categorized certain equipment and projects as “high priority items” which are more likely to be funded.

As you may know, the Commission approved the purchase of two alerting devices for Fire Station 34 and Fire Station 44 at the last Commission meeting. The anticipated cost for these purchases will be approximately $185,000. In order to secure funding for this type of priority equipment, cities often take a regional approach through partnering with surrounding cities to increase the success rate of being awarded the funding to support the projects.

Tonight, the Staff is requesting approval to submit a joint grant application in partnership with Fire Rescue departments from the Cities of Pompano Beach (Lead City), Davie, Lighthouse Point, Fort Lauderdale, Tamarac, Sunrise, Lauderdale, Miramar, Hollywood and Broward Sheriff’s Office Fire Rescue. It is anticipated that, if approved, the City of North Lauderdale may be awarded approximately $43,593.54 (90%) of the grant that could be used towards the purchase of the two alerting systems. The City will be required to pay the remaining 10% match of $4,843.73 towards this grant.

Under the current FY 2018 Fire/Rescue budget, adequate funding for the 10% match of $4,843.7 is available.

RECOMMENDATION

The Administration recommends Commission’s approval of the attached resolution authorizing the City Manager to take all steps necessary to submit a joint Assistance to Firefighter Grant (AFG) application in partnership with Fire Rescue departments from the Cities of Pompano Beach, Davie, Lighthouse Point, Fort Lauderdale, Tamarac, Sunrise, Lauderdale, Miramar, Hollywood and the Broward Sheriff’s Office to secure funding for the two Fire department alerting systems.
RESOLUTION NO.___________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO SUBMIT A JOINT ASSISTANCE TO FIREFIGHTER GRANT (AFG) APPLICATION IN PARTNERSHIP WITH FIRE RESCUE DEPARTMENTS FROM THE CITIES OF POMPANO BEACH, DAVIE, LIGHTHOUSE POINT, FORT LAUDERDALE, TAMARAC, SUNRISE, LAUDERHILL, MIRAMAR, HOLLYWOOD AND THE BROWARD SHERIFF’S OFFICE TO SECURE FUNDING FOR THE TWO FIRE DEPARTMENT ALERTING SYSTEMS; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY ACCEPTING SUCH GRANT FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Lauderdale strives to provide extemporary emergency response services to all citizens through its Fire Rescue Department; and

WHEREAS, Department officials have identified outstanding needs in terms of replacing obsolete non-compliant fire stations alerting systems with new compliant fire stations alerting systems; and

WHEREAS, these needs have been deemed “high priority” by FEMA for the purposes of the FY 2018 Assistance to Firefighters Grant; and

WHEREAS, the Department is prepared to submit a joint grant application in partnership with Cities of Pompano Beach, Davie, Lighthouse Point, Fort Lauderdale, Tamarac, Sunrise, Lauderhill, Miramar, Hollywood and the Broward Sheriff’s Office Fire Rescue municipal fire departments in an amount not to exceed $43,593.54 which will cover 90% of the necessary costs; and

WHEREAS, the City Commission recognizes the City’s obligation to provide 10% matching funds in the amount of $4,843.73 if the grant is funded; and
WHEREAS, funds in this amount are available from the Fire Department’s budget; and

WHEREAS, the City Commission finds that the receipt of and Assistance to Firefighters Grant will be in the best interest of the health, safety and welfare of the citizens and residents of the City of North Lauderdale.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Lauderdale, Florida, that:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. That the City Manager be and the same is hereby authorized and directed to apply to the Federal Emergency Management Agency for a grant to provide funding in the amount of $43,593.54.

Section 3. That the CITY COMMISSION recognizes that in the event the grant is awarded, the City will be obligated to provide in-kind matching funds in the amount of $4,843.73.

Section 4. That the CITY COMMISSION finds and determines that it is in the best interest of the citizens and residents of the City of North Lauderdale, Florida, to accept said grant funds.

Section 5. The proper officers of City of North Lauderdale be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution.
Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. 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 8. That this resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the CITY COMMISSION of the City of North Lauderdale, Florida this 29th day of May, 2018.

APPROVED AS TO LEGAL FORM:

___________________________________
CITY ATTORNEY SAMUEL S. GOREN

___________________________________
MAYOR JACK BRADY

___________________________________
VICE MAYOR RICH MOYLE

ATTEST:

___________________________________
PATRICIA VANCHERI, CITY CLERK
Hurricane Irma, in September 2017, created significant debris throughout the City. A large amount of that debris occurred in various canals throughout the city. The National Resources Conservation Service (NRCS), a Division of the United States Department of Agriculture, has approved the City of North Lauderdale for a grant for Hurricane Irma-related expenditures for the removal of debris from canals. In order to be reimbursed by the NRCS, the grant agreement must be executed.

The total approved project cost from the NRCS is $2,503,406.25. The NRCS will reimburse the City for 75% ($1,746,562.50) of the estimated project construction costs and 100% ($174,656.25) of the estimated technical assistance costs, which includes design services, contract administration and contract management costs. The Water Control District will be responsible for the matching (non-federal) funds in the amount of $582,187.50 plus any other un-reimbursable expenses.

Through an Interlocal agreement between the City of North Lauderdale and the North Lauderdale Water Control District, the City of North Lauderdale is authorized to contract for services that benefit the Water Control District. Thus the grant is in the name of the City of North Lauderdale.

Please be advised that the “Request for Proposal” for the canal cleaning has been issued with a final submittal date of June 8, 2018. The staff plans to present the recommendation of the selected vendor at the June 12th Commission meeting for approval.

The City Attorney has reviewed the necessary agreement and has approved it to legal form.

**Recommendation:**

The City Administration recommends the approval of the attached resolution authorizing and directing the City Manager to take all steps necessary to execute the agreement with the National Resources Conservation Service for reimbursement of all eligible disaster relief activities in an amount appropriate to recover the maximum costs allowable.
RESOLUTION NO.__________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO EXECUTE A GRANT AGREEMENT WITH THE NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF $1,921,218.75, REQUIRING MATCHING DOLLARS IN THE AMOUNT OF $582,187.50; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY ACCEPTING SUCH GRANT FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Lauderdale is aware of the need to seek the maximum reimbursement possible for all eligible disaster relief activities; and

WHEREAS, in order to assist in achieving this reimbursement funding for the aftermath of Hurricane Irma, the City of North Lauderdale desires to submit an agreement to the National Resources Conservation Service for the award of said monies; and

WHEREAS, the City Commission recognizes the City’s obligation to provide hurricane debris removal related activities for the public good; and

WHEREAS, the City Commission finds that the receipt of the grant funds from the National Resources Conservation Service will be in the best interest of the health, safety and welfare of the citizens and residents of the City of North Lauderdale.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of North Lauderdale, Florida, that:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. That the City Manager be and the same is hereby authorized and directed to apply to the National Resources Conservation Service for the monies reimbursing the City of North

1
Lauderdale for all eligible disaster relief activities in an amount not to exceed the maximum allowable under Federal guidelines.

**Section 3.** That the City Commission finds and determines that it is in the best interest of the citizens and residents of the City of North Lauderdale, Florida, to accept said funds.

**Section 4.** The proper officers of City of North Lauderdale and the North Lauderdale Water Control District be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution.

**Section 5.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** 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 7.** That this resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the CITY COMMISSION of the City of North Lauderdale, Florida this 29th day of May, 2018.

APPROVED AS TO LEGAL FORM:

___________________________________
CITY ATTORNEY SAMUEL S. GOREN

_______________________________
MAYOR JACK BRADY

_______________________________
VICE MAYOR RICH MOYLE

ATTEST:

___________________________________
PATRICIA VANCHERI, CITY CLERK
TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: George, Public Works/Utilities Director
DATE: May 29, 2018
SUBJECT: Award of Somerset Academy Re-Roof Project - Bid #18-04-372

Over the past few years, the Somerset Academy located at 7101 Kimberly Blvd. has been having roof leak issues. This building is owned by the City and the Somerset Academy leases the said property. Per the lease agreement the City is responsible for the structural items such as the roof. Please be advised that the building is 18 years old and no modifications or upgrades to the structure have been done.

In order to come up with the most effective roofing system to replace this aging roof, the City had a professional design team Walters Zackria Architects evaluate the roof and make recommendations. After thorough analysis, the design team recommended the roof structure be replaced with new membrane system.

Once the design plan and specifications of the recommended new roof system were completed in March 2018, staff prepared the Notice of Inviting Bid, which was advertised in Sun-Sentinel on April 8 and 15, 2018, on City’s Website and on the Demand Star bid system to notify the qualified vendors to compete on this project.

A mandatory pre-bid meeting was held on April 17, 2018 and subsequently 3 bid packets were received for consideration. Bid opening was held on April 27, 2018 at 10:02 a.m. The 3 Bids were as follows:

<table>
<thead>
<tr>
<th>Company/Vendor:</th>
<th>Bid Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>RJ Spencer Construction, LLC</td>
<td>$ 265,070.00</td>
</tr>
<tr>
<td>Atlas Apex Roofing, LLC</td>
<td>$ 396,500.00</td>
</tr>
<tr>
<td>Triple M Roofing Corp.</td>
<td>$ 401,000.00</td>
</tr>
</tbody>
</table>

During evaluation of the bids, it was discovered that the lowest bid of $265,070 from RJ Spencer did not include the specified materials required for the membrane roof system, which was recommended by the design team. In addition, the submitted products and references did not satisfy the specifications of the Bid. Therefore this vendor was deemed unresponsive.

Based on the outcome of the bid, the staff is seeking authorization from the City Commission tonight to award the contract to the second lowest responsive and responsible bidder, Atlas Apex Apex...
Roofing, in the amount of $396,500.00 and set aside $15,000.00 in contingency fund for any unforeseen costs for the Somerset Academy Re-roof project. Under the terms of the agreement, once all permits are issued, the vendor will receive a “Notice to Proceed” and will have a total of 60-days to complete the project. The construction phase of the project will be during summer months when the school is out.

The funding in the amount of $275,000 was allocated in fiscal Year 2018 budget for this project. However, due to hurricane Irma, cost of material and labor has gone up significantly and therefore the most responsive bid came higher than the budgeted amount. The Finance Department staff will be presenting a budget amendment at a later date.

**RECOMMENDATION:**

The City Administration recommends Commission’s consideration and approval of the attached Resolution authorizing the City Manager or her designee to enter into an agreement between the City of North Lauderdale and Atlas Apex Roofing LLC for the re-roof of the Somerset Academy, a City owned building, located at 7101 Kimberly Boulevard as outlined in Bid #18-04-372 in an amount not to exceed $396,500.00 and set aside $15,000.00 in a contingency fund for any unforeseen costs associated with this project.
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH ATLAS APEX ROOFING, LLC FOR THE RE-ROOF OF THE SOMERSET ACADEMY, A CITY OWNED BUILDING, LOCATED AT 7101 KIMBERLY BOULEVARD AS OUTLINED IN BID #18-04-372 IN AN AMOUNT NOT TO EXCEED $396,500.00, AND SET ASIDE $15,000.00 IN CONTINGENCY FUND FOR ANY UNFORESEEN COSTS ASSOCIATED WITH THIS PROJECT; PROVIDING FOR FUNDING; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1: That the Bids for the project were obtained through Notice of Bid #18-04-372;

Section 2: That the lowest bidder was deemed unresponsive and therefore the second lowest bidder, Atlas Apex, LLC, is selected.

Section 3: That the City Manager or her designee, is authorized to enter into an agreement with Atlas Apex, LLC in an amount not to exceed $396,500.00 for the Somerset Academy Re-roof Project.

Section 4: That a $15,000.00 contingency is set aside for any unforeseen costs related to this project.

Section 5: That the funding for this project is budgeted in Fiscal Year 2018.

Section 6: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida this 29th day of May, 2018.

APPROVED AS TO FORM:

CITY ATTORNEY SAMUEL S. GOREN

______________________________
MAYOR JACK BRADY

______________________________
VICE MAYOR RICH MOYLE

ATTEST:________________________
CITY CLERK PATRICIA VANCHERI
CITY OF NORTH LAUDERDALE  
APRIL 27, 2018  

SOMERSET PREP ACADEMY RE-ROOF PROJECT  
BID #18-04-372  

BID OPENING MINUTES  

Sealed bids were due for this BID on April 27, 2018 by 10:00 a.m. Bid packets were opened in the Commission Chambers Conference room on the first floor in the City Hall Municipal Complex at 10:05 a.m.

ATTENDING:

City Staff:
George Krawczyk, Public Works/Utilities Director  
Jean Joinville, Purchasing and Contracts Manager  
Patricia Vancheri, City Clerk

Proposers Present:
Triple M. Roofing Corp.  
A copy of the Sign In Sheet is attached to these Minutes.

Jean Joinville opened the submitted proposals in no particular order and stated the quotes as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>RJ Spencer Construction, LLC</td>
<td>$265,070</td>
</tr>
<tr>
<td>20535 NW 2nd Avenue</td>
<td></td>
</tr>
<tr>
<td>Miami Gardens, FL 33169</td>
<td></td>
</tr>
<tr>
<td>Triple M Roofing Corp.</td>
<td>$401,000</td>
</tr>
<tr>
<td>914 NW 19th Avenue</td>
<td></td>
</tr>
<tr>
<td>Fort Lauderdale, FL 33311</td>
<td></td>
</tr>
<tr>
<td>Atlas-Apex Roofing</td>
<td>$396,500</td>
</tr>
<tr>
<td>281 NE 32nd Street</td>
<td></td>
</tr>
<tr>
<td>Fort Lauderdale, FL 33334</td>
<td></td>
</tr>
</tbody>
</table>

All companies listed attended the mandatory pre-bid meeting on April 17, 2018.

Discussion: Bids will be reviewed and recommendation taken to Commission for award in May.

ADJOURNMENT: 10:15 a.m.

Respectfully submitted  
Patricia Vancheri, City Clerk
May 23, 2018

George Krawczyk, P.E., CFM
Director of Public Works / Utilities
701 SW 71st Ave.
North Lauderdale, FL 33068-2395

Re: Somerset Prep Academy Re-Roof Project
7101 Kimberly Blvd
BID # 18-04-372

Dear Mr. Krawczyk:

The firm of Walters Zackria Associates, PLLC has received and reviewed bids submitted for Bid #18-04-372, Somerset Prep Academy Re-Roof Project. There were 3 bids submitted:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>RJ Spencer Construction</td>
<td>$265,070</td>
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<tr>
<td>Atlas Apex Roofing</td>
<td>$396,500</td>
</tr>
<tr>
<td>Triple M Roofing</td>
<td>$401,000</td>
</tr>
</tbody>
</table>

WZA staff reached out to each bidder to verify information regarding the bids. We asked for references and for products being supplied in the bid. We also contacted the manufacturer of the specified product to confirm that the bidder was in fact certified to install the specified product and their history with the manufacturer.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Product Used</th>
<th>Specified Product</th>
<th>Approved Substitution</th>
<th>Installer Certified by Fiberlite</th>
</tr>
</thead>
<tbody>
<tr>
<td>RJ Spencer Construction</td>
<td>GAF TPO</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Atlas Apex Roofing</td>
<td>Fiberlite REE</td>
<td>Yes</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>Triple M Roofing</td>
<td>Fiberlite REE</td>
<td>Yes</td>
<td>N/A</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Based on the above information, we recommend awarding the project to Atlas Apex Roofing, LLC. We have confirmed that their bid price includes a payment and performance bond.

Please contact our office if you have any questions regarding this recommendation. Thank you.

Sincerely,

Abbas H. Zackria, RA, CDT, LEED AP
Principal Architect

1500 W. Cypress Creek Rd., Suite 105, Fort Lauderdale, Florida 33309
Phone: 954-522-4123 Fax: 954-522-4128
Florida Registration: AA26000970 admin@wza-architects.com
TO:       Mayor and City Commission
FROM:    Ambreen Bhatti, City Manager
BY:       George Krawczyk, Public Works/Utilities Director
DATE:   May 29, 2018
SUBJECT: First Amendment to Broward County Interlocal Agreement for Solid Waste Disposal and Support Services

As you may know, the City of North Lauderdale currently is a participant in an Interlocal Agreement (ILA) with Broward County for Solid Waste Disposal and Support Services. The City entered into this ILA on January 29, 2013 via Resolution #13-01-5928. This ILA includes the City and 16 other municipalities for the disposal of residential and commercial solid waste at the Wheelabrator facility. This ILA is set to expire on July 2, 2018.

The long term future of solid waste disposal options has been under discussion between the County and the Cities through an appointed committee. Until a more effective regional solid waste disposal option is available, the staff’s recommendation is to continue with the existing ILA with County, utilizing the Wheelabrator facility.

Attached for your consideration and approval is the first amendment to the ILA. This amendment will extend the ILA until July 2\textsuperscript{nd}, 2023. During the term of this agreement, the City will collect, transport, deliver and deposit all residential and commercial waste to the Wheelabrator facility. Please be advised that the City’s recycling materials goes to Sun-Bergeron, which is not a part of this agreement. In addition, although this ILA gives the options for the disposal of yard waste, bulk trash, and construction/demolition materials, the City is not participating in those as they are already covered under the garbage hauling agreement with Waste Pro.

**RECOMMENDATION:**

The City Administration recommends City Commission’s consideration and approval of the attached Resolution authorizing the City Manager and Mayor to sign the First Amendment to the Interlocal Agreement for Solid Waste Disposal Support Services with Broward County.
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE MAYOR TO SIGN THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL SUPPORT SERVICES WITH BROWARD COUNTY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1: That the City Commission of the City of North Lauderdale, Florida authorizes the signing of the First Amendment to the Interlocal Agreement for Solid Waste Disposal Support Services with Broward County.

Section 2: That the City shall continue to have residential and commercial solid waste disposed of at the Wheelabrator Facility.

Section 3: That this amendment will extend the ILA until July 2, 2023.

Section 4: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 29th day of May, 2018.

APPROVED AS TO LEGAL FORM:

______________________________
CITY ATTORNEY SAMUEL S. GOREN

______________________________
MAYOR JACK BRADY

______________________________
VICE MAYOR RICH MOYLE

______________________________
ATTEST:

PATRICIA VANCHERI, CITY CLERK
First Amendment to September 1, 2012 Interlocal Agreement

This is a First Amendment (the "First Amendment") to the September 1, 2012 Interlocal Agreement for Solid Waste Disposal Support Services (the "Interlocal Agreement") previously executed by and between Broward County, a political subdivision of the state of Florida ("County") and __________, a municipal corporation ("Participating Community") (collectively, the "Parties").

RECITALS

A. In June 2012, County entered into two agreements; one with Wheelabrator Environmental Systems Inc. ("Wheelabrator") and the other with Sun-Bergeron Solid Waste, J.V. ("Sun-Bergeron") (collectively, "Contractors") to provide for the disposal of solid waste generated within Broward County (the "Solid Waste Disposal Agreements"). Each of the Solid Waste Disposal Agreements requires the Contractors to accept Participating Community’s waste for a five-year term that expires on July 2, 2018.

B. Following execution of the Solid Waste Disposal Agreements, County offered all Broward municipalities the option of entering into the Interlocal Agreement to select either or both of the Contractors to provide solid waste disposal services, with pricing and waste disposal options listed in the Solid Waste Disposal Agreements.

C. Sixteen municipalities entered into the Interlocal Agreement with County to become Participating Communities.

D. In May 2015, County and Wheelabrator entered into a Global Amendment ("Global Amendment"), amending the Wheelabrator solid waste disposal agreement (as amended, the "Wheelabrator Solid Waste Disposal Agreement").

E. The price options listed for the disposal of commercial and residential waste in the Wheelabrator Solid Waste Disposal Agreement’s Exhibit "A" are listed as Option 1, Option 2, and Option 3. Option 1 was identified as Option A in the Interlocal Agreement, and only applies during the initial term of the Interlocal Agreement (the same initial term as the Wheelabrator Solid Waste Disposal Agreement), which is through July 2, 2016. Therefore, Option 1 (a.k.a. Option A) is not available as an option for any renewal of the Wheelabrator Solid Waste Disposal Agreement after July 2, 2018. For purposes of this First Amendment, and as identified below, Option 2 is the same as Option B under the Wheelabrator Solid Waste Disposal Agreement, and Option 3 is the same as Option C under the Wheelabrator Solid Waste Disposal Agreement.

F. The Wheelabrator Solid Waste Disposal Agreement allows County to unilaterally extend the term through July 2, 2023. County has exercised that option. The Sun-Bergeron solid waste disposal agreement allows an extension of its term upon mutual written consent of County and Sun-Bergeron. County and Sun-Bergeron have not agreed upon terms for an extension, and the Sun-Bergeron solid waste disposal agreement is therefore expected to expire on July 2, 2018. Although
Participating Community may not obtain future services from Sun-Bergeron through this First Amendment. It acknowledges that it retains the option of seeking to directly contract with Sun-Bergeron for those services.

G. The Interlocal Agreement's term runs concurrently with the Solid Waste Disposal Agreements. The Interlocal Agreement does not state, however, how an extension, if any, of the Solid Waste Disposal Agreements impacts the Interlocal Agreement's term.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, County and Participating Community hereby agree as follows:

1. The above recitals are true and correct and are incorporated herein as if set forth in full hereunder.

2. The Interlocal Agreement is hereby renewed effective July 3, 2018 through July 2, 2023 (the "Initial Renewal Period").

3. During the full term of the Initial Renewal Period, Participating Community shall collect, transport, deliver, and deposit all Residential Waste and Commercial Waste (as defined in the Wheelabrator Solid Waste Disposal Agreement and otherwise known as Contracted Processable Waste in the Global Amendment) within its boundaries at the appropriate receiving facility of Wheelabrator in accordance with the Wheelabrator Solid Waste Disposal Agreement on one of the following price terms, except for waste or recycling material that is transported outside of the state of Florida:

   - [ ] Price Option B
   - [ ] Price Option C

4. In addition to the Residential Waste and Commercial Waste referenced in paragraph 3 above, during the full term of the Initial Renewal Period, Participating Community shall collect, transport, deliver, and deposit all of the following waste (as indicated by checking "Yes" below) within its boundaries at the appropriate receiving facility of Wheelabrator in accordance with the Wheelabrator Solid Waste Disposal Agreement, except for waste or recycling material that is transported outside of the state of Florida.

   **Yard Waste**
   - [ ] Yes
   - [ ] No

   **Bulk Trash**
   - [ ] Yes
   - [ ] No
Construction and Demolition Debris
☐ Yes
☐ No

5. Participating Community hereby authorizes the County to provide an executed copy hereof to Wheelabrator to evidence Participating Community’s commitment during the full term of the Initial Renewal Period.

6. Under the Global Amendment, the County has a further unilateral right to extend the Wheelabrator Solid Waste Agreement through July 2, 2028 by initially notifying Wheelabrator of its intent to do so by January 15, 2022. To exercise that right, the County must have a binding written commitment for the entire second renewal term (July 3, 2023 through July 2, 2028 (the “Second Renewal Term”)) from governmental entities within the County whose residents and businesses have annually generated at least 500,000 tons of waste collectively. The Interlocal Agreement (as amended by this First Amendment) expires on July 2, 2023, unless the Parties have entered into a timely amendment on or before January 15, 2022, reflecting that the Participating Community wishes to extend its commitment through the Second Renewal Term. At that time, Participating Community may adjust or change any of the options selected in paragraph 4 above.

7. Participating Community understands that the services to which it is obligating itself by executing this First Amendment, and the terms and conditions under which those services will be provided, are those specified in the June 26, 2012 solid waste disposal agreement between County and Wheelabrator as modified by the Global Amendment.

8. Exhibit C to the Interlocal Agreement is hereby removed in its entirety.

9. Preparation of the First Amendment has been a joint effort of County and Participating Communities, and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than any other.

10. Except to the extent modified herein, the Interlocal Agreement shall remain in full force and effect. In the event of a conflict between the terms and conditions of this First Amendment and the terms and conditions set forth in the Interlocal Agreement, the terms and conditions of the First Amendment shall control.

11. This First Amendment shall be effective upon execution by the Parties, and may be fully executed in multiple copies by the parties, which together shall have the force and effect of an original document.
IN WITNESS WHEREOF, the Parties have made and executed this First Amendment to the Agreement. BROWARD COUNTY, through its County Administrator, authorized to execute same by Board action on the ___ day of ___, 2018, and each Participating Community, signing by and through officers duly authorized to execute same.

COUNTY

WITNESSES:  

BROWARD COUNTY, by and through its County Administrator

Print Name: _____________________________  

By _____________________________  
Bertha Henry, County Administrator

Print Name: _____________________________  

___ day of _____________, 20___

Approved as to form by
Andrew J. Meyers
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telex: (954) 357-761

By _____________________________  
Angela F. Benjamin (Date)
Senior Assistant County Attorney

By _____________________________  
Michael J. Kerr (Date)
Deputy County Attorney
FIRST AMENDMENT TO INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL SUPPORT SERVICES BETWEEN BROWARD COUNTY AND PARTICIPATING COMMUNITY

ATTEST: Participating Community

______________________________
Municipal Clerk

______________________________
Print or Type Name

(SEAL)

______________________________
Mayor-Commissioner

______________________________
Print of Type Name

____ day of _________________, 20__.

______________________________
Municipal Manager

______________________________
Print or Type Name

Approved as to Form:

______________________________
Municipal Attorney