

COMMISSION MINUTES

ACTION AGENDA

MEETING OF JUNE 23, 2015

(Meeting convened at 10:15 a.m., recessed at 12:32 p.m., reconvened at 2:45 p.m., recessed at 5:39 p.m., reconvened at 6:06 p.m., and adjourned at 8:27 p.m.)

PLEDGE OF ALLEGIANCE was led by Commissioner Stacy Ritter, District 3.

CALL TO ORDER was led by Mayor Tim Ryan, District 7.

MOMENT OF SILENCE

In memory of the victims of the recent North Carolina tragedy.

In memory of World War II Veteran Bill McClellan.

In memory of Commissioner LaMarca's neighbor's father Anthony Lucke Winningham.

In memory of Madelyn Chiarelli's mother.

In memory of Barbara Crowe Cerasini, Realtor.

COMMISSIONER	DISTRICT	ATTENDANCE
Mark D. Bogen	2	Present
Beam Furr	6	Present
Dale V.C. Holness	9	Present
Martin David Kiar	1	Present
Chip LaMarca	4	Present
Stacy Ritter	3	Present
Tim Ryan	7	Present

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Barbara Sharief	8	Present
Lois Wexler	5	Present

CONSENT AGENDA

A motion was made by Commissioner Sharief, seconded by Commissioner Holness and unanimously carried, to approve the Consent Agenda consisting of Items 1 through 69. At the request of the Mayor, Regular Items 70, 71, 72, 73, 74, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 95, and 96.

Each item voted on the Consent Agenda was passed by unanimous vote of the Commission unless otherwise indicated by record vote.

The following items were withdrawn/deferred: 26, 40, 77, 89, and 100.

The following items were pulled by the Board and considered separately: 15, 32, 40 and 57.

The following item was pulled by members of the public and considered separately: 2.

BOARD APPOINTMENTS

1. MOTION TO APPROVE Board Appointments
 - A. MOTION TO APPOINT Steven R. Sampier to the Children's Services Board. (Commissioner Furr)

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

- B. MOTION TO APPOINT Michael Charnin to the Central Examining Board of Mechanical and Specialty Mechanical Contractors ("CEB of Mechanical Contractors"). (Mayor Ryan)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

AVIATION DEPARTMENT

2. MOTION TO APPROVE Terminal Building Lease Agreement between Broward County and American Sales and Management Organization, LLC d/b/a Eulen America, for the lease and use of 456 square feet of Operations space (Type 2) in Terminal Four at Broward County's Fort Lauderdale-Hollywood International Airport, effective on August 2, 2015 and terminating on the fifth annual anniversary of the effective date; and authorize the Mayor and Clerk to execute the same.

(Members of the public pulled this item.)

ACTION: (T-10:26 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

PUBLIC WORKS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

3. A. MOTION TO ADOPT budget Resolution No. 2015-313 transferring

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\$1,909,630 within the Hazard Mitigation Grant Fund for the purpose of providing additional funds for the Broward County Judicial Complex East Wing hazard mitigation re-roofing project.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO AUTHORIZE County Administrator to take any and all necessary actions, including the execution of construction agreement to provide for the award of Bid No. T1347604C1, for the Broward County Judicial Center East Wing hazard mitigation re-roofing project. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

FACILITIES MANAGEMENT DIVISION

4. A. MOTION TO APPROVE increase in change order allowance for contract with Atlas Apex Roofing, LLC for the Roof Replacement of the Broward County Fort Lauderdale Branch Library, Bid No. J1197502C1, from \$29,100 to \$200,000 (or 34%) of the contract sum of \$582,000 to allow for changes to the contract. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE Change Order No. 1 to the contract between Broward County and Atlas Apex Roofing, LLC for the Roof Replacement of the Broward County Fort Lauderdale Branch Library, Bid No. J1197502C1, for

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the maximum lump sum amount of \$176,648. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

5. A. MOTION TO APPROVE Second Amendment to Agreement between Broward County and Chi-Ada Corporation for Janitorial Services in Large Broward County Facilities, RLI No. 20080908-0-FM-01, for a month-to-month extension, not to exceed six months to begin July 1, 2015, not to exceed \$1,100,000.

(As outlined on the Tuesday Morning Memorandum, this item is related to Purchasing Item 75.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

- B. MOTION TO APPROVE Second Amendment to Agreement between Broward County and L & B Janitorial Services, Inc., for Janitorial Services in Small Broward County Facilities, RLI No. 20080908-0-FM-01, for a month-to-month extension, not to exceed six months to begin July 1, 2015, not to exceed \$250,000.

(As outlined on the Tuesday Morning Memorandum, this item is related to Purchasing Item 75.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

- C. MOTION TO APPROVE Second Amendment to Agreement between

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Broward County and Sunshine Cleaning Systems, Inc., for Janitorial Services in Broward County Libraries, RLI No. 20080908-0-FM-01, for a month-to-month extension, not to exceed six months to begin July 1, 2015, not to exceed \$900,000.

(As outlined on the Tuesday Morning Memorandum, this item is related to Purchasing Item 75.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

6. A. MOTION TO ADOPT budget Resolution No. 2015-314 transferring \$153,000 from the reserve within the General Capital Outlay Fund for the purpose of providing additional funds for the fire alarm upgrade project at Governmental Center East.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

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- B. MOTION TO APPROVE increase in change order allowance for contract with Brown & Brown Electric, Inc., for the Broward County Governmental Center East Fire Alarm Modernization (CBE Reserve), Bid No. F1166413C1, from \$22,867 to \$152,057 (or 33.25%) of the contract sum of \$457,345 to allow for changes to the contract.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

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- C. MOTION TO APPROVE Change Order No. 1 to the contract between Broward County and Brown & Brown Electric, Inc., for the Broward County

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Governmental Center East Fire Alarm Modernization (CBE Reserve), Bid No. F1166413C1, for \$152,057 to revise the total contract amount from \$457,345 to \$609,402. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

HIGHWAY CONSTRUCTION AND ENGINEERING DIVISION

7. MOTION TO APPROVE First Amendment to Joint Participation Agreement between Broward County and the City of Deerfield Beach for improvements to NE 3 Avenue from Sample Road to NE 48 Street, revising the deadline for City to award the construction contract from October 1, 2012 to June 1, 2015, at no additional cost to the County; and authorize Mayor and Clerk to execute same. **(Commission Districts 2 and 4)**

ACTION: (T-10:25 AM) Approved. (See Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of the Public Works Department.)

VOTE: 9-0.

8. A. MOTION TO ADOPT Resolution No. 2015-315 accepting a road easement executed by Andrews Second Street, LLC located at the southwest corner of South Andrews Avenue and SW 2 Street in the City of Fort Lauderdale, at a nominal cost of \$1 to Broward County. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

B. MOTION TO ADOPT Resolution No. 2015-316 accepting a sidewalk easement executed by Andrews Second Street, LLC located along the west side of South Andrews Avenue south of SW 2 Street in the City of Fort Lauderdale, at a nominal cost of \$1 to Broward County. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

REAL PROPERTY SECTION

9. MOTION TO APPROVE Amended and Restated Agreement between Broward County and Las Olas Riverfront, LP for the Broward County Governmental Center Garage to clarify the terms and conditions of the agreement by merging all prior amendments into one document, eliminate the need to renew the First Amendment every five years, and secure the County's rights to operate the garage and charge the public for parking for the full remainder of the Agreement; and authorize Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

10. MOTION TO APPROVE Lease Agreement between Broward County (Tenant)

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and 540 Realty LLC (Landlord) for a 1,717-square-foot premises located at 540 NE 4 Street, Suite 100 in Fort Lauderdale for the Employee Assistance Program, at the rate of \$3,434 per month for a term of five years; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved. (Scrivener's Error – See County Administrator's Report: The second paragraph of the "Summary Explanation/Background" currently reads: The Agreement may be renewed for two additional consecutive three-year terms upon 60 days' prior written notice. It should read..."upon 90 days' prior written notice.")

VOTE: 9-0.

11. MOTION TO APPROVE Amended and Restated Revocable License Agreement between Broward County (Licensor) and MetroPCS Florida, LLC (Licensee) allowing MetroPCS to co-locate its upgraded communications equipment on a County-owned communications tower increasing the rent by \$750 per month to \$3,748; and authorize Mayor and Clerk to execute same. **(Commission District 9)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

12. MOTION TO ADOPT Resolution No. 2015-317 accepting a Quit Claim Deed from the Florida Department of Transportation to Broward County for \$1 for a 27,351-square-foot property to be developed by Broward County as the Atlantic Boulevard Trailhead, located near Atlantic Boulevard and the Sawgrass Expressway, in the Broward County Municipal Services District and the City of Coral Springs; and authorize Mayor and Clerk to execute same. **(Commission District 3)**

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ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

13. MOTION TO APPROVE First Amendment to License Agreement between Broward County (Licensor) and the Florida Inland Navigation District (Licensee) for the temporary placement of dredged material allowing the use of and improvement to an existing access easement through northern West Lake Park to haul dredged material from the Intracoastal Waterway Deepening Project spoil site; and authorize the Mayor and Clerk to execute same. **(Commission District 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

14. A. MOTION TO AUTHORIZE County Administrator to enter into a contract between Broward County and the City of Miramar for the sale and purchase of City-owned land located at the intersection of Hiatus Road and Miramar Boulevard for \$10 for a Park and Ride Facility to support the 95 Express Bus Service; and authorize the County Administrator or designee to execute any other documents reasonably necessary and required to effectuate closing of said property. **(Commission District 8)**

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

B. MOTION TO AUTHORIZE County Administrator to enter into a License Agreement between Broward County (Licensor) and the City of Miramar (Licensee) for the City's use of subject property to accommodate overflow parking needs from the Ansin Sports Complex and Miramar Town Center, owned by the City. **(Commission District 8)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

C. MOTION TO AUTHORIZE County Administrator to enter into a Right of Way Consent Agreement between Broward County and Florida Power & Light (FPL) for the use of the FPL easement which runs through the subject property. **(Commission District 8)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

D. MOTION TO AUTHORIZE County Administrator to enter into a Cross Access Easement Agreement between Broward County and Miramar Commons, LTD to provide vehicular and pedestrian access through the subject property. **(Commission District 8)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

WATER AND WASTEWATER ENGINEERING DIVISION

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15. MOTION TO APPROVE First Amendment to this deliberately-phased agreement between Broward County and CDM Smith Inc. for Consultant Services for North Regional Wastewater Treatment Pumping System and Septage Receiving Facility Updating, Request for Letters of Interest (RLI) No. Y1099512R1, in the amount of \$1,558,954, including \$1,479,954 for basic services, and \$79,000 for reimbursables, increasing the total Agreement amount from \$2,465,100 to \$4,024,054, with an additional time for performance of 1,235 days, and authorize Mayor and Clerk to execute same. **(Commission Districts 2, 3, 4, 6, 7, 8 and 9)**

(This item was inadvertently pulled by Commissioner Sharief.)

ACTION: (T-10:43 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

16. MOTION TO TERMINATE FOR CONVENIENCE construction contract between Broward County and Giannetti Contracting Corporation for Broadview Estates Neighborhood Improvement Project, Bid Package 4, fixed contract (Bid) No. Y1130805C1 awarded by the Board of County Commissioners on February 2, 2014, (Item 14); and authorize the Contract Administrator to execute same. **(Commission District 9)**

ACTION: (T-10:25 AM) Approved. (Scrivener's Error – See County Administrator's Report: The last sentence of the Summary currently reads: "To date, Giannetti Contracting Corporation has been paid \$86,615 for expenses on this project which represents all monies due the contractor for work performed to date." It should read: "To date Giannetti Contracting has invoiced \$86,615 for expenses on this project which will be subject to negotiations to determine final amount.")

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VOTE: 9-0.

HUMAN SERVICES DEPARTMENT

17. **MOTION TO APPROVE** Agreement between Broward County and the School Board of Broward County, Florida, Florida Department of Juvenile Justice, Circuit 17, the Broward County Chiefs of Police Association, Inc., Florida Department of Children and Families, State Attorney of the 17th Circuit in and for Broward County, the Public Defender of the 17th Circuit in and for Broward County, and Scott J. Israel, Sheriff of Broward County, Florida, to access and share data and information on juvenile offenders; authorizing the Mayor and Clerk to execute the Agreement; and authorizing the County Administrator to execute renewal options and amendments to the Agreement, subject to approval of same by the Office of the County Attorney.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

BROWARD ADDICTION RECOVERY CENTER DIVISION

18. A. **MOTION TO APPROVE** Agreement between Broward Sheriff's Office and Broward County from July 1, 2015 through June 30, 2016 in the amount of \$105,000 for the provision of residential substance abuse treatment services to eligible participants of the 17th Judicial Circuit Court's Adult Post-Adjudicatory Drug Court Expansion Program; authorizing the Mayor to execute same; authorizing the County Administrator to execute amendments to the Agreement subject to approval of the same by the Office of the County

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Attorney; and authorizing the County Administrator to execute all administrative and budgetary actions related to the Agreement;

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-318 in the amount of \$105,000 for the provision of residential substance abuse treatment services to eligible participants in the Adult Post-Adjudicatory Drug Court Expansion Program.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

COMMUNITY PARTNERSHIPS DIVISION

19. A. MOTION TO RETROACTIVELY APPROVE Agreement No. 2-FTLA-FL-SA15 between Broward County and the Florida Network of Children's Advocacy Centers from January 1, 2015 through December 31, 2015, in the amount of \$9,000 for the purpose of purchasing specialized training and therapeutic supplies; and authorizing the County Administrator to execute renewal options and amendments to the Agreement, subject to approval of same by the Office of the County Attorney, except for those amendments increasing the funding amount set forth in the Agreement, and to make any necessary administrative and budgetary actions during the term of the Agreement; authorizing the Mayor and Clerk to execute same.

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-319 in the amount of \$9,000 within the Florida Network of Children's Advocacy Centers Grant Fund.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

ELDERLY AND VETERANS SERVICES DIVISION

20. A. MOTION TO APPROVE Agreement No. JC115-15-2016 between Areawide Council on Aging of Broward County, Inc. and Broward County, effective from July 1, 2015 through June 30, 2016, for the purpose of the continuation of the Community Care for the Elderly (CCE) Program in the amount of \$6,336,747; authorizing the Mayor to execute same; approving the standard form contract shell attached as Exhibit 4; authorizing the County Administrator to take any and all necessary actions, including the execution of amendments or documents related to the funding and services under this grant agreement following approval by County Attorney's Office, and to take the necessary administrative and budgetary actions; authorizing the County Administrator to execute contracts with qualified vendors; providing for severability; and providing for an effective date. Total revenue for the CCE Program includes \$5,703,072 State grant dollars and County match of \$633,675 (\$513,675 General Revenue and \$120,000 Operations Revenue.)

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-320 within the CCE Grant Fund for Elderly and Veterans Services Division in the amount of \$6,336,754 for the continuation of the CCE Program.

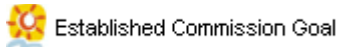
ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

C. MOTION TO APPROVE addition of three grant positions within the Elderly and Veterans Services Division for the following purposes: one Accountant I to implement and administer centralized billing and payments with third parties; one Registered Nurse I to provide in-home nursing services, including medication adherence services; and one Case Manager II to provide in-home counseling services. These three positions will expire upon termination of funding.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



21. A. MOTION TO APPROVE Agreement JH115-15-2016 between Areawide Council on Aging of Broward County, Inc. and Broward County, effective from July 1, 2015 to June 30, 2016, in the amount of \$185,375 for the continuation of the Home Care for the Elderly (HCE) Program; authorizing the Mayor to execute same; approving the standard form contract shell attached as Exhibit 4; authorizing the County Administrator to take any and all necessary actions, including the execution of amendments or documents related to the funding and services under this grant agreement following approval by County Attorney's Office, and to take the necessary administrative and budgetary

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actions; authorizing the County Administrator to execute contracts with qualified vendors; providing for severability; and providing for an effective date.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-321 within the HCE Grant Fund for Elderly and Veterans Services Division in the amount of \$185,375 for the continuation of the HCE Program.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



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22. A. MOTION TO APPROVE Agreement No. JZ115-15-2016 between Areawide Council on Aging of Broward County, Inc. and Broward County, effective from July 1, 2015 through June 30, 2016, for the purpose of providing services under the Alzheimer's Disease Initiative (ADI) Program in the amount of \$261,393; authorizing the Mayor to execute same; approving the standard form contract shell attached as Exhibit 4; authorizing the County Administrator to take any and all necessary actions, including the execution of amendments or documents related to the funding and services under this grant agreement following approval by County Attorney's Office, and to take the necessary administrative and budgetary actions; authorizing the County Administrator to execute contracts with qualified vendors; providing for severability; and providing for an effective date. Total revenue for the ADI Program is \$261,393 in State grant dollars. There is no County Match.

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-322 within the ADI Grant Fund for the Elderly and Veterans Services Division in the amount of \$261,393 for the provision of services under the ADI Program.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

FAMILY SUCCESS ADMINISTRATION DIVISION

23. MOTION TO APPROVE delegation of authority to County Administrator to execute the Agreement between Broward County and the Children's Services Council of Broward County (CSC) from date of execution through September 30, 2015, with option to renew, for the purpose of providing \$10,000 local match from CSC, as required by the funder, in connection with the Assets for Independence (AFI) grant 90EI0876 (December 9, 2014, Item 20) administered by the Family Success Administration Division, in substantially similar form as the proposed agreement attached as Exhibit 2, and to authorize the County Administrator to approve and execute any amendment subject to prior review and approval of the agreement and the amendment(s) by the Office of the County Attorney. The County Administrator may execute any administrative and budgetary actions necessary to implement the Agreement. The Agreement also provides one renewal option for Fiscal Year 2016 at the option of CSC to provide an additional \$10,000 for a total of \$20,000.

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.



Established Commission Goal

PORT EVERGLADES DEPARTMENT

24. MOTION TO AUTHORIZE Director of Purchasing to re-advertise the Request for Qualifications (RFQ) for the Foreign-Trade Zone (FTZ) Relocation at Broward County's Port Everglades, Step One of a two-step procurement, in the event negotiations with the single qualified firm, Prologis, L.P., result in an impasse.

(Per the Tuesday Morning Memorandum, due to issues with the PBMI System, additional information will be distributed under separate cover. Regarding Agenda Item 24, the Board will be notified in the event the Port is forced to re-advertise.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

TRANSPORTATION DEPARTMENT

TRANSIT DIVISION

25. MOTION TO APPROVE First Amendment to Agreement between Broward County and the City of Hallandale Beach for Community Bus Services; providing operating cost of \$15 per revenue service hour, for an estimated additional annual amount of \$55,620 to fund Route 4 beginning July 1, 2015; and authorize Mayor and Clerk to execute same. The term of the amendment

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is effective from execution through September 30, 2017. **(Commission District 6)**

(Per the Tuesday Morning Memorandum, Signature pages have been received.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



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26. MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, authorizing the County Administrator to execute a Trip & Equipment Grant Application and Agreement with the Florida Commission for the Transportation Disadvantaged (FCTD) for State Fiscal Year 2015 in the amount of \$3,745,913; authorizing County Matching funds in the amount of \$416,213 and County In-Kind Match in the amount of \$91; authorizing the County Administrator to furnish additional information as requested. The grant agreement will be effective from July 1, 2015 to June 30, 2016.

(Withdrawn by staff.)



Established Commission Goal

OFFICE OF MANAGEMENT AND BUDGET

27. MOTION TO ADOPT Resolution No. 2015-323 providing for proposed Fiscal Year 2016 non-ad valorem assessment rates for the Fire Rescue Municipal Service Taxing Unit (MSTU), to transmit the proposed rates to the Property Appraiser's Office for inclusion on the Notice of Proposed Property Taxes and

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to set the public hearing to adopt the non-ad valorem assessment for September 10, 2015 at 5:01 pm at the Broward County Governmental Center.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

28. A. MOTION TO ADOPT budget Resolution No. 2015-324 within the Law Enforcement Trust Fund (LETf) for the Broward Sheriff's Office (BSO) in the amount of \$53,370 for the purpose of implementing the Key Tracer ID/Access Card project.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

- B. MOTION TO ADOPT budget Resolution No. 2015-325 within the Law Enforcement Trust Fund (LETf) for the Broward Sheriff's Office (BSO) in the amount of \$2,000 for the purpose of supporting the Florida Sheriff's Explorer Association.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

OFFICE OF MEDICAL EXAMINER AND TRAUMA SERVICES

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29. A. MOTION TO APPROVE nomination of Dr. Mazyar Rouhani for reappointment to the Broward Regional Emergency Medical Services (EMS) Council.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

- B. MOTION TO APPROVE nominations of Dr. Peter Antevy, Dr. Wayne Lee, and Stephen Parr for appointment to the Broward Regional Emergency Medical Services (EMS) Council.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

OFFICE OF REGIONAL COMMUNICATIONS AND TECHNOLOGY

30. MOTION TO ADOPT budget Resolution No. 2015-326 transferring \$70,000 from Reserve for Contingency in the General Capital Outlay Fund for the purpose of providing additional one-time funding for the implementation of the Local Government Radio System.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

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COUNTY ATTORNEY

31. MOTION TO APPROVE settlement, including costs and attorney's fees, in the case of Joseph and Sheila Cavalet v. Broward County, et al., 17th Judicial Circuit Court Case No. 10-02251.12, consolidated with Case No. 08-061491.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

32. MOTION TO APPROVE Interlocal Agreement Regarding Distribution of Solid Waste Disposal District Assets (the "Distribution Agreement"), and to authorize the County Administrator to execute the Distribution Agreement in connection with the up to eight municipalities that were parties to the November 1986 Interlocal Agreement with Broward County for Solid Waste Disposal Services (the "ILA") but that did not join the litigation styled City of Sunrise et al. v. Broward County, 17th Judicial Circuit Court Case No. 13-015660 (the "Litigation").

(Commissioner LaMarca pulled this item.)

ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

33. MOTION TO AUTHORIZE Office of the County Attorney to enter into a Joint Motion for Agreed Final Order in the case of Broward County v. Lovell Built, Inc. d/b/a Lovell Marine Construction and WA Lovell, LLC d/b/a Lovell Marine Construction, NOV15-0018.

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ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

REQUEST TO SET FOR PUBLIC HEARING

34. MOTION TO ADOPT Resolution No. 2015-327 directing the County Administrator to publish Notice of a Public Hearing to be held on Tuesday, August 11, 2015, at 2:00 p.m. in Room 422 of the Governmental Center, to consider releasing, and authorizing the Mayor and Clerk to execute and record a release of, the Declaration of Covenants and Restrictions ("Restrictions") placed on real property identified as Folio Number 4842-21-12-0050, Alpha 250 North, Parcel E (the "Property"), on June 4, 2013.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

ENVIRONMENTAL PLANNING AND COMMUNITY RESILIENCE DIVISION

35. MOTION TO ADOPT budget Resolution No. 2015-328 transferring within the Environmental Planning & Community Resilience Contracts Fund in the amount of \$7,000 from the NatureScape/School Board Agreement Reserve for the purpose of replacing a broken mobile flowmeter to continue conducting irrigation system evaluations on School Board of Broward County properties as per Task 7 of the partnership agreement between the County and School

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Board.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

36. MOTION TO ADOPT unanticipated Revenue Resolution No. 2015-329 within the Environmental Planning and Community Resilience Contract Fund for the Environmental Planning & Community Resilience Division in the amount of \$17,750 for the purpose of recognizing cost share funds provided by various sponsors of the P3 Eco-Challenge Recognition Ceremony on April 29, 2015, and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

37. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-330 within the General Fund for the Environmental Planning & Community Resilience Division in the amount of \$29,200 for the purpose of recognizing cost share funds provided by various sponsors of the 13th Annual Water Matters Day event on March 14, 2015.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

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38. MOTION TO APPROVE Supplement No. 2 to Joint Funding Agreement JFA No. 11E4FL2550FL011 between Broward County and the United States Geological Survey to support the development of a storm water and climate vulnerability model to evaluate the effects of climate and sea level changes on water management systems in urban Broward County, providing a no-cost six-month extension of the performance period to December 31, 2015; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

HOUSING FINANCE AND COMMUNITY DEVELOPMENT DIVISION

39. MOTION TO ADOPT Resolution No. 2015-331 of the Board of County Commissioners of Broward County, Florida, amending Broward County's Five-Year Strategic Consolidated Plan for Fiscal Years 2010 - 2014 and the accompanying Annual Action Plans for Fiscal Years 2012 - 2013 through 2013 - 2014 for the U.S. Department of Housing and Urban Development ("HUD") Community Planning and Development Grants; reprogramming unexpended HOME Investment Partnerships Program ("HOME") Funds and revising Community Development Block Grant ("CDBG") and Emergency Solutions Grant ("ESG") Program recommendations; authorizing the County Administrator to take all necessary administrative actions for implementation of the changes, to submit a copy of the Resolution to HUD, and to execute agreements for the respective programs; and providing for severability and an effective date.

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ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

40. MOTION TO APPROVE Agreement between Broward County and the City of Coral Springs for HOME Investment Partnerships (HOME) Program funding for a two year term until September 30, 2016; authorizing the Mayor and Clerk to execute same, and authorizing County Administrator to execute any amendments thereto as provided in the Agreement.

(Commissioner Wexler pulled this item.)

ACTION: (T-10:46 AM) Following discussion, the Board deferred this item until August 2015, unless the City of Coral Springs maintains the County's standard form Agreement. (Refer to minutes for full discussion.)

VOTE: 9-0.



Established Commission Goal

41. MOTION TO DELEGATE authority to the County Administrator to execute a Consent to Assignment of Stuart Meyers, Dannah Meyers and/or the Stuart Meyers Family Limited Partnership, as applicable, (collectively the "Meyers Parties") each of such parties' respective interests in the general partner or managing general partner, as applicable, of various development entities relating to the Cornerstone Group, to the remaining member(s) of the respective general partners, in a form acceptable to the Office of the County Attorney, where Broward County has executed agreements and loan

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documents relating to HOME Investment Partnerships (HOME) and State Housing Initiatives Partnership (SHIP) funding provided to assist with the development of affordable housing projects.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

42. MOTION TO ADOPT Resolution No. 2015-332 of the Board of County Commissioners of Broward County, Florida authorizing the issuance by the Housing Finance Authority of Broward County, Florida (the "HFA") of its not to exceed \$15,000,000 Multifamily Mortgage Revenue Note, Series 2015 (Residences at Crystal Lake Project) (the "Note") for the purpose of financing the acquisition, construction and equipping of Residences at Crystal Lake located in Broward County, Florida (the "Project"); establishing parameters for the award of the sale thereof and establishing criteria for determining the terms thereof, including interest rates, interest payment dates, maturity schedule and other terms of such Note; approving the forms of and authorizing the execution and delivery of (i) a Funding Loan Agreement by and among the HFA, Citibank, N.A., as Funding Lender (the "Funding Lender"), and Regions Bank, as Fiscal Agent (the "Fiscal Agent"); (ii) a Borrower Loan Agreement by and between the HFA and Crystal Lakes Housing Partners, LP (the "Borrower"); (iii) a Land Use Restriction Agreement by and among the HFA, Fiscal Agent and the Borrower; (iv) an Assignment of Mortgage and Loan Documents by the HFA to the Funding Lender; (v) a Placement Agent Agreement by and between the HFA and RBC Capital Markets, LLC and Raymond James & Associates, Inc., as Placement Agents; (vi) a Fiscal Agent Fee Agreement by and between the HFA and the Fiscal Agent; and (vii) a Contingency Draw-Down Agreement by and among the Funding Lender, the Borrower, the HFA and the Fiscal Agent; approving and authorizing the execution and delivery by the HFA of certain additional

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agreements necessary or desirable in connection with the issuance of the Note; authorizing the HFA to consent to the Borrower placing subordinate financing on the Project and approving the execution of such agreements as may be necessary in connection with such consent; waiving the prohibition against using subordinate financing to pay off tax-exempt financing; waiving the fee for services related to the HFA's annual audit of the Project; authorizing the proper officers of the HFA to do all things necessary or advisable in connection with the issuance of the Note; and providing an effective date for this Resolution. **(Commission District 4)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

43. **MOTION TO APPOINT** Raymond James as the senior managing underwriter (bookrunner), Ramirez & Co., Inc., as co-senior underwriter, and Jefferies LLC, RBC Capital Markets LLC, and Morgan Stanley & Co. LLC as co-managing underwriters for upcoming Airport new money bonds.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

44. **MOTION TO FILE AND NOTE FOR THE RECORD** Declaration of Official Intent to reimburse expenditures for the Convention Center Expansion and Headquarters Hotel Projects with bond proceeds.

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ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

ACCOUNTING DIVISION

45. MOTION TO APPROVE more than five County employees from the same department to attend the same non-local event on the attached summary, in accordance with Volume 1 of the Administrative Code - Chapter 3, Part II, Section 3.10 - County Employee Travel.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

PURCHASING DIVISION

For Aviation Department

46. MOTION TO APPROVE Agreements between Broward County and Kimley-Horn and Associates, Inc.; and Broward County and Ricondo & Associates, Inc., for Consultant Services for Airport Planning Consultant Services, Request for Proposals (RFP) No. R1277902P1, in the maximum not-to-exceed combined total amount of \$4,800,000 for both Agreements, which includes combined not-to-exceed amounts of \$4,560,000 for labor and \$240,000 for reimbursables, for an initial three-year term, and authorize the Director of Purchasing to renew the agreements for two one-year periods, and authorize the Mayor and Clerk to execute same. The initial term of these agreements will be effective upon date of execution, and will terminate three years from that date.

ACTION: (T-10:25 AM) Approved.

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VOTE: 9-0.

47. MOTION TO RETROACTIVELY APPROVE only one source designation and Agreement between Broward County and Vancouver Airport Authority for Software, Hardware and Support Agreement for Passport Control Kiosks for an initial four-year estimated amount of \$5,750,000, which includes optional services in the estimated amount of \$250,000 and authorize the Director of Purchasing to renew the contract for five additional one-year periods, for a potential estimated amount of \$7,750,000 and authorize Mayor and Clerk to execute same. The initial term of this Agreement begins March 25, 2015 and ends March 24, 2019.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For County Administration

48. MOTION TO AWARD open-end contract to the low bidder, Johnson Trucking Inc., for Delivery Services for Broward County Libraries Division, Bid No. H1318501B1, in the estimated annual amount of \$172,454 and authorize the Director of Purchasing to renew the contract for two one-year periods, for a three-year potential estimated amount of \$517,362. The initial period shall begin on the date of award and shall terminate one year from that date.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

49. MOTION TO AWARD open-end contract to low responsive, responsible

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bidder, Global Trading, Inc., for Uniforms, Bid No. R1298112B1, for Parks and Recreation Division (lead agency), in the annual estimated amount of \$305,776, and authorize the Director of Purchasing to renew the contract for up to two one-year renewal periods, for a three-year potential estimated amount of \$917,328. The initial contract period begins on date of award and terminates one year from that date, contingent upon receipt and approval of insurance.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

50. MOTION TO AWARD open-end contracts to low responsible, responsive bidders, King's Cup, Inc., a certified Small Business Enterprise, for Groups 1 and 4, and Snapper Enterprise, a certified Small Business Enterprise, for Groups 2 and 3 for Paper and Janitorial Supplies, Bid No. W1324421B1, for the Parks and Recreation Division and various County agencies that may have a need for these services, in the estimated annual amount of \$187,254, and authorize the Director of Purchasing to renew the contract for two one-year periods, for a three-year potential estimated amount of \$561,762. The initial contract period begins on the date of award and terminates one year from that date.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Finance and Administrative Services Department

51. MOTION TO APPROVE Seventh Amendment to Renew the Interlocal Agreement between Broward County and Miami-Dade County, for Reciprocity of the Local Preference Ordinances and Programs, for a two-year term ending

COMMISSION MINUTES

on September 30, 2017, authorizing the Mayor to execute the Interlocal Agreement, and directing the County Administrator to file the renewal in accordance with Section 163.01, Florida Statutes, contingent upon execution of a local preference Statement of Substantial Similarity by the Broward County Administrator and the Miami-Dade County Mayor within 60 days following the full execution of the Interlocal Agreement.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Public Works Department

52. MOTION TO APPROVE Agreement between Broward County and Carollo Engineers, Inc., for Consultant Engineering Services for Potable Water Storage Tanks and Pumping Systems, Request for Proposal (RFP) R1220410P1, for Water and Wastewater Services, for this deliberately-phased project located in three service area districts, in the not-to-exceed amount of \$244,752, which includes basic services in the not-to-exceed amount of \$240,152 and potential reimbursable project expenses in the not-to-exceed amount of \$4,600, with a time for performance of 77 days from the date of the notice to proceed, and authorize the Mayor and Clerk to execute same. **(Commission Districts 4, 7 and 9)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

53. MOTION TO APPROVE Agreement between Broward County and ACAI Associates, Inc., for Roofing and Waterproofing Consulting Services, Request for Proposals (RFP) No. R1185101P1, for the Facilities Management Division, in the estimated not-to-exceed amount of \$1,000,000, including

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reimbursables, for a two-year initial term, and three one-year renewal periods for a potential estimated total not-to-exceed amount of \$2,500,000, including reimbursables; and authorize the Mayor and Clerk to execute same. The initial term of the Agreement begins on the date of execution and ends two years from that date.

ACTION: (T-10:25 AM) Approved with the Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of Finance and Administrative Services Department.)

VOTE: 9-0.

54. A. MOTION TO AWARD open-end contract to low bidder, Ceres Environmental Services, Inc., as the Primary Contractor for Disaster Debris Clearing and Removal Services, Bid No. T1300109B1, for the Solid Waste and Recycling Services and other agencies that may have a need for these services. The contract period shall start upon the date of award, and terminate five years from that date. **(All Commission Districts)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

- B. MOTION TO AWARD open-end contract to low responsive, responsible bidder, DRC Emergency Services, LLC, as the Secondary Contractor for Disaster Debris Clearing and Removal Services, Bid No. T1300109B1, for the Solid Waste and Recycling Services and other agencies that may have a need for these services. The contract period shall start upon the date of award, and terminate five years from that date. **(All Commission Districts)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

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C. MOTION TO AWARD open-end contract to low responsive, responsible bidder, T.F.R. Enterprises, Inc., as the Tertiary Contractor for Disaster Debris Clearing and Removal Services, Bid No. T1300109B1, for the Solid Waste and Recycling Services and other agencies that may have a need for these services. The contract period shall start upon the date of award, and terminate five years from that date. **(All Commission Districts)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

55. MOTION TO APPROVE Agreement between Broward County and Kimley-Horn and Associates, Inc., for Consultant Services for Design Services for Wiles Road from Riverside Drive to Rock Island Road, Request for Proposal (RFP) No. R1226729P1, for a total potential cost of \$999,759, which includes a lump sum in the amount of \$729,271, a maximum not-to-exceed for basic services in the amount of \$145,216, optional basic services in the amount of \$110,472, and not-to-exceed reimbursable expenses in the amount of \$14,800 for a time period of twelve months commencing from the date of the notice to proceed; and authorize the Mayor and Clerk to execute same. **(Commission Districts 2 and 3)**

ACTION: (T-10:25 AM) Approved with the Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of Finance and Administrative Services Department.

VOTE: 9-0.

56. MOTION TO APPROVE Agreement between Broward County and Bermello Ajamil & Partners, Inc. for Design & Engineering Services - Renovation of Terminal 25 at Port Everglades, Request for Proposals (RFP) No.

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R1254813P1, for this deliberately-phased project, for the Seaport Engineering and Construction Division, in the total lump sum amount of \$445,000, which includes reimbursables for project expenses in the not-to-exceed amount of \$20,000; and authorize Mayor and Clerk to execute same. (Project No. 675701) **(Commission District No. 7)**

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

For Transportation Department

57. MOTION TO AWARD open-end contract to low bidder, State Contracting and Engineering Corporation, for Shelters and Amenities Improvements (Town of Davie), Bid No. V1308606B1, for the Transit Division, in the annual estimated amount of \$1,624,485, which includes allowances for permits, inspections, irrigation system, specialized construction activities and parts, materials and miscellaneous items in the amount of \$200,000, and authorize the Director of Purchasing to renew the contract for two one-year periods, for a total three-year potential amount of \$4,873,455. The initial contract period shall begin on the date of award and shall terminate one year from that date, contingent upon receipt and approval of the performance and payment guaranty.

(This item was pulled by Commissioner Wexler.)

ACTION: (T-11:02 AM) Approved. (Scrivener's Error – See County Administrator's Report: Districts 5 and 7 should be added to the Motion Statement.) (Refer to minutes for full discussion.)

VOTE: 7-2. Commissioners Bogen and Furr voted no.

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Established Commission Goal

RISK MANAGEMENT DIVISION

58. MOTION TO APPROVE settlement of Claim 082308 and to authorize County Administration and the County Attorney's Office to prepare applicable settlement documents.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

59. MOTION TO APPROVE settlement of Claim 073113 and authorize County Administration and the County Attorney's Office to prepare applicable settlement documents.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

GREATER FORT LAUDERDALE CONVENTION AND VISITORS BUREAU

60. MOTION TO ADOPT budget Resolution No. 2015-333 transferring \$1,100,000 from the reserve within the Greater Fort Lauderdale Convention and Visitor's Bureau Fund for the purpose of providing funds for additional marketing, advertising and promotions in FY15.

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

COMMISSION MINUTES

QUASI-JUDICIAL CONSENT HEARING

ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT

PLANNING AND REDEVELOPMENT DIVISION

61. DISCUSSION: of plat entitled "Stirling Village Commercial" (026-MP-14).
(Commission District 7)

***ACTION: (T-10:25 AM) Approved the plat subject to staff's
recommendations as outlined in the Development Review Report.***

VOTE: 9-0.

62. DISCUSSION: of plat entitled "Stirling Residential" (028-MP-14).
(Commission District 7)

***ACTION: (T-10:25 AM) Approved the plat subject to staff's
recommendations as outlined in the Development Review Report.***

VOTE: 9-0.

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63. DISCUSSION: of New Findings of Adequacy for a plat entitled “Riverview Plat” (089-MP-05). **(Commission District 4)**

ACTION: (T-10:25 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.

VOTE: 9-0.

64. DISCUSSION: of New Findings of Adequacy for a plat entitled “Headway Office Park” (032-UP-82). **(Commission District 9)**

ACTION: (T-10:25 AM) Approved the plat subject to staff’s recommendations as outlined in the Development Review Report.

VOTE: 9-0.

65. DELEGATION: Leigh R. Kerr regarding request to amend the plat note on Pembroke Falls – Phase 1 (068-MP-94). **(Commission District 5)**

ACTION: (T-10:25 AM) Approved per staff’s recommendations.

VOTE: 9-0.

66. DELEGATION: Eduardo L. Carcache regarding request to amend the plat note on Interchange Park (042-MP-89). **(Commission District 8)**

ACTION: (T-10:25 AM) Approved per staff’s recommendations.

VOTE: 9-0.

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67. DELEGATION: Barbara A. Hall regarding request to amend the non-vehicular access line on the Motorola Plat (183-CP-78). **(Commission District 1)**

***ACTION: (T-10:25 AM) Approved per staff's recommendations.
(Scrivener's Error – See County Administrator's Report: Page 1 and Recommendation 8 on Page 4 of Exhibit 1 currently reads:
....reconstruction of the existing dual northbound left turn lanes on University Drive at Sunrise Boulevard with 370 feet of storage and 100 feet of transition...and should read:"with 320 feet of storage and 100 feet of transition.")***

VOTE: 9-0.

68. DELEGATION: Ralph Stone, representing the Broward County Housing Finance and Community Development Division, regarding request to modify conditions of plat approval on Franklin Park Estates (001-UP-06). **(Commission District 9)**

ACTION: (T-10:25 AM) Approved per staff's recommendations.

VOTE: 9-0.

69. DISCUSSION: of plat entitled "Oakland Preserve" (041-MP-14). **(Commission District 4)**

ACTION: (T-10:25 AM) Approved the plat subject to staff's recommendations as outlined in the Development Review Report.

VOTE: 9-0.

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END OF QUASI-JUDICIAL CONSENT HEARING

REGULAR AGENDA

FINANCE AND ADMINISTRATIVE SERVICES DEPARTMENT

PURCHASING DIVISION

For County Administration

70. MOTION TO APPROVE Request for Proposals (RFP) No. R1324007P1, Everglades Holiday Park Site Improvements, as Step One of a Two-Step procurement process.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Finance and Administrative Services Department

71. MOTION TO APPROVE Request for Qualifications (RFQ) No. M1329819R1,

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Rotating List of Vendors for Professional Engineering Testing Services, as Step One of a Two-Step procurement process.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Greater Fort Lauderdale Convention and Visitors Bureau

72. MOTION TO APPROVE final ranking of the single qualified firm for Request for Proposals (RFP) No. R1287408P1, Representation Office in the United Kingdom and Scandinavia; the ranked firm is: Hills Balfour Ltd., and authorize staff to proceed with negotiations.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Port Everglades Department

73. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1311116P1, Broward County Florida Seaport and Airport Security Services; The ranked firms are: 1 - AlliedBarton Security Services, LLC; 2 - McRoberts Protective Agency; 3 - Kent Security Services, Inc.; 4 - G4S Secure Solutions (USA), Inc.; 5 - Covenant Aviation Security, LLC; 6 - The Whitestone Group, Inc.; 7 - Universal Protection Service, LLC; 8 - Command Security Corporation; 9 - Securitas Security Services USA; 10 -

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Security Alliance, LLC; 11 - Sunstates Security, LLC; 12 - 50 State Security Service, Inc.; 13 - HSS, Inc.; 14 - Feick Security Corporation; 15 - Dothan Security, Inc. D/B/A DSI Security, and authorize staff to proceed with negotiations. **(Commission Districts 4, 6 and 7)**

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

For Public Works Department

74. MOTION TO APPROVE Request for Proposals (RFP) No. X1349802P1, Managing General Contractor for Broward County's Port Everglades Southport Turning Notch Expansion.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

75. A. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 6 - Large Facilities - Group 5) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc.

ACTION: (T-11:12 AM) Approved.

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VOTE: 9-0.

B. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 8 - Large Facilities - Group 7) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

C. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 9 - Large Facilities - Group 8) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc.; 3 - Job Done Cleaning Services and Supplies, Inc.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

D. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 10 - Small Facilities - Group 1) and authorize staff to proceed with negotiations; the ranked firm is: 1 - McKenzie's Cleaning Inc.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

E. MOTION TO APPROVE final ranking of the single qualified firm for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various

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County Facilities (Contract 5 - Large Facilities - Group 4) and authorize staff to proceed with negotiations; the ranked firms are: 1 - Chi-Ada Corporation; 2 - L&B Janitorial Services, Inc.; 3 - McKenzie's Cleaning Inc., contingent upon no protest filed.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

F. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 7 - Large Facilities - Group 6) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc., contingent upon no protest filed.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

G. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 11 - Small Facilities - Group 2) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc., contingent upon no protest filed.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

H. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 12 - Small Facilities - Group 3) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc., contingent upon no protest filed.

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ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

I. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 13 - Small Facilities - Group 4) and authorize staff to proceed with negotiations; the ranked firms are: 1 - L&B Janitorial Services, Inc.; 2 - McKenzie's Cleaning Inc., contingent upon no protest filed.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

J. MOTION TO APPROVE final ranking of the qualified firms for Request for Proposals (RFP) No. R1214808P1, Janitorial Services for Various County Facilities (Contract 15 - Port Everglades Facilities) and authorize staff to proceed with negotiations; the ranked firms are: 1 - MCJ Professional Cleaning Services; 2 - Chi-Ada Corporation, contingent upon no protest filed.

ACTION: (T-11:12 AM) Approved.

VOTE: 9-0.

HUMAN SERVICES DEPARTMENT

COMMUNITY PARTNERSHIPS DIVISION

76. A. MOTION TO APPROVE Agreement No. JC206 between Broward County and the State of Florida, Department of Children and Families for the five-year period beginning July 1, 2015 and ending June 30, 2020, with a renewal

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option, in the total amount not to exceed \$1,797,790, for the purpose of conducting licensing activities for child care facilities and family child care homes in Broward County; and authorizing the County Administrator to execute renewal options and amendments to the Agreement, subject to approval of same by the Office of the County Attorney, except for those amendments increasing the funding amount set forth in the Agreement, and to make any necessary administrative and budgetary actions during the term of the Agreement; authorizing the Mayor and Clerk to execute same.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT unanticipated revenue Resolution No. 2015-334 within the Child Care Licensing and Enforcement Grant Fund in the one-year amount of \$359,558, for the purpose of conducting licensing activities for child care facilities and family child care homes in Broward County.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

77. MOTION TO DISCUSS provision of Level 2 criminal background screening for child care and family child care home personnel by the Community Partnerships Division, Childcare Licensing and Enforcement Section.

(Withdrawn by staff.)

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Established Commission Goal

PORT EVERGLADES

78. MOTION TO WAIVE Procurement Code pursuant to section 21.6(c) and authorize the County Administrator to execute any and all contracts and budget documents related to the purchase of a used PACECO Low-Profile Container Gantry Crane from Ports America, transportation from Tampa to Broward County's Port Everglades, and commissioning into service while the Board of County Commissioners is not in session, subject to the satisfactory completion of Port Everglades staff due diligence.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

TRANSPORTATION DEPARTMENT

TRANSIT DIVISION

79. A. MOTION TO APPROVE First Amendment to Agreement between Broward County and Integrated Systems Research Corporation ("ISR") for Computer-Aided Dispatch (CAD)/Automatic Vehicle Locator (AVL) System Replacement with Single Sign-on and Real-Time Information, Request for Proposals (RFP) No. V1071706P1, for the Transit Division, to substitute certain hardware, revise and clarify certain provisions, and expand the Scope of Optional

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Services in the Agreement to implement recommended changes; and to authorize the Mayor and Clerk to execute same.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO APPROVE Work Authorization No. 01 in the amount of \$243,393 and Work Authorization No. 02 in the amount of \$ 79,621 as well as equipment substitutions in the amount of \$139,750 and \$77,820 (credit), and to authorize the Mayor and Clerk to execute same.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved. (Scrivener's Error – See County Administrator's Report: Under What Action Accomplishes, Item B currently reads: Approves Work Authorizations and authorizes the Director of Purchasing to execute them; and should read: "Approves Work Authorizations and Equipment Substitutions."

VOTE: 9-0.



Established Commission Goal

OFFICE OF ECONOMIC AND SMALL BUSINESS DEVELOPMENT

80. MOTION TO ADOPT Resolution No. 2015-335 recommending that Project RED be approved as a qualified applicant for participation in the State of Florida Qualified Targeted Industry Tax Refund Program ("QTI") with Enterprise Zone Designation pursuant to Section 288.106, Florida Statutes,

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for Fiscal Years 2015 through 2021, based on the creation of 60 high-wage/high-skill jobs and an estimated capital investment in Broward County of \$600,000.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

81. MOTION TO ADOPT Resolution No. 2015-336 recommending that Project 762 be approved as a qualified applicant for participation in the State of Florida Qualified Targeted Industry Tax Refund Program (“QTI”) pursuant to Section 288.106, Florida Statutes, for Fiscal Years 2015 through 2021, based on the creation of 54 high-wage/high-skill jobs resulting in an estimated capital investment in Broward County of \$3,087,000.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

82. MOTION TO APPROVE Second Amendment to the Public/Private Economic Development Partnership Agreement between Broward County and the Broward Alliance, Inc. (d/b/a Greater Fort Lauderdale Alliance) for Services Relating to Implementation of Strategies for Economic Growth, Job Creation and Expansion of Local Tax Base through Attraction of New Capital

COMMISSION MINUTES

Investment; adding a “Business Intelligence” function to the Scope of Services/Roles Functions and Responsibilities of the Broward Alliance; providing an additional payment of \$189,000 per fiscal year; retroactive to October 1, 2014; and authorize the Mayor and Clerk to execute same.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

OFFICE OF INTERGOVERNMENTAL AFFAIRS AND PROFESSIONAL STANDARDS

83. MOTION TO APPROVE appointment of Brad Gammell to the HIV Health Services Planning Council in the non-elected community leader category.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

84. MOTION TO ACCEPT nominations to appoint or reappoint members to the following advisory boards:

1. Affordable Housing Advisory Committee (one position)

COMMISSION MINUTES

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

2. Community Action Agency Advisory Board (two positions)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

3. Housing Council (two positions)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

4. School Oversight Committee (one position)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

5. Small Business Development Advisory Board (one position)

(Transferred to the Consent Agenda.)

COMMISSION MINUTES

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

6. Unsafe Structures Board (eight positions)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

COUNTY ATTORNEY

85. MOTION TO AUTHORIZE Office of the County Attorney to file a civil action on behalf of a complainant based on the determination by the Broward County Human Rights Section that reasonable cause exists to believe the complainant has been subjected to housing discrimination in violation of the federal Fair Housing Act and the Broward County Human Rights Act.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

86. MOTION TO AUTHORIZE Office of the County Attorney to retain, negotiate, and enter into a written agreement with outside litigation counsel to represent the County in the matter of Hicks v. Broward County, U.S. District Court for the Southern District of Florida Case No. 15-cv-61031-WPD.

COMMISSION MINUTES

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

REQUEST TO SET FOR PUBLIC HEARING

87. MOTION TO ADOPT Resolution No. 2015-337 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 11, 2015, at 2:00 p.m., in Room 422 of the Governmental Center to consider the adoption of a Resolution Amending the Administrative Code, to be entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY TRANSPORTATION DEPARTMENT BUS PASS SALES PROGRAM; AMENDING SECTION 41.03 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); PROVIDING FOR DISCOUNT FOR SALES OF FULL PRICE BUS PASSES THROUGH THE BUS PASS SALES PROGRAM; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.



Established Commission Goal

88. MOTION TO ADOPT Resolution No. 2015-338 directing the County

COMMISSION MINUTES

Administrator to publish Notice of Public Hearing to be held on Tuesday, August 11, 2015, at 2:00 p.m. in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE PROVISION OF EMERGENCY MEDICAL SERVICES; AMENDING SECTION 33.19 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), "YELLOW DOT CRITICAL MOTORIST MEDICAL INFORMATION PROGRAM"; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Per the Tuesday Morning Memorandum, it should be noted that this item was put on by Vice Mayor Kiar.)

ACTION: (T-11:17 AM) Approved. (Refer to minutes for full discussion.)

VOTE: 9-0.

ACTION: (T-11:21 AM) The Board reconsidered this item. (Refer to minutes for full discussion.)

VOTE: 9-0.

ACTION: (T-11:25 AM) Approved. *The Board requested that a report come back to the Board in August of 2015, as to available funding of materials by Broward Sheriff's Office (BSO), as well as available funding from cities that are not under the umbrella of BSO. (Refer to minutes for full discussion.)*

VOTE: 9-0.

COMMISSION MINUTES

89. MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 11, 2015, at 2:00 p.m. in Room 422 of the Governmental Center to consider adoption of a proposed Resolution Amending the Administrative Code, the title of which is as follows:
(Vice Mayor Kiar)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING A TASK FORCE FOR THE PURPOSE OF RECRUITING VOLUNTEERS TO WORK ALONGSIDE THE FLORIDA OMBUDSMAN TO PROMOTE THE HEALTH, SAFETY, AND WELFARE OF THE COUNTY'S SENIORS AND TO FURTHER THE FLORIDA LONG-TERM CARE OMBUDSMAN PROGRAM'S GOAL OF REMEDYING CONCERNS REGARDING ASSISTED LIVING FACILITIES AND NURSING HOMES, CREATING PART XXVIII, SECTIONS 12.294 - 12.296 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

(Withdrawn at the request of Vice Mayor Kiar.)

PUBLIC WORKS DEPARTMENT

CONSTRUCTION MANAGEMENT DIVISION

90. A. MOTION TO AUTHORIZE County Administrator to take any and all necessary actions, including the execution of contract amendments, budget resolutions and work authorizations while the Board of County Commissioners is not in session to provide for continued construction phases services by the Weitz Company for the New Broward County Courthouse project beyond the current contractual substantial completion date of June 18, 2015.
(Commission District 7)

COMMISSION MINUTES

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

B. MOTION TO AUTHORIZE County Administrator to take any and all necessary actions, including the execution of contract amendments, budget resolutions and work authorizations while the Board of County Commissioners is not in session to provide for continued construction phases services by the Spillis Candela & Partners/Heery/Cartaya Joint Venture for the New Broward County Courthouse project beyond the current contractual substantial completion date of June 18, 2015. **(Commission District 7)**

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

C. MOTION TO AUTHORIZE Contract Administrator for the New Broward County Courthouse to continue making monthly progress payments at the current contract rates to the Weitz Company and to The Spillis Candela & Partners/Heery/Cartaya Joint Venture to ensure continuity of the project while enabling amendments, budget resolutions and work authorizations are finalized while the Board of County Commissioners is not in session. **(Commission District 7)**

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

COMMISSION MINUTES



FACILITIES MANAGEMENT DIVISION

91. MOTION TO ADOPT budget Resolution No. 2015-339 transferring \$571,147 within the General Capital Outlay Fund for the purpose of providing Fiscal Year 2015 funds for the Assetworks AiM Facilities Asset Management System capital project to support the upgrade from Assetworks Facility Focus to Assetworks AiM which include one-time license fee, professional services, reimbursables and hardware.

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

REAL PROPERTY SECTION

92. MOTION TO APPROVE Fifth Amendment to Business Lease Agreement between Broward County (Tenant) for and on behalf of the Supervisor of Elections and Lauderhill Mall Investment, LLC (Landlord) providing for the relocation of a portion of the leased premises, reducing the square footage by approximately 1,000 square feet, extending the term of the lease from its current expiration of January 31, 2016 to four years from the date this amendment is fully executed, and removal of an early termination right in favor of the County for the leased premises at Lauderhill Mall located at 1501 NW 40 Avenue in Lauderhill; and authorize Mayor and Clerk to execute same.
(Commission District 9)

(Transferred to the Consent Agenda.)

COMMISSION MINUTES

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

AVIATION DEPARTMENT

93. A. MOTION TO APPROVE Ground Lessor and Tenant Estoppel and Consent to Modified Leasehold Mortgage between Broward County, Sheltair Aviation Center, LLC and SunTrust Bank, providing for Broward County consent to the Sheltair Aviation Center, LLC Leasehold Mortgage for the Westside Property at Broward County's Fort Lauderdale-Hollywood International Airport, as modified; and authorize Mayor and Clerk to execute same.

ACTION: (T-11:35 AM) Approved, as amended, with the caveat that Sheltair improves the property at FLL by \$25 million. This approval does not include staff's recommendation as outlined in Additional Material. (Refer to minutes for full discussion.)

VOTE: 8-1. Commissioner Wexler voted no.

- B. MOTION TO APPROVE Ground Lessor and Tenant Estoppel and Consent to Modified Leasehold Mortgage between Broward County, Sheltair Aviation Center, LLC and SunTrust Bank, providing for Broward County consent to the Sheltair Aviation Center, LLC Leasehold Mortgage for the Fuel Farm Facility at Broward County's Fort Lauderdale-Hollywood International Airport, as modified; and authorize Mayor and Clerk to execute same.

ACTION: (T-11:35 AM) Approved, as amended, with the caveat that Sheltair improves the property at FLL by \$25 million. This approval does not include staff's recommendation as outlined in Additional Material. (Refer to minutes for full discussion.)

COMMISSION MINUTES

VOTE: 8-1. Commissioner Wexler voted no.

C. MOTION TO APPROVE Ground Lessor and Tenant Estoppel and Consent to Modified Leasehold Mortgage between Broward County, Sheltair Aviation Northside, LLC and SunTrust Bank, providing for Broward County consent to the Sheltair Aviation Northside, LLC Leasehold Mortgage for the Northside Property at Broward County's Fort Lauderdale-Hollywood International Airport, as modified; and authorize Mayor and Clerk to execute same.

ACTION: (T-11:35 AM) Approved, as amended, with the caveat that Sheltair improves the property at FLL by \$25 million. This approval does not include staff's recommendation as outlined in Additional Material. (Refer to minutes for full discussion.)

VOTE: 8-1. Commissioner Wexler voted no.

D. MOTION TO APPROVE Third Amended and Restated Memorandum of Lease for Westside Properties at Fort Lauderdale-Hollywood International Airport, between Broward County and Sheltair Aviation Center, LLC, and authorize the Mayor and Clerk to execute same.

ACTION: (T-11:35 AM) Approved, as amended, with the caveat that Sheltair improves the property at FLL by \$25 million. This approval does not include staff's recommendation as outlined in Additional Material. (Refer to minutes for full discussion.)

VOTE: 8-1. Commissioner Wexler voted no.

94. A. MOTION TO AUTHORIZE County Administrator to award and execute the contract to the low responsive, responsible bidder for the Terminal 4 Eastern Expansion Project for Broward County's Fort Lauderdale-Hollywood International Airport. **(Deferred from June 9, 2015 - Item No. 32)**

COMMISSION MINUTES

ACTION: (T-12:05 PM) Following a portion of public comment, this item was tabled until later in the meeting. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of County Administration and the Office of the County Attorney.)

ACTION: (T-2:45 PM) The Board tabled the item until later in the meeting. (Refer to minutes for full discussion.)

ACTION: (T-3:21 PM) Approved, as amended, to rebid the solicitation and bring back to the Board on Tuesday, August 11, 2015, to award. (Refer to minutes for full discussion.)

VOTE: 6-3. Commissioners Bogen, Furr and LaMarca voted no.

OR

B. MOTION TO RESCIND rejection of the bids for the Terminal 4 Eastern Expansion Project at Broward County's Fort Lauderdale- Hollywood International Airport, Bid No. Z1332406C1, and award the contract to the low responsive, responsible bidder, Odebrecht Construction, Inc., Bid No. Z1332406C1, for the Aviation Department, in the amount of \$121,808,814 plus allowances in the potential not-to-exceed amount of \$14,000,000, for a total estimated amount of \$135,808,814, to be substantially completed in 1030 consecutive calendar days from the Project Initiation Date listed in the Second Notice to Proceed, contingent upon the receipt and approval of performance and payment guaranty, and authorize the Mayor and Clerk to execute same.

ACTION: (T-12:05 PM) Following a portion of public comment, this item was tabled until later in the meeting. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of County Administration and the Office of the County Attorney.)

COMMISSION MINUTES

(No Board action taken.) (Refer to minutes for full discussion.)



Established Commission Goal

COUNTY COMMISSION

95. MOTION TO NOMINATE Guy Barmoha to the Climate Change Task Force.
(Commissioner Furr)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

96. MOTION TO APPOINT Jacqueline P. Browne to the Housing Finance
Authority. (Mayor Ryan)

(Transferred to the Consent Agenda.)

ACTION: (T-10:25 AM) Approved.

VOTE: 9-0.

97. MOTION TO DISCUSS Downtown Fort Lauderdale Wave Modern Streetcar
Project. (Commissioner Holness)

ACTION: (T-2:47 PM) Following Board discussion, the Board directed staff to send a letter to the City of Fort Lauderdale, the South Florida Regional Transportation Authority (SFRTA) and the Federal Transit

COMMISSION MINUTES

Administration (FTA) advising of their position pertaining to the Northern Loop. In addition, the Board requested a workshop on this topic. (Refer to minutes for full discussion.)



Established Commission Goal

98. MOTION TO AUTHORIZE Office of the County Attorney to file litigation, as and when appropriate, against Transportation Network Companies (TNCs) that fail to comply with Broward County's regulations. (Commissioner Wexler)

ACTION: (T-6:06 PM) Approved. (Per the Tuesday Morning Memorandum, Commissioner Holness requested to be added as a co-sponsor to this item.) (Refer to minutes for full discussion.)

VOTE: 7-2. Commissioner LaMarca and Vice Mayor Kiar voted no.

99. MOTION TO DIRECT Office of the County Attorney to draft a proposed Ordinance making possession of up to 20 grams of cannabis (which constitutes a misdemeanor under Section 893.13(6)(b), Florida Statutes) a violation of the Broward County Code of Ordinances, and providing a civil penalty for such violation. (Vice Mayor Kiar)

ACTION: (T-4:26 PM) Approved. (Per the Tuesday Morning Memorandum, Commissioner Furr requested to be added as a co-sponsor to this item.) (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of Vice Mayor Kiar and Commissioner Wexler.)

VOTE: 9-0.

100. MOTION TO ADOPT Resolution encouraging the Broward County Supervisor

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of Elections (the "SOE") to adopt a policy precluding SOE contractors that donate directly or indirectly to or actively support a candidate from providing professional or legal guidance to the SOE in connection with the election contact in which the above-referenced candidate is participating.
(Commissioner Ritter)

ACTION: (T-5:20 PM) Without objection, Commissioner Ritter withdrew this item. (Refer to minutes for full discussion.)

101.

MAYOR'S REPORT

A. FLORIDA ASSOCIATION OF COUNTIES (FAC)

ACTION: (T-2:45 PM) Mayor Ryan offered congratulations to Commissioner Sharief regarding her recent election as president to the Florida Association of Counties (FAC). (Refer to minutes for full discussion.)

102.

COUNTY ADMINISTRATOR'S REPORT

(No report given.)

SUPPLEMENTAL AGENDA

COUNTY COMMISSION

103. MOTION TO ADOPT Resolution No. 2015-340 opposing hydraulic fracturing,

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acid fracturing, and any form of extreme well stimulation for purposes of resource extraction in the State of Florida. (Commissioner Furr)

ACTION: (T-5:30 PM) Approved. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated June 23, 2015, submitted at the request of Commissioner Furr.)

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

ACTION: (T-5:44 PM) Commissioner Ritter requested being shown voting in the affirmative. (Refer to minutes for full discussion.)

VOTE: 9-0.



Established Commission Goal

NON-AGENDA

104. SAFE AND HAPPY BREAK - COMMISSIONER WEXLER

ACTION: (T-8:26 PM) Commissioner Wexler wished everybody a safe and happy break. (Refer to minutes for full discussion.)

105. BEST WISHES - COMMISSIONER RITTER

ACTION: (T-8:26 PM) Commissioner Ritter took a moment to wish everyone a nice summer break. (Refer to minutes for full discussion.)

106. FLORIDA ASSOCIATION OF COUNTIES (FAC) - COMMISSIONER SHARIEF

COMMISSION MINUTES

ACTION: (T-8:26 PM) Commissioner Sharief informed her colleagues of the newly installed Florida Association of Counties (FAC) directors. (Refer to minutes for full discussion.)

COMMISSION MINUTES

THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS MEETING OF JUNE 23, 2015 10:00 A.M.

A meeting of the Broward County Board of County Commissioners, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Tuesday, June 23, 2015.

<u>COMMISSIONER</u>	<u>DISTRICT</u>	<u>ATTENDANCE</u>
Mark Bogen	2	Present
Quentin "Beam" Furr	6	Present
Dale V.C. Holness	9	Present
Martin D. Kiar	1	Present
Chip LaMarca	4	Present
Stacy Ritter	3	Present
Timothy Ryan	7	Present
Barbara Sharief	8	Present
Lois Wexler	5	Present

CALL TO ORDER: Mayor Timothy Ryan called the meeting to order.

MAYOR RYAN: The June 23rd meeting -- the June 23, 2015, meeting of the Board of County Commissioners of Broward County is called to order.

We'll begin with the Pledge of Allegiance, which is going to be led by Commissioner Ritter.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER

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STACY RITTER, BROWARD COUNTY COMMISSIONER, DISTRICT 3.)

MAYOR RYAN: At this time, it's customary before the beginning of this meeting to observe a moment of silence to honor persons from our community who have recently passed away.

Colleagues, do you have anyone you wish to recognize?

Commissioner Holness.

COMMISSIONER HOLNESS: I just want to take a moment for us to honor those people who were killed in the Carolinas this past week. Though someone intended evil, I think as a nation we are coming together. Some people still have hate, but only love will be able to overcome that, as was demonstrated by the families of the folks who only wanted to pray to their God.

MAYOR RYAN: Commissioner LaMarca.

COMMISSIONER LAMARCA: Sadly, we have a -- a few in my district that have passed on.

I'll start with a member of the greatest generation, Bill McClellan. I know his son from Lighthouse Point. But Bill McClellan was a B-24 bomber that was shot down in World War II and survived that. His brother was also shot down and -- and killed in World War II. So he was truly one of our greatest generation.

Also the father of a neighbor of mine, Anthony Winningham, who's also the brother of Cary Winningham, who is a -- a civil engineer, does a lot of work for a lot of cities in Broward County, his -- his brother passed.

Also if anybody is on the T -- the TMA and knows our Executive Director Robin Chiarelli, she had a -- a baby girl this past week, but, unfortunately, right about the same time her mom, who had been ill, passed away.

COMMISSION MINUTES

And, finally, a member of a club in Coral Springs that does some good work, Barbara Cerasini passed away. She was also a realtor.

If you could keep these four families in your thoughts and prayers, we'd appreciate it.

(Moment of silence.)

MAYOR RYAN: Thank you, members.

This morning, the musical selection, we heard the song "Summertime" by DJ Jazzy Jeff. That song was selected by Commissioner Holness.

Before our workshop this afternoon, we're going to hear a thematic song selected by the Mayor, and also we're going to hear "Summer Breeze" by Seals and Crofts, also chosen by Commissioner Holness.

CONSENT AGENDA

MAYOR RYAN: For those of you in the audience, please turn off or silence your cell phones.

If you wish to address the County Commission on an item on today's agenda, please come forward and fill out a speaker form located on the dais and furnish it to staff.

Once an item is called, further speaker sign-ups will not be allowed, and you may not be permitted to speak.

When you are called upon, you will have two minutes to speak.

Please keep your comments on -- to the subject being discussed.

COMMISSION MINUTES

We ask that you address the Commission in a polite manner and that you refrain from making impertinent remarks or personal attacks.

If you fail to do so, you will not be permitted to continue speaking.

Please be respectful of those who are speaking today. We do not allow any applause, cheering, or booing during the meeting.

Any member disrupting the proceeding will be asked to leave the chamber.

All right. Our Monday night/Tuesday morning memo, Consent items are numbers 1 through 69.

Withdrawals and deferrals.

Item 26 is withdrawn by staff.

Item 77, withdrawn by staff.

Item 89, withdrawn at the request of Vice Mayor Kiar.

On scrivener errors on Item 10, the second paragraph of the summary explanation background currently reads the agreement may be removed -- may be renewed for two additional consecutive three-year terms upon 60 days prior written notice. It should read upon 90 days prior written notice.

On Item 16, the last sentence of the summary currently reads to date, Giannetti Contracting Corporation has been paid \$86,615 for expenses on this project which represents all monies due the contractor for work performed to date. It should read, to date, Giannetti Contracting has invoiced \$86,615 for expenses on this project, which will be subject to negotiations to determine the final amount.

COMMISSION MINUTES

On Item 57, Districts 5 and 7 should be added to the motion statement.

On Item 67, page 1, and Recommendation 8 on page 4 of Exhibit 1 currently reads reconstruction of the existing dual northbound left lanes on University Drive at Sunrise Boulevard with 370 feet of storage and 100 feet of transition. It should read with 320 feet of storage and 100 feet of transition.

Under what action accomplishes, Item B on Item 79 currently reads approves work authorizations and authorizes the Director of Purchasing to execute same, And it should read approves work authorizations and equipment substitutions.

On Item 88, it should be noted that this -- this item was placed on the agenda by Vice Mayor Kiar.

On the Mayor's request without objections, Items 70, 71, 72, 73, 74, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 95, 96, and 103 will be moved to Consent.

Additional information on Item 5, this item is related to Purchasing Item Number 75.

On Item 25, signature pages have been received.

On Item 93, staff recommends this item be approved subject to verification and approval of the formula contained within the Agreement of Lease, as well as the appraisal's stated value for the properties located at the Fort Lauderdale Airport.

On Item 98, Commissioner Holness is requesting to be a co-sponsor on this item.

On Item 99, Commissioner Furr is requesting to be a co-sponsor on this item.

Due to issues with the PBMI system, additional information will be distributed

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under separate cover.

Regarding Agenda Item 24, the Board will be notified in the event the port is forced to re-advertise.

Additional material for the 10:00 a.m. meeting.

On Item 7, there's a memo to the Board submitted by the Public Works Department.

On Item 53, there's a memo to the Board submitted by Finance and Administrative Services Department.

On Item 55, there's a memo to the Board submitted by Finance and Administrative Services Department.

On Item 93, Exhibits 1 through 4 submitted by Aviation Department.

On Item 94, news article submitted by County Administration.

On Item 94 (2), memo to the Board submitted by County Administration.

On Item 94 (3), memo to the Board submitted by the County Auditor's Office.

On Item 99, news article submitted by Vice Mayor Kiar.

On Item 99 (2), letter from Broward Sheriff's Office submitted by Vice Mayor Kiar.

On Item 99 (3), article submitted by Commissioner Wexler.

On Item 103, maps submitted by Commissioner Furr.

Public Hearing additional information.

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On Item 14, Commissioner Holness is withdrawing his previously sponsored amendment.

Additional material on the 2:00 p.m. meeting, Item 7 proposed amendment to ordinance submitted by Environmental Protection and Growth Management department.

Members, that was the longest Monday night/Tuesday morning memo I have ever seen. Wow.

Okay. Let's get to the easy part. All right. What -- what pulls do we have from the Consent Agenda?

We'll begin -- just a minute here -- with Commissioner Furr.

COMMISSIONER FURR: None.

MAYOR RYAN: All right.

Commissioner Wexler?

COMMISSIONER WEXLER: 40 and 57.

MAYOR RYAN: Commissioner Ritter?

COMMISSIONER RITTER: None.

MAYOR RYAN: Zero.

COMMISSIONER RITTER: Yeah, none.

MAYOR RYAN: None? Okay.

COMMISSION MINUTES

Commissioner Sharief?

COMMISSIONER SHARIEF: 15.

MAYOR RYAN: Vice Mayor Kiar?

VICE MAYOR KIAR: None.

MAYOR RYAN: Commissioner LaMarca?

COMMISSIONER LAMARCA: 103.

UNIDENTIFIED SPEAKER: 103.

COMMISSIONER RITTER: (Inaudible.)

COMMISSIONER LAMARCA: Huh?

COMMISSIONER RITTER: (Inaudible.)

COMMISSIONER LAMARCA: 103.

COMMISSIONER WEXLER: You want it to stay on Regular.

MAYOR RYAN: Turn -- you have to turn on your microphone.

COMMISSIONER LAMARCA: Yes, to keep -- keep 103 on Regular. And I'm debating as I delay you. Yeah, Number 32. 32 and 103.

MAYOR RYAN: Commissioner Holness?

COMMISSIONER HOLNESS: None.

MAYOR RYAN: Commissioner Bogen?

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COMMISSIONER BOGEN: The only thing I want to pull is your chain, Mayor, but --

(Laughter.)

COMMISSIONER BOGEN: -- I have no pulls otherwise.

MAYOR RYAN: All right. I'm -- I'm already excited. Thank you.

(Laughter.)

MAYOR RYAN: All right. We have an audience pull on Item 2.

All right. So, because it's a long Consent Agenda, let me make sure I repeat it correctly.

All right. Consent Agenda is Items 1 through 69, plus 70, 71, 72, 73, 74, 76, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 90, 91, 92, 95, and 96, minus --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- Items 2, 15, 32, 40, and 57.

Do we have a motion?

COMMISSIONER SHARIEF: Move.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: All right.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: You left it -- he left it on Regular.

COMMISSION MINUTES

MAYOR RYAN: I left --

COMMISSIONER RITTER: Any --

MAYOR RYAN: -- 103 off.

COMMISSIONER RITTER: -- pulls from the audience?

COMMISSIONER SHARIEF: He did. Item --

MAYOR RYAN: One item --

COMMISSIONER SHARIEF: -- Number 2.

MAYOR RYAN: -- pulled from the audience.

All right. Any pulls from the County Administrator?

MS. HENRY: None.

MAYOR RYAN: Any pulls from the County Auditor?

UNIDENTIFIED SPEAKER: None.

MAYOR RYAN: Any pulls from the County Attorney?

MS. ARMSTRONG COFFEY: None.

MAYOR RYAN: All right. So is there a motion to approve the --

COMMISSIONER SHARIEF: I already --

MAYOR RYAN: -- Consent Agenda?

COMMISSION MINUTES

COMMISSIONER SHARIEF: -- I made the motion.

COMMISSIONER HOLNESS: Second.

MAYOR RYAN: Motion having been moved and seconded to approve the Consent Agenda, all in favor, indicate by saying aye.

Show that motion passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 2

MAYOR RYAN: All right. We're on to Item 2.

We'll wait a minute for -- that was a long -- that was a long Consent Agenda, so we'll wait -- we'll wait a couple minutes for the --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- for the clear.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: I think we're going to move pretty fast until we get to the end.

COMMISSIONER WEXLER: Exactly.

COMMISSIONER SHARIEF: Seriously.

UNIDENTIFIED SPEAKER: Okay.

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COMMISSIONER SHARIEF: We will. This is --

UNIDENTIFIED SPEAKER: All right.

COMMISSIONER SHARIEF: -- going to move very fast. These ones we pulled are going to move very fast, until we get to the end. I think you should just hold off.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: I think you should wait, because I think we'll get -- I --

UNIDENTIFIED SPEAKERS: (Inaudible.)

AGENDA ITEM 2

MAYOR RYAN: All right. We're now going to hear Item 2. That's a motion to approve a terminal building lease agreement between Broward County and American Sales and Management Organization for the lease of space at Terminal 4 at the airport.

We have two speakers from the public.

We have Theotis Presely.

MR. PRESELY: Good morning, Mayor, Commissioners.

MAYOR RYAN: Good morning.

MR. PRESELY: My name is Theotis Presely. I work at the airport like from G2 Secure Staffing just like Eulen, and all of our workers and co-workers work at the airport for the minimum of \$8.05 an hour.

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My job is wheelchair assistance. G2 also supply for Virgin America, Southwest Airline, Allegiant Airlines, and other airlines. Our job is to check bags on the curbside, and attend wheelchair passengers from the -- from the curbside until the gates.

The Commissioners, you have already agreed with us in reference to getting the living wage extended to all the airport workers.

We're asking you today, don't stop now. So go ahead and support us, go ahead and be signers and cosigners on that.

We definitely need the living wages. Most of our people at the airport are working two and three jobs. They are getting put out of their house. Their cars are being repossessed. Their lights are getting shut off. So we need you to go ahead and make this promise that -- that you've made to us to go ahead and keep it, and go ahead and let's get this done.

We know you can do it. Other cities has done it around the country, so we locally here in Broward County are counting on you.

Thank you, and have a nice day.

MAYOR RYAN: Thank you, sir.

Our next speaker is Gueldere Guerilus.

MR. GUERILUS: Good morning, Mr. Mayor, ladies and gentlemen Commissioners. My name is Gueldere Guerilus, and I work for two airlines contractors at the airport, G2 Secure Staff and Eulen, pushing wheelchairs. I make \$8.25 on one job and \$5.03 on the other.

As you likely know, two weeks ago we were forced to go on strike to protest the poverty wages that G2 pays us in violation of labor laws that were committed against my co-workers.

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Just like my employers, Eulen also pays its workers poverty wages and does not provide any meaningful benefits to help us support our family.

That is why I'm here to -- to call on you to ensure as -- as a condition of entering into a five-year lease with Eulen, that the County should require Eulen to pay workers fair wages.

We -- we appreciate the intention of the County Commissioners, but today is an opportunity to get something real to happen. To support us -- as my co-worker just said, to support us at the living wage that you guys, you know, promised us, it's not time for -- for you guys to ignore us. It's the time that we really need it, because, as of right now, it's hard to make ends meet.

Thank you.

MAYOR RYAN: Thank you, sir.

Any comment?

COMMISSIONER WEXLER: Mayor.

MAYOR RYAN: Commissioner Wexler.

COMMISSIONER WEXLER: We received a letter from our -- I think it was from our County Attorney a number of days ago outlining for us -- I didn't bring it to the meeting with me, but I did read it, and it identifies the path that -- the direction that we gave.

But the piece that was missing from it was a timeline. And I really would like to understand that -- and I really would like us to move forward with that Miami-Dade County model where we identify who the contracts are going to be and then the airlines choose from that menu. That way, we know that they are required to abide by our living wage ordinance.

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This that's before me now, I suspect, and I -- I -- I didn't read the agreement, but all of our agreements have clauses within them that we could terminate, right?

MS. ARMSTRONG COFFEY: That's correct.

COMMISSIONER WEXLER: That -- I mean, that's just standard operating procedure for -- for us.

So passing this today, we -- you want us to have our eggs in place before we begin to -- I -- I mean, I'm prepared to pass this, but I'm also prepared to cancel it once you tell us we have now the tools in place in order to require them to choose from our menu of providers. That way, we've covered, umbrella-wise, that it comes under the living wage ordinance.

That seems to me like a plan, but the part that's missing is when. So what is your timeline for us?

MS. ARMSTRONG COFFEY: We received -- I received some very helpful information from the County Administrator recently, since the memo came out, which is that the study is able -- and I'll -- I'll let Ms. Henry explain -- to be commenced at this point and, at that, we would anticipate bringing a notice to publish to you in September, hopefully early September.

COMMISSIONER WEXLER: Okay. So now we have an idea of a timeline for us, whether it's September or October.

And I'm going to tell you, being here as long as I am and knowing how we work, I would consider it a success if we can have this concluded by the end of this calendar year, truthfully. I -- I really do. And I think with some of my colleagues in particular, and you, Commissioner Bogen, that have pressed this since you've been here quite hard, you -- Commissioner Holness, you've been pressing it from the day you got here, but now we have a path. We have a

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plan. We have pieces in place.

So come September, the follow-up really is, okay, where are we? Is something ready to come forward?

And then by the end of this calendar year, have those pieces in place so that we can begin -- we -- because we've got to -- if -- if we go down that path and we advertise and the -- the providers actually work for the County, and a library is offered to the airlines, this is who you pick from, then it's a much easier do. It's a much easier thing to accomplish, because they're not directly contracting with providers, the airlines. And -- and that -- that's the rub.

So I will be patient, but come September, which is not far away, we will have an update as to where we are in the study --

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER WEXLER: -- where we are with just moving this along. And -- and I hope it's -- I hope it is good news for us.

I know the SEIU leadership will be back, and will -- I know you meet with many of my colleagues, because I do check the visitors log. I'm not a regular on their tour of visitors, but I certainly was part of the commitment up here of doing something, and -- as we all were. It was unanimous.

But I really think that now it's the -- the -- the keeping -- keeping it -- keeping the pressure on so that something specifically comes forward that we can act on.

MAYOR RYAN: County Administrator.

MS. HENRY: I think Commissioner Wexler said it all.

We have spent the last several weeks or so gathering all the data that the university would need in order to complete the study. And we were able to do

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that, so we will give the Board an update in September, hopefully very positive.

Also, Mr. George has indicated to me that the airlines, the majority of the airlines are sort of working with -- with us on this.

(VICE MAYOR KIAR LEFT THE ROOM.)

MS. HENRY: So, hopefully -- that's good news. So we're not having a fight about it. So I think something positive will come from that. They're profitable now, so they should be able to work with us.

COMMISSIONER WEXLER: I still want to put our cues in place, because in ten years, if they're not profitable, they shouldn't be held -- they should be held harmless.

So I like the idea of us going forward with a new plan of -- of -- just like Miami-Dade's plan.

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: That way they come under the living wage ordinance.

MAYOR RYAN: Commissioner Holness.

COMMISSIONER HOLNESS: Yes, I visited the workers at the airport on several occasions, and -- and I've heard from them the really hardship that they're -- they're facing. It's -- it's really difficult to be paid, in some instance, a little over \$5 plus tips, and wheelchair people are not accustomed to giving tips. Most people I talk to don't think that's a position that someone would be tipped for.

So we -- we end up in a situation where many of these folks are working two jobs at the same airport. They go from one servicer to the next.

And -- and the treatment that they receive is -- is not very good, either. It's -- it's really unfair. People go to work and they're told, well, it's not busy, so

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you've got to go home. That's -- and -- and what it costs for them to get there and then go home with -- with no -- with no pay, that's -- that's not right.

Just this weekend, I was at one of our parks, and there was an event there, and -- and a young lady came up to me and says, you know, one of these carrier -- one of these servicers has already started to cut her hours back. And that's something that we want to make -- I want to make sure we have, that they don't get the chance to go part-time totally with these folks to bypass whatever rules and regulations we put in place, because there seems to be an attempt already to put that in place, reducing the hours so that these employees are not covered.

The time line is -- is too long. It's -- you know, it is -- it is too long. We've been working on this for too long to -- to not be able to get this thing done earlier. You said since I got here. Yes, about that time. We passed something that really didn't get us where we need to go, a labor piece. Didn't get us there.

These workers are -- are really in need of -- of a living wage and -- and some protection to ensure that they're able to -- to maintain their livelihood and take care of their children and their families, because if they're not able to -- if they go out and work two jobs and can't take care of themselves and their families, the rest of us are going to have to pay for it. And we're doing that because they're on some sort of assistance program. That's not the right thing to do at all.

So I implore you, Madam County Attorney and -- and -- and County Administrator, September is the date? I was hoping for August. But if September is the date, then let September -- September be the date that we have something to go forward. And if it means we have to take on the airlines, let's take them on. That's why we're here, for those people who can't take it -- take them on themselves.

So I -- I'm hoping that by early September we'll have something to move forward with.

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Thank you.

I move the item.

COMMISSIONER SHARIEF: Second.

MAYOR RYAN: Commissioner Bogen.

COMMISSIONER BOGEN: Yeah, when the idea of the study came up, I forgot what month was that, when we first -- I remember I was objecting to even doing the study, if you remember and -- and do you remember when that was?

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: June.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: It was in late May.

COMMISSIONER BOGEN: So didn't -- didn't we say that we thought it would take 60 days or 70 days to do that study?

MS. HENRY: Yes, but the data that -- that the university needs in order to do that was not forthcoming. So we've had to create and get the data for them in order to do the study.

COMMISSIONER BOGEN: So they have everything now?

UNIDENTIFIED SPEAKER: We think they have everything.

MS. HENRY: We believe they have everything that they need to complete the study.

COMMISSIONER BOGEN: Okay. So today --

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MS. HENRY: The information that was requested, we have. So they will get that data. If they need anything else, they'll let us know. But we assume that they will have everything that they need.

COMMISSIONER BOGEN: Is there a way to give them a deadline, by saying by, you know, August 30th --

MS. HENRY: We -- we will work to expedite. We will work with them to expedite.

COMMISSIONER BOGEN: Okay. Thank you.

MAYOR RYAN: Commissioner LaMarca.

COMMISSIONER LAMARCA: Thank you.

I -- I appreciate the folks that came here, and the -- what -- what they have said.

And I agree with this item and I think we're moving in that direction, but I think we just need to be very careful that we don't want to say things like we're going to take on the airlines, because if the airlines aren't in the airport nobody has a job.

We want to make the conditions better and we encourage them to do that, and I think that's the -- the path we're heading on, so let's stay positive and not look to take on anybody.

COMMISSIONER WEXLER: I think we're doing it the right way.

MAYOR RYAN: Let's go through the Chair.

All right. Is there a motion to prove Item 2?

COMMISSIONER SHARIEF: So moved.

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COMMISSIONER HOLNESS: Second.

COMMISSIONER WEXLER: Second.

MAYOR RYAN: Item 2 having been moved and seconded, all in favor, indicate by saying aye.

Opposed?

Item 2 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 15

MAYOR RYAN: Next is Item 15. This is a motion to approve the first amendment of an agreement between Broward County and CDM Smith for consultant services for the North Regional Waste Water Treatment Pumping Station.

And this is pulled by Commissioner Sharief.

Commissioner Sharief, you're recognized.

COMMISSIONER SHARIEF: Oh, my goodness, I think I pulled the wrong item.

I move the item.

COMMISSIONER WEXLER: I was wondering about that.

VICE MAYOR KIAR: Second.

MAYOR RYAN: All right. Item 15 having been moved and seconded, all in favor, indicate by saying aye.

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All right. Do you have -- do you have another item that you want to take a look at, Commissioner Sharief, because we'll go through and do a reconsideration?

COMMISSIONER SHARIEF: I just want to -- no, I just wanted to say that on the -- on the -- on the item for the Miramar -- the -- the -- the Park and Ride facility, that Miramar has been outstanding in terms of being cooperative with the County. And I just wanted to pull that item just to say that.

But since we didn't pull that item, I just want to say that, Miramar, you rock.

Thank you.

MAYOR RYAN: Okay.

UNIDENTIFIED SPEAKER: Okay.

MAYOR RYAN: So Commissioner Sharief, having really sought to pull Item 14 but asked for Item 15, we are not going to reconsider Item 14 because she's made her comments.

All right. Did we have Item 15 -- we have a motion and a second.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: All in favor of Item 15, indicate by saying aye.

All right. Show that Item 15 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 32

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MAYOR RYAN: We're now going to move on to Item 32. That's pulled by Commissioner LaMarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

MAYOR RYAN: LaMarca -- Commissioners, did you want to pull Item 32?

COMMISSIONER LAMARCA: Actually, yes. If there's an item on here about Lighthouse Point, I'll -- I'll say they rock, too, because I know Commissioner Sharief lives in Miramar. And her husband's a Commissioner if you haven't heard.

I -- I did mean to pull Item 32 because I -- I wanted to identify that the cities of Fort Lauderdale, Lauderdale-by-the-Sea, Oakland Park, Pembroke Park, Sea Ranch Lakes, unincorporated Broward County -- that would be us -- West Park, and Wilton Manors were the cities that did not decide to join that lawsuit.

So I commend --

UNIDENTIFIED SPEAKER: (Inaudible) Fort Lauderdale.

COMMISSIONER LAMARCA: Huh? Yes, I did. Fort Lauderdale?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: Well, the information I got from staff has -- maybe it's Hillsborough Beach. (Inaudible.)

MAYOR RYAN: Don't be pandering for Fort Lauderdale.

COMMISSIONER LAMARCA: Okay. So --

(Laughter.)

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COMMISSIONER LAMARCA: -- yeah, the heck with them.

No, on a serious note, I want to -- I want to identify those eight cities. We'll swap Hillsborough Beach for Fort Lauderdale, which puts another one in my district.

But, more importantly, we got to the end, and they didn't have to go through the legal process. And I think too often we go to the litigious avenue and it drags it out. And guess what? At the end of the day, someone has to pay fine people who went to law school.

But the -- the reality is it got done and I want to commend them.

So, with that I'll move the item.

COMMISSIONER SHARIEF: Second.

UNIDENTIFIED SPEAKER: Second.

UNIDENTIFIED SPEAKER: Litigious?

MAYOR RYAN: Item 32 having been moved and seconded -- litigious is -- is the term, Commissioner Bogen, litigious.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: All right. Item 32 having been moved and seconded, all in favor, indicate by saying aye.

Show that motion passes unanimously.

VOTE PASSES UNANIMOUSLY.

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AGENDA ITEM 40

MAYOR RYAN: Item 40 has been pulled by Commissioner Wexler. That's an agreement between Broward County and the City of Coral Springs for the Home Investment Partnership Program for a two-year term.

Commissioner Wexler.

COMMISSIONER WEXLER: Yeah, I pulled this item because I see the start of the slippery slope here, and if, indeed, this is how we want to move forward, then I think we need to be consistent in that moving of forward. If it's not how we want to move forward, then I really would like to understand why.

This item is an agreement, and it is the HOME program. And it's not just the City of Coral Springs. It's 11 cities. So it's every --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- every one of our districts are -- are -- happen to be touched by it.

It's my understanding that they all agreed to the --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- conflict of interest language except for the City of Coral Springs.

And when I asked what they offered as an alternative, I -- it referenced that it was the standard language of the HUD rules. I'd really like to have a better understanding of specifically what that means.

And then it was also referenced by staff in the PBMI that, by the way, Weston opted out of our standard conflict language, too, when it came to the CDBG

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program, and they actually have given us their authority or their -- their -- their fund to -- to manage and spend in other places in -- in the County.

I -- I -- I don't find this moving in the right direction. I find it moving in the wrong direction. And I really would like to have some kind of a conversation with my colleagues, with Legal as to how we remedy this, because if it's not important to have this conflict clause in there, then let's get it out of everybody's contract.

MAYOR RYAN: Ms. Henry.

MS. HENRY: In this case, we tried to make a distinction that where a municipality provided funds to support the administration of the County -- the program countywide in general, that this would be one that we would prioritize if we were going to move somewhat away from that.

The language basically says that if we -- in -- when we initially put this -- I guess this policy in place, we -- we had concerns about providing grants and dollars to municipalities that engaged in -- in suing the County, or, in some instances, they participated in others that sued the County.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

MS. HENRY: So there was language -- oh, I don't even remember. It's been quite a while -- that we asked that if we are going to be in -- in a relationship, a contractual relationship, that we didn't want to have, then, the cities participate in suing the County.

But, again, I don't have a real response other than in this case and in the case of Weston, as you've outlined, they're giving us money to -- for a broader purpose that we would not have -- we wouldn't have otherwise in order to further the -- the programs that these HOME and CDBG support for our community.

COMMISSIONER WEXLER: And I --

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MS. HENRY: So that was the big --

COMMISSIONER WEXLER: -- understand that --

MS. HENRY: -- the distinction.

COMMISSIONER WEXLER: -- I understand that, when they -- they give us the money back. I get that.

But this is not the case here. And there is -- there are 11 municipalities included in this Broward County HOME Consortium. They are Coconut Creek, Coral Springs, Davie, Deerfield Beach, Lauderhill, Margate, Miramar, Pembroke Pines, Plantation, Sunrise, and Tamarac. Those are a lot of cities in -- in this community, and some large cities in this community.

And here is one of them that says, oops, we don't like the conflict clause, and, by the way, we're just crossing it out and not doing anything or putting in our own or whatever.

Now, when we met yesterday and I brought this to your attention --

MS. HENRY: Uh-huh.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

COMMISSIONER WEXLER: -- I was not told, well, they substituted something. As a matter of fact, you, Ms. Coffey, had even suggested to me that what alternate conflict clause did they offer.

So someone in -- in -- in the bowels of County staff obviously answered this. I don't know who. Is -- is -- is it Mr. Stone --

MS. HENRY: Mr. Stone.

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COMMISSIONER WEXLER: -- or Mr. Sniezek? Okay.

MS. HENRY: Mr. Stone.

COMMISSIONER WEXLER: Come on out of the bowels, Mr. Stone.

MAYOR RYAN: He's not in the bowels. He's in the audience. And you knew we would be calling you.

MR. STONE: Thank you, Mayor.

COMMISSIONER WEXLER: He even held the door for us this morning.

MR. STONE: The -- as Commissioner mentioned, she did ask about an alternative. And included in the agreement is the -- as you mentioned, the standard HUD conflict of interest. And you asked what does that cover?

It's about a two-page requirement that basically does two things. It say if you are a direct beneficiary of the funding, you can't take advantage of that relationship to benefit yourself financially or anyone that you're involved in.

And the second is, as a result of a -- in effect, a subcontract, if the City of Coral Springs has a vendor that it helps them administer the funding in any way, they have the same limitations.

COMMISSIONER WEXLER: Okay. So that's in there.

MR. STONE: Yes, ma'am.

COMMISSIONER WEXLER: That they've agreed to.

MR. STONE: Yes.

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COMMISSIONER WEXLER: Okay. I didn't -- I wish you had provided -- who -- who --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: It's gone.

COMMISSIONER WEXLER: -- who is doing that?

If you had provided that kind of information, because the only thing that I actually have as backup is what they didn't pass, what's crossed out. That's it.

With that, I mean, I -- you know, I know a lot of these cities listen to these Commission meetings, and the other ten cities may be knocking on our door to adopt the HUD conflict of interest language versus the one that we submit. And I suspect we'd have no problem with any city.

MS. ARMSTRONG COFFEY: Well, I -- if I might, Commissioner, the CFR language is dramatically less protective of the County. It's simply a -- an advisory situation.

Now, we have a standard conflicts clause that is extremely strict. It belongs in all of our contracts. We generally insist on that.

In this situation, if it's the will of the Board where it's simply pass-through funding, obviously the risk of the County is reduced, we could work with the cities to have a conflict clause that's a little bit more streamlined.

But I -- I wouldn't want the Board to leave thinking this other conflict provision is -- is adequate.

COMMISSIONER WEXLER: No, I'm not. That's why I actually just didn't settle for the PBMI answer. I ask lots of questions, but I don't pull lots of items because staff actually answers them. And that's a good thing. But this one, I didn't feel like I got a thorough response from staff.

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And I started out by saying slippery slope, because I really see this as a slippery slope. This, yes, might be just a pass-through for these 11 cities, but there are other agreements that are not. And I -- I -- I'm hoping it doesn't become contagious.

But I want us to be aware of this and the fact that these other ten cities -- have they passed -- have the other ten cities passed it with the language that we are asking for?

MR. STONE: Yes.

COMMISSIONER WEXLER: They have. Okay. Just bringing it to my colleagues' attention. It certainly doesn't leave me as a happy camper that one of the 11 says, eh, I'm not going to.

MAYOR RYAN: Well, I -- I think the question probably is in the event -- to the County Attorney, in the event that the one of the municipalities does breach the conflict of interest section, is that breach determined by the County? Does the County at all audit this money? Or is it -- or is its, you know, purpose, is -- its public purpose, is that determined -- and the non-conflict with the governmental entity, is that determined by the federal government, by HUD?

Mr. Stone, do you know?

MR. STONE: Yes, sir. If it was reported to us, because we are responsible to HUD for the proper administration of the funding, we would then notify HUD in the Miami field office, and HUD would probably make the final determination about what happened as far as any penalties, so to speak, that might apply to the city or the individual.

MAYOR RYAN: Well --

MR. STONE: We haven't had -- we've been administering these finds of funds for 40 years now. We've never had that instance. And I'm really not familiar with any

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other instances that I can articulate for you exactly what actions HUD would take, but that would be the process.

MAYOR RYAN: All right. So I would imagine if there was some kind of conflict that this would be information that you would receive from the Inspector General's Office that would come to you and then you would forward that information over to -- to the HUD office in Miami.

And I -- I think the -- the larger question is if there is some conflict that occurs with -- with a municipality in -- in the management or disbursement of these funds, then what exposure does the County have? Because, as you said, the -- the -- you indicated the County's ultimately responsible that -- that this -- these funds are appropriately spent.

MR. STONE: I -- I can articulate to you what happens when our subcontractees, including cities, don't spend the funds in a manner that's consistent with the contract. We go back and recover the funds from the city. Or, if it's a reimbursement process, we get information ahead of time and we don't disburse, so that if we did HUD would be looking for us to reimburse.

So that's kind of what we've done in the past.

(COMMISSIONER HOLNESS LEFT THE ROOM.)

MAYOR RYAN: All right. Thank you.

Commissioner Wexler, do you want to move Item 40?

COMMISSIONER WEXLER: No, I don't.

MAYOR RYAN: All right. Do we have a motion on Item 40?

COMMISSIONER RITTER: Mayor?

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MAYOR RYAN: Commissioner Ritter.

COMMISSIONER RITTER: Thank you.

It's -- it's hard to -- it's hard to understand why, at a time when we have tightened up our ethics ordinance as it relates to conflicts and the ability to Commissioners to -- and staff to do certain things that we could have done before legally, but now cannot do ethically, it's hard to -- it's hard to understand why we would agree to waive -- why we would agree to delete the conflict provision.

It just doesn't smell good. And, you know, this is a city that I happen to represent, along with Commissioner Bogen, although I represent the vast majority of it and have represented it for many more years than my baby to my - the baby to my right has --

COMMISSIONER WEXLER: That would be Barbara. She's the baby.

COMMISSIONER RITTER: They're all actually babies, except for, I think, Tim, to my right.

(Laughter.)

COMMISSIONER RITTER: In all seriousness --

COMMISSIONER BOGEN: I think I'm older than you.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Yeah, that's true.

COMMISSIONER WEXLER: Yeah, you are. You are. I know how old you are.

COMMISSIONER RITTER: But in all seriousness, this is -- this isn't -- this isn't

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something that we should just -- you know, Commissioner Wexler raised it. It's not just something that we should say, oh, we're concerned about and then go ahead and pass the agenda item.

UNIDENTIFIED SPEAKER: That's true.

COMMISSIONER RITTER: I don't like that. And I -- this is a great program. I'm -- I'm sorry that it -- it's a city that I represent. That makes it more difficult, in my opinion, for this Commissioner to vote no on this.

But I would prefer -- and I know it's the last meeting of the -- of the summer, but I would prefer to go back to the City of Coral Springs and tell them that the -- the County Commission doesn't want this provision deleted.

(COMMISSIONER HOLNESS RETURNED TO THE ROOM.)

MAYOR RYAN: All right. Commissioner Ritter, do you want to go ahead and move to defer this item?

COMMISSIONER RITTER: Well, I'd like to know what deferral -- what -- what consequence deferral has, since we -- or --

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER RITTER: -- or perhaps give the County Administrator the authority to sign the -- the contract in the event that -- that the City of Coral Springs comes back between now and August 11th, when we return, if the provision is -- is deleted.

MR. STONE: Yes, ma'am. The -- the County Administrator does have authority currently, and that's why the other contracts didn't come to the Board. They were signed --

COMMISSIONER RITTER: Okay.

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MR. STONE: -- administratively.

So if we communicate to Coral Springs that the Board's desire is to maintain your standard form agreement conflict language, they have a choice to sign it and move on, or I guess they can show up here and have a conversation with the Board.

COMMISSIONER RITTER: Well, but -- but practically speaking, for the -- for the -- for those who would benefit by the \$125,000 fund -- program, what -- what's the consequence between now and August 11th for the impact of the program in the City of Coral Springs, if any?

MR. STONE: The funds would not be available for home repair until we reach some solution to this issue, and -- so we would carry the message back to Coral Springs and they would have a choice whether to sign it or not.

If they don't, we won't be under contract, and we won't extend them the reimbursement for their program.

COMMISSIONER RITTER: If I may, Mr. Mayor.

MAYOR RYAN: Yes.

COMMISSIONER RITTER: Historically, with this program as it relates to the City of Coral Springs, had they signed the standard contract previously? Was there --

MR. STONE: As far as I'm aware, yes, ma'am.

COMMISSIONER RITTER: So this is the first time that the conflict language has come up where it's been an issue?

MR. STONE: As far as any of our contracts is concerned, yes.

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COMMISSIONER RITTER: But I mean specifically within the City of Coral Springs.

MR. STONE: As -- as far as the housing contracts is concerned, yes.

COMMISSIONER RITTER: Okay. Well, then I would -- I would ask that the Commission --

COMMISSIONER WEXLER: I'm going to move to defer.

COMMISSIONER RITTER: -- direct the staff to go back to the City of Coral Springs and put the standard contract in front of them and express the County Commission's concern -- actually, disagreement with the fact that they want to delete the conflict -- conflict provision.

If they want to sign the standard agreement, then have the County Administrator go ahead and have that done during the summer. If not, it comes back to this Board on August 11th.

MAYOR RYAN: All right. So I -- I think, Commissioner Ritter, you -- you are moving to defer, because if -- if, in fact, the language is corrected and Coral Springs goes back and uses our standard conflict language, then the -- the contract can be signed --

COMMISSIONER RITTER: Right.

MAYOR RYAN: -- administratively. So it's a motion to defer.

Is there a second?

COMMISSIONER WEXLER: Second.

COMMISSIONER BOGEN: Mayor, wouldn't it be a motion to amend? Because you want to give the County Administrator authority to sign it --

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COMMISSIONER RITTER: She --

COMMISSIONER BOGEN: -- so you don't want to defer, you want to amend it.

COMMISSIONER RITTER: -- she already has --

MAYOR RYAN: She already has the authority.

COMMISSIONER RITTER: -- the authority.

UNIDENTIFIED SPEAKER: She already has the authority.

COMMISSIONER RITTER: She has authority to sign the standard form agreement.

COMMISSIONER BOGEN: Oh, okay.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER RITTER: So if it is presented to us in standard form --

COMMISSIONER BOGEN: Okay.

COMMISSIONER RITTER: -- signed by the city, she can go ahead and sign it.

MAYOR RYAN: So it's appropriate it's a motion to defer.

All right. A motion to defer.

Is there a second?

COMMISSIONER WEXLER: Second.

MAYOR RYAN: Seconded.

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All in favor, indicate by saying aye.

MS. ARMSTRONG COFFEY: And that includes --

MAYOR RYAN: Opposed?

Show motion --

COMMISSIONER RITTER: Oh.

MAYOR RYAN: -- show Item Number 40 is deferred by --

COMMISSIONER RITTER: Mayor, Mr. Mayor.

MS. ARMSTRONG COFFEY: It's okay. And that includes --

COMMISSIONER RITTER: Oh.

MS. ARMSTRONG COFFEY: -- authority for the Commission -- for the County Administrator to sign if the standard conflicts clause is included. If not --

MAYOR RYAN: Yes.

MS. ARMSTRONG COFFEY: -- it will -- it will be brought back to the Commission August 11th.

MAYOR RYAN: It will -- it will not come back to the Commission if Coral Springs moves to the position of the conflict language in the standard contract.

All right. That motion having been passed unanimously -- all right.

VOTE PASSES UNANIMOUSLY.

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AGENDA ITEM 57

MAYOR RYAN: We're now moving on to Item 57.

Commissioner Wexler.

COMMISSIONER WEXLER: Mayor, this -- this impacts your district, my district, and I guess what I really want to clarify -- and I'm trying to grab it now -- what I'm trying to clarify -- and staff certainly did provide us a little matrix of the- - the sites for the -- for the bus benches -- and it's not bus benches. They're bus shelters.

MS. HENRY: Shelters.

COMMISSIONER WEXLER: And they actually look identical to the bus shelters that are installed in the City of Plantation.

And what I would like to understand with this agenda item is the 1.6 million is just for the Town of Davie? And that's a question mark.

MS. HENRY: Yes.

COMMISSIONER WEXLER: And I think the answer was yes.

And how much does each -- each bus shelter cost? And there are different sizes. It's medium and it's -- actually, I thought it was three different sizes, small, medium, and large. But that -- that's first.

And then, what's the funding source of this?

MS. HENRY: Okay. Mr. Walton, if you can come to the podium.

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER WEXLER: Isn't it?

MS. HENRY: So these -- these -- she -- she wants you to confirm on the record that the 1.6 represents funding for the shelters in Davie only.

MR. WALTON: That is correct.

MS. HENRY: Okay. And then she had questions about the cost and the funding source.

MR. WALTON: Okay. The funding source, it's a combination of funds. There are some federal dollars in there. And going way, way back to the -- the early days of this program, in fact, you may have been on the MPO at the time, there's a transfer of dollars. There was also federal dollars that came over from the MPO to the County to install the shelters.

So there -- there are some federal funds from the MPO and there are some federal -- other capital grant funds.

COMMISSIONER WEXLER: All right. Because -- and that really would have been nice to you if you had put that under fiscal impact. It just says will be funded by appropriate source at the appropriate time. You know, not -- doesn't hit a home run.

MS. HENRY: And -- and, unfortunately, sometimes we get caught up in some of the -- the -- the technical issues. Oftentimes we're -- when we have our federal capital grants, we move them around from year to year. And so when we're trying to spend down the -- the most -- the oldest grant from the new, if we have funding in a -- in a newer, we -- we do swap.

So, unfortunately, we -- that sausage discussion probably was more complicated than it -- than it needed to be.

COMMISSIONER WEXLER: I -- I -- I have a couple of more questions for Mr. Walton, if

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-- if -- if I may.

And I don't see the chart printed anywhere, but I did see it last evening online.

So if I remember, there were two sizes, medium and large, for these shelters.

MR. WALTON: That's correct.

COMMISSIONER WEXLER: And there were about ten of them or eleven of them. I didn't count.

MR. WALTON: There's 12.

COMMISSIONER WEXLER: Twelve of them. That chart, yes. This chart. You had to actually open the attachment in order to print the chart. So that's something that I would have liked to have seen here.

But the cost of a large one and the cost of a medium one is?

MR. WALTON: Well, it -- it's --

COMMISSIONER WEXLER: It just seems like 1.6 million dollars for 12 bus shelters is a high number.

MR. WALTON: They're -- they're -- they're pricey. They're -- they're some of the priciest shelters that we have in the County.

But, again, if you think back to the early days of this program, when we started it, we committed that if a city had an existing shelter design that we wouldn't go in with a different shelter. For consistency, we would just duplicate what they already had.

COMMISSIONER WEXLER: So what's Davie's existing shelter design? It looks identical to Plantation's.

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MR. WALTON: Yeah, it -- you have a number of cities, Lauderdale Lakes, who have very similar designs. Davie, Plantation, they all have pretty much similar designs.

COMMISSIONER WEXLER: With the brick and the -- the roof and the whole --

MR. WALTON: That's correct.

COMMISSIONER WEXLER: -- business.

MR. WALTON: That's correct.

COMMISSIONER WEXLER: I don't see -- is there a place to tie up a horse?

MR. WALTON: I'm -- I didn't hear you. I'm sorry.

COMMISSIONER WEXLER: Is there a place to tie up a horse?

MR. WALTON: No.

COMMISSIONER WEXLER: Okay. You're missing something.

MAYOR RYAN: Well, if -- if they had the horse, then they wouldn't take the bus.

(Laughter.)

COMMISSIONER WEXLER: They leave -- wait, wait, wait, wait. They leave bicycles. I see bicycles locked at bus stops, so why not just leave the horse there for a few hours? Never mind.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: I'm joking.

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MAYOR RYAN: Cruelty to the animals.

COMMISSIONER WEXLER: Exactly.

MAYOR RYAN: That's -- that's going --

COMMISSIONER WEXLER: Exactly.

MAYOR RYAN: -- in the wrong direction, Commissioner Wexler.

COMMISSIONER WEXLER: So the permits for \$100,000 just for the Town of Davie?

MR. WALTON: Yeah, and those are reimbursables. You know, we may not use the entire hundred thousand, but, you know, they're -- they're -- because of the size of these shelters, there's extensive civil and site work that goes on. Each shelter, quite frankly, is going to cost us about \$50,000 just for the site work.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER WEXLER: Okay. I just -- you know, in the -- in the scheme of things, because a significant part of the dollars are federal dollars --

MR. WALTON: Uh-huh.

COMMISSIONER WEXLER: -- I -- I was hoping it wasn't coming from our general fund dollars. And --

MR. WALTON: Right.

COMMISSIONER WEXLER: -- and that's not what I'm hearing.

MR. WALTON: Right, they're federal.

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COMMISSIONER WEXLER: Okay. All right. Thank you.

With that, I would move the item at the appropriate time.

COMMISSIONER RITTER: Second.

MAYOR RYAN: All right. You moved the item, but we have some questions.
Commissioner Bogen.

COMMISSIONER BOGEN: Can I ask you a -- a dumb question here?

MAYOR RYAN: Admission against interest.

COMMISSIONER BOGEN: Is -- isn't -- can't you get these shelters -- aren't there companies that will put up the shelters for free if you give them the advertising?

MR. WALTON: Well, no.

COMMISSIONER BOGEN: No.

MR. WALTON: No.

COMMISSIONER BOGEN: I could -- I could swear that when I was involved in a campaign there was these bus shelters and different shelters that sold me advertising. They claimed that they put up the stuff for free as long as they got the ads.

MR. WALTON: Okay.

MAYOR RYAN: Those are bus benches.

COMMISSIONER BOGEN: I understand.

MR. WALTON: We're talking -- well, understand these are shelters that are funded by

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the County, the -- through the federal government.

Now, each city has its -- in -- in the County, the cities have the responsibilities for the shelters. They also receive the advertising revenue associated with the contracts on those shelters. So what they do is specifically under the terms and conditions of those individual city contracts.

These where they're federally funded, where we install, no, we have to hire contractors to install them.

COMMISSIONER BOGEN: Okay.

MR. WALTON: So what the city does is something separate than what we do.

COMMISSIONER BOGEN: Okay.

MAYOR RYAN: So the moral of the story is don't spend your campaign money on bus benches.

All right.

Commissioner Furr.

COMMISSIONER FURR: Thank you.

COMMISSIONER BOGEN: They were shelters, Mayor, shelters, not bus benches.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER FURR: Thank you.

The -- what concerns me a little bit on this is it's kind of a fairness issue, is the fact that you're spending so much money for a couple of bus shelters in a couple places that have, for whatever reason, come up with a very expensive

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design and then cities that have not said, oh, we want the Taj Mahal, they're going to get just some little bus shelter that -- or not get one at all.

I'm -- I'm a little concerned with so much money. I mean, if you're spending a hundred thousand dollars, whatever, per bus shelter on -- on really which is nothing more than a gazebo at the -- at the most, then --

MR. WALTON: In --

COMMISSIONER FURR: -- suddenly you're not going to have money for other -- other shelters throughout the County.

MR. WALTON: -- in some cities we're spending a lot more. They will get many more shelters, and not as elaborate in their design, but they get many more shelters.

So the hundred thousand dollars that we spend on these shelters could buy three or four shelters in other cities as -- as -- as we have done in -- in many of the cities across the County.

COMMISSIONER FURR: So if you only --

MR. WALTON: But where they're getting --

COMMISSIONER FURR: -- have a -- so if you only -- so if you're in a town that only has a couple, you get a very well outfitted bus shelter.

MR. WALTON: Well, you're getting -- you -- you get two choices here. You -- you -- you -- if you had an existing design, we would -- we committed to duplicate that design in your city.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER FURR: Weston (inaudible).

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MR. WALTON: For those cities that did not have existing designs the County -- we designed six and allowed them to choose.

COMMISSIONER FURR: But it tells me that a -- that a city that's on the east side that hasn't had these should say, you know what? We have a new design, and say we now -- this is our design from now on. But -- because, otherwise -- those look nice. These look very good. There's no two ways about it.

But it's putting an awful lot of money in just to a couple of shelters where -- where there's needs throughout this County for that.

MR. WALTON: Well --

COMMISSIONER FURR: I -- I -- I have a hard time spending that much money on a bus shelter.

MR. WALTON: -- and you also have to consider that there are right of way of way constrictions. I mean, there are many cities, particularly in the east, that have -- that don't have the existing right of way for a shelter of this size. They tend to get the smaller shelters, and they tend to get a lot more of them, as opposed to the -- some of the cities out west who have more right of way and maybe not as -- as dense a ridership. They choose the larger shelters because they have more space.

COMMISSIONER FURR: Okay. It's -- it's -- it's opened my eyes to something to keep my eyes on.

Thank you.

COMMISSIONER WEXLER: I'm glad that I did my job.

COMMISSIONER FURR: You did your job. Good work.

COMMISSIONER BOGEN: It was a good point.

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UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: Somebody move it.

MAYOR RYAN: Are we ready to -- to have a motion on Item 57?

COMMISSIONER WEXLER: I moved it.

COMMISSIONER SHARIEF: Second.

VICE MAYOR KIAR: Second.

MAYOR RYAN: All right. Item 57 having been moved and seconded, all in favor, indicate by saying aye.

Show that motion passes unanimous.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: You're going to vote -- you're going to vote nay?

COMMISSIONER BOGEN Correct.

MAYOR RYAN: All right. So --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- show that Item 57 passes --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER FURR: I'll vote no.

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MAYOR RYAN: Okay. Anybody else you want to ask to see if they want to vote no, Commissioner Bogen?

COMMISSIONER SHARIEF: We have a long agenda. Keep moving.

MAYOR RYAN: All right. So Item 57 passes 7 to 2, with the nays being Commissioners Bogen and Furr.

VOTE PASSES 7 TO 2 WITH COMMISSIONERS BOGEN AND FURR VOTING NO.

REGULAR AGENDA

AGENDA ITEM 75

MAYOR RYAN: All right. Now we're going to move on to Item --

COMMISSIONER SHARIEF: 75.

MAYOR RYAN: -- 75.

Item 75 is a motion to approve the final ranking of qualified firms with RFPs for janitorial services.

This is one solicitation that resulted in 15 contracts. There were ten contracts that there was not a bid protest. These are the ten contracts that are before us.

Now, we have members of the public that wish to be recognized to speak on Item 75. Our first speaker is Terriann McKenzie.

UNIDENTIFIED SPEAKERS: (Inaudible.)

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MAYOR RYAN: Ms. McKenzie?

All right. Next speaker is David --

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: She's right there.

MS. MCKENZIE: Good morning. Sorry about that.

MAYOR RYAN: Good morning.

MS. MCKENZIE: I'm actually going to pass on this.

MAYOR RYAN: Thank you.

MS. MCKENZIE: I'm going to pass on this.

MAYOR RYAN: Our next speaker is David Melendez.

UNIDENTIFIED SPEAKER: Not present.

MAYOR RYAN: Next speaker is Bart Okoro. Bart Okoro. There you are.

MR. OKORO: Good morning. I'm here for question only. And if there's a questions on Item 75 --

MAYOR RYAN: All right. Thank you, sir. We'll call on you if -- if the question arises.

Our -- our next speaker is Tim Healy.

UNIDENTIFIED SPEAKER: (Inaudible) Consent.

MR. HEALY: Good morning, all. My name is Tim Healy. I'm Business Development

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Officer for Dammel Cleaning. I'm from Houston, Texas.

I'm speaking on Item 75 generally and 75E, as in Edward, specifically.

The -- the purpose or reason for speaking is we'd like to voice our displeasure and contention with being deemed non-responsive in regards to contract Number 5, which is for the water and wastewater treatment facilities, and also the current recommended award that you have before you.

As I indicated, Mr. Melendez can't be here. As a CBE, as you can, hopefully, understand or appreciate, he has conflicts. I hope that doesn't represent our lack of interest in this procurement. As a matter of fact, that's why I'm here. That should evidence that we are serious. I -- I flew in last night.

I would like to take the opportunity for you guys to thank you for listening and taking the time.

The first thing I'd like to do to get down to the real brass tacks is commend the Commission for I guess you would call it unbundling these contracts, allowing 15 awards. That would -- the idea, I would suspect, is to increase the amount of CBE and small business participation.

There's basically a half a dozen items we'd like to discuss, and I'll go through them quickly because I'd like to -- I'm running out of time and I'd like to see if anybody has any questions.

But, basically, we're concerned with the County not -- there's an appeal before you with Sunshine. We're a little unnerved by -- for lack of a better way of saying it, due to the lack of an automatic stay and any kind of written determination rationalizing going forward.

And the other thing, too, seeing how my time is almost up, if you'll permit me just one quick thing, it was also -- I want to make an -- a final point and that has to do with that it may be asserted that we had the -- our -- our right or remedy

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was to appeal.

I just want to make sure everybody -- to put this in dollars and cents for everybody, that would have cost us as a firm \$14,000. \$14,000 that we would have never gotten back. I mean, that's just not a good business decision.

MAYOR RYAN: All right.

MR. HEALY: And what I would --

MAYOR RYAN: Thank you. Thank you --

MR. HEALY: I'm sorry --

MAYOR RYAN: -- Mr. Healy.

MR. HEALY: -- sir.

MAYOR RYAN: Thank you, Mr. Healy.

MAYOR RYAN: All right. Is there any comment --

MR. HEALY: Thank you for your time.

MAYOR RYAN: Thank you. Thank you, sir.

All right. Any comment on Item 75?

Is there a motion?

COMMISSIONER HOLNESS: So moved.

COMMISSIONER LAMARCA: Second.

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MAYOR RYAN: Item 75, having been moved and seconded, all in favor indicate by saying aye.

Those opposed?

Show Item 75 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 88

MAYOR RYAN: Now we're going to move on to Item 77. This is a motion to discuss a provision for level two criminal background screening --

MS. HENRY: Mayor --

MAYOR RYAN: -- for child care and family --

MS. HENRY: -- Mayor, we --

COMMISSIONER SHARIEF: It was withdrawn.

MS. HENRY: -- we pulled that one.

MAYOR RYAN: Was that pulled?

MS. HENRY: We withdrew --

MAYOR RYAN: All right.

MS. HENRY: -- that one.

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MAYOR RYAN: Item 77 having been pulled. Thank you, County Administrator.

COMMISSIONER WEXLER: We're going to 88.

UNIDENTIFIED SPEAKER: 88.

MAYOR RYAN: We're now moving on to Item 88, is a motion to direct the County Administrator to publish notice of Public Hearing in reference to the amended -- amendment of the Administrative Code for the Yellow Dot Critical Motorist Medical Information Program.

On Item 88, do we have any comment?

Is there a motion to approve Item 88?

COMMISSIONER SHARIEF: Approve Item 88.

COMMISSIONER HOLNESS: Second.

MAYOR RYAN: Item 88 having been moved and seconded, all in favor, indicate by saying aye.

Show Item 88 passes --

COMMISSIONER WEXLER: I just want to make -- I just want to make sure. We're -- we're -- we're following the state law as far as that is concerned for nearest hospital if you're unconscious?

MS. ARMSTRONG COFFEY: We are. The state law actually requires the Yellow Dot form to state to allow the -- the person to state the hospital preference, but -- but emergency procedures require delivery to the right hospital.

COMMISSIONER WEXLER: Okay.

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MS. ARMSTRONG COFFEY: So this fixes that --

MS. HENRY: Yes.

MS. ARMSTRONG COFFEY: -- so that we comply with --

COMMISSIONER WEXLER: So as long as --

MS. ARMSTRONG COFFEY: -- emergency procedures.

COMMISSIONER WEXLER: -- as long as you're not unconscious and you say I don't want to go to that hospital, I want to go to this hospital --

MS. ARMSTRONG COFFEY: I don't think it's unconscious. I think it's whether it's an emergency.

COMMISSIONER WEXLER: I don't really care.

MS. ARMSTRONG COFFEY: In an emergency, you have to go to the closest hospital.

COMMISSIONER WEXLER: Okay. Okay.

MS. ARMSTRONG COFFEY: Otherwise --

COMMISSIONER WEXLER: Then --

MS. ARMSTRONG COFFEY: -- your preference can be taken into account.

COMMISSIONER WEXLER: -- then I -- I -- I --

MS. ARMSTRONG COFFEY: It -- this fixes that.

COMMISSIONER WEXLER: I know it does. But I really think that some people despise certain hospitals. And I do, and I don't want to ever go there, whether

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I'm conscious or unconscious.

COMMISSIONER RITTER: Tattoo it. (Inaudible.)

COMMISSIONER WEXLER: No, seriously.

UNIDENTIFIED SPEAKER: What --

UNIDENTIFIED SPEAKER: Don't -- don't yellow dot.

COMMISSIONER WEXLER: And I'm going to come after him (indicating) if --

(Laughter.)

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- if they take me there. He may not be a Commissioner, but I'm still coming after you. Okay? So --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: All right. We --we -- we've already voted on --

COMMISSIONER WEXLER: I -- I'll get to say this again.

UNIDENTIFIED SPEAKER: Yes. (Inaudible.)

MAYOR RYAN: All right. We've already voted on this item, but the -- the original sponsor of this item, Vice Mayor Kiar, wishes to make a comment.

Commissioner Kiar, you're recognized.

VICE MAYOR KIAR: I do. Thank you, Mr. Mayor.

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Actually, I have -- this doesn't have to do with the exact item before us, but Ms. Henry and staff asked me to bring this up to the County Commission. It is something that we need to do to implement this, and that is funding for the Yellow Dot program.

It costs approximately \$30,000 for the initial 100,000 stickers and pamphlet. And I have had a very good time going throughout the County speaking to a number of different cities. The League of Cities is very -- is very supportive. The EEOC that Chip serves on is --

COMMISSIONER LAMARCA: EMS.

VICE MAYOR KIAR: -- EMS Council is very supportive. But I have found it to be somewhat difficult to get folks to contribute to the program --

MAYOR RYAN: No kidding.

VICE MAYOR KIAR: -- which is -- which is tough, though, because there are -- it is approximately \$30,000 and it's tough to go to each individual city and say can I have 500 or a thousand?

And so --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: -- so Ms. Henry asked --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: -- me to bring up to the Commission to see if we could -- I'll -- tell Ms. Henry or give her some support that we can utilize County dollars to fund this program.

And I would -- I think it's the right thing to do, so I'm asking if the folks up here --

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MAYOR RYAN: Well --

VICE MAYOR KIAR: -- would agree with me --

MAYOR RYAN: -- all right.

VICE MAYOR KIAR: -- to say -- tell -- ask -- to let Ms. Henry allocate --

MAYOR RYAN: Well, this -- this sounds like --

VICE MAYOR KIAR: -- 30 grand.

MAYOR RYAN: -- a comment that's directly related to the item. So --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- do you want to take -- you want to this up for --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- okay. There's a motion to reconsider.

COMMISSIONER WEXLER: Thank you.

COMMISSIONER RITTER: Second.

MAYOR RYAN: There's a motion to reconsider --

COMMISSIONER WEXLER: Then I can vote no.

MAYOR RYAN: -- there's a motion to reconsider, and there's a second on the motion to reconsider.

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All in favor, indicate by saying aye.

VOTE PASSES UNANIMOUSLY.

MAYOR RYAN: All right. We've returned to Item 88, which is an amendment of the Administrative Code with respect to the Yellow Dot Critical Motorist Medical Information Program.

Now, just -- you know, because we had not discussed what this item actually does, why don't you give a brief introduction of what you're accomplishing with this item?

VICE MAYOR KIAR: Well, this item just basically conforms to state law with regard to hospital preference.

But I would like to stick an amendment onto it that would provide the Administrator with the ability to utilize the initial funding of \$30,000 for the first 100,000 decals and pamphlets --

(COMMISSIONER RITTER LEFT THE ROOM.)

VICE MAYOR KIAR: -- so that we could begin implementation of the program and give the residents of Broward County the ability to start partaking in a -- in what I believe will be a life saving measure.

MAYOR RYAN: Okay. What this -- what this item does is if a motorist displays the yellow dot on the vehicle, it's a -- an indication to first responders. If the -- the operator of the vehicle is somehow non-responsive, may have stroked out or something like that, that the first responder is authorized to enter into the vehicle and enter into the --

VICE MAYOR KIAR: Glove box.

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MAYOR RYAN: -- glove -- glove compartment and to be able to obtain information, medical information which will be helpful for the first responder in both directing where the person -- the operator of the vehicle may want to be taken, which hospital, what medications they're on. And it's-- it's -- actually, it's a very good program.

So is -- there's a motion to amend --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- to allow for a \$30,000 appropriation of County funds for the printing of, what, 100,000 yellow dots?

VICE MAYOR KIAR: It would be with the initial 100,000 yellow dots, along with the pamphlet that goes into the glove box.

COMMISSIONER SHARIEF: Can I ask a question?

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MAYOR RYAN: All right. And then if the 100,000 yellow dots and the informational pamphlets are disbursed, then you'll have to come back for a supplemental appropriation.

UNIDENTIFIED SPEAKER: All right.

MAYOR RYAN: All right. So we've got questions on -- on this item.

First, Commissioner Sharief.

COMMISSIONER SHARIEF: Okay. So with this Yellow Dot Program, you do understand that if a person is in critical condition it is the closest hospital to them. It doesn't -- the yellow dot is not applying at that point.

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VICE MAYOR KIAR: Yes, the -- actually, the -- the hospital issue is -- is just a -- one little line in the pamphlet.

COMMISSIONER SHARIEF: It is.

VICE MAYOR KIAR: It's really the -- the pamphlet basically has a number of other issues. And I -- and I do understand. There's -- my understanding, state law requires that it be the nearest hospital that they go to, and that's what this -- that's what this initial -- that's what our -- the agenda item today does, basically it amends it so that --

COMMISSIONER SHARIEF: I just want it to be very clear --

VICE MAYOR KIAR: Yes. Yes.

COMMISSIONER SHARIEF: -- when we're doing -- if and when this happens --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER SHARIEF: -- if we do this --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER SHARIEF: -- if we do decide to fund this, that people don't think that they sign up for the Yellow Dot Program and they're going to wake up in the hospital of their choice if they're --

VICE MAYOR KIAR: Right.

COMMISSIONER SHARIEF: -- in critical condition, because they're not.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER SHARIEF: If we respond to the scene of a accident --

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VICE MAYOR KIAR: Yes.

COMMISSIONER SHARIEF: -- and the person is critical, we're getting them to wherever they can get the best medical treatment at that time.

VICE MAYOR KIAR: Yes.

COMMISSIONER SHARIEF: And then the other thing, too, is also when people are oftentimes on -- well, I'll go back. The electronic health records system that we converted to three years ago --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER SHARIEF: -- holds in its system what people are on. So a lot of times if you have a -- if you pull up and you have a motorist and you pull up their name and you have their --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER SHARIEF: -- Social Security and their date of birth or whatever, it will spit out everything -- every medication that they're on. By the time you arrive to the hospital, you'll have that.

So I'm just -- so I'm a little torn, because, one, I think that if the cities really like this program, they should buy in.

Two, it historically has been very difficult to get money out of the cities for any program that has been introduced at the County level.

And, three, I believe that there are some safety measures in place to help motorists who have had an accident to get to where they need to go and to get there safely.

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So I'm not a hundred percent sure that I want to take on the funding responsibilities of -- of this program a hundred percent, and so, for that reason, I'm -- I'm probably going to be a no today.

VICE MAYOR KIAR: Okay.

COMMISSIONER SHARIEF: So, anyway, Mayor, I'm done.

MAYOR RYAN: Well, you know, whether you agree to fund this or not, at the point where a person is unresponsive, whether by, you know, some type of a -- a heart attack, a stroke, or a serious automobile accident, every minute counts.

And so I think that the -- the cost factor of \$30,000 for 100,000 of the stickers and the pamphlets is a reasonable expense.

Commissioner Wexler.

COMMISSIONER WEXLER: Oh, I'm going to see if I can be less fresh.

I -- I -- first of all, the -- in my opinion, the appropriate place to have this budget discussion is Thursday at the budget meeting, because I suspect there's going to be colleagues coming forward with lots of asks from lots of programs that are out there. Don't disappoint me, Vice Mayor.

VICE MAYOR KIAR: I won't.

COMMISSIONER WEXLER: Right?

UNIDENTIFIED SPEAKER: He won't.

COMMISSIONER WEXLER: All right. So, having said that, I think that when we look at things in its totality rather than little snippets in time, it may seem like very little, but when you ask for a hundred thousand there and a quarter of a million there and a million and a half there, it begins to add up.

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And we just distributed on the plus side of \$30,000,000, plus the Alpha 250 site to the cities. And for -- for cities not to -- I mean, I -- did you ask them?

VICE MAYOR KIAR: Well, I had --

COMMISSIONER WEXLER: Or did you just go out promoting it?

VICE MAYOR KIAR: -- well, I promoted it, and I had conversations with -- with a few folks. And --

COMMISSIONER WEXLER: Okay.

VICE MAYOR KIAR: -- it -- it just -- it's -- I -- I didn't ask formally every single city, but it's -- which we could ask staff to -- to do if they'd like to --

COMMISSIONER WEXLER: I'm -- I'm going to tell you --

VICE MAYOR KIAR: -- also reach out to them.

COMMISSIONER WEXLER: -- Vice Mayor, I would have no problem whatsoever funding those cities that are covered by BSO --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- but I really do have problems covering those cities that -
- and, by the way, most of my cities in my district provide their own fire and police. It's not under BSO. So --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- I just really think that they at least need to have a formal request come from the Board of County Commissioners --

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VICE MAYOR KIAR: Okay.

COMMISSIONER WEXLER: -- asking for -- whether it's based on population and it's a sliding scale, whatever --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- it may be.

VICE MAYOR KIAR: Okay.

COMMISSIONER WEXLER: But I think we really need to do that, because opening up this Pandora's box, it -- you're not going to be here, I'm not going to be here. You know, we know that already. Do you want it to continue? Then we need community buy in.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: And I think that the concept is great. I love it. I -- I -- I realize we're -- we're working with state law and so we have certain requirements that we must abide by.

But the funding piece is something that at least this Commission should ask those cities to participate, those that are not under the umbrella of BSO.

VICE MAYOR KIAR: Well, if -- may I, Mr. Mayor?

MAYOR RYAN: Vice Mayor.

VICE MAYOR KIAR: Well, if it would please this Commission, I mean, as -- you know, if staff is okay with this, I would withdraw my amendment today and over the summer we can instruct staff to --

COMMISSIONER WEXLER: That's --

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VICE MAYOR KIAR: -- send a letter to each of the cities and to request their buy in. Some may. Some may not. And then we can bring it up at the first meeting come from break.

COMMISSIONER WEXLER: I think that's a -- I think that's super, but I -- I also support that we fund the BSO piece.

VICE MAYOR KIAR: Okay.

COMMISSIONER WEXLER: I don't know that everyone agrees. Maybe they don't. I mean, I've got two cities that are very wealthy cities that are funded -- provided law enforcement and fire, BSO, and that's Weston and Cooper City. I suspect that both of them could write a small check for a thousand dollars.

But I -- you know what? I'm going to support that every city contribute, because I think they all need to be partners in this effort.

So if -- with your permission, if we could write that letter.

VICE MAYOR KIAR: Sure.

COMMISSIONER WEXLER: And try to get it and then get a report when we come back in August as to their response to it. It's a very small amount. And Commissioner Ritter just did the math. It's about -- what did you say?

COMMISSIONER RITTER: (Inaudible.)

COMMISSIONER WEXLER: Well, it's 31 cities, so it's less than --

UNIDENTIFIED SPEAKER: Less than a thousand.

COMMISSIONER WEXLER: -- so it's less than a thousand --

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UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- 32 with us, so it's less than a thousand dollars per city.

VICE MAYOR KIAR: And it would be about \$2 for Lazy Lake, you know, (inaudible).

COMMISSIONER WEXLER: There you go. And you know what? It really should be based on population.

VICE MAYOR KIAR: I agree.

COMMISSIONER WEXLER: So I'm sure that staff could work that out.

MAYOR RYAN: All right. So --

VICE MAYOR KIAR: I think that's --

MAYOR RYAN: -- so Vice Mayor Kiar --

VICE MAYOR KIAR: -- very reasonable.

MAYOR RYAN: -- wishes to withdrawn his amendment on the funding aspect.

So let me just go through the members and see if you still want to speak. We have Commissioner Furr, Commissioner Ritter, Commissioner Holness.

We already passed this item without the -- without the appropriation.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Commissioner Furr, do you wish to --

COMMISSIONER FURR: Just real quick. I support that plan of going to the cities. I think that's good.

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But I also think we should maybe ask the Sheriff if LETF funds are available for this. This -- this makes a lot more sense. This is -- this is under public safety. There's plenty of -- there's money there.

Normally, we -- we very seldom actually put -- put forth our own proposals for how to use that money. This is a time where we should do that.

So I would -- I would -- I would propose that, see if he's amenable to that, and then if not, then we go out to the cities.

COMMISSIONER WEXLER: That's a good campaign thing, too.

COMMISSIONER FURR: Exactly.

MAYOR RYAN: All right. So you -- are you tasking the Vice Mayor to make that inquiry?

COMMISSIONER FURR: I am.

MAYOR RYAN: He's -- he's -- he's already very friendly with the Sheriff, so that's a good idea.

All right.

Commissioner Holness.

COMMISSIONER HOLNESS: Yes, it's -- it's a good idea, Commissioner Kiar.

I had one that calls for us to have Florida's International Trade and Cultural Expo. I'm hoping to get some funding also. So -- so -- so I -- I understand the difficulty of raising funds.

(MAYOR RYAN LEFT THE ROOM.)

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COMMISSIONER HOLNESS: But I have to be out there raising funds for this event. It's a -- it's going to have a positive economic impact on Broward County and put -- put us in a place to be recognized as a global hub for trade and international business.

I -- I -- I believe that getting the cities to buy in is -- is -- is not only in terms of the finance, but in terms of the implementation. Where are we going to distribute them? They could be centers for distribution. If they have something invested in it, you -- you -- a hundred thousand seems to me to be a large quantity anyhow. Where -- you know, how are we going to distribute that hundred thousand?

VICE MAYOR KIAR: Do you want me to --

COMMISSIONER HOLNESS: Please.

VICE MAYOR KIAR: The way that staff had set it up, I guess in coordination with the Sheriff's Office, from my understanding is it will be -- as of right now, they'll be within fire stations throughout the County, but situated in -- you know, throughout the County in a -- in a manner so that they're easily attainable by each community.

But I do think what you suggested is a very good idea, because Sunrise, for example, approached me and said, Marty, we love this program and we would love to participate it and we'd like to have some stickers here so that we could distribute to our residents.

And I think -- I think the -- what the County Commission has suggested today, I think is very reasonable, very smart, and I fully support.

Thank you.

(MAYOR RYAN RETURNED TO THE ROOM.)

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MAYOR RYAN: Okay. The amendment having been withdrawn, 92 having come up for reconsideration, it was passed for reconsideration.

Now the item passage on Item 92, is there a motion?

COMMISSIONER SHARIEF: So moved.

VICE MAYOR KIAR: Second.

MAYOR RYAN: All right. Item 92 having been moved and seconded, all in favor, indicate by saying aye.

Opposed?

Show 92 -- Item 92 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 88

MAYOR RYAN: Item 93 is a four -- four-part motion to approve. These are ground leases and tenant estoppel letters, consents for modification of leasehold mortgages between Broward County and Sheltair Aviation.

COMMISSIONER HOLNESS: Mayor, did you just --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- you just said 92. It's 88.

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER HOLNESS: 88, not 92.

UNIDENTIFIED SPEAKER: 88.

MS. HENRY: 88.

UNIDENTIFIED SPEAKER: (Inaudible) on Consent.

COMMISSIONER HOLNESS: Yeah.

MAYOR RYAN: Oh, I'm sorry. I'm sorry, that was Item --

COMMISSIONER HOLNESS: 88.

MAYOR RYAN: -- that was -- that was Item 88.

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: All right.

COMMISSIONER SHARIEF: Wait. But you still have to do 89.

UNIDENTIFIED SPEAKER: No.

VICE MAYOR KIAR: I -- I withdrew it.

MAYOR RYAN: No, 89 was withdrawn.

UNIDENTIFIED SPEAKER: (Inaudible) withdrawn.

COMMISSIONER HOLNESS: Yeah.

VICE MAYOR KIAR: I did it for the time being, yeah.

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MAYOR RYAN: 89's withdrawn. I mis-spoke.

We went back and the motion for reconsideration was on Item 88, which is the Yellow Dot Program.

UNIDENTIFIED SPEAKER: Right.

MAYOR RYAN: All right. So let's go ahead and vote again on Item 88.

Item -- Item 88 --

UNIDENTIFIED SPEAKER: So moved.

MAYOR RYAN: -- is moved and seconded.

All in favor, indicate by saying aye.

Opposed?

Item 88 passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 93

UNIDENTIFIED SPEAKER: Now we're on 93.

MAYOR RYAN: All right. And 92 had been on Consent, so we are on 93 again.

All right. So that's the motion to approve ground lease and tenant estoppel and consents for modified leasehold mortgages between Broward County and Sheltair Aviation.

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On Item 93, we have some speaker cards.

All right. First, we have Jerry Holland.

Is -- is he going to speak, Mr. Moskowitz?

MR. MOSKOWITZ: Yes, but if it's okay with you, Mr. Mayor --

MAYOR RYAN: You want to go first?

MR. MOSKOWITZ: If it's okay with you.

MAYOR RYAN: All right. Mr. Moskowitz, you're recognized.

MR. MOSKOWITZ: Thank you, Mayor.

Michael Moskowitz on behalf of Sheltair Aviation.

I'm proud to stand before you and -- and appear on behalf of this client as I have on many times since 1979.

I'm going to have to speak quickly to get everything in in my time, but let me just quickly say Jerry Holland started his operation right here at your airport in 1986. Since that time, he has grown to be on 22 airports, leasing over 3.5 million square feet of space.

Mr. Holland, who, as you know is a man of his word, has invested over \$80,000,000 in building the improvements here at your airport.

He recently completed Phase -- Phase 1 of additional development in May of 2014. We put in an additional \$21,000,000.

Over the years, we have worked very well with your staff. We have always resolved all issues, et cetera.

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An issue came up with respect to a PBMI at 9:30 last night. Unfortunately, I haven't gotten a chance -- I apologize not being able to speak to Mrs. Henry, so let me briefly tell you what we're dealing with.

Each time a mortgage is placed on property, your County requires that you consent. Your staff reviews the documents. You approve them. You -- you make changes, et cetera. We've not had any issues, et cetera.

In 2013, we did a global refinance of all the 22 properties that Sheltair and Mr. Holland have, \$200,000,000 of financing.

At that time staff reviewed the documents, approved everything, but said to us, listen, we would like you to do an allocation. We don't want all \$200,000,000 to be on this property. We'd like you to do an allocation.

And there was several weeks of negotiations. It resulted in an agreement to allocate \$75,000,000 as to your Fort Lauderdale property. That was done in 2013, approved by your staff, approved by your Commission, approved by everybody.

In 2015, we're doing another refinance. We're just increasing the amount from 200 to 260,000,000.

I'll finish quickly, Mayor, et cetera.

We are not increasing the \$75,000,000 allocation that was agreed to with respect to your properties, not one penny. We're increasing the total loan \$60,000,000, of which we have committed to spend at least \$25,000,000 of that here at your airport. And we've shown you some of the things that we've done and some of the things that are planned.

Now, the -- an issue arose last Thursday, not with respect to the mortgage, not with respect to the documents, but the Auditor and I had a meeting and the

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conversation dealt with the buy-out formula that is in the lease in case you guys, the Commission, the County, ever wanted to buy out the properties.

Let me make this quick. The buy-out formula that is there has been there for 20-plus years. You, the County, drafted it. We had nothing to do with it. You told us this is it, et cetera.

The Auditor raised some concerns about the buy-out formula. I said I can't address that. That's your formula. Okay?

The Auditor asked was there an appraisal done by the lenders in connection with this? I said I'm sure there was. The Auditor said I'd like to see that appraisal. I said I can't get you that because those -- that's the lenders'. That's proprietary that they've developed with reference to income of Sheltair, income of Jerry Holland and the like.

MAYOR RYAN: All right. Mr. Moskowitz, I -- why don't we save the rest if there's any questions.

Let's go ahead. We have two other persons that would like to speak on this item.

Jerry Holland.

MR. HOLLAND: Mr. Mayor, members of the Commissioners, I'm Jerry Holland. I own Sheltair Aviation Services.

I've been on this airport for a long time. I've lived in this community all my life.

And it's amazing what we've had to go through here to try to get this extension done on our loan. It doesn't make a lot of sense.

Most of this stuff has been in this lease forever, and why now it comes up is beyond me.

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But we are fixing to spend another \$25,000,000 here, and we've been trying to spend this money on this airport since September. And here we are just coming here today hearing something we got surprised on last night.

I do not understand it. It doesn't make sense. I have never come to you for one nickel. I've spent over \$80,000,000 to date on this airport.

All I'm asking today is to get approved so I can start construction on this project. This is going to create hundreds and hundreds of more jobs. I presently employ over a hundred and some-odd people on this airport. I just do not understand it.

I would appreciate if you could look at this intelligently and decide what is right and what is wrong.

You know, we've come to you and willing to spend our money again to build on your airport. We have made this airport. We have over a million square foot at Executive Airport. We have close to three and a half million square feet around the country. We're at JFK, we're at LaGuardia. We don't get asked for this kind of stuff. This doesn't make sense.

You have to understand that you have the right, always, if I default on any of these loans, the bank is going to step in and pay. This is not subordinated land. This is leased land.

So I would appreciate anything you can use your wisdom for to get this thing done. It just doesn't make sense.

Thank you.

(VICE MAYOR KIAR LEFT THE ROOM.)

MAYOR RYAN: All right. We have one more speaker, but I -- I want to pose a question

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to the County Attorney.

It is a leasehold interest and the underlying land or -- or the fee interest, the fee simple is in the -- is in the County's name.

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

MAYOR RYAN: So the leasehold interest is encumbered by this mortgage, and so can you explain the -- the legal necessity for -- for this item?

MS. ARMSTRONG COFFEY: Because the leasehold interest is collateral for Sheltair's loans, they're asking the fee holder, that is, Broward County's permission to subordinate an additional amount of money to the mortgage that -- that the -- the leasehold is subject to.

MAYOR RYAN: All right. So the request -- this initial request does not come from the County, but it comes from the lender?

MS. ARMSTRONG COFFEY: It comes from Sheltair, who is trying to get a loan, an additional loan from a lender and the lender requires the subordination.

MAYOR RYAN: Okay. All right. We've got one more speaker and then it's going to come to the members who have some questions or comments.

Todd Anderson.

MR. ANDERSON: Good morning. I'm Todd Anderson with Sheltair. I've been with -- with Sheltair for over 15 years. I'm the Senior Vice President of Real Estate and Development.

Just to -- just to clarify one point, we're not increasing any -- any money here on this -- on this loan. So I just wanted to make that clear.

But I -- one of the things I just wanted to get up and tell you is this is about

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economic development. I have businesses that want to upgrade aircraft. I have new businesses that are looking for facilities here out at the airport. So it's about -- it's about economic development.

We are hours away of signing a contract, subject to approval here, with the Turner Construction, who is going to bring over a hundred and twenty-five jobs to the local community working with the small businesses and the minority community as well to bring these jobs.

We are going to exceed the capital requirements that's set forth in the lease with this development.

So I just ask that everybody consider this. We are up against a -- a -- a time period right now. We're looking to close as soon as we can, no later than July 15th.

And we ask for your continued support.

Thank you.

MAYOR RYAN: All right. Now it's going to come back to the Commission for discussion.

Commissioner Bogen.

COMMISSIONER BOGEN: Based on what I know, you've got a -- a request here which poses no additional burden to the County, no additional liability to the County, no additional harm in any way to the County.

I don't understand what the problem is.

And I don't understand why they're defending themselves when all they've done has -- has been beneficial with employment and everything, and I would ask to vote, approve this.

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I -- I move it.

MAYOR RYAN: All right. Commissioner -- Commissioner Holness --

COMMISSIONER SHARIEF: Second.

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: -- there's a motion and a second on the item --

COMMISSIONER HOLNESS: Okay.

MAYOR RYAN: -- but there's still discussion.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Well, let's -- let's hear from --

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: -- Commissioner Holness and then I'll -- I'll come back (inaudible).

COMMISSIONER HOLNESS: I -- I -- I -- I -- I think the issue here is -- from the Auditor's perspective, is whether or not we'll have an overextended property when it comes to value if we were to have to --

MS. HENRY: Exactly.

COMMISSIONER HOLNESS: -- buy it from Sheltair.

And we have already agreed to \$75,000,000 -- \$75,000,000 allocation on this property some time ago, and -- and that was fine. So if that's fine, the additional funds that they're receiving is not being allocated to this property. So

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the value is there that was there before.

In fact, we can go further. They have made a commitment here that they will put \$25,000,000 more in improvement on this site. That's increasing the value. So, therefore, the value that we would get should we have to take this property for whatever reason is more than there already.

And -- and my suggestion is this. In order to allay the fear of our Auditor is that we get a commitment from Sheltair in writing that they will put at least \$25,000,000 in improvement on this property, and -- and that should take care of any fear that our -- our Auditor might have in terms of the value not being there.

MAYOR RYAN: Okay. Before we talk about additional improvements, let's -- let's go to the County Administrator. I know you want to make some comments on this item.

MS. HENRY: Yes, I think the issue here, you touched on it, was that when this -- when the IDB was initially brought to the -- to the County, we really didn't have -- if they want -- if they wanted to borrow money, we were protected.

We are now -- we have asked for the ability to buy out this property in the event sometime in the future we would need to. There's a small portion of their project that may or may not be something that we need way in the future, admittedly.

The issue here is that during the initial term, the County did not -- we never had physical possession, and -- to my understanding, nor did we see the appraisals that generated the negotiations of 75,000,000 versus what have you.

All we're asking technically here is to have the ability to see the appraisals to determine that the portion of the improvements that are allocated to Broward County are consistent with what the -- with the appraisal.

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I understand that they have concerns about there is proprietary information in those appraisals. We often have proprietary issues that we deal with where we don't take physical possession, but we do have the opportunity to have staff, the appropriate staff, knowledgeable staff, look at the appraisals and verify that -- that what is being -- the -- the -- the formula that's included here that addresses the 75,000,000, that we concur.

That's all we're asking. I don't need to take physical possession of the -- of the appraisals, but I would like to have my staff who understands appraisals take a look at them to make sure that the amount that's allocated to Broward County is fair.

MAYOR RYAN: All right. We've got Vice Mayor Kiar that's going to speak next, but I -- I want to pose a question to the County Attorney.

So this leasehold interest you mentioned is collateral for the loan that Sheltair is -- is either taking out or increasing the amount of its existing loan. So in the event that there was a -- a -- a default by the lessee, then would we be looking at that the County -- the County would not take over the lease but the -- the lease would -- being collateral, would then go to the lender of there was a default?

MS. HENRY: I think there's an issue. I don't -- I don't think we've communicated the issue.

This isn't about a default situation. We have a provision in this agreement that says that should we have to buy out this lease for our own, we terminate it for any reason, that we would pay hundred percent of the fair market value of the property. That's fair. Understand that.

But it goes on to say or 100 percent of the payoff amount as determined by an agreed upon formula contained within the agreement of the lease.

And so that's the piece, the secondary piece of that. I have no concerns about

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the formula or the issue that you're raising.

It's we are now having to -- as part of this, that we agree we would pay a hundred percent of the outstanding amount. And we -- we've not seen the -- we've not seen the appraisals.

And I don't need to take possession of the -- of the appraisals, as indicated, and I don't know if they have a problem with us taking a look at it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Okay. Vice Mayor Kiar.

VICE MAYOR KIAR: Thank you, Mr. Mayor. I just have a question.

If -- if their claim is that the appraisals contain proprietary interest, basically has income information, things of that nature, and there is nothing in any of our existing agreements that gives us the ability to have those appraisals, I mean, you know, I guess my question is what right do we even have to have it?

MS. ARMSTRONG COFFEY: I -- I think in the past -- it's a very old lease, and I think we've known what was being built at the airport, because we do also have a lease and that explains what's going to be built. And, you know, Item D here, includes is a modification of the lease.

And so I think it's only as it's become very successful and the numbers have become large that this has become a more complicated issue than the old lease provisions.

If I might add, Mayor, also, I -- I mis-spoke. I called it a subordination. It's actually a consent to leasehold. The effect is -- is essentially the same for our purposes.

And I also, in echoing what Ms. Henry has said, want to call to the Board's

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attention once again when you read the additional material this morning on Item Number 93, staff is recommending that the item be approved subject to the verification of the appraised amounts in the event of buy-out.

VICE MAYOR KIAR: Is -- is there anything in the existing leasehold, if we want to modify the lease, that gives us the ability -- there's been a -- is there any agreement that is -- that is in writing currently now that gives us the ability to require them to provide us a copy of their appraisal in order to move forward?

MS. ARMSTRONG COFFEY: Ms. Lee. Chris.

MS. HENRY: Again, I want to clarify. I'm not asking for a copy of the appraisal. I'm asking to review the appraisals.

VICE MAYOR KIAR: Well, I'm -- I understand. I'm just trying to understand --

MS. HENRY: Okay.

VICE MAYOR KIAR: -- what we're allowed to ask for, what we're --

MAYOR RYAN: All right. Yeah, let's hear --

VICE MAYOR KIAR: -- entitled to.

MAYOR RYAN: -- let's hear from the attorney that's working on this -- this issue.

MS. LEE: Christine Lee, Assistant County Attorney.

There's no provision in the lease that requires us to -- that requires us to seek an appraisal from Sheltair of this nature.

We do have provisions in the buy-out that would require we get an appraisal of the fair market value, and they can counter with an appraisal.

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This is an appraisal to support a loan. It wasn't an appraisal in connection with the buy-out provisions of the lease.

However, there is also no obligations between us and the tenant to amend this lease to increase the value of the loan up to the amount that is now being asked.

VICE MAYOR KIAR: So --

MS. LEE: So you don't have a requirement to do that, but there is no requirement in the lease that requires -- that requires --

VICE MAYOR KIAR: -- so --

MS. LEE: -- us to -- gives us a right to look at this particular appraisal.

VICE MAYOR KIAR: -- so for my understanding, then, they would like to invest another \$25,000,000 into this property to make it more valuable, and we are asking for information that technically we're not entitled to, which could actually hold up that investment.

To me, that gives me a lot of concern, and I would prefer to approve this item as is initially recommended by staff.

Thank you.

MAYOR RYAN: We have Commissioner Wexler, but, to the attorney, don't go too far. So is there some provision that indicates that this additional -- the -- the additional funding will be invested on this site?

MS. LEE: No, there is not. And -- the amendment could be revised to include that requirement.

MAYOR RYAN: All right. So Mr. Moskowitz, you're --you're nodding your head. So

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that's -- that seem -- would seem to be my concern. If, in fact, this 25,000,000 is going to be spent for improvements on the property, then that increases the value which --

MR. MOSKOWITZ: Mr. Mayor, you're --

MAYOR RYAN: -- is where we want to be. We don't want the \$25,000,000 to go be spent at another airport.

MR. MOSKOWITZ: -- you're the second wise person to ask that question or make that suggestion. So let me say -- and Mr. Holland is here who can step to the podium -- we will agree, today, to stipulate right here at the podium to put it in writing that a minimum of \$25,000,000 of the additional money will be spent in improvements at this airport.

MAYOR RYAN: Okay.

MR. MOSKOWITZ: Mr. Holland, just so the -- the Commission has -- will you step to the -- to the podium and acknowledge that that is agreeable, please?

MR. HOLLAND: You have to understand, we're fixing to build eight more hangars over there. Everything we've got's rented. And to build these hangars, it will cost in excess of \$25,000,000. So we went to our lenders and got the money, and we have to put in every one of these things, our own money into these things.

So it isn't like this money is being spent in JFK. It isn't like this money is being spent in Orlando. No, it's being spent on our own airport right here in our own community, as we've always done.

There is nobody spent \$80,000,000 as a private citizen on this airport, our airport.

So I think we've made a big mountain out of something here, you know, as far as you can go to Sun Trust and if they want to give you the appraisal, you're

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welcome to look at it.

I don't understand it, you know. We never had this problem before, so why is it coming up now, you know?

MAYOR RYAN: Okay. All right. Thank you. All right.

MR. MOSKOWITZ: The -- the answer is yes, Mr. Mayor.

MAYOR RYAN: All right. Commissioner Wexler.

COMMISSIONER WEXLER: I got that the answer is yes. And that's -- that's great. But to your point, Vice Mayor, which, really, we're not required to do this increase. We're not required to do that.

We have gone through this for -- since I'm here where we hear that information is proprietary. Okay. We respect that. We acknowledge that. You heard your County Administrator say we don't want a copy of it. We want to see it. You heard Mr. Holland say, well, go to Sun Trust. Really?

This -- this is the applicant standing in front of us. They clearly do not want to show the appraisal, clearly, not to any staff member within this organization.

Now, are they legally -- do they have to? Of course not. But I don't have to approve this item either. So that's where you play here. Okay?

And they know it. They both know it. They all three of them that spoke today know it. It's a negotiation here.

You all want to lay -- lay back and say, okay, fine. It's -- you know, it's just gotten to a point where we just say, okay, whatever you want, whoever's up there, whatever you want.

I am absolutely -- if there is a reason that three -- our three-legged stool is

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asking us for this peek at this appraisal -- it's not just the Auditor. If it was just the Auditor, that's one thing. It's our County Administrator. It's our Legal. All three of them are -- are -- are speaking and saying the same thing to us.

At the end of the day, this Board does get to make the final decision. For me, all that I would think is is that we should -- we have a fiduciary responsibility.

I absolutely believe there is no problem here. Everything that they say is true.

What gives me pause is why they don't want to show it. That concerns me.

(VICE MAYOR KIAR LEFT THE ROOM.)

MAYOR RYAN: Commissioner Ritter.

COMMISSIONER RITTER: Thank you. Thank you, Mr. Mayor.

It -- it -- sometimes I -- even after eight and a half years here, I get amazed by things that have gone through negotiations for years. Staff, the Auditor, County Administration is perfectly aware of what's in the contract because guess what, we wrote the contract.

This is a 25-year leasehold agreement that is signed by every other lease holder on County property because, guess what, it's our agreement. It's not like the Auditor's Office didn't know about this language two years ago when we started negotiations with Sheltair for them to improve our airport with --

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

COMMISSIONER RITTER: -- guess what, their own money. It's not even our funding.

Commissioner Wexler, you say this is where they play. Yeah, they're playing with their own money. They're not playing with the house's money. They're playing with their own money. They're gambling with their own investments.

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You -- you're -- you're curious as to why they don't want to give the appraisal. Well, first of all, they don't have to because, again, it's our contract. We wrote the standard language. So why would they do something -- you know, why wouldn't the Auditor's Office have said two years ago when these negotiations started -- because, as you recall, Commissioner Wexler, and the other members of the Board who were here, we held up Mr. Holland and Sheltair for two years on improvements that cost him a tremendous amount of, guess what, his own money, and yet he has maintained his commitment to his home airport where his headquarters is, here at FLL, knowing that it would cost him additional funding to stick with the negotiations here at the airport.

The fiduciary responsibility is -- yes, we have it. But, Commissioner Wexler, you said that you believe everything that Sheltair and its representatives said is true. So why not approve it today?

If the biggest cynic on the Board and I say that lovingly and with respect, is Commissioner Wexler, and she believes what Mr. Moskowitz and Mr. Holland have said today, then I have to sit there and say to myself what's the problem?

There is no problem. Mr. Holland has spent \$80,000,000 at FLL. He's our biggest tenant, and, quite frankly, he's one of our biggest fans at FLL. He has stuck through 20 years of attempted runway expansion, 20 years of attempted terminal renovation and reconstruction, 20 years of promising that we would let him increase his lease -- improve his leasehold, and finally we're getting to that point where the runway came through as promised, the terminal renovations and reconstructions are finally coming through as promised, and now we are going to say, yes, you can improve your leasehold, which, by the way, improves -- improves the value of our property at FLL.

I just don't understand why we would hold this up today because of, again, and this has happened before, last-minute questions by the County Auditor which raise concerns from this -- from -- from the County Commission at the last minute.

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This is not new. This did not get -- get dumped in the County Auditor's lap on Thursday or Monday. This is not new.

If you want to raise concerns, with all due respect, raise them six months ago. Stop dumping these things in the Board's lap on Monday night. It's not fair to us. It's not fair to those who come before us. It's not fair to the public, which -- who we -- who we represent.

And for me, you know, Mr. Holland, thanks for sticking with us, and I hope we can move this today as it's written without any amendments at all.

MAYOR RYAN: All right. Thank you, Commissioner Ritter.

I wouldn't call Commissioner Wexler a cynic. I'd say that she takes a very close look at all of the items and the backup material and the agenda.

All right.

Commissioner Holness --

COMMISSIONER RITTER: There's nothing wrong with being a cynic.

MAYOR RYAN: -- you're recognized.

COMMISSIONER RITTER: I didn't mean it to be (inaudible).

COMMISSIONER HOLNESS: Yes. I think the opportunity for economic development and job creation lies here with this item moving forward. And -- and delaying it I don't think will help us, and especially in light of their commitment to utilizing our small businesses, our women and minority-owned businesses.

I think that we can allay the fear of our Auditor in -- and they're willing to make this commitment already, so I'd like to make a motion that we go ahead and

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pass this item with the caveat that Sheltair agrees to improving this property by \$25,000,000.

I think that there -- there should be no issue in terms of the value there. We will be well protected with this amount of investment going into this property.

MAYOR RYAN: All right.

COMMISSIONER HOLNESS: That would be my motion.

MAYOR RYAN: I -- I understand the motion.

Is there a second on the motion?

COMMISSIONER SHARIEF: Second.

COMMISSIONER RITTER: Second.

MAYOR RYAN: All right. Just -- just for clarification, to the County Attorney, is that motion in order with respect to the -- the caveat that was inserted by Commissioner Holness?

MS. ARMSTRONG COFFEY: Yes, that's a proposed amendment to the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: -- to the agreements here, and, in addition, it does not include staff's recommended condition that was read as part of the additional materials.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Okay. All right. Seeing no further discussion --

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COMMISSIONER WEXLER: I -- I have a question. Does the County Auditor wish to weigh in on this at all?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER BOGEN: Is that a discussion item?

MAYOR RYAN: She's -- she's allowed --

COMMISSIONER WEXLER: No, it's a question.

MAYOR RYAN: -- to make inquiry. She is. All right.

COMMISSIONER WEXLER: Okay? Yes --

MAYOR RYAN: To the Auditor.

COMMISSIONER WEXLER: -- absolutely she is.

UNIDENTIFIED SPEAKER: Mayor, we met with Mr. Moskowitz about last Thursday, and he brought to attention -- our attention that -- I mean, what we discussed was that we are concerned about the fair market value which is going to be lower than the -- the payoff amount. So that's the reason why we were requesting the appraisal.

He told us that the appraisal is probably around \$83,000,000, but we were not able to get hold of it. He would not be able to give it to us because he was concerned about public records.

Other than that, we're okay with the --

MAYOR RYAN: All right. So, Mr. Moskowitz, with -- with the increase of the loan, what's the -- what's the amount of the outstanding -- what will the outstanding balance be for a lien against that -- that leasehold interest at the airport?

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MR. MOSKOWITZ: The same \$75,000,000 that existed since 2013 with no increase of a single dollar.

MAYOR RYAN: All right.

MR. MOSKOWITZ: Total loan applicable to the other properties is being increased from 200 to 260,000,000, but as to FLL, not one penny.

MAYOR RYAN: All right. What -- what -- what are -- what are the additional properties, the -- the other leasehold interest around -- airports around the nation?

MR. MOSKOWITZ: Yeah, Mr. -- Mr. Holland is currently negotiating for a very significant addition and improvement at Executive Airport, as well as other -- FLL Executive Airport, as well as other airports throughout the country, yes, sir.

MAYOR RYAN: Okay. All right. So there's a -- a motion and a second.

All in favor, indicate by saying aye.

Opposed?

COMMISSIONER WEXLER: I'm not going to vote for it.

MAYOR RYAN: All right. So show that Item 93 passes --

MR. MOSKOWITZ: Thank you.

MAYOR RYAN: -- 8 to 1.

VOTE PASSES 8 TO 1 WITH COMMISSIONER WEXLER VOTING NO.

AGENDA ITEM 94

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MAYOR RYAN: All right. Now we're moving onto Item 94.

This item has a -- a number of persons from the public that wish to speak. So we'll just briefly introduce the item. And this has been before the Board. It was before the Board on June 9th.

There is a two-part motion that will be considered in the alternative.

Motion A will authorize the County Administrator to award and execute a contract to the low responsive responsible bidder for Terminal 4 expansion, or, in the alternative, Motion B is a motion to rescind the rejection of the bids for the terminal and to award the contract to the low responsible responsive bidder, Odebrecht Construction.

As I mentioned, we have a number of speakers.

It's five after 12:00. We're going to go to 12:30, and at 12:30, we're going to have a break for lunch and we'll return at 2:00 o'clock.

We're not going to complete this item prior to 12:30. So when we come back, we'll go ahead and -- County Administrator, what are we doing? Are we doing some employee recognitions at 2:00?

MS. HENRY: I beg -- I beg your pardon?

MAYOR RYAN: At -- at 2:00 o'clock we're going to do, what, some employee recognitions?

MS. HENRY: Yes, you have --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. HENRY: -- you -- you do have some --

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MAYOR RYAN: Do employee --

MS. HENRY: -- yes.

MAYOR RYAN: -- recognitions --

MS. HENRY: Yes.

MAYOR RYAN: -- Proclamations.

We'll open up the -- the Public Hearing at 2:00 and then we'll -- we'll go, what, we're going to -- we'll recess the Public Hearing, then we'll come back to this item.

So this probably will come back around 2:30.

All right. So let's start on the public speakers.

All right. We have Daniel Secu with JSG Construction.

Second speaker is going to be George Platt.

Third speaker is going to be Gilberto Neves -- Neves with Odebrecht.

All right. So the first speakers, if you'll come forward.

Mr. Secu.

MR. SECU: Yes, thank you, Mayor, thank you, Commissioners, for giving me the opportunity again to speak regarding this project we have here in our community.

(COMMISSIONER WEXLER LEFT THE ROOM.)

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MR. SECU: Like I said last time and I would like to repeat again, I am CBE/SBE company, local here in Broward County, and live in Broward County since 2003. And I employ six full-time people which are, you know, local and they live here in Broward County.

I think it's very important for you to consider the responsible bidder and award the project today, because I put a lot of effort in working in -- to work and put together the number for, you know, to have a responsive bid. And being as a little company, you know, our numbers, it's out, and I don't want to do the homework for --

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

MR. SECU: -- after I do all the homework for others to have other company outside of County or outside of state coming and get our hard work and give it away.

Thank you.

MAYOR RYAN: Mr. Platt.

MR. PLATT: Good afternoon. George Platt here on behalf of Odebrecht.

And urge to you adopt the staff recommendation of finding Odebrecht as the low responsive and responsible bidder on this hard bid project. And I recognize that, as a prelude to that, you have to adopt a couple of other motions as well.

As you all know, the timing on this project is critical. I describe it as sort of like the tunnel which is coming from one end and this one would be coming from the other end and they're supposed to meet in the middle in a timely way and make it all happen.

The specifications were specifically very rigorous, primarily because of the way that you mandated that this be done as a hard bid and to avoid companies that

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did not have the necessary prime qualifications as a prime general contractor.

Question 67 in the pre-bid, and there were a lot of questions, became part of an addendum, Addendum Number 2. And 67 asked specifically, okay, does this require that the company would have had to have been a prime contractor on a large hub airport of similar scope and size within the last five years?

UNIDENTIFIED SPEAKER: Yes.

MR. PLATT: And the answer to that question was yes.

UNIDENTIFIED SPEAKER: Yes.

MR. PLATT: So for those of you who think that the word "prime" was not used in this, and that addendum became part of the specifications, it was.

Initially, as you know Purchasing rejected these bids without -- and Kent George admitted it last time that -- that the full vetting of the companies and their qualifications had not been done and that if it were to be done again, that they would give it close scrutiny.

Based upon that, this Commission deferred any action when you heard this matter on June 9th. And in the interim, I believe you can ask your staff, but I'm pretty darn sure that a whole group of them with high qualifications sat down and vetted every one of these firms. They interviewed them. They checked their references. And they really checked because of the representations were made as to what the qualifications of the firms were. They checked it very, very carefully.

Having done that, they determined that, in fact, Morganti and MCM were not responsible, meaning they did not meet the minimum qualifications of the procurement.

And they found that Odebrecht did. Odebrecht has worked very hard on this

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process. They -- they took this very, very seriously. They obviously made commitments to their subcontractors, their CBEs in commitment form as to scope and as to dollars. So those dollars are out there. They were part of the bid that was submitted. They're in the public domain.

And, as a matter of fairness, Odebrecht is ready, willing, and able to move forward with this contract, and they are certainly willing to work closely with your staff, your program manager, the design team in order to value engineer and do anything that possibly can be done in order to effectuate savings in the - in the process.

So we ask you to please reinstate the process and award the contract to Odebrecht today.

And I promise you, just as they did on the runway, they will not let you down. You will be very proud of the work that they've done.

And we're here to answer any questions.

Thank you.

MAYOR RYAN: All right. Thank you, Mr. Platt.

Our next speaker is -- it looks like it's Gilberto Neves, N-e-v-e-s, (inaudible) --

MR. NEVES: Gilberto --

MAYOR RYAN: -- Odebrecht --

MR. NEVES: -- Neves.

MAYOR RYAN: -- followed by Gary Brown, followed by Michael Moskowitz.

MR. NEVES: Good afternoon. My name is Gilberto Neves. I'm the President and CEO

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of Odebrecht USA. We're headquartered in south Florida for the last 25 years.

We urge you -- you to award this contract today. As Commissioner Ritter was saying that the improvement is very needed, as the runway were, and we're very proud to have built your runway, or at least we're -- be part of the program. Over the last 25 years in south Florida we generated over six -- 6.5 billion dollars in work. Almost \$4,000,000,000 of that is airport. That's what we do best. We generated \$730,000,000 in -- in payroll, and to -- just to small business.

And we're ready to move, and I think that we were patiently listened to the previous conversation, previous meeting, and you asked to come back on the 23rd with a decision.

We were asked to meet with staff. We answer every question they have. We were found responsive before. We are found responsive again today. So I don't know why we're holding up this process.

We have other companies that might speak here. One of them is our subcontractor. And I don't know why we -- if there is any question that we should leave unanswered today.

We're ready and willing.

And Rudy's going to speak specific on the bid. We work very hard on this bid, and we're ready to go.

Thank you.

MAYOR RYAN: Thank you, sir.

MAYOR RYAN: Next speaker is Gary Brown, followed by Michael Moskowitz, followed by Rudy Armenta.

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MR. BROWN: Good morning, Mr. Mayor, Commissioners. My name is Gary Brown from the firm Arnstein and Lehr on behalf of MCM, one of the -- the bidders in this case.

Time permitting, you're going to hear from key representatives of MCM about their longstanding history and roots in the south Florida community, and their experience, their prior experience in performing terminal and concourse work that makes them amply qualified to perform this project.

Therefore, I'm just going to focus with my time concerning the legal aspects of the procurement process in general, and specifically as applied to this project.

Yesterday, we wrote to the County Attorney, Ms. Coffey, setting forth our legal position. I'm assuming the Commission has been provided a copy of that letter or has been advised of it, and if you have not seen it, I would invite the Commission to look at it and review it in discussion with the County Attorney before making a final decision.

But let me just reiterate a few points in the letter. As our highest state court, the Florida Supreme Court, said over 80 years ago in the seminal case of *Wester versus Belote* -- I hope I said that right -- concerning the bidding process, that process is to protect the public against collusive contracts, to secure the fair competition upon equal terms to all bidders, to remove not only collusion, but temptation for collusion and opportunity to gain at public expense, to close all avenues to favoritism and fraud in its various forms, to secure the best values for the County at the lowest possible expense, and to afford an equal -- excuse me, an equal advantage to all desiring to do business with the County by affording an opportunity for an exact comparison of bids.

Those words ring just as true today, if not more so, given the flawed and procedurally improper procurement process utilized by the County in this case.

And as noted in the often cited case in these matters *City of Sweetwater versus Solo Construction Corp* -- if I -- if I may just conclude -- a public body does have

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wide discretion in -- in awarding contracts, but it has to be based on clearly defined criteria, cannot be arbitrary and capricious, and a public body cannot disregard the lowest responsive responsible bidder in favor of one who the public body deems to be more qualified or more responsible.

Here, staff has already determined that MCM was the lowest responsive responsible bidder, and now ask this Commission to -- and then -- and then rejected all bids and now asks this Commission to rescind that rejection, to set aside its prior finding that MCM was the lowest responsive responsible bidder and essentially hand this project over to the highest bidder, costing the taxpayers of this County millions of dollars more than if MCM were awarded this contract.

MAYOR RYAN: Thank you, Mr. Brown.

MR. BROWN: Such action would be --

MAYOR RYAN: Thank you, Mr. Brown.

MR. BROWN: Thank you.

MAYOR RYAN: Our next speaker is Michael Moskowitz, followed by Rudy Armenta, followed by Juan Munilla.

UNIDENTIFIED SPEAKER: Munilla.

MR. MOSKOWITZ: Good morning, Mayor and Commissioners. Again, Michael Moskowitz appearing on this item on behalf of Morganti. Thank you very much for the opportunity to appear before you, as always.

The first thing I'd like to make clear so you understand that, that when you're talking about the lowest responsive and responsible bidder, the recommendation of staff is to award it to the highest bidder. The highest amount bid was to Odebrecht.

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So if this Commission decides it wants to do that, you must be prepared to spend a minimum of 2.5 million dollars more of taxpayer money than our bid.

MCM is different. I'll let them speak for themselves. So that's the first thing I -- you need to be aware of.

All bidders were found to be responsive and responsible initially. The bids were rejected by the -- by your head of procurement, Ms. Billingsley. She has the sole authority under the ITB and under the Procurement Code to reject all bids.

And once the bids are rejected, the ITB is gone, finished, caput, over, and that's the end of it. I don't know how we're talking about reinstating something when reinstating bids that were rejected by your Procurement Director under an ITB does not even appear in your code as something that can be done. So this is a new one.

All right. Now, I delivered to everyone yesterday a loose-leaf binder containing our letter with exhibits. I'm confident you all took it home and, rather than enjoy yourself with your -- with your family, you read it last night.

What's important, really, with respect to this loose-leaf is look at Tab A. Tab A contains an exhibit which is every specific language of your ITB, the specific language as provided, not as thought of, not as intended, and how -- how, in fact, Morganti complies with each and every one of those specs.

In particular, I want to point out this issue of the prime. Mr. Platt made reference to it, but I'd like to give you the specifics.

The requirement is not that you are a prime contractor on the job. The requirement was that you be a prime on the job. And -- and that -- I refer to the specific answer in -- with respect to Question Number 67. Please look at that specifically word for word. The word "contractor" does not appear.

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M -- Morganti, as laid out in our letter of June 16th, was, in essence, the construction manager on the Dubai project. We were in charge of everything, and we were a prime.

We comply with all other requirements of the ITB.

We ask that you award it to Morganti.

Thank you, Mr. Mayor. Thank you, members of the Commission.

MAYOR RYAN: Next speaker is Rudy Armenta, followed by Juan Munilla, followed by Alexis Leal.

MR. ARMENTA: Thank you, Mayor. Good morning, Commissioners.

Some facts. First, there were three proposals submitted. Two of those proposals were incomplete bids. Why were they incomplete? One proposer submitted sworn statements saying we missed scope, and, for that, we need another eleven and a half million dollars added to the price after the fact, a number we never even saw.

The other bidder submitted another proposal, and not only did they submit a proposal, but they submitted a proposal with more than 12 qualifications added to it. And did you realize that five of those items excluded work? So even though they claim that it's a minimum of two and a half million difference, I beg to differ. It's much less than that. And even at \$2,000,000, that's less than two percent.

If you want a competitive bid, I've been doing this for 20 years, that's very competitive. On \$120,000,000 to have less than a two percent difference on a proposal, that's a competitive bid.

Another fact, this was competitively bid. You had a process. We had the opportunity to ask questions. Over a hundred were submitted. Over a

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hundred. Not one questioned your procurement. Not one questioned for qualifications. Why? And now they are. Something that I would urge you to -- to consider.

And the last thing I urge you to consider is penalizing versus awarding, rewarding and penalizing. By rebidding this job what you do essentially is that you penalize those that followed the rules, those that invested hard-earned dollars, small businesses that took their time, and now are asked to rebid while all their competitors sit on the sideline licking their chops, saying, wow, I know their scope, I know who it is, and I know the amounts. Is that fair? It's not fair.

You do have a competitive proposal here today, and you do have low responsible bidder. And that's us. We did not qualify our bid. We submitted a bid, and our scope is complete, and we're ready, standing able to complete this job successfully like we did elsewhere.

Thank you for your time.

MAYOR RYAN: Our next speaker is Juan Munilla, followed by Alexis Leal, followed by James Moyer.

MR. MUNILLA: Good afternoon, Mr. Mayor and Commissioners.

My name is Juan Munilla. I'm a principal and one of the founders of MCM. We're a second generation local construction company. We are headquartered in south Florida. We've been -- we were incorporated 33 years ago. We're six brothers that run a business with 562 employees. We have offices in Panama, in Dallas. We have offices in Broward County, and we have offices in Miami. And we're very proud of all the work that we do.

And I hear how everybody worked hard in putting this proposal together. That's what we do. We submit bids. We submit design/build bids, we submit any kind of bid that -- that has to -- that procurement puts out, we participate.

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I am -- I'm mostly here because of the questioning of our qualifications. It's extremely disappointing.

In Miami International Airport, we've done in excess of \$500,000,000 worth of work on the concourse, on terminal, as prime contractor, as prime trade contractor. We have a relationship with all of the leadership of Miami International Airport. We've -- we've passed out a -- a -- literature that talks to - - to our strength and our capacity to do airport work, and the relationships and the quality of the work that MCM has performed.

We, at the beginning, were deemed responsive and responsible, as were all three bidders. I -- I've never seen something similar to this, that a contractor writes a letter, in this case, Odebrecht, writes a letter to the Commission and to everybody questioning MCM's qualifications and questioning also Morganti's qualifications, and that letter has raised -- has put us where we're at here today.

The responsiveness and responsibility was demonstrated originally. We were - - we were a -- we were recommended for award of this contract.

We notified of an issue that was -- existed in Division Number 13, and that division still needs to get rectified properly so that it can -- so that this bid can go in the right channel.

I would suggest that if negotiations were to take place with any company, it should be MCM. Our number is \$113,000,000. We're confident that number can come down if need be, because we -- we -- we're the ones that put -- we have the emphasis on what can be done there differently and where the mix-up in the procurement documents existed.

MAYOR RYAN: Okay.

MR. MUNILLA: Our --

MAYOR RYAN: Thank -- thank you, sir. We have many more speakers.

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Next is Alexis Leal with MCM.

MR. MUNILLA: Thank you.

MR. LEAL: Thank you, Mayor, Vice Mayor, and Commissioners.

I'd like to read the following into the record. My name is Alexis Leal. I've been a Broward County resident for 20 years. I am the Director of Corporate Operations for MCM.

MCM is truly only -- the only locally headquartered company to bid this procurement that's based out of south Florida, and it has been for the -- its entire 32-year existence.

We have offices in both Miami-Dade and Broward counties. We've been working with Broward County since 1995, having built the Tri-Rail station at Cypress Creek, the ITS operation center on Commercial Boulevard, and are currently building the Ravenswood bus maintenance facility, the Pembroke Road Bridge approaches at I-75, and the Miramar Readiness Center for the National Guard on Flamingo Road.

We have built our firm with employees from the tri-county area. We have nearly 50 from Broward County alone.

Just over 20 years ago, MCM, we could have qualified for your CBE program as a small business. Having been a small business, we understand their challenges and expectations, and also exceeded the stated goal for this project, which is very important to note.

We are more than qualified to build the terminal for eastern expansion based on our local experience and proven track record of airport construction.

At the last Commission meeting both the Aviation and Procurement directors

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acknowledged the RFP documents were flawed. They were -- they were recommending to reject, clarify, and rebid the RFP.

This Commission, without a viable option or solution, requested them to come back with a recommendation.

Not only are the current option recommendations perplexing, one option recommends to award to the highest bidder at a minimum \$8,000,000 premium, if not much more.

More striking is that the RFP remains today flawed.

I believe it's highly unusual for MCM to have been awarded the project where all bidders were initially found responsive and responsible and then that all bids were rejected.

Next, this Commission is stressed to rescind the rejection and award the project to the highest, most expensive bidder as the most responsive and responsible firm.

Something seems wrong.

And, in closing, I believe the fairest and most transparent process would be for this Commission to instruct the Procurement and Aviation Departments to clean up the RFP documents and either allow for a best and final offer of those firms that originally bid, or to simply rebid the project. At a minimum, either process will save the Broward County taxpayers in excess of \$10,000,000.

MAYOR RYAN: Thank you, sir.

MR. LEAL: Thank you.

MAYOR RYAN: speaker is James Moye, followed by Erick Valderrama.

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MR. MOYE: James Moye, counsel for Odebrecht Construction, Inc. It's good to see you.

There's a lot of discussion. People are asking a lot of different questions. They're confusing the issue.

You should ask yourself one question. What's the question? What company met your experience requirements in the procurement you issued? That's what you should ask yourself.

There's only one answer to that question. That's Odebrecht Construction, Inc. They're the only ones that met your requirement.

Your requirement was clear. Your requirement was very clear with respect to you must be a prime contractor on a construction project, terminal and concourse, within the last five years on a large hub of similar size and complexity. There's nothing unclear about that.

When we were here last time, thank you for your guidance to your staff, because what we heard last time was that you did not believe your staff --

(COMMISSIONER SHARIEF LEFT THE ROOM.)

MR. MOYE: -- had done a very good job vetting the experience requirements and throwing out all the bids. You directed them to go back. You directed them to go back and do their work.

They went through a process now that was unbelievable. They called all the bidders in. They spent hours with all the bidders. They went through all the bidders' criteria, the information they provided. They went-- they checked their references. And they now have issued a concurrence memorandum about those details.

All the bidders can come and talk about it, what they want to talk about, but the

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long and short of it is there's only one qualified responsive responsible bidder.

Morganti itself, in their letter they sent in to your staff, said we're a construction manager. We were not the contractor. So it's not even your staff. It's Morganti.

MCM sent a letter in. They said in their footnote in their letter, we are a prime trade contractor. They didn't pull the permit on that Miami job. They were a subcontractor to Odebrecht and Parsons on that job.

So, with all due respect, if you reinstitute your procurement process, it will be run according to Hoyle, because what you asked your staff to do last time is what they should have done before they rejected all bids, and that's what they did. They've done the work.

I want to address one point which is there's nothing wrong with your procurement process. I hear it. The process is flawed. The process is contaminated. There's nothing wrong with the process.

On bid day, your process was perfect. You got bids. There's no contamination.

What happened after bid, that's what we're discussing. And after bid, your staff initially did an evaluation, they didn't do their due diligence. They now have done their due diligence.

What is wrong, as a matter of law, with you guys coming in and having your staff re-evaluate the responsibility. That's what they've done. The law doesn't prohibit you from doing that. You clearly can do that.

What do they really want? What are they really asking you to do? To throw out all the bids and rebid this.

Why? They want you to water down the specification. That's what they want.

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They want you to build this project with someone who's not done what you have to do in the throat of this project, which is demolish the fiber optic system, move it to the side, and come back.

Your specification was right. You want someone that's done this before.

We think your procurement process is sound and that Odebrecht Construction, Inc. should be awarded this project.

And I appreciate your time.

MAYOR RYAN: Next speaker is Erick Valderrama.

COMMISSIONER WEXLER: How many speakers do we have? A lot?

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. VALDERRAMA: Good afternoon, Mr. Mayor and the Commission. My name is Erick Valderrama, and I reside at 11225 Southwest 133 Ave in Miami, Florida. I'm the pre-construction manager and one of the MCM representatives today.

One of our core market sectors is aviation. In the last ten years alone we have put over \$500,000,000 of work in place both at MIA and at Dallas Love Field Airport.

More specifically, in the last five years, we have successfully completed numerous terminal -- airport terminal, concourse, and apron work in aggregate of \$300,000,000.

As a general contractor, MCM was part of MIA's 1.1 billion dollar north terminal development program. The program was divided into numerous construction contracts bid by general contractors overseen by POJV, which were the program managers, I repeat, the program managers for the NTD program.

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MCM competitively bid and were awarded numerous construction contractors as a prime trade contractor. We hired, managed subcontractors, met and exceeded CSBE participation goals. In fact, we had to provide a dual obligee bond, which is we are fully at risk for the completion of all projects.

Our concourse work, at the NTD, we completed numerous airport improvement programs in the Concourse B, C, and D under contract packages 19 through 22, for a total combined of \$115,000,000.

Our project management were key members of the commissioning team that brought online 35 new concourse packages. Some included six – 12 new gates, interior finish packages, integral coordination with ME -- MEP trades.

Our terminal work, NTI756AD, \$155,000,000 terminal project that took portions of terminals B, C, and D and combined them into Terminal D, now -- now completed, including new -- new security screening check points.

Closing, our air -- air side operations improvements at Dallas Love Airport, we successfully completed \$80,000,000 in replacement and reconstruction of the existing apron.

MCM's terminal, concourse, and apron experience and qualifications as a general contractor is unequivocal and extensive.

Thank you.

MAYOR RYAN: All right. Thank you, sir.

All right. We've reached 12:30, so we're going to go ahead and we're going to take a break for lunch. We'll come back at 2:00 o'clock, and we're going to -- soon thereafter we'll pick up again on the morning agenda.

We're in recess.

(THE MEETING RECESSED AT 12:32 A.M. AND RECONVENED AT

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2:45 P.M.)

AGENDA ITEM 94 (CONT'D.)

MAYOR RYAN: And we're going to go to the morning agenda.

All right. We were on Item 94, and we have five remaining speakers from the public, and then we're going to take this back to the Board for a discussion on Item 94, which is in reference to the contract for the construction of Terminal 4 at the Broward County Airport.

Our speakers are Charlie Clark, Daniel Munilla, Ruel Miles, Keith Poliakoff, and Michael Olenick.

So coming up first, Mr. Charlie Clark. Not responding.

Then Daniel Munilla.

UNIDENTIFIED SPEAKER: Munilla.

MAYOR RYAN: Daniel Munilla. He's not here.

Ruel Miles.

Keith Poliakoff.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER WEXLER: Did they not know we were taking this back up?

MAYOR RYAN: We mentioned that. We -- when we adjourned or --

UNIDENTIFIED SPEAKERS: (Inaudible.)

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MAYOR RYAN: -- or when we recessed at 12:30, I mentioned it would be coming up after 2:00 o'clock.

Okay. Keith Poliakoff, attorney not here. He's not going to be able to bill for that hour.

(Laughter.)

MAYOR RYAN: And Michael Olenick. Michael Olenick.

MS. ARMSTRONG COFFEY: Mayor, if I might suggest, there was a delay at security because this room was full. So if --

UNIDENTIFIED SPEAKER: Oh.

MS. ARMSTRONG COFFEY: -- maybe we could have someone check to see if any of those speakers are in the line.

MAYOR RYAN: All right. Then let's see what item we could take up while we -- we'll wait a few minutes for 94.

UNIDENTIFIED SPEAKERS: (Inaudible.)

AGENDA ITEM 97

MAYOR RYAN: All right. Let's take up -- let's go to Item 97. 97 is a motion to discuss the downtown Fort Lauderdale Wave modern streetcar project.

Commissioner Holness, you are recognized.

COMMISSIONER HOLNESS: Thank you very much.

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I -- I brought this item forward because at our last MPO meeting the discussion that we had -- the presentation was made in such a way that you were led to believe that a portion of this, the northern loop, was already agreed to by all parties.

And I wanted to make sure that we were up to speed on this, and -- and, Madam County Attorney, is our Transit director in place?

MS. HENRY: No, he's here.

COMMISSIONER HOLNESS: Yes, he is. Okay.

MS. HENRY: Mr. -- Mr. Walton.

COMMISSIONER HOLNESS: Yeah. Because from -- from talking to our staff, I'm led to believe that if we -- if we put this forward without a study, we may have some issues along the way, not only now, but in terms of our future expansion to possibly go west with this system and -- and -- and -- and to be more inclusive of areas west of where this goes.

As it is now, the design for the northern loop would go to Northwest 6th Street, Sistrunk to Andrews Avenue, and back down and not cross the railroad track. And on the other side of the track there's some opportunities there for economic development.

So if you would speak to the issues that we have with this and give us an update, Director.

MR. WALTON: Well, even before you talk about a westward expansion from the northern loop, there are issues with this loop itself.

In fact, the last time I spoke to -- to this body about this project, I indicated to you that this had been put forth by the City of Fort Lauderdale and had been afforded to the SFRTA as -- as part of the system.

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I also indicated to you that it had not been vetted before the County or County staff.

And I have, on a number of occasions in the meetings with the SFRTA, as well as the -- the other partners in the group, as well as with meetings with the Federal Transit Administration, asked for the study information that details the reasoning of inclusion of the northern loop into this project.

Now, typically when you have a project of this nature, there is always a study that -- that identifies purpose and need. It also identifies the other issues that are associated with it.

Now, for us, the critical issue as owner/operator is that we're responsible for the operations and maintenance for the -- for 20, 30 years.

The reason I needed that information was to make a determination on would it cost us more to operate this system with this addition of this northern loop. And, you know, we are -- there are certain issues that we're being held to by the FTA in terms of -- of ridership statistics and operating and -- and maintenance costs, but no study was ever done to illustrate those issues.

So, to date, I have not seen that information, and I don't even know that it exists, and no member of my staff has seen it. So even before you talk about a westward expansion, I think probably the more -- the more important issue to talk about the northern loop itself.

Now, on its face, I -- I do have concerns with it. Typically, in transit, when you talk about loops, they tend to be inefficient, particularly when you look at this one, because the parallel tracks are so close to each other, they're within walking distance, and it tends to be very duplicative and -- and very expensive.

So that's why I've been asking for the information. So we've got some concerns about the northern loop.

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COMMISSIONER HOLNESS: Let -- let me ask you, in terms of -- of this being -- and -- and the way it was presented is this was the -- the -- the terminating end of this, almost as if it wouldn't go any further than where this loops down.

Would that be an issue for us for future expansion or?

MR. WALTON: Again, not without having all of the detail associated with it. You know, there could be some issues, because, again, inherently loops are inefficient, particularly when they are that close together.

It would definitely impact if you talked about expanding one way or the other, because you -- instead of -- you'd be running in a loop, which would, of course, add more time to the route, which would add, of course, to your operating cost.

So, yeah, it -- it could inhibit expansion either east or west.

COMMISSIONER HOLNESS: And -- and -- and let me ask you, in terms of the city providing us with this study, is the study completed yet? Are we included in -- in what's going on with the study or -- or no?

MR. WALTON: To my knowledge, there's never been a study of the northern loop. I know the city has funded, with an agreement with the SFRTA, the cost for the construction of the northern loop, but there was no study ever done before this was included into the project.

So, again, I -- I haven't seen it. There -- there's been no study.

COMMISSIONER HOLNESS: So it was just included without input from us, from -- who -- who decided this? Do you know?

MR. WALTON: Well, again, I've made it known to -- to the city. I've made it known to Tri-Rail, as well as that, you know, as owner/operator, until we have that documentation that we could not -- until I brought it before this Board, that we

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certainly could not approve that northern loop.

So the -- as a member of the MPO, you may remember about two or three meetings ago when information was walked on to the agenda --

COMMISSIONER WEXLER: March 12th.

MR. WALTON: -- March 12th when they -- they brought on an item that talked about a westward study, two weeks ago, my staff was invited -- well, actually, was asked to come to a meeting to talk about that westward study, not the northern loop, but the westward study, they were asked to evaluate already had the northern loop incorporated as part of the initial design.

So, I mean, we immediately told them that we could not make that evaluation because, number one, we didn't recognize the northern loop as part of the system.

COMMISSIONER HOLNESS: My question to you, though, can this be done without our being at the table?

MR. WALTON: Well, it cannot and it should not. As owner/operator, you know, with the FT -- at the end of the day, the FTA looks for two things. They look for what is called technical capacity, meaning do you have the technical wherewithal to build this project, and do you have the financial capacity, meaning do you have the -- the capacity to own and operate this system for 30 years.

The County is the only entity that has the financial capacity to do this, so we get the final determination on what goes in and what stays out of a project.

Now, to date, we have not been asked for our input. No information has been provided. And, again, I've stated -- I've made a number of requests to Tri-Rail, as well as mentioning it at our quarterly meeting with the -- the FTA.

So I've already alerted them there is a concern about this. So I've indicated to

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them that we cannot support this until that documentation is received.

MAYOR RYAN: Commissioner Holness, before you continue, we have one member of the public that signed up. If -- if this person is here, then he will now speak.

His name is Chris Wren with the Downtown Development Authority. Mr. Wren, are you here?

All right. I don't see him here.

So you can -- so you're recognized to continue your -- your questions and comments, Commissioner Holness.

COMMISSIONER HOLNESS: Yes. And -- and it's not so much that I'm opposed to an extension or -- or -- or a northern portion of it being added in. I just believe that the economic impact that this system will have on Broward County should not leave the folks out who live on the other side of the tracks. Currently, if it's going to go that close -- and I know the city is paying -- is proposing to pay for -- for this extension, but if it's going to get up to that railroad track, I see no reason why it shouldn't go across the tracks on Sistrunk to impact positively the area at least to 7th or 9th Avenue.

That -- that is the bigger concern I have in terms of us moving forward. I understand your concerns, also, but I -- but I think that this is going to give a huge economic boost to the area, and -- and that area on the other side of the tracks, west of -- of -- of the tracks, ought to be included in the opportunities for economic development and advancement, and the convenience of having a system that will be able to give access to that community to the hotels, the downtown, to the airport and to the seaport as we -- as we move forward with this.

MR. WALTON: Well, in theory, we do support a westward expansion. We don't have any specifics as to where a route would be at this point. That's for the study process to lay out. But -- but, in theory, yes, we've always talked about the

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system being expanded to the west.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER HOLNESS: And -- and while Mr. Wren is coming forward to -- to -- to speak, do we have any idea how long before the study of the westward portion of it will be done? I understand -- are -- are you saying to me, though, first, there is no intent to study that northern loop or -- or will we, do you know?

MR. WALTON: Again, I have very little on the northern loop.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

COMMISSIONER HOLNESS: Okay.

MR. WALTON: There has not been a study that I'm aware of.

COMMISSIONER HOLNESS: Okay.

MR. WALTON: And, typically with these projects, before any routing is done, an LPO or locally preferred alternative is developed and submitted to the FTA.

There are a number of factors that go into making that determination. That was not done.

There may be a study underway now to do that. I don't know. I do know that there are some considerations to be looked at for a westward expansion, but specifically as it relates to the northern loop, I -- I can't answer that question.

COMMISSIONER HOLNESS: And Mr. Wren is here, so after he speaks with -- I might have some other questions and maybe the rest of the body might want to speak, too.

MAYOR RYAN: Right.

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COMMISSIONER HOLNESS: Okay. Thank you.

MAYOR RYAN: So Chris Wren, he's going to come up and speak. I'm going to recognize other Commissioners, and then, after everyone who is on the dais that wishes to speak speaks, then if you wish to speak a second time, I'll recognize you, Commissioner Holness.

Mr. Wren, please come forward.

MR. WREN: Good afternoon, Mayor, Commissioners. Sorry I was late. I was going through the -- the -- the crowd you have out there.

Thank you for letting me speak. I'm talking about this item, the Flagler Loop, and I know that Commissioner Holness also mentioned about the western expansion. I do know some information about that, as well and I'm available for questions.

The Flagler Loop was initiated by the Flagler Village Association, Flagler Improvement District, and Fat Village, total residential population up there about 8 to 9,000 people. Some of them could not be here today and they've asked me to have you keep going forward with the Flagler Loop.

I'm aware that there are some operation and maintenance concerns that is it the same obligation that the County thought they were going to have, is it more, or is it less? I spoke with the sponsor organization, Regional Transportation Authority this morning, actually. They're in the process of doing a -- a study, an O and M study, and that will be prepared in the middle of July, was what Bill Cross has informed me. So we'll have information at that point to find out the -- the -- the details on -- on what kind of O and M obligation the loop will create or not create.

The -- the loop does allow for driver continuation. I know that Chris Walton's staff does have a concern where they're going to get out for the rest stops and

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all, but the original plan had a tail track, which is -- it's known as, which means the driver actually has to turn the thing off, go out to the back of it, and then continue forward. So it actually will maintain a -- a loop and not require any stopping or going.

So I guess at this point I am open for questions.

Well, I guess with the expansion west, I know Bobby DuBose has gone to the MPO and the MPO is loaning the city \$300,000. Actually, I think some of you --

COMMISSIONER WEXLER: (Inaudible.)

MR. WREN: -- some of you are on the MPO, so you probably have more information than I have on that.

Per the last meeting I was here where you all requested that I ensure that your staff would be part of this study, I have talked to the city manager and the Mayor Seiler. They have assured me that when the study does commence they're going to make sure that the County is -- is on the study. It, after all, is your -- your Wave, and you all are the owner/operator.

So that's all I have.

MAYOR RYAN: So -- so, okay. Mr. Wren, you know, I -- I'm glad that you mentioned that there would be some communication with the County, because this item came up to the MPO with regard to the \$300,000 to fund the study for the westward expansion. I had said at that meeting, as a member of the Metropolitan Planning Organization, along with some of the other Commissioners, that the County was not advised as to the study prior to the request to the MPO and that, as the owner/operator, any decision cannot be a unilateral decision.

I don't know if maybe some of the other governmental entities think that they can operate, you know, or -- or make decisions without the owner/operator, but

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I don't believe that's in the -- the contract documents, and I believe if you seek an opinion from the Federal Transit Administration, Broward County cannot be obligated to operate a portion of the system that it does not agree to.

So I hope that that message is clear to the other governmental entities.

I have a certain disappointment that items come before the MPO without coming before the County when we, as owner/operator, I think should be advised well in advance of these requests.

So I said you may just be wasting your \$300,000, but if the MPO wants to grant the City of Fort Lauderdale's -- to -- to spend their money on the study, then go ahead.

All right.

Commissioner Wexler.

COMMISSIONER WEXLER: Oh, thank you, Mayor. It's been a joy to be back on the MPO this year.

I guess what I'm really concerned about here -- and, Mr. Wren, maybe you need to -- may I ask him a question?

MAYOR RYAN: Absolutely.

COMMISSIONER WEXLER: Mr. Wren?

MR. WREN: Yes, sorry.

COMMISSIONER WEXLER: It's okay.

MAYOR RYAN: Don't go away.

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COMMISSIONER WEXLER: You -- you volunteered.

MAYOR RYAN: Don't go outside --

MR. WREN: (Inaudible.)

MAYOR RYAN: -- because it's not easy to get back in.

COMMISSIONER WEXLER: Right. You volunteered to take questions, and I did see --

MR. WREN: I -- I have no problem. I didn't --

COMMISSIONER WEXLER: -- I also caught the profile of Mr. Feldman walking in the back, Lee Feldman. So I know he's here. I don't know where he sat down --

UNIDENTIFIED SPEAKER: He's actually standing.

COMMISSIONER WEXLER: -- but I did see him walk.

UNIDENTIFIED SPEAKER: He's standing right there.

COMMISSIONER WEXLER: Okay. There he is. So there's your city manager, as well.

MAYOR RYAN: And, Mr. Feldman, you -- you heard my remarks that unilateral decisions cannot be made with regard to the expansion of the -- the track on the -- on the Wave without --

COMMISSIONER WEXLER: The owner/operator.

MAYOR RYAN: -- without the authorization of the owner/operator.

MR. FELDMAN: I -- I just heard (inaudible).

MAYOR RYAN: Okay.

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UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: So you heard it. You didn't say you agree with it, but --

COMMISSIONER WEXLER: Okay. I --

MAYOR RYAN: -- we'll certainly hope that that takes place.

COMMISSIONER WEXLER: -- one of the statements that you just made, Mr. Wren, about the City of Fort Lauderdale and your conversation with the manager as well as the Mayor that the County will be at the table --

MR. WREN: Yes, ma'am.

COMMISSIONER WEXLER: -- as part of the -- I -- I -- right? You did say that.

MR. WREN: Yes, that's absolutely correct.

COMMISSIONER WEXLER: So on March 12th, this walk-on item came, March 12th of 2015, this walk-on item put on by Romney Rogers at the MPO meeting comes - - comes this -- this -- this added item. And this item was so sensitive that it couldn't wait for the next month's meeting. This item was so sensitive that it couldn't wait 30 days.

Here we are June 23rd -- oh, and, by the way, the \$300,000 that came from the City of Fort Lauderdale CRA and the T.Y. Lin, who was part of the library of consultants for the MPO, is who was identified to be used to do the study.

I sit here today and I wonder, three months later? Because the window was 45 days is what I wrote on here. That's why it had to be done then and there.

Why hasn't the County been asked to be at the table?

MR. WREN: I -- I could get -- I mean, Lee could obviously speak or the -- or the city,

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but --

MAYOR RYAN: Come on up, Mr. Feldman.

MR. WREN: -- I mean, as -- as far --

COMMISSIONER WEXLER: I mean, you offered --

MR. WREN: -- as far as my -- as far as my history behind it, when I was talking to then Commissioner Bobby DuBose, this was driven by the community, the -- our northwest community. He wanted to do something and -- and try to help them understand that, yes, it will be studied, it will be done.

It was no way seen as reprioritizing the extensions and being more important than the airport and seaport extensions or other things, but I think Bobby was trying to prompt the city before his departure to get something happening for his constituents. But that's -- that's my understanding of it.

COMMISSIONER WEXLER: Listen, I understand --

MR. WREN: I don't know if Lee has --

COMMISSIONER WEXLER: -- all of that. And my --

MR. WREN: -- a different one.

(COMMISSIONER LAMARCA LEFT THE ROOM.)

COMMISSIONER WEXLER: -- goodness, I understand politics. That's not the conversation or the point here.

The point is that this Commission happens to be the owner/operator. I tried my best at that MPO meeting to make whoever your -- the woman who is your planning -- your -- I don't know if you -- I don't know what her name is.

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MR. WREN: One of the city employees.

COMMISSIONER WEXLER: One of your city employees that was there for transportation and -- and --

MR. WREN: Diana probably.

COMMISSIONER WEXLER: It was Diana. That's -- that's who -- exactly who it was. And she stood at the podium and told the MPO members about the urgency of this, that there was this 45-day window and that's why it didn't go through the normal process and needed to be walked on because this report needed to be finished, this study.

So I'm assuming, since that's three months ago, the study has been completed.

You, Mr. Wren, say that the County's going to be invited to the table as part of this. That's not happening. Either that or that was a bunch of hooey that the -- that -- that we were told then and there really was no urgency, because that report should be done by now.

MR. WREN: Yeah, I -- I --

COMMISSIONER WEXLER: So what is it?

MR. WREN: -- I don't -- I wasn't at that meeting and I don't believe the study has even started, Commissioner.

COMMISSIONER WEXLER: Right. Got it. Got it.

Well, you know what? Maybe somebody should tell Mr. Stuart, too, that just because somebody walks something on or makes a request, it's not necessarily the truth, and that we should go through real process.

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My staff, County staff couldn't be there. They didn't know what was happening. Here is -- and I showed it to you yesterday -- a pink sheet put on the dais when we walked in, here, guys, vote on it.

MR. WREN: Yeah.

COMMISSIONER WEXLER: And that's just plain wrong.

So, for me, I want to know -- and you know what a process person I am, I really want to know, you know, when do I get to be invited to the table and if, indeed, I am and we're not confusing loops and studies --

MR. WREN: Right, these are two separate --

COMMISSIONER WEXLER: Okay?

MR. WREN: -- issues.

COMMISSIONER WEXLER: And that's another thing. I appreciate your wanting to have this vetted today, Commissioner, but this is a topic that is screaming for a workshop, especially since so many Commissioners really don't know what we're talking about.

I mean, I'm going to tell you this -- I've got maps. One map has the -- the -- the Flagler Loop --

MR. WREN: Yes, ma'am.

COMMISSIONER WEXLER: -- squared off, and the other map doesn't have it squared off. So I don't know if they all have both sets of maps or not, but, you know, okay, here we go.

The -- the -- the City of Fort Lauderdale saw fit to fund that need, or what they saw as a need. And at our last month, June 11th's, this month's MPO meeting,

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the SFRTA actually made a presentation to us, and the northern loop, Phase 1D, was -- is a betterment request, is -- by the City of Fort Lauderdale, and the impact is 7.5 million dollars, and the city has decided that it will fund for design and construction that closing of that loop.

So -- but, again, this Board of County Commissioners and the County staff is out of the loop.

MR. WREN: Well, your -- your staff has been aware of this for quite some time.

COMMISSIONER WEXLER: We have, and they have requested a copy of the study that was done. Nobody has produced a thing for us.

I'm asking today, is there a study that's been done on at least the -- that -- that piece of this -- of this conversation, the northern loop Phase 1D?

MR. WREN: The -- the -- as I mentioned in my first part of my presentation, I spoke with RTA (inaudible). The study will be done mid-July.

COMMISSIONER WEXLER: So that study has not been done yet.

MR. WREN: It's not -- it won't be complete until mid-July.

COMMISSIONER WEXLER: So it's a want versus based on data.

MR. WREN: Yeah, I think -- I think what's happened, and I will take the blame for it, this came up through the community, as I mentioned.

COMMISSIONER WEXLER: Yeah.

MR. WREN: There's three different communities up there.

COMMISSIONER WEXLER: Bobby DuBose, I know.

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MR. WREN: I -- I've been bringing the information to the partners meetings. I assumed, probably incorrectly, that was the right place to bring all the information. I guess it never got back to you all. So I will take the problem for that and -- and if we need to -- I think we should probably start from this point on a different process and that anything and all things should probably start here and then we'll go to the partners and so on and so forth.

However, that particular project was born out of many outreach meetings that I've had on behalf of this project and the over eight, 9,000 residents up in Flagler Village. These are going to be probably one of our highest rider generators on this mass transit project. They were our largest supporters in personally assessing themselves and their own properties for this project, and they -- and they begged the -- the city manager and the Commissioners to fund this loop.

So if anyone is to blame, it's our citizens who live up there.

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

MR. WREN: I don't think the city was -- actually, I know they were a little reluctant spending some of that money, but they did it on behalf of those citizens.

And I think the process went wrong when we didn't approach you all first and we went to the partner meeting in lieu of.

COMMISSIONER WEXLER: Okay.

MR. WREN: However here we are today --

COMMISSIONER WEXLER: Right.

MR. WREN: -- and we still are doing this for the community. It's a community-inclusive project. They -- they would like to see this.

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We understand that the O and M is of issue and that has to bear -- you know, that has to bear out and be accepted by you all to be part of the project.

COMMISSIONER WEXLER: Listen, when I got here eleven years ago I was under the impression that the -- our contribution to being the owner/operator was going to be somewhere around \$2,000,000. Now it's --

MR. WREN: On -- on opening day --

COMMISSIONER WEXLER: Yeah. Now it's --

MR. WREN: -- which was projected to be three and a half years ago.

COMMISSIONER WEXLER: Yeah, now it's somewhere north of \$5,000,000.

MR. WREN: And we showed --

COMMISSIONER WEXLER: So --

MR. WREN: -- escalators by year three or four it would be close to what you're hearing today.

COMMISSIONER WEXLER: Chris, I get that. But it's really important that this Commission -- I won't be here, but this Commission that will be here, and there's a lot of young'uns around here that will have their years, they need to have some ownership here.

MR. WREN: Yes.

COMMISSIONER WEXLER: I -- and I don't mean just money ownership. I mean knowledge ownership as well, to really understand the impact.

And for me personally, the number one thing is the driving of that data and the data where the ridership is screaming for it. Airport, seaport, 17th Street.

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MR. WREN: Love it. I love it.

COMMISSIONER WEXLER: Absolutely.

MR. WREN: I love it.

COMMISSIONER WEXLER: But --

MR. WREN: I love it, Commissioner.

COMMISSIONER WEXLER: -- there's not anything about that. It's about westward expansion. That's the only place we're putting our energies and -- and focus right now.

So I really think that we, as a Board of County Commissioners, have to be very knowledgeable about this. I'm just -- I learned more things after meeting with you yesterday. I learned more things after re-reading this stuff last evening of I didn't realize it was a different loop we're talking about.

MR. WREN: Right.

COMMISSIONER WEXLER: There's two loops up there.

MAYOR RYAN: Yeah, and -- and what was just mentioned by -- by our Transit Director is that in transit studies, a tight loop like this is not an efficient way to construct a rail line, to have that type of a tight loop.

And so, you know, to ask the County to operate a system that's going to be inefficient just because some folks in Flagler Village -- and I represent Flagler Village -- come in and say this is what we want. I mean, they're not the experts. They don't have the technical expertise.

And -- and you can't just do what somebody asks. You have to do a study and

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you have to do what's right for the entire system.

So I've got a question. Commissioner Ritter's going to ask questions in just a minute, but I have a question to -- to City Manager Feldman.

We have two studies that we're looking at. One is the -- the northern loop study, and the other is the western expansion.

So at what point, City Manager Feldman, do you -- will you have your staff or -- or your consultants speak with the County on these two studies?

MR. FELDMAN: Well, let me address the northern loop study first.

And for the record, Lee Feldman, City Manager of City of Fort Lauderdale.

The northern loop, we are the funding source for. This is still an SFRTA. They are the project sponsor. They are the project manager. They are the ones who are doing the -- the study work with -- with their consultants. So I do not want to speak on their behalf.

MAYOR RYAN: Right. But, I mean, and -- and you are paying for the construction cost, but are you saying that Fort Lauderdale will -- will fund the operating costs for the northern loop?

MR. FELDMAN: No, I'm saying that we're funding the design and the construction cost and, as a matter of fact, we have funded. We've floated debt. We've written the check. The check was due to SFRTA, under their schedule, by December 31st, 2014 --

UNIDENTIFIED SPEAKER: So it's a done deal.

MR. FELDMAN: -- and we met our obligation to do that.

So we are the funding source. The SFRTA is still the project sponsor and the

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project manager for this.

And so when they -- when they considered and they voted on the northern loop, the requirement was that it was to be considered a betterment and that the City of Fort Lauderdale needed to fund it, and we have.

With regard to the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. FELDMAN: -- Sistrunk corridor, when we were going through the northern loop discussion, there was a community issue about -- about looking at potentials, ultimately, in the future for the western expansion. We committed at that time to fund a feasibility study. We made a commitment to have that study authorized and commenced by a certain date. And we fulfilled our obligation on that, as well.

MAYOR RYAN: All right. But, you know, when you say this is a betterment for the northern loop, to me, it's clearly an expansion. And I don't know how you can expand by increasing the length of the rail line without having an agreement of the operator.

MR. FELDMAN: The -- betterment is a technical term, sir. Under the -- under the terminology for a project, if it is in addition to the original scope, it is considered to be better -- a betterment. So I only use that term because that's the term that -- that the project uses.

COMMISSIONER WEXLER: (Inaudible.)

MAYOR RYAN: Yeah, but, of course -- of course, there is -- when you increase the length of the rail line, then you increase the operating cost.

So, I mean, I'm -- I'm surprised I'm not hearing a recognition here by the City of Fort Lauderdale that you would obtain the approval of this County Commission

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before you expand the rail line.

MR. FELDMAN: It's not our expansion. It is --

COMMISSIONER WEXLER: It's a betterment.

MR. FELDMAN: -- it is the -- it is SFRTA's project. The item was presented to them. The condition came that the city was to be the funding source. We funded it.

MAYOR RYAN: I -- I think we're going to need to --

COMMISSIONER HOLNESS: (Inaudible.)

MAYOR RYAN: -- further evaluate this, and -- and we're not going to be able to -- to fully vet this this afternoon, because there are a lot -- a lot of additional items that we have to cover.

Commissioner Ritter, and then we're going to continue this discussion. We'll -- we'll talk about having a workshop on this and -- and develop a strategy of where we're going forward on this.

COMMISSIONER HOLNESS: May I finish, though?

MAYOR RYAN: All right. So Commissioner Ritter.

COMMISSIONER RITTER: Well, thank you. Thank you, Mr. Mayor.

I -- I actually think that the discussion should end and we should just schedule a workshop --

COMMISSIONER HOLNESS: (Inaudible.)

COMMISSIONER RITTER: -- because we're not going to get all the answers today that we need or want. And I think the discussion could take an hour or two, and

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today is the last meeting, we all know, before the summer break. I think it's a discussion that is too complicated, too long for -- first of all, for the dais, number one. And number two, the dais -- the day, the last meeting of -- of the summer.

So I -- I am going to ask that we get this moving along.

But let -- but let me just say this in -- in closing.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: Only in government, I swear, only in government could you parse words so that an expansion is not an expansion, but it's a betterment under the definition of whatever we're going at.

And I'm not disputing what you're saying, Mr. Feldman.

I just think it's really interesting that when you're putting more tracks in the road, it's a betterment, not an expansion because I believe that any second grader would say this is an expansion.

It just amazes me sometimes that in government we just can't use the easiest simple terms for things and call them what they are, but I guess -- I guess since it's not our -- we're not building it, we're only operating it and maintaining it at a cost of what is now \$5,000,000 a year, I guess that it doesn't matter whether it's called a betterment or an expansion. It is what it is.

Thank you.

MAYOR RYAN: All right. Thank you, Commissioner Ritter.

COMMISSIONER HOLNESS: If I can get --

MAYOR RYAN: What we're going to do -- no, Commissioner Holness. We have a -- a number of items that are going to go for hours in (inaudible). So if you want to

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take a minute to close --

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: -- and then I'm going to ask --

COMMISSIONER HOLNESS: I want to ask our director --

MAYOR RYAN: Sir. Sir.

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: I'm going to ask you -- give you a minute to close, but, County Administrator, I'm going to ask that we establish a -- or set a time for a workshop. How will you notify the -- the Commissioners? I know that we're going on break and we won't be back until August. When do you expect we could hold a workshop on this?

MS. HENRY: I will work this into the schedule in August.

MAYOR RYAN: Okay. Thank you.

COMMISSIONER HOLNESS: Okay.

MAYOR RYAN: All right.

COMMISSIONER HOLNESS: If -- if I may --

MAYOR RYAN: Commissioner Holness.

COMMISSIONER HOLNESS: -- close. You're going to allow me to close.

I'm going to ask our director to come forward and -- and close quickly because a study was mentioned by the city of that loop and they only talked about O and

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M, not a study of necessity or need to establish that this is -- is the right place for it to do, or whether it should go across to -- to 7th Avenue now or -- or later.

So, Chris, please. Mr. Walton.

MR. WALTON: Well, again, the specifics of -- of where the -- the route should go, I'm -- you know, a study should bear out.

I just wanted to make a couple points specifically as it relates to the expansion.

When you talk about it being the SFRTA's project, and when you add track mileage, you are adding cost.

There's been a commitment to the FTA that this system will operate on seven and a half minute headways, which means the interval between cars is seven and a half minutes. The longer you make that track, the more cars you need to -- to maintain that interval between cars, the more it's going to cost you.

I don't know, from a northern loop perspective, what has been transmitted to FTA, but it would be my recommendation at this point that, with this Board's permission, we formally notify the city, Tri-Rail -- SFRTA, and the FTA that we are not in support of the northern loop at this time, because we do not have substantial -- or the documentation to support it, to make sure that they fully understand our position.

Because, again, not having the information been submitted -- having the information submitted to me, I don't know what has gone to the FTA in Washington. I don't know what has gone to the region in Atlanta. If the planning for this northern loop or the planning for this westward expansion is moving forward through the partnership, I don't know.

But we -- I think we need to formally notify them so that they don't get further down the road in their thinking that this is something that the County has blessed.

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COMMISSIONER HOLNESS: Okay. And -- and -- and I think that if there's no objection on this Commission, that we should have staff go ahead and take the action that they feel necessary to ensure that we're doing what's right for -- for the people of Broward County.

COMMISSIONER WEXLER: Why don't you move --

MAYOR RYAN: Well, that --

COMMISSIONER WEXLER: -- to authorize the --

COMMISSIONER HOLNESS: All right.

COMMISSIONER WEXLER: -- County --

COMMISSIONER HOLNESS: So --

COMMISSIONER WEXLER: -- Administrator to sign a letter on behalf of --

COMMISSIONER HOLNESS: Yes --

COMMISSIONER WEXLER: -- you know --

COMMISSIONER HOLNESS: -- my motion is that we authorize staff to go ahead and get that letter out to the partners and -- and to other necessary agencies that need to be informed of this.

MAYOR RYAN: To the County Attorney, did you understand what the -- the nature of the -- the correspondence will be?

MS. ARMSTRONG COFFEY: Yes, we do --

MAYOR RYAN: Okay.

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MS. ARMSTRONG COFFEY: -- understand.

MAYOR RYAN: All right. Very good.

COMMISSIONER HOLNESS: Second.

MAYOR RYAN: Then we're going to go ahead and that'll terminate the discussion on --

COMMISSIONER HOLNESS: (Inaudible) a second?

MAYOR RYAN: -- Item 97?

COMMISSIONER WEXLER: I'll second your motion.

COMMISSIONER HOLNESS: Thank you.

COMMISSIONER WEXLER: (Inaudible.)

UNIDENTIFIED SPEAKER: Is that --

COMMISSIONER WEXLER: You don't want a motion? You just wanted --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- formal direction?

MAYOR RYAN: It was just direction. It was just direction.

COMMISSIONER WEXLER: Okay. (Inaudible.)

AGENDA ITEM 94 (CONT'D.)

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MAYOR RYAN: All right. So let's go on. Now we're going to back to Item 94.

Item 94 was the -- in the alternative one to move to authorize the County Administrator to award and execute a contract to the low responsive responsible bidder at Terminal 4, or the alternative motion is to rescind reject the bids, and to award the contract to the low responsive bidder, Odebrecht, in an amount of \$135,000,000.

All right. So we've got five more speakers from the public.

First speaker is Charlie Clark. The second is Daniel Munilla. The third is Ruel Miles.

Mr. Clark.

MR. CLARK: Yes, good afternoon. My name is Charlie Clark. I'm the Operations Manager for MCM at the Miami International Airport.

And I'm kind of puzzled why I'm here to qualify my company's extensive airport experience. As size and scope goes, MCM has built at least three of these concourses at Miami International Airport. I've managed over \$370,000,000 in airport terminal and concourse projects, one being NTI, then the related projects under the NTD.

We've had master permit, sub-permits, inspections, massive coordinations with trade contractors, stakeholders such as Miami-Dade Aviation Department, the key stakeholders, the traveling public -- keeping them safe is key -- the CBP, Homeland Security, TSA. Taking the projects to certificate of occupancy is what we strive to do from taking the project from cradle to grave.

We have assisted in estimating this project. We can build this project. We can bond this project. We can manage this project. And we can save you \$8,000,000.

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Thank you very much.

MAYOR RYAN: Next speaker -- next speaker is Daniel Munilla, followed by Ruel Miles, followed by Gerry Kelly.

MR. MUNILLA: Daniel Munilla on behalf of MCM.

First, I'd like to thank you, Mr. Mayor, for waiting for us to get here to proceed to Item 94 this afternoon.

I'd like to express to you the journey we took. It was an emotional roller coaster with respect to this bid.

First, we submitted our bid. We -- we were advised of an error. We immediately corrected it.

The County requested that we confirm that we'll -- we would perform the work for the \$102,000,000 figure, and we advised that we would. We confirmed it.

Thereafter, the County awarded the contract -- recommended award of the contract to MCM.

A protest period began. Nobody filed a formal protest with the County. The -- the protest period, before ending, was extended by the County, and yet again nobody filed a formal protest.

Then the County, upon finding that they had errors within their bid specifications and with respect to the vendor qualifications, decided that it was in their best interest to reject all bids.

At that point in time, the cone of silence was lifted, when all the back room challenge began and we find ourselves here today.

And yesterday, for the first time, MCM was found to be non-responsible. We

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**JR/CH/LR/JH/DH/PL
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obviously disagree with that and the speakers before me advise why. We have the extreme amount of qualifications to do this work.

I think yesterday the most important letter was -- was given out by the County Auditor where it expresses its concern with what's going on here. And it expresses five key points, the first of which is that an award to Odebrecht would be outside of your established process. That there is no compelling reason to deviate from the County process on such a large project.

That the bid was rejected due to confusion with respect to the responsiveness and responsibility of bidders, which, to this date, is still in question by many of the County staff. That the bidding -- a re-bid will allow the County to clarify any of the issues with its original bid, and that award to Odebrecht would establish a bad precedence going forward especially on projects this big.

MAYOR RYAN: Thank -- thank you, sir.

Our next speaker is --

MR. MUNILLA: Thank you.

MAYOR RYAN: -- Ruel Miles, followed by Gerry Kelly, followed by Keith Poliakoff.

MR. MILES: Mr. Mayor, good afternoon. Commissioners, good afternoon.

My name is Ruel Miles. I am privileged, as a small business owner, owner of Pioneer Construction, to come in front of you, and fully endorse what you're witnessing today, the growth of small business, MCM.

My introduction to MCM is approximately 25 years ago. I know their face is new to you, but not to me. Through our mentorship and protégé involvement, I can see me coming to you for an award of -- or, I'm sorry, the Board that will be here at that time -- a project of this nature.

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I see really no reason at all from a small business perspective where you endorse growth not to recommend or continue to recommend staff's initial response to the RFP for MCM.

Thank you.

MAYOR RYAN: Thank you, sir.

Next speaker is Gerry Kelly, followed by Keith Poliakoff, followed by Michael Olenick.

MR. KELLY: Thank you, Mr. Mayor and Commissioners.

I'm Gerry Kelly. I'm with the Morganti Group, obviously one of the bidders.

You heard a -- a lot of baloney here today and I'm going to give you some facts.

The competition has erroneously steered your thinking to say that we have not met the basic qualifications. That is not true. That is not a fact.

Morganti Group was and did have the prime contract on our project that we did in Abu Dhabi, Terminal 3.

The other competition obviously did not meet that qualification. They are party -- they are a party of a joint venture, and their firm did not have the prime contract required by the ITB.

I both attended a meeting and wrote a letter confirming all these facts, and I'm very disappointed that those facts have been ignored here today and your thinking has been modified just by somebody else coming up here and stretching those facts and changing the words from prime contract to prime contractor to construction manager.

All three firms are obviously firms that can do this job, but Morganti is the only

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one who met the ITB requirements. And those are the facts.

The other fact is why did Morganti get calls right after the bid congratulating us for winning the project? I bet the other two firms didn't. We were obviously the low bidder on bid day. There was only two bids opened on bid day. It was televised on your website, and Morganti was the low bidder.

Thank you.

MAYOR RYAN: Next speaker is Keith Poliakoff, followed by Michael Olenick.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Double bill.

MR. POLIAKOFF: Good afternoon, Mayor, members of the Commission. Keith Poliakoff here on behalf of MCM. And I will be brief.

We won this already. We won it on May 21st when the County reviewed all of the three bidders and said we recommend the award to MCM.

Then all the letters started to fly. Odebrecht, Morganti, all sent letters to the County why they should have been -- won.

Then the County said we're going to hold off on the protest period a little bit and review everything.

They reviewed everything, and then the County said we are going to reject all bids. The person who is allowed to reject the bids rejected all bids.

All the bids were rejected. What did that mean? The cone of silence ended.

The cone of silence ended. All the lawyers and lobbyists came out of the woodworks and started meeting with staff, started meeting with

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Commissioners, started meeting with the world.

Then, all of a sudden, what happened? The County said you know what? We're going to recommend an award to Odebrecht. Total 180 from where it was.

And based upon the recent newspaper articles, you -- this looks bad, it smells bad. This should not occur this way.

Then an issue started coming out, of what prime contractor. Prime contractor. The word "prime contractor" is not listed anywhere in the procurement and is listed nowhere in the responses or the questions.

We're providing you with a copy of both the procurement Section F as well as the section related to the word "prime" that Odebrecht keeps referring to. It doesn't say prime contractor. Read it. It doesn't say that. They're putting meaning into the word to try to make their case even better.

Your County Auditor came out yesterday after reviewing everything and the County Auditor said you cannot do this, you need to reject all bids.

We're going to give you quickly your options here today. Option one is potentially you could award it to MCM. We're not even recommending that option because of the likelihood that it would be litigation and bid protest. Same with Odebrecht.

So you have two options, then. Either follow your County Auditor, reject all bids, or the final thing is ask for a best and final offer of all three vendors. Say we find you all responsive. We find you all responsible. Give us your best price and whoever is the lowest gets it.

Save the County ten to \$20,000,000. Do the right thing. Do a best and final or reject all bids.

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Thank you.

MAYOR RYAN: Thank you.

Next speaker is Michael Olenick.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. OLENICK: Good afternoon. My name is Mike Olenick. I'm Vice President of Corporate Affairs of Morganti Group and the Chief Compliance Officer.

By way of brief background, Morganti is a 99-year-old company started in Danbury, Connecticut by a first generation stonemason from Italy.

As I said, we've been around for 99 years. This is not our first airport. When you go into Reagan National, we built it. You go in Austin-Bergstrom, we built it. You go into Hobby, we built that.

This is not new to us and not even new to Broward County. We built Terminals 2 and 3 renovations we did. We did the addition to the Broward Convention Center. So we're not new to Broward and we're not new to airports.

We follow the rules. I'm the Chief Compliance Officer. That's my job. I make sure we follow rules. And we do. And we're responsive, responsible, and qualified on this job.

The Abu Dhabi job was clearly presented to staff. We met. We had a -- you had a Commission meeting, I think it was June 9th. On June 11th, staff called everybody in. We presented -- I presented a contract on the Abu Dhabi airport, and it clearly showed that we were not the PM, and, in fact, we discussed it, and one of your representatives -- one of your consultants confirmed that Parsons was the PM. In fact, we -- our job was the supervision of design, construction, and commissioning. We were clearly not a PM, and clearly in privity, as Mr. Kelly indicated. But, for some reason, that has not found its way

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to you.

We were responsible on that for all aspects of Terminal 3. So we now are established as being responsive, responsible, and qualified.

I just heard -- and, by the way, just -- we had CBEs presenting -- wanting to present here and I called them off because, candidly, their jobs are more important they're doing now than to sit here and take their time to be here. And I apologize for that. We could have had them here.

I just want to -- I heard Mr. Poliakoff say something, and I -- I think I'm -- I'm joining on that. I think all the firms are qualified. All the firms have -- have generated a responsibility. And, on behalf of Morganti, let's do lowest and best. Get your best deal out of it.

So from our perspective, we're in.

And thank you very much for your time.

MAYOR RYAN: All right. That's the conclusion of the speakers from the public.

So I now bring it to the Commission for discussion.

UNIDENTIFIED SPEAKERS: (Inaudible.)

UNIDENTIFIED SPEAKER: Yeah.

MAYOR RYAN: Yeah, we have concluded -- we have -- I -- I am shocked. Commissioner Wexler, do you wish to be recognized?

COMMISSIONER WEXLER: Why not?

MAYOR RYAN: Anybody else?

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COMMISSIONER SHARIEF: Yeah.

VICE MAYOR KIAR: Stacy and (inaudible).

MAYOR RYAN: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: Do you want to start with others?

MAYOR RYAN: Yeah, let's go ahead and we'll start with Commissioner Ritter.

COMMISSIONER WEXLER: I will be whenever you want me.

COMMISSIONER RITTER: Thank you, Mr. Mayor. I think.

Wow, gosh, I don't even know where to begin. In eight and a half years of being on this Board, I don't think I've ever seen a knot so tangled.

COMMISSIONER SHARIEF: Uh-huh.

COMMISSIONER RITTER: I don't even honestly know where to begin, because I've heard so much information today, I almost feel like I've heard sort of a semi-presentations from a selection committee, although I don't have all the information, so I don't feel -- it -- it feels like I don't have enough information to make a decision if I were a selection committee, but too much information to decide -- I don't even know what I'm saying, it's so screwed up.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER RITTER: It's not about -- it's not about not being caffeinated. It's about having hundreds of pages of -- of paperwork cross my desk the past day --

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UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER RITTER: -- on a -- on a one hundred -- in excess of \$100,000,000 project that was hard bid.

So my concern is -- my concern is that -- I've got so many fracking concerns it's not even funny.

MAYOR RYAN: Did you say fracking?

COMMISSIONER RITTER: I said fracking.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER RITTER: Well, actually --

UNIDENTIFIED SPEAKER: That's 103.

COMMISSIONER RITTER: -- fracking --

MAYOR RYAN: That -- that's Item 103.

COMMISSIONER RITTER: -- actually fracking is -- originally came from Battlestar Galactica --

(Laughter.)

COMMISSIONER RITTER: -- when they would say "fracking" instead of the other F word. So it -- it's a bad word no matter what, I guess, right?

If I -- if I agree to Motion A, then -- I almost -- gosh, I wish you hadn't started with me.

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER RITTER: It's not -- I just -- I am so befuddled here. I don't know how to untie this Gordian Knot and -- because, on one hand, I've got three proposers saying that they're each qualified, responsive, and responsible, but their competitors are not, and that each one has said that they actually won the award.

COMMISSIONER SHARIEF: Uh-huh.

COMMISSIONER RITTER: Each one today said --

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER RITTER: -- they actually won the award. That's not possible.

And I've got no motion that asks me to waive the Procurement Code, and even if I were going to waive the Procurement Code, I'm not sure what I'd waive or where I'd -- and -- and -- and I've got a County Attorney that -- that's whispering in -- in my ear here that I can't do a best and final; is that correct?

MS. ARMSTRONG COFFEY: I won't whisper. You can't do a best and final.

COMMISSIONER RITTER: Right. And that's because?

MS. ARMSTRONG COFFEY: State law requires a bidding system. You bid this project.

COMMISSIONER RITTER: Okay. So I can't do best and final. I've got a hard bid project so that if -- if I send it out again, if I do an ITB, everybody knows what everyone else has bid, which is not fair at this point. It may be what we end up doing, but it's not fair to do that.

And yet I don't feel comfortable awarding the project to any one of the three today, because they all have positive points which point to them being responsive and responsible, and yet there's paperwork that also indicates that

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they were weren't low bid, responsive, and responsible.

So I -- I really didn't want to go first, but Wexler chickened out, which --

(Laughter.)

COMMISSIONER RITTER: -- is unusual for you.

COMMISSIONER WEXLER: It's a --

MAYOR RYAN: She -- she --

COMMISSIONER WEXLER: -- courtesy.

MAYOR RYAN: -- she did not --

COMMISSIONER RITTER: Oh, (inaudible). She was --

MAYOR RYAN: -- she did not chicken out. She was --

COMMISSIONER RITTER: -- she was courteous --

MAYOR RYAN: -- passed over.

COMMISSIONER RITTER: -- in -- in deferring to me, which I'm not going to forget. I just -- I -- I feel -- and -- and I -- and I don't mean to make light of this because I think that, first of all, this is the most hated agenda item on today's agenda for me.

COMMISSIONER WEXLER: Right.

COMMISSIONER RITTER: It's not the most annoying, but it's the most hated. It's the last meeting, and, again, I feel so backed into a corner that I have to make a decision today that I, quite frankly, am -- am not feeling comfortable making,

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whether it's A or B.

Is there a reason why this project has to be -- is -- what was the reason for the hard bid?

MS. HENRY: The reason for the hard bid was that we knew what we wanted. And this is a project, as you heard earlier, you have one part of the expansion just about done. We have another expansion, the -- the expansion that's part of this discussion, that needs to marry up with a middle.

And the goal on our end, you could -- if you -- you may or may not know, we asked for expedited work --

COMMISSIONER RITTER: I do.

MS. HENRY: -- in the bid --

COMMISSIONER RITTER: Right.

MS. HENRY: -- because of all the issues that we've been having, as you well know, with Terminal 4 and FIS and the -- the -- the -- the need to -- to move that one along.

So today we have six gates. When this is all said and done, we're hoping to have 12 gates. The service is ready, chomping at the bit to take advantage of it.

Whatever the Board does today, we will still be in a position -- or at least recommend to you if that's not, that we move forward with continuing to have something that's expedited, because we want to meet the winter schedule of 2017.

Otherwise, there's no reason to put all of the extra service in in the same -- at the same level of intensity or speed. It -- it'll eventually come, but we were

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trying to take advantage of a situation. We saw a window where we could.

COMMISSIONER RITTER: Okay. And then -- and part of me, in the -- in the little -- in the back corner of my brain is this little nagging thing that says why didn't we just use Cummings for the whole thing in the first place? You know, and that would have eliminated all of this. You've got one company building one half of it, and we -- the Aviation Director advised the County Commission that the best course of action was to have another company build the second half and then have them all -- both -- marry them up in the middle.

And I've been out there and I've seen the wall where construction stops for the next phase, which is the eastern, you know, phase.

And so swirling in all of this is I've got three companies that want to build the -- the Terminal f4 expansion on the east side. I've got one company that's building the Terminal 4 expansion on the west side that could probably pick up the project like that if they needed to, but they weren't allowed to bid on this because they have part of it anyway.

UNIDENTIFIED SPEAKER: Not true.

COMMISSIONER RITTER: Well --

COMMISSIONER WEXLER: They were allowed to --

COMMISSIONER RITTER: Okay.

COMMISSIONER WEXLER: -- but they refused to.

COMMISSIONER RITTER: We weren't going -- the -- okay. Well, that's not exactly how I remember it is refusal. I think they probably knew they weren't going to get it since the idea was to have two separate companies build both sides, one half of -- of the -- of the whole.

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And I need -- I need to hear from my colleagues what -- where they are on this. I'm -- I'm sorry, Mr. Mayor, I don't mean to be rambling. I'm just so -- I just don't know what --

MAYOR RYAN: You -- we -- we have a lot of members that are --

COMMISSIONER RITTER: (Inaudible.)

MAYOR RYAN: -- asking to speak on this item. So let's next go to Commissioner Sharief.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: Thank you.

Commissioner Ritter summed it up pretty well, and I don't want to keep repeating because we've been here a while today.

But if I'm -- if I don't have an option of doing best and final, if we throw them out, will -- if we throw all of them out and go out again, how bad will that be or will that affect your 2017 schedule?

MS. HENRY: Again, what -- what I would -- what I would say to you, we -- it's money.

So we would ask the respondents to still provide a bid that attempts to meet the deadline that we impose or the -- the -- the -- the construction date, final date that we have attempted to -- to do up to this point.

So it's just going to cost a little extra money, but the goal is still to try to meet that schedule for the fiscal year '17 winter schedule.

COMMISSIONER SHARIEF: Can -- Ms. Henry, can I ask Kent George a question?

MS. HENRY: Mr. --

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COMMISSIONER SHARIEF: If he's --

MS. HENRY: -- Mr. George --

COMMISSIONER SHARIEF: -- or whoever.

MAYOR RYAN: He's -- he's in Europe.

COMMISSIONER SHARIEF: -- or whoever is covering for them.

MS. HENRY: Okay. So if you could -- it depends on the nature of the question. We have couple people here today, so if you can give me your question and I'll bring the right person to the --

COMMISSIONER SHARIEF: Okay. I want to know what makes MCM and Morganti unqualified to do the job in their opinion, because I -- I keep hearing that our staff -- no, they said they were not qualified.

MAYOR RYAN: No, it's not responsible --

COMMISSIONER SHARIEF: No.

MAYOR RYAN: -- not responsive.

UNIDENTIFIED SPEAKER: That's --

MAYOR RYAN: They were responsive.

COMMISSIONER SHARIEF: I think that they were responsive, but it says that Odebrecht was the only one that was qualified for the job. I want to make sure -- I want to understand what -- what classifies them as that.

MS. HENRY: Okay. Mr. Wiesner, if you could come to the podium.

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And I think it's important -- you know, I -- I -- I -- I feel for the situation that we're -- that you're in. I -- I really do. I -- this is a -- this is a tough one.

What I heard from all three of them, they can all espouse projects that they have been involved in related to concourse and terminal. But our specifications were pretty specific, and it -- it said "and," and it also in the last five years, completed in the last five years. Meaning that we were -- we were not looking for something that was done 20 years ago or what have you.

So while they may have built those projects, if they -- if -- because our specs gave a time frame and their -- their projects that they completed was inconsistent with that, that would have made them non-responsible.

So I will turn it over to Mr. -- if I said anything that's -- that you need to elaborate on, please do.

MAYOR RYAN: The question is is -- is why is it in the County's memo indicate that Morganti and MCM were non-responsible?

MR. WIESNER: Steve Wiesner, Assistant Aviation Director.

Our -- our charge, after the -- the June 6 Board meeting, was to go back and discuss in detail with the three bidders the elements of -- of the representations that they put out with their bids as to the projects that they were using for the reference.

We -- we asked them to bring additional information, which they did, relative to those projects.

And we looked at, in the case of Morganti, a -- a contract that clearly, when it was reviewed by three of the people on the -- on the committee, came to the same conclusion that -- that the scope of work appeared to be that of a consultant firm, not -- not of a brick and mortar contractor.

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With respect to MCM, we talked to them at -- at length about the work they were doing in the north terminal, and, in fact, they did have a significant portion of -- of work as a prime in the -- in the terminal part of it. But when we asked about the concourse, because we have that word "and" in there, they weren't -- they weren't able to articulate enough for us to be convinced that they had the work as the prime.

We asked for additional information, though, because we were still trying to get to the kernel of -- of -- as a prime contractor you would be signing a contract with the owner, in this case Miami-Dade. So we asked for a copy of the signature page of the contract that they were talking about for the south -- for the north terminal development project. And that document showed that they had signed a contract with the joint venture of Odebrecht-Parsons, not Miami-Dade.

COMMISSIONER SHARIEF: Uh-huh.

MR. WIESNER: Based on those two elements -- and, I'm sorry, we also asked for permits from -- copies of the permits from MCM as well, because we -- we thought maybe there might be something in that area that we have to evaluate.

And what we found was they had not pulled any permits that would have been the type of permit that we would have expected a prime to pull. It would cover all aspects of the construction, mechanical, electrical, plumbing, and we did not see that.

Based upon those documents and -- and the further discussions that we had, the -- the conclusion was that Morganti and MCM were deemed non-responsible, which is our -- that was what we were responsible for doing.

COMMISSIONER SHARIEF: So, then, basically what we did is we wrote a procurement RFP that only one company could essentially meet the qualifications on.

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MR. WIESNER: I -- I can't agree to that. I think that there are numerous contractors out there who -- who would qualify for that. For what reason, I -- I can't explain, didn't submit a bid.

COMMISSIONER SHARIEF: See, I'm -- I'm -- I'm not getting this, because when -- when this first -- the first time this came around, MCM was the -- the -- the -- the -- the bidder of choice. This -- this was the person that -- that was presented and said, hey, listen, you've won the bid. And it was MCM.

Then afterwards, you looked at it again and said, oh, no, it's not MCM. We've got to throw them out. We've got to do this again.

My problem is is that if they weren't qualified for --it must have been something with your RFP and something in that request that made them feel like they were qualified. I mean, if there's other companies out there that could have possibly done that, why didn't they?

And, for me, I think this goes back to the fact of being clear about what our expectations are of our vendors and our people that are -- are -- are bidding on our projects.

And I -- I've got to tell you, this puts the County Commission in a very uncomfortable position, because I -- I can tell you from looking at the -- I've got packets and packets of information here, which I read through. And I happen to think that all of these companies would probably do a fantastic job.

And so I'm asking you to give me a reason to go with what you're -- you're suggesting, and right now I'm not getting that. I'm not getting a reason to support what you're suggesting to me, because it doesn't make any sense.

If you're going to -- if you're going to go out and say I only have one sole source for this, I only have one person that can meet the qualifications, then, fine, tell me that up front and stop wasting time. Because as far as I'm concerned,

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you've wasted Morganti and you've wasted MCM's time by opening this up and saying bid on this, you know, we welcome you and we think you're qualified enough to get through the bidding process -- oh, but at the end, oh, by the way, you're non-responsive because you don't, and the projects that you've done in the past don't.

I have a problem with this. You have -- I -- I -- I know you -- you -- you think you've answered my question, but I -- I really feel like there is -- there had to have been an issue with what we were asking and the questions that we were asking in order to get the response that we received.

These are professional companies. These people didn't just roll out of bed and start doing business yesterday. These people have been in business for a very, very long time. And I have a hard time discounting that type of service and that type of work history and that type of professionalism. The projects that they worked on are not small, by any stretch of the imagination. I mean, you're talking about Miami International Airport. You're talking about terminal projects all over.

I mean, I -- I'm getting to start like -- I'm beginning to sound like Lois. I need to stop.

MAYOR RYAN: All right. Thank --

(Laughter.)

MAYOR RYAN: -- thank you, Commissioner Sharief.

COMMISSIONER SHARIEF: I'm done.

MAYOR RYAN: All right. Commissioner Bogen.

COMMISSIONER SHARIEF: You can sit.

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COMMISSIONER BOGEN: You know --

MAYOR RYAN: We're going bananas here, I'm telling you.

COMMISSIONER BOGEN: -- I don't -- you know, I think it's pretty simple, to be honest with you. I think that if we're going to go by our specs, if we're going by our specs, I've been informed by the County that, based on the -- the exact specs, there's only one company that meets the specs. And -- and -- and then I keep hearing different -- basically, correct me if I'm wrong, sir, you were looking -- you were looking for a company that has five years experience both in terminal and concourse as a prime contractor, correct?

MR. WIESNER: That is correct.

COMMISSIONER BOGEN: And is the word "prime contractor" in there? It was -- you know, it was said that it wasn't there. Was it there in the bid?

MR. WIESNER: The word "prime" was in the bid.

COMMISSIONER BOGEN: So there's only -- is -- is it fair to say there was only one company that met that spec, correct?

MR. WIESNER: There is one company that submitted that met that requirement.

COMMISSIONER BOGEN: So I don't understand what the confusion is. If there's one company that met the spec and is -- you know, I don't understand what the confusion is, that there is a company that met the specs.

Now, the other two companies got up and said they met the specs. Are you going to say here that that is not true, they did not meet the specs?

MR. WIESNER: After we had reviewed all of the information, we came to the conclusion that they were non-responsible.

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COMMISSIONER BOGEN: Okay. So you've got three companies. One met the specs. I don't understand. Why don't we just -- if we're going to go by our specs, we should go by the company that met the specs.

And -- and so there's one company that our staff is saying met the specs. Either we believe our staff or we don't believe our staff.

UNIDENTIFIED SPEAKER: There you go.

COMMISSIONER BOGEN: Okay. So, you know, if you're saying, you know, Commissioner, that -- that we can't agree with our staff, then let's -- let's vet it out.

But I'm being told that there's one company that meets the exact specs, and that's Odebrecht. If -- if the other companies meet the specs, great. I'm told only one company meets the specs.

COMMISSIONER SHARIEF: Okay.

COMMISSIONER BOGEN: And if that's the company, I don't understand why -- then we either -- then why are we going to have specs if we're not going to go by our specs. I don't understand. So --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER BOGEN: -- pardon me? I haven't been here long enough?

COMMISSIONER SHARIEF: No.

COMMISSIONER BOGEN: Okay. Well, I'll learn. I'll learn.

You know, I -- yesterday I was in the -- in -- agreeing, saying we should just rebid the whole thing but then somebody said to me, well, if you're going to have specs, why don't we live up and go by our specs. So --

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COMMISSIONER SHARIEF: (Inaudible.)

COMMISSIONER BOGEN: -- so, you know --

MAYOR RYAN: Commissioner Holness.

COMMISSIONER BOGEN: -- I guess I'm done, Mayor. Thank you.

MAYOR RYAN: Thank you.

(Laughter.)

MAYOR RYAN: Your remarks were -- your remarks were brilliant.

All right. Commissioner Holness.

COMMISSIONER HOLNESS: I think it's safe to say no matter what we do here today someone is not going to be happy.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: (Inaudible) I'm not happy.

COMMISSIONER HOLNESS: This is a mess. It's very difficult for us to sit here and -- and -- and figure out what's fair, what's just. And -- and I think that's a part of what we have to look to when we go forward with this.

But if we look at the requirements that we ask, that's really, I think, what it comes down to. What is the requirements that we set out for qualifying these companies to do it?

And I think that's why the staff wanted to change the requirements for the next go-round. That was what was before us prior to this meeting in our previous

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meeting.

MAYOR RYAN: You done?

COMMISSIONER HOLNESS: MCM feels that they ought to get the contract, and -- and I can understand their -- their -- their -- their -- their perspective. They -- they said they were a -- a prime --

UNIDENTIFIED SPEAKER: Trade.

COMMISSIONER HOLNESS: -- trade contractor, thank you. And -- and you're saying what we needed was a prime contractor.

Morganti said they were a prime because they oversaw the operations, but you're looking for a prime contractor that did brick and mortar.

So at the end of the day, it seems as if Odebrecht met those without any question, because the nuance of prime trade contractor and prime consultant I guess come into play.

This project does need to move forward. I've come in on that terminal many times, and it's crowded. There are lines.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER HOLNESS: There -- there are airline companies that want to be able to --

UNIDENTIFIED SPEAKER: (Inaudible) want to talk.

UNIDENTIFIED SPEAKER: Oh, yeah.

UNIDENTIFIED SPEAKER: I want to talk.

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COMMISSIONER HOLNESS: -- utilize our -- our -- our -- our -- our -- our -- our terminal but aren't able to do so because we don't have gates for them. They now have to park and use a -- a ladder to get down or -- or -- or a staircase to get down and take a bus to the terminal. So it's -- it's critical for us to move this forward.

My question to -- to our County Attorney is this. Where are we going to have challenges legally? What -- what -- what -- what pathway are we on here by taking any of these actions that could then cause us legal challenges that might even tie up the project going forward?

MS. ARMSTRONG COFFEY: Based on the information that Aviation staff has provided, at your direction, since June 9th, we can defend either action.

And in terms of litigation actions, we believe we can move forward and litigate if anyone chooses to bring a claim while the contract is awarded.

COMMISSIONER HOLNESS: And -- and -- and there was another thing that was mentioned in terms of the bid numbers. Now, MCM came in at 102 and then changed to one-oh -- 113. Is that -- where is our -- our staff and -- and --

UNIDENTIFIED SPEAKER: That's correct.

MS. HENRY: Yes.

COMMISSIONER HOLNESS: Is that correct?

MS. HENRY: Yes.

COMMISSIONER HOLNESS: If we were to award to MCM today, what would happen? Even though you're not recommending it.

MS. ARMSTRONG COFFEY: We would be faced with a challenge from --

UNIDENTIFIED SPEAKER: Yeah.

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MS. ARMSTRONG COFFEY: -- one or two of the --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: -- other bidders.

COMMISSIONER HOLNESS: Okay. And -- and if we were to award to Odebrecht?

MS. ARMSTRONG COFFEY: We believe that we can defend that award based on the information that Aviation staff has provided to you.

COMMISSIONER HOLNESS: And -- and how about Morganti?

MS. ARMSTRONG COFFEY: Based on the information that's been provided to you, that does not appear to be a -- a position that we can defend.

COMMISSIONER HOLNESS: What is our challenge in terms of timing if we were to -- to go back out? What -- what kind of time -- how far is this going to set us back?

MS. HENRY: We believe that this is probably a six-week delay, but, as I indicated earlier, it would be our intent to ask in the -- in the -- if you're going to re-bid, in a re-bid that they try to -- to -- to respond with a bid that would allow us to meet the same timetable. And the effect of that is just -- it's just more money.

COMMISSIONER HOLNESS: So you're saying that if we're to go back out and -- and -- and lose the time that we're -- we're losing now, that bid would more likely be higher because we're putting tighter constraint on the process?

MS. HENRY: Yes.

COMMISSIONER HOLNESS: Do we have any idea how -- what kind of money we're talking about?

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MS. HENRY: No, I don't.

UNIDENTIFIED SPEAKER: No idea.

COMMISSIONER HOLNESS: It -- it is -- again, it's --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: -- it's -- it's a tough -- it's a tough -- it's a tough decision to make, but it appears as if Commissioner Bogen made a statement that, based on the requirements that we laid out clearly, without a doubt, and -- and - - and our attorney confirm that where we can defend legally is either we start all over or give it to Odebrecht.

And Odebrecht seems to have met the specifications that we had asked for qualifying to do this project.

MAYOR RYAN: Commissioner Wexler.

COMMISSIONER WEXLER: I -- I have a few questions. And -- and -- and you are correct, Stacy, this is -- this is such a knot. It is -- it is not clear how to resolve this. And so that causes me --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: -- great discomfort up here.

They can't hear me? All right. So you want me to talk directly into -- I can hear me -- directly into the microphone.

A couple of -- a couple of questions. First of all, prime. I'm looking at two different documents that were handed out. I think they were handed out by MCM. I'm really not sure. One of them is the original bid document, page 17,

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that has bidder qualifications that does not reference the word "prime" anywhere -- and this question is for you, Steve.

The second document is -- looks like a -- a page -- I only have one page, but it looks like lots of questions. And down on Item Number 87 of the questions, it looks like there's a clarification regarding that must have been a prime on similar in size and complexity terminals, and it goes on to -- to respond.

Tell me, please, what the answer to the question has to do, if any, to the actual -- was there an addendum that was issued?

MR. WIESNER: Yes, that is correct. There was an addenda issued to answer to answer the question from one of the proposers about the level of responsibility. And they were asking prime, and the answer was affirmative.

COMMISSIONER WEXLER: So then to -- to answer Question 87, then, there was more clarity provided or -- or -- and I really hesitate. I don't know if it's an addendum that was provided or not or what your routine is out there to F, bidder qualifications, to clearly let them know that that's what you wanted; is that correct?

MR. WIESNER: That's correct.

COMMISSIONER WEXLER: Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: No. 67? I thought it said -- yeah, 67, sorry, not 87.

All right. There was also a statement made up here about Cummings and why it wasn't just given to Cummings.

Ms. Coffey, I'd like to ask you to explain, particularly to the Commissioners that were not here and didn't go through this two years ago, what your legal team

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came up with as it related to the contract that existed and -- and so why we actually bid it, and if there was anything prohibiting Cummings from responding to that bid.

MS. ARMSTRONG COFFEY: If I could answer question two first. There was --

COMMISSIONER WEXLER: Okay.

MS. ARMSTRONG COFFEY: -- nothing prohibiting other contractors from responding to the solicitation.

The first question is why wasn't the east -- excuse me -- yes, the east terminal allowed to be performed by the contractor for the west portion. And after an extensive analysis, we issued a written opinion that indicated that the east terminal was not within the scope of the solicitation for the west terminal. So it had to be rebid.

COMMISSIONER WEXLER: Okay. So the -- so the opportunity for us to actually expand their contract was not a part of the original solicitation document that had been put out years and years ago.

MS. ARMSTRONG COFFEY: Correct.

COMMISSIONER WEXLER: Okay. All right. It was a long time ago, but nothing was prohibiting Cummings from responding to this except company policy of not necessarily wanting to participate in a hard bid environment.

I think it's also really important to recognize that why our staff believed that it was important to proceed this way, hard bid, versus an RFP. Could you respond to that, please, Steve?

MR. WIESNER: We at the airport were realizing a very, very large increase in the number of international flights, and the whole point of this terminal with its international gates is to meet that demand.

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At the time that -- that the east was being contemplated, we had -- we had received approvals from the airlines to move forward. They -- they looked at it as a need.

What we were trying to do was gauge whether or not we would get benefit by having a CMR, whether it was Cummings or anybody else, and the conclusion that we drew was we already took the benefit of a -- of a CMR on the west half. We can incorporate what we used and learned into the specs and the drawings and do the east hard bid.

So we didn't -- we didn't view the -- the extra cost that's associated with a CMR as being beneficial to -- to the goal of getting the east open.

COMMISSIONER WEXLER: As an agency, to get the very best price that you can get, using a hard bid methodology is how you get there; is that correct?

MR. WIESNER: I -- I would say that in most cases that would be the best way to get to the lowest price. In most cases, but maybe not in all cases.

COMMISSIONER WEXLER: Okay. Certainly design/build and certainly CM at risk and all of that, you don't have a -- you don't have a GMP, you don't have -- it's -- this -- and -- and because we so rarely do -- we might do this with widgets, but we don't necessarily do this in construction. It's rare. Rare. So but I believe that Mr. George and the people, our consultant, our program managers, believed that the specifications were done, we knew exactly what it is that we wanted, and so hard bid it.

MR. WIESNER: That is correct.

COMMISSIONER WEXLER: That -- that -- that was certainly my under- -- my understanding.

But this is all coming back to the reason that we hard bid it is because we

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wanted to get the lowest price possible also.

And I do believe in my -- I -- I absolutely believe that all three companies can successfully complete this job.

And it concerns me greatly that the recommendation is for the highest bid. And I find a flaw with that, because you went through the hard bid in order to get the lowest bid, but you still have to factor responsive and responsible into it.

Now I go back to MCM's experience. And MCM's experience -- and I -- I met with them yesterday, and I -- I -- I -- one of the things in your analysis, or -- or someone's analysis to my PBMI question that was asked was about the -- how -- why -- what were the elements, or what -- what facts did you see that would have found them not responsible. And they completed a terminal, but not a concourse.

MR. WIESNER: Yes, what we --

COMMISSIONER WEXLER: So what's -- what is really the -- I mean, tell -- tell me why that's so important.

MR. WIESNER: There is a -- there is a difference between what a -- what a concourse does and what a terminal does. Everybody's probably more familiar with the word terminal. You go to Terminal X at the airport and that's how you catch your plane.

In those buildings, there is -- there is the ticket counters. There is baggage handling devices and conveyance systems. There are some concessions. There -- there is a federal inspection service, or we call it FIS, and, in this case, that -- that was a large factor in T4, because that's our international terminal.

On the other hand, when you look at a -- the way a concourse operates, you know, in some of our terminals, we have multiple concourses, so when you're going to your gate, you're looking at the signs and they say go to a concourse.

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Well, what does that mean? You're looking for jet bridges, you're looking for hold room seating, you're looking for the -- the navigation devices to get you through the concourse so you get to the right thing.

Slightly different, but, nonetheless, if we're building a concourse and it's very, very -- it -- it is right on the footprint of our FIS, there's a need to have both terminal and concourse experience.

And that is the reason why that word "and" was -- was put into the qualification statement in the bid document. We wanted somebody who was familiar by -- by performance with what it takes to get the terminal done and all of the interfaces on the terminal side, the land side, and as well have the experience doing air side work, have -- have knowledge about what it takes to get their employees badged so they can come to work, have the knowledge about how you coordinate with airlines, because the most difficult thing about this entire project and the reason why we want the prime -- the reason why that became so clear, we spent a little bit of time yesterday trying to explain this to some of the Commissioners, and I don't have a -- a map in front of me, but recognize that the west is being built right now and the east is going to be built, but we have an existing Concourse H that has to be demolished.

And while that work is going to take place, I'm going to have five gates on the east, five gates on the west, and I'm going to have aircraft moving back and forth throughout the apron area while I have construction going on.

And to just make matters even a little bit more complex, sooner or later we've got to button together the west and the east halves in what we call the central portion. And that is probably the most sophisticated construction project that -- it is, certainly, that I've ever been involved in. The idea that we're going to stitch together a building in an operating international terminal with aircraft and people constantly, we want somebody who's been down that road and somebody that knows what we need to have done.

COMMISSIONER WEXLER: Steve, I just went through my paperwork and the question

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that I asked on June 9th about the changes that you were looking to make in -- if we were to re-advertise this, you indicated in writing that if we re-solicit this that this document, which says "terminal and concourse," would be changed to say "terminal or concourse." Your writing, not mine.

So you're having a real hard time convincing me right now how important that really is to you all and how different it really is. Sorry, but that just is so --

UNIDENTIFIED SPEAKER: Bizarre.

COMMISSIONER WEXLER: -- bizarre, thank you.

MAYOR RYAN: All right. Point well made. And Commissioner Wexler, you did it all in 12 minutes.

COMMISSIONER WEXLER: Well, I --

MAYOR RYAN: That's great.

COMMISSIONER WEXLER: -- you know what? I think there's one last question about the --

MAYOR RYAN: Okay.

COMMISSIONER WEXLER: -- role of the Purchasing Director. And I know that these meetings have been ongoing and they started on June 11th.

I want to know what role, if any, the Purchasing Department actually played in - in this conversation. And then I'm done.

MAYOR RYAN: Ms. Billingsley.

COMMISSIONER WEXLER: Is anyone going to answer that?

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MS. HENRY: Again, when you said what role the Purchasing Director --

COMMISSIONER WEXLER: Yeah.

MS. HENRY: -- played in the conversation --

COMMISSIONER WEXLER: In the -- in the --

MS. HENRY: -- you mean in the review --

COMMISSIONER WEXLER: -- vetting. Right.

MS. HENRY: In the vetting --

COMMISSIONER WEXLER: In this vetting.

MS. HENRY: -- of the -- the three firms?

COMMISSIONER WEXLER: Yeah. That's correct.

MS. HENRY: The Purchasing Department did not play a role in that, because this was on the responsibility side. The -- the using agency goes through the vetting of the -- the experience. And in this case, we -- because they're the ones that really know what it means, they did the vetting.

COMMISSIONER WEXLER: But our --

MS. HENRY: But that's --

COMMISSIONER WEXLER: -- Purchasing Department, Ms. Henry, with all due respect, is so intimately familiar with the Procurement Code --

MS. HENRY: That's correct.

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COMMISSIONER WEXLER: -- and that ordinance. And, quite frankly, I -- we -- as far as I'm concerned, we are go far out of that code. It was something in Mr. Moskowitz's 12-page correspondence that was spot on, spot on about us not following our own Procurement Code.

And right now, I don't see anything for us to do -- and by the way, two weeks, it's only been two weeks. So I -- I -- to make us think that it's just such a costly deal, this two-week period, as long as this Board takes some kind of an action today, please don't make us feel that way, because --

MAYOR RYAN: We're -- we're -- we're going to take --

COMMISSIONER WEXLER: -- I don't believe it --

MAYOR RYAN: -- we're going to take --

COMMISSIONER WEXLER: -- for a second.

MAYOR RYAN: -- we're going to take some action before the sun goes down.

All right. Commissioner LaMarca.

COMMISSIONER LAMARCA: I think Ms. Henry had her arm up.

MS. HENRY: No, I just wanted to clarify. The issue of costly, I -- I indicated to Commissioner Holness that I didn't know what the implications were. So it's -- it's a two weeks. The -- the -- the bid that was -- the initial bid was a compressed. It's just now even more compressed, and it will have some cost implications.

But I -- I've made no representation as to what the value of that would be, because I don't know.

UNIDENTIFIED SPEAKER: (Inaudible.)

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MAYOR RYAN: Are you ready, Commissioner LaMarca?

COMMISSIONER LAMARCA: Yes, sir. Been patiently waiting.

MAYOR RYAN: You're our contract expert. Let's hear --

COMMISSIONER LAMARCA: Well --

MAYOR RYAN: -- some words of wisdom --

COMMISSIONER LAMARCA: -- with regard --

MAYOR RYAN: -- from you.

COMMISSIONER LAMARCA: -- to that point, for the past 28 years I've spent it in -- in the construction industry, and I've got to say in that time I've never had the opportunity to come to a body like this.

And whether I was number two or three, if I wasn't number one, I've never had the opportunity to come back here to a group of elected officials and try to get that contract. It just doesn't happen. A public bid is a public bid. You put your number in.

So -- so I do have a question with regard to -- and I met with all three -- or representatives of all three firms yesterday. I have, happily, in this case, never done any business with any of the three, only for the simple fact that I want to get down to some details here.

I know they all three have a very good reputation. One has worked for the County at the airport. Another one is doing another project for us. And the third has an excellent reputation as well.

So the -- the question would be -- and earlier when we were talking about

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MCM's number, \$102,363,000 plus -- plus some change, the conversation has been plus 12,000,000 for Division 13, which is -- which is a scope of services that was left out of the bid.

I know if that I put that bid in, I would -- I would be asked the question can you do this project for \$102,363,000, because you don't get a second bite at the apple with regard to Division 13 or if we had something that was extenuating. If it was extenuating circumstance, it would apply to all -- all contractors.

So maybe I want to ask the question, Mayor, can MCM do the project for \$102,363, 000? (Inaudible) somebody from MCM?

MAYOR RYAN: We've got -- we've got three companies out here, so I -- I think if you're going to pick a --

COMMISSIONER LAMARCA: Well --

MAYOR RYAN: -- hard number --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- I'm asking the question without Division 13 added, because this was a -- this was a low bid. And another one of the members here made the point about hard bidding. We hard bid the runway. Two of the three phases, there was about \$70,000,000 left on the table and the work was finished and we landed that airplane on there on September 13th of last year, or 14th.

So it was finished and there was a lot of money left on the table and now that might be an indication as to why we're in litigation with that firm that decided not to come back and bid the east half of that -- of this terminal. Maybe they didn't want to deal with us anymore. I don't know.

So I -- I'll just ask the question. I -- I -- I'm only one person here, but I'm going

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to -- I'm going to ask the question. Is that 102,363 a number that the --

UNIDENTIFIED SPEAKER: Yes, we -- we submitted a bid. We -- we made a big mistake and (inaudible).

UNIDENTIFIED SPEAKER: Turn your mic.

UNIDENTIFIED SPEAKER: Your mic is not on.

UNIDENTIFIED SPEAKER: And we --

COMMISSIONER LAMARCA: Little button right there.

UNIDENTIFIED SPEAKER: -- we confirmed -- we confirmed that we would do the -- the price for 102 and seek relieve pursuant to the Procurement Code for bid mistakes. But we did confirm that we would do it for 102.

COMMISSIONER LAMARCA: For 102.

UNIDENTIFIED SPEAKER: Yeah, we did.

COMMISSIONER LAMARCA: Okay. Thank you.

And the other -- other issue was brought up, are there -- you know, there are specs. Okay? Were there other companies that would be willing to do this work? I mean, there are times when you'll go out to bid and 20, 30 firms would show up for a -- for a project.

This was pretty specialized. It had a five-year requirement of terminal and concourse. Some word -- some word descriptions and -- and -- and decisions have been made up here with -- with the airport, Assistant Airport Director whether it was "or" or "and" if it was go out to rebid.

You know, I -- I think the -- what we have to look at is we put it out to bid, it was

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legal. We went out and we had -- I think we're having a free-for-all here. I'll talk to the -- I'll talk to Mr. Putney again, because no one up here is listening to me.

With respect to the numbers --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- we had a process -- I know you are. You're always listening to me.

We had a process. It was followed. Two were found to be non-responsive, non-responsible.

If we want to talk low bid, let's talk the 102,363. Otherwise, let's go with the company that we're -- we're all comfortable with for the simple reason that they've done work at this airport and they meet the qualification of the terminal and -- and concourse, because that's the way it was written.

We don't get a chance to go back and re-bid it based on how we would rewrite it the second time from the airport procurement folks. We have to go on what we have out on the street.

And when bids close they close. So I'm -- I'm actually, in this case, with Commissioner Bogen, unless we can get it done for \$102,000,000 and you guys are happy with that.

MAYOR RYAN: All right. I'm -- I'm ready -- I'm ready to make some -- some closing remarks on this. But I do -- I do think that --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- just a minute. Did you want to speak? Did you have a question, Commissioner Bogen? You -- you indicated you wanted to speak, Commissioner Bogen?

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COMMISSIONER BOGEN: I just wanted to ask one question. And I'll just ask you again -- you know, what I just asked you. Commissioner Wexler asked why there is an "or," because my comments before on the specs said we're talking about "and". So would you explain, was it "or" or was it "and"?

UNIDENTIFIED SPEAKER: It was "and".

COMMISSIONER BOGEN: Because I think that -- that -- that'll make a huge difference on what -- on this whole thing right now.

VICE MAYOR KIAR: That does.

MR. WIESNER: The -- the original -- the original ITB asked that you have "and". You are -- you have experience both in terminal and concourse work. That was in the original language.

COMMISSIONER BOGEN: That was in the spec.

MR. WIESNER: That was in the qualification language, yes.

MAYOR RYAN: All right. So, you know -- all right. Steve, Mr. Wiesner, you know, you indicated this is a complex construction project. I agree with you. I mean, if -- if we're going to spend \$135,000,000, it better be pretty large and pretty complex.

Let's go back two weeks ago and remember what happened. So the -- the staff was somewhat confused in -- in putting out the solicitation. The -- the language was not altogether clear.

We came back, the Board, two weeks ago, and said it's -- it's kind of confusing. So we -- at that time, we rejected all the bids.

So now we come back. You only have two choices. We don't really have the -- the choice -- I don't believe we have the choice that Commissioner LaMarca

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had -- had stated was possible.

You know, we either go out and do a new solicitation and we expand it a little bit, because we've all recognized that these three firms are all qualified. So you can rewrite the specifications so that all three of them qualify. We can do it, I guess, in like four or six weeks, come back out on a hard bid.

The other choice is to go with the company that staff had indicated was the only responsible responsive, but it ends up being the highest bid. And, you know, on a hard bid contract, who -- who really wants to go there?

So I'm going to recommend that we go with choice Number A, that we go out and we do the solicitation, and that we expand it as staff has indicated, understanding the nature of -- of the -- the language that you need to put in there in order to allow all three to be responsible and responsive. And we don't lose that much time.

So does anybody wish to make a motion?

COMMISSIONER WEXLER: I will.

MAYOR RYAN: All right. What's your motion, Commissioner Wexler?

COMMISSIONER WEXLER: A motion to re-bid and bring back to the Board the first meeting in August for the Board to award.

MAYOR RYAN: All right. That's choice A on 94.

Anybody got a second?

COMMISSIONER WEXLER: It's a little modification of it, because this is asking to give the authority to the County Administrator to sign off. And I think after this that we've just experienced over the last two weeks, this Board has to sign off and award it. Not -- don't put the County Administrator in that position.

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MAYOR RYAN: All right. So is there a second on that?

COMMISSIONER SHARIEF: Second.

UNIDENTIFIED SPEAKER: Second.

MAYOR RYAN: Second.

COMMISSIONER SHARIEF: Second.

COMMISSIONER WEXLER: You -- may I repeat it again?

MAYOR RYAN: So it's choice -- it's Choice Number A --

COMMISSIONER WEXLER: With a little modification.

MAYOR RYAN: -- but the -- the final decision is not made by the County Administrator.
It comes back to the full Board for -- for approval.

COMMISSIONER WEXLER: In a public -- it's transparency.

MAYOR RYAN: All right. So that's a -- the motion and a second.

All in favor, indicate by saying aye.

Opposed?

COMMISSIONER BOGEN: I oppose. I -- I -- I just want to say for the record that either we're going to follow our specs or we shouldn't be having them. And if these are our specs, I think we should live up to our specs.

I voted no.

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Thank you.

MAYOR RYAN: All right. So it's -- all right. There -- there's an opposition by Commissioner Bogen, opposition by -- are you voting no, Commissioner LaMarca?

COMMISSIONER LAMARCA: I'm voting no for the simple reason that the bids have already been open and everybody knows what's behind the curtain.

MAYOR RYAN: All right. So is it -- is it 7/2?

What are you doing, Commissioner Furr?

COMMISSIONER FURR: No.

MAYOR RYAN: No. 6/3.

All right. So show that motion passes 6/3.

VOTE PASSES 6 TO 3 WITH COMMISSIONERS BOGEN, FURR, AND LAMARCA VOTING NO.

MAYOR RYAN: All right. We're going to move on to --

MS. HENRY: Mayor, just a point of clarification. In -- in part of your summary, you mentioned that we would -- we'll go back out, we'll open up the specs in a manner such -- such that all three companies qualify.

I'm not sure I know what that means.

MAYOR RYAN: I think that Mr. Wiesner knows what it means. Aren't -- you're kind of familiar with -- with what you felt had MCM and Morganti non-responsible, and then you can expand that -- that level of -- of past experience expertise in order that all three would qualify.

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I think that he understands.

COMMISSIONER HOLNESS: Mayor --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER HOLNESS: -- Mayor, I -- I don't think we should be here directing them --

UNIDENTIFIED SPEAKER: No.

COMMISSIONER HOLNESS: -- what they should do. We're not in the construction business.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: They are. They should determine what they want in terms of the specs that they have to put in.

So I'm -- I'm going to go no on this, because if -- if that's what you're sending, no, we can't do that.

COMMISSIONER WEXLER: Wait, wait, wait, I'm the maker of the motion.

MAYOR RYAN: That wasn't -- that wasn't actually the --

COMMISSIONER WEXLER: That's not my intent.

MAYOR RYAN: -- motion. It was my interpretation of -- of how staff was going to go forward.

COMMISSIONER WEXLER: No, it's not -- it's wrong interpretation then, Mayor, because it is an -- it absolutely not to go forward to make anybody qualify.

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COMMISSIONER HOLNESS: Okay.

COMMISSIONER WEXLER: Not at all. I don't even care if these three are in the mix or not.

COMMISSIONER LAMARCA: Mayor --

COMMISSIONER WEXLER: I just want clarity.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- can you clarify? If we're putting it back out this means anybody can bid. It's not just these three firms.

UNIDENTIFIED SPEAKER: Yes. Yes, absolutely.

UNIDENTIFIED SPEAKER: Absolutely.

COMMISSIONER LAMARCA: So Tudor, Moss, anybody.

MAYOR RYAN: Everybody --

COMMISSIONER LAMARCA: Okay?

MAYOR RYAN: -- everybody can bid it. All right.

VICE MAYOR KIAR: Cummings can, too?

COMMISSIONER WEXLER: Does that mean you're changing your vote now?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Commissioner Furr.

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COMMISSIONER FURR: What -- what I'm concerned with is a -- is a dilution of the specs that we're -- that we're asking for. There's a reason they asked for those specs. It's obviously a complicated, you know, project, and -- and you -- you asked for "and" for a reason. I'm not sure why you would want to go "or" now when you're thinking -- I mean, to me, you had -- you had a standard you were trying to get to.

Why do you want to lower those standards?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Let -- let's understand this. The vote is 6/3, and --

COMMISSIONER FURR: (Inaudible.)

MAYOR RYAN: -- you voted on the --

COMMISSIONER FURR: (Inaudible.)

MAYOR RYAN: -- you know, you weren't on the prevailing side. So, I mean, we're going to continue to discuss this. We've got a number of other items.

COMMISSIONER SHARIEF: No, we're not.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER BOGEN: It's an important question.

COMMISSIONER RITTER: Okay. Well, then --

UNIDENTIFIED SPEAKER: It's a legitimate question.

COMMISSIONER RITTER: -- we need -- we need to move to reconsider, because we'd

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already voted on it.

MAYOR RYAN: Yeah, does somebody want to move to reconsider?

COMMISSIONER BOGEN: So moved.

MAYOR RYAN: Okay. All right. There's a motion to reconsider.

All in favor of reconsideration, indicate by saying aye.

MS. ARMSTRONG COFFEY: Mayor, you need a --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. ARMSTRONG COFFEY: -- you need a second.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: He was on the -- no, Holness was on the prevailing side.

All right. So there's a motion to reconsider. Is there a second on the motion to reconsider?

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Yes.

MAYOR RYAN: Okay.

COMMISSIONER RITTER: You can (inaudible).

MAYOR RYAN: All in favor of reconsidering, indicate by saying aye.

COMMISSIONER HOLNESS: Aye, and -- and because I want to get the --

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MAYOR RYAN: All --

COMMISSIONER HOLNESS: -- question answered.

MAYOR RYAN: -- opposed?

COMMISSIONER RITTER: No.

UNIDENTIFIED SPEAKER: No.

COMMISSIONER WEXLER: He didn't get a second.

COMMISSIONER RITTER: Bogen seconded it.

MAYOR RYAN: He got a second from Bogen.

COMMISSIONER HOLNESS: Yes. Yes.

MAYOR RYAN: All right. All opposed to reconsideration?

One, two, three, four, five.

Motion for reconsideration fails.

**VOTE FAILS 3 TO 6 WITH MAYOR RYAN, VICE MAYOR KIAR,
COMMISSIONERS LAMARCA, SHARIEF, RITTER AND WEXLER
VOTING NO.**

AGENDA ITEM 99

MAYOR RYAN: Let's go to discussion of Item 99.

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COMMISSIONER HOLNESS: That question is an important question, though.

MAYOR RYAN: Item 99 is a motion to direct the Office of the County Attorney --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- to draft a proposed ordinance making possession of up to 20 grams of -- of cannabis --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: 99.

VICE MAYOR KIAR: 99. We're going to do that last.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Okay. Members, let's go on. We've got a number of items before we reach the afternoon agenda.

All right. This is Item Number 99, which is a motion to direct the Office of the County Attorney to draft a proposed ordinance making possession of up to 20 grams of cannabis, frequently known as marijuana, a violation of the Broward County Code of Ordinances and providing for a civil penalty of such violation.

Vice Mayor Kiar, would you please introduce it, and then we have some members from the public that wish to speak.

VICE MAYOR KIAR: Thank you, Mr. Mayor. And I'll -- I'll be brief.

First, I would like to thank Commissioner Furr for co-sponsoring this item. I think it's very important.

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COMMISSIONER FURR: (Inaudible.)

VICE MAYOR KIAR: Well, thank you.

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: A joint sponsor.

(Laughter.)

VICE MAYOR KIAR: What -- what this item does is it would allow Sheriff's deputies and law enforcement personnel to be able to issue civil citations to folks rather than to criminally arrest them and charge them with state statute if they have a misdemeanor amount of marijuana in -- on their person.

And I personally believe this is the right thing to do, and the reason being is because right now our deputies and our law enforcement personnel don't have a choice. If they find somebody and that person has, let's say, a joint on them, all they can do and they're required to do is arrest them.

And when you arrest a good person because they have a joint on their person or a misdemeanor amount of marijuana, even if they're not convicted, their lives, in many instances, are ruined. If they want to become a teacher or a police officer or if they want to go into the military or become a member of the Florida Bar, there's a question on there not have you been convicted, but have you ever been arrested.

There are also good folks who are professionals in our -- in our community. We have judges; we have lawyers; we have teachers; we have firefighters; police officers and many other folks, and if they're arrested, they're required to tell their bosses, and, in many -- many instances, they lose their jobs and that hurts them and their families.

And what this does is it will give good people a second chance in life, and that

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is why I brought this today.

Now, in 2010, the *Sun Sentinel* reported that 58,000 people sat in jail because of pot-related charges in Florida. And being in Broward County, the second most populous county, it's my understanding that a significant amount of those folks were in Broward County jails.

COMMISSIONER HOLNESS: (Inaudible.)

VICE MAYOR KIAR: Fifty-eight thousand -- well, it was in -- no, it was statewide. Oh, Commissioner Holness says that was in Broward. And if that was the case that's something we need to alleviate.

I had a conversation with a number of deputies, people that I just walked to -- up to on the street, didn't have any idea who I was.

COMMISSIONER WEXLER: You didn't knock on their doors?

VICE MAYOR KIAR: I didn't knock on their door on this one.

And I asked a few of the deputies about this, because I wanted to get their take. And I said to them, I go, this is what I'd like to do. I would like to bring to the County Commission a proposed ordinance to give you the opportunity to cite people civilly rather than arrest them if they have a small amount of marijuana on them.

And both of them agreed it was a very good idea. Their response was to me, Marty, we have a lot more important things to do in keeping the public safe than to ruin somebody's life and arrest them because they have a small amount of marijuana. It's a lot of paperwork on our part. It overcrowds the jails, and it's not something we think is -- is vitally important. We would love to have that opportunity.

I also believe in Broward County the three most important folks in our criminal

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justice system that I wanted to get the support from are our Sheriff, our State Attorney, and also the Public Defender.

Last week I met with Sheriff Israel -- and actually I have the Sheriff's Office and his Chief of Staff Lisa Castillo and others are in the audience today.

The Sheriff is fully supportive of this idea. He thinks it's a good idea and it would be very good for Broward County.

Yesterday when I went to lunch, I just happened to run into Mike Satz, the State Attorney, and he said that I could publicly state that he's very supportive of this concept as well, as he thinks in the best interest of the people of our County.

And last night, I had a conversation with Howard Finkelstein, our Public Defender, who also thinks it's a very good idea, and he said I could publicly use his support as well.

So for all these reasons, I believe that making a misdemeanor amount of marijuana under state law, giving our -- our Sheriff's deputies and police officers the opportunity to give good folks a civil citation will be in their best interest.

And I just want to mention two more things. In 2014, I believe 68 percent of the Broward County voted for medicinal use of marijuana. And, to me, even though that's a different issue than this, to me, that shows we're a very compassionate community. I believe the people of Broward County understand that folks' lives shouldn't be ruined if they have a small amount of pot on them and that people should be given a second chance.

And, also, Commissioner Wexler, I read your PBMI questions, which I thought were excellent, along with Commissioner Ritter's. And I thought that your question about how many joints you could make with 20 grams of marijuana was very interesting. Now, I --

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(Laughter.)

MAYOR RYAN: It depends on -- on whether you are rolling them in Jamaica --

VICE MAYOR KIAR: True.

MAYOR RYAN: -- or America.

VICE MAYOR KIAR: And I know there were -- there were differences of whether or not you're -- you -- you roll a blunt or a joint, you know. I -- I -- thirty seconds. I've never taken a puff of a cigarette. I've never done any illegal drugs. I actually have no clue what it's like to be high.

COMMISSIONER RITTER: Oh, yes, you do.

UNIDENTIFIED SPEAKER: Oh, yes, you do.

VICE MAYOR KIAR: I don't. Well, I --

MAYOR RYAN: Did you say --

VICE MAYOR KIAR: -- like Red Bull. I like --

MAYOR RYAN: -- did --

VICE MAYOR KIAR: -- Red Bull. But --

MAYOR RYAN: -- did you --

VICE MAYOR KIAR: -- but let me just get there. Let me just go here.

MAYOR RYAN: -- did you say you have no idea what it -- what it's like to be hot?

VICE MAYOR KIAR: Well, hot, yes. Hot, I know.

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UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: But what I do know, the reason I want to make this 20 grams is because under state law, that's what the state legislature has determined is a misdemeanor amount of marijuana, and -- and I believe that we should mirror state law in that, and that is why I put that in there.

So, with that said, I hope that we have strong support and approval of this initiative. I hope we can direct the County Attorney to come up with a very good ordinance and -- for when we come back because this is definitely in the best interest of the people of our County.
And (inaudible). Thank you.

UNIDENTIFIED SPEAKER: Thank you.

MAYOR RYAN: Okay. So we have some members of the public that wish to be heard on this item.

First there's one person who signed up but did not list on your sign-up the agenda item. Kent Crompton. Mr. Crompton, are you here?

UNIDENTIFIED SPEAKER: (Inaudible) Dade County.

MAYOR RYAN: Kent Crompton from Coconut Creek? All right.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: All right. First person to speak from the -- the public is Heidi Handford, followed by Karen Goldstein, followed by Michael Minardi.

Are you Heidi?

MS. HANDFORD: I am Heidi.

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MAYOR RYAN: Hello, Heidi.

MS. HANDFORD: And thank you very much for your time today. I appreciate it.

I'm Heidi Handford. I'm the Executive Director of the world -- pardon me, first time in Broward County, so Worldwide Women's Cannabis Alliance.

I'd like to tell you I moved to Broward County a year ago from Montana. I've been a carded patient in two states.

And I have one huge complaint about this meeting and that is the good Mayor took out every part of my word in support of this ordinance.

So he's been very well educated. So please listen to this man.

VICE MAYOR KIAR: Thank you --

MAYOR RYAN: He's not the Mayor.

VICE MAYOR KIAR: -- thank you for the promotion. I appreciate it.

MS. HANDFORD: Oh, Vice Mayor, sorry. So, thank you. You just totally shot everything I had to say. So I'm going to ad-lib it here.

And I would like to tell you folks I moved here to be with my significant other, who is Irvin Rosenfeld, who has been the longest surviving federal patient, and receiving federal cannabis from the federal government now for 32 years. So he is trickled to death about this. He's been watching people be thrown in jail for this plant for over 40 years. And it's time to stop that.

And if something like this would have happened to him when he was in Miami going to college, he would not be where he is today. Today he's a functional member of society. He's a stockbroker for a securities firm right here in Fort

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Lauderdale in Broward County, and has been a stockbroker for 28 years.

If he was arrested or had any of this done to him back in Miami when he attended college here, he would not be where he is today. He could not have a job, and he could not be a productive member of society. It would have essentially completely destroyed his livelihood and he would not be a functional member. He'd be reliant on Social Security and disability because of his condition.

So thank you very, very much.

Trust your Vice Mayor. He's very well educated in this.

And if you have any questions, I'm available and I live right here in Lauderhill.

So thank you very much.

(MAYOR RYAN RETURNED TO THE ROOM.)

MAYOR RYAN: Our next speaker is Karen -- is Karen Goldstein, followed by Michael Minardi, followed by Vincente Thrower.

MS. GOLDSTEIN: Good afternoon. And also much of what you said is right here, but I'm going to say it anyway.

In spite of over 57 percent of Florida's voters' and nearly 68 percent of Broward County's voters' support for medical marijuana in the election of 2014, arrest for possession of marijuana in Florida and in Broward County continues.

Right now, four states have legalized possession, and 23 states plus Washington, D.C., and Puerto Rico have legalized medical marijuana.

Disregarding the medical benefits of cannabis, which is the true name of the plant, the fact is that it makes no sense to continue to invest financially and

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socially in a failed policy of marijuana prohibition. Broward County has far more important areas of concern.

An arrest for cannabis possession can cause all kinds of peripheral tragedies. One joint can cost an individual's driver's license. This impacts his or her ability to seek or maintain employment.

(COMMISSIONER WEXLER LEFT THE ROOM.)

MS. GOLDSTEIN: An arrest record can cause an otherwise eligible student to be denied college, to be kicked off a school team, to lose a scholarship. Being denied housing and the separation of a parent from the home are both also real possibilities.

The hardships created by an arrest for simple possession can be immeasurable.

There is a simple and effective answer to this problem. A social -- I'm sorry, a civil citation program would save enormous amounts of money while freeing the Sheriff's Department and the courts to spend their time and their already strained resources dealing with real criminals. The deputies would not have to spend time transporting, booking, and doing paperwork for a minor offense.

It would not legalize possession, but would treat possession of small amounts in the same way that a traffic ticket is handled.

Far more harm is caused by the criminal prohibition of cannabis than by the use of cannabis.

Thank you.

MAYOR RYAN: Thank you.

Next speaker is Michael Minardi.

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(Applause.)

MAYOR RYAN: To the audience, to the audience, for those of you who arrived after the meeting started, we do not have any applause or booing in the chamber. Thank you.

If you agree with what is stated by one of the speakers, then you can just wave your hands, which is an acknowledgment that you agree. Thank you.

All right. We have Michael Minardi, who will be followed by Vincente Thrower, that will be followed by Lisa Rask.

MR. MINARDI: Good afternoon.

MAYOR RYAN: Mr. Minardi.

MR. MINARDI: Thank you.

My name is Michael Minardi. I'm an attorney here in south Florida. I started my practice in Broward County and have been practicing in Broward County for 13 years, mainly focused on criminal defense and specifically with the focus on cannabis law.

And this cannabis law and decriminalization would be an extreme help, one, for the court system. Let's free it up.

And let's talk about money. In 2010, there was a Florida State University study which showed the drug courts saved BSO approximately \$125,000,000 over five years. Now, these people, the majority of them in misdemeanor drug court are all people that Marty's bill, or Mr. Kiar's bill would --

VICE MAYOR KIAR: Marty.

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MR. MINARDI: -- thank you -- would help. They're all people that are under 20 grams.

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

MR. MINARDI: This situation has helped -- I had a client previously who was in ROTC, and he got excluded and kicked out of ROTC because of having a gram of cannabis on him and it creating a criminal record for him.

I have had numerous patients and -- and people over the years who are arrested who are professionals. The majority of people who are out there are just like people who have drinks at night. Just like everybody else in this room who may go out and have a beer at a bar are people who decide and say I don't want to drink alcohol. I want to go home and smokes a joint. That's what a lot of these people are in our society who are using it today. And these are professionals, hardworking individuals.

We want to talk about the words justice for all. Liberty and equality have been thrown around this room a few times today, and that's not what's occurring with cannabis in this country and in this County, specifically, today.

According to a study in 2010 as well, African-Americans were 3.7 percent more likely to be arrested. In 2010, nearly 60 percent of the 6,061 arrested for cannabis possession were African-American.

This is disproportionately affecting a class and a group of people that do not need any more hurdles in getting ahead, getting an education, getting jobs, and being successful in this life.

As far as jails go, you know, we're talking about people in jails. It's costing the taxpayers, every person who's in jail, approximately \$23 a day. This is money that we can turn around and change into profit.

There is many counties in this case that allow, you know, for diversion programs for first offenses, but it still costs courts money for them to go through

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that. We can --

MAYOR RYAN: Thank you, Mr. Minardi.

MR. MINARDI: -- clear this up with a civil fine.

MAYOR RYAN: Our next speaker is Vincente Thrower, followed by Lisa Rask.

MR. THROWER: Thank you, Mayor, and Commissioners.

Vincente Thrower. I live in Pompano Beach.

As a community -- as community leader here --

MAYOR RYAN: What are you doing (inaudible)? You making fun of him?

MR. THROWER: -- I think this is an awesome opportunity to give a -- give hope back to a lot of our young people.

Currently, we have a lot of young men who are just washing cars as a detail business because they lost hope because of these little misdemeanor charges. This helps put them back and say that though I made a mistake, I can always -- instead of me going to jail and getting a record being 18, I can really pay -- this is a citation. This was a -- something that I pay a hundred dollar fine.

And I hope there is no limitation to how many citations that we will be issuing, because, see, that's going to be the problem that I think we as a community are going to have a problem with. Well, is it just one citation or is it two citations?

And then I'm going to get a little technical about it. Where is the money going to go for their hundred dollars? But that's another subject. I'll ask that later on.

But today I support this. My community supports this. I hope -- I hope my County Commissioners on this side and this side understand that this is a good

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opportunity. Just need to tweak it, and let's keep it moving forward. I think it's good for Broward County. As every other state, it's time for us to move forward and make things positive happen so that our young people have hope and don't feel like this is nothing but a sting on their record.

Thank you.
(Applause.)

MAYOR RYAN: No applause, please. Thank you. Just wave your hands.

All right. Next speaker is Lisa Rask.

Ms. Rask, are you here?

All right. So let's go ahead. And what comments do we have from Commissioners?

VICE MAYOR KIAR: Lois has some.

MAYOR RYAN: Commissioner Wexler, you're recognized.

UNIDENTIFIED SPEAKER: Well, well, well.

COMMISSIONER WEXLER: Believe it or not, I'm almost 66 years old and I'm just high on life, too.

(Laughter.)

MAYOR RYAN: Oh, my gosh. This is -- this is -- this is not the forum for -- for confessions here. All right? You go do that at church in the confessional.

All right. Go ahead.

COMMISSIONER WEXLER: High on life. There you go.

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I -- I almost -- I almost wanted to be -- you're the youngest one up here. I'm the oldest. I thought, okay, maybe I'll sign on to this thing, too, because -- I'm going to tell you, the reality is, the reality is that I agree with your concept. I agree with your concept.

But the devil is in the details and there are no details here other than Miami-Dade County's proposed amendment -- or ordinance.

And when I read it, I had nothing but a whole lot more questions. I look at your item here and I see fiscal impact none. Did your office prepare this or did County staff prepare this?

VICE MAYOR KIAR: County staff.

COMMISSIONER WEXLER: County staff. And they really think there will be no fiscal impact here for some kind of a civil citation or diversion program? I really would like to know that. I'm looking at her face. I mean, it looks like they didn't prepare it. So you think that some -- who? Their -- the attorney's office?

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: We -- it was --

COMMISSIONER WEXLER: They're all denying it, Vice Mayor.

VICE MAYOR KIAR: -- well, it was a -- an agenda item was prepared for us that we approved.

COMMISSIONER LAMARCA: There's no cost to put the agenda item (inaudible).

(Laughter.)

VICE MAYOR KIAR: But, I mean, I would think it would be -- it would likely be, to the

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County, revenue neutral.

COMMISSIONER SHARIEF: No.

COMMISSIONER WEXLER: Oh, no, it won't.

VICE MAYOR KIAR: I would think so.

COMMISSIONER WEXLER: But that's -- that's why I would really love to know which staff member thinks this has no cost, because you've got a problem there, Ms. Henry, because a -- and -- and -- and --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER WEXLER: What? Okay. You'll have your turn. Hang on a second.

Again, it's -- it's really a matter of if you take the model of a civil citation program, which I am very familiar with, the state law was just amended that the kids, for those misdemeanors that qualify, have three opportunities for a civil citation to be issued.

If it's a diversion program -- and, by the way, they -- as part of the civil citation, and I know the Sheriff supports the civil -- a -- a civil citation concept, so I need the clarity, is it three -- three shots? Is it an endless amount of opportunities? Is it one turn? What -- what are -- what are your thoughts here?

VICE MAYOR KIAR: Well, my thoughts were at this time -- and this was very broad, because I wanted to hear the discussion of the County Commission, and this, frankly, is something that is very new. As a matter of fact, I didn't even know we had the authority to do this until I saw what they were doing in Miami-Dade. And then when I brought it to the County Attorney's Office, they informed me that we do. So I wanted to keep it broad.

I believe that our law enforcement personnel, at the direction, for example, of

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the Sheriff and others, are able to utilize very good discretion as to whether to issue somebody a civil citation or to arrest them.

COMMISSIONER WEXLER: How many times?

VICE MAYOR KIAR: Well, I believe -- I personally believe it should be open-ended. But if there is a disagreement up here, I'm willing to -- to compromise, as well.

COMMISSIONER WEXLER: Okay.

VICE MAYOR KIAR: I really would just like to get something through.

COMMISSIONER WEXLER: So we're looking basically to legalize pot?

UNIDENTIFIED SPEAKER: Yeah.

VICE MAYOR KIAR: No, not necessarily. This is -- not necessarily.

UNIDENTIFIED SPEAKERS: (Inaudible.)

VICE MAYOR KIAR: There --

COMMISSIONER WEXLER: Okay.

VICE MAYOR KIAR: -- you know --

COMMISSIONER WEXLER: And -- and -- and for the record, for the record, I want -- and -- and -- and there's a lot of smiley faces out there. I get it. But, you know, for the record, and I'm a public official soon to be done and term limited out. I've got about another 17 months here. But when that item was on the ballot, I was a yes vote. I was one of those 68 percent in Broward County to legalize it, to change the Constitution. You know, I -- I -- that -- that's my belief. That's my position.

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But I think we need to be very thoughtful. I think we need to be very inclusive. BSO may provide law enforcement for -- I think if we were to look at the number of people served under BSO, it would be somewhere under 50 percent of the population of Broward County.

So the other 50 percent, have they weighed in? Are they going to have the opportunity to weigh in? I would hope -- has the League of Cities weighed in on this? I know that Commissioner London in Hallandale has brought this forward. He's going to work with his -- his -- their -- the law enforcement agency in Hallandale to try to massage something to come forward.

And massage is the good word, because I don't know that we can actually do a motion -- this is a motion to direct --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- without having a lot more information.

VICE MAYOR KIAR: Can I --

COMMISSIONER WEXLER: So --

VICE MAYOR KIAR: -- respond a little bit?

COMMISSIONER WEXLER: -- yes, please.

VICE MAYOR KIAR: Thank you. And -- and I appreciate that. But --

COMMISSIONER WEXLER: The only time I can talk to you --

VICE MAYOR KIAR: No -- oh --

COMMISSIONER WEXLER: -- is on the dais --

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VICE MAYOR KIAR: -- of course.

COMMISSIONER WEXLER: -- about this, so.

VICE MAYOR KIAR: Of course. Absolutely.

I believe that a motion to direct at this time is appropriate, and I'll tell you why. It's similar to the Yellow Dot program. The only way -- right now it's an open-ended motion to direct. We could direct the County Attorney's Office to prepare something for our consideration in a few months, and over the next few months, we could have County staff reach out to each city. We can go to the League of Cities, we can get their input.

And I think that is, I think, the more appropriate manner of proceeding, because, you know, truthfully if we didn't ask for a motion to direct, there's no guarantee that it would get -- that there would be a -- a motion to direct would be appropriate later on or would even get through, and then there would be basically a waste of County resources over the summer if there's not something that's even going to be considered.

So I -- I think -- but that's what I would suggest. I agree with you, I think we need a -- a lot of weigh-in.

COMMISSIONER WEXLER: So you want a motion to direct without the details --

VICE MAYOR KIAR: Well, I --

COMMISSIONER WEXLER: -- and let them go out or -- or staff and go shopping out there for the details of the input of the cities.

VICE MAYOR KIAR: I would like that.

COMMISSIONER WEXLER: That's a little arse backwards.

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VICE MAYOR KIAR: Well, I mean, the -- for me it's very simple, truthfully. All I'm saying is -- I mean, to me, it -- it seems very simple. Give our police officers and deputies the ability to issue a civil citation in lieu of an arrest.

To me, it sounds very simple. We can easily do it. We can put it under our code and if the cities -- truthfully, if the cities don't want to follow it, they can easily opt out through their own ordinance. We do not preempt them on this, but -- and they could also follow ours.

But, in the meantime, while the County Attorney does that, they can seek the input of the cities. We can seek the input of any other stakeholder that County staff deems appropriate. But I think it's something we need to move forward on.

COMMISSIONER WEXLER: I -- I -- I think that I'd like to do something about it, but I'm going to you I'm nowhere near 20 grams.

VICE MAYOR KIAR: Okay.

COMMISSIONER WEXLER: Nowhere near 20 grams, which is almost an ounce.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: And knowing how many cigarettes or -- no, how many joints -- wrong word, that's how bright I am -- how many joints it actually is capable of making, that's beyond personal use. Beyond. And -- and I don't know what it's called, a joint, a blunt, a whatever. It makes no difference.

I'm just really interested in if somebody wishes to have -- to use -- to use pot for personal consumption, it shouldn't be something that is such a negative in their life criminally. That's why I -- the concept, I fully support.

VICE MAYOR KIAR: Uh-huh.

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COMMISSIONER WEXLER: When I say the devil's in the details, for me, it's about the amount, because it's not just -- it's beyond personal use if you -- if you've got 20 grams every time and a civil citation is issued. If you can make 12 or 14 or 20 or 40 joints with it, then you're probably sharing with friends. Is that what we're condoning?

So if it's personal use, I get it. I get it. Then it should be amount -- an amount south of -- of 20 grams.

VICE MAYOR KIAR: And -- and, by the way, Commissioner Wexler, I'm fine with that. You know, truthfully, until you asked your question, I had no idea --

COMMISSIONER WEXLER: I had no idea --

VICE MAYOR KIAR: -- how much --

COMMISSIONER WEXLER: -- either.

VICE MAYOR KIAR: -- 20 grams was. But if -- and I asked the County Attorney before, because I had a feeling this was coming up, if we had the ability to -- to deviate from state law, and she said we absolutely do.

COMMISSIONER WEXLER: We do.

VICE MAYOR KIAR: So I am more than happy to go there, as well.

COMMISSIONER WEXLER: But I -- if this is a motion to direct, then I want to --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- at least throw out a few ideas. I'm a big supporter in civil citation.

In Miami-Dade County, in their ordinance -- and they have a very extensive

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diversion program.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: Our diversion program in Broward is nowhere near as extensive. It really needs to be fleshed out about the cost --

VICE MAYOR KIAR: Oh.

COMMISSIONER WEXLER: -- and the cost for the diversion programs. At some point, the -- the fee that's generated, the citation fee that's generated will help fund much of the program.

So I believe that what we really need to do is do some seed money.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: That's not meant as a -- you know, not a double entendre there.

(Laughter.)

COMMISSIONER WEXLER: Some -- some seed -- some seed money --

UNIDENTIFIED SPEAKER: (Inaudible.)

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- for -- for at least at startup. But I think --

VICE MAYOR KIAR: Okay.

COMMISSIONER WEXLER: -- there's an awful lot more thought that needs to go into it --

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VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- and -- and inclusion that needs to go into it out there in the street of some groups. I know the -- I suspect the Commission on Substance Abuse might want to also weigh in on it.

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: But I have no -- I have no problem with supporting your request today to direct --

VICE MAYOR KIAR: Uh-huh.

COMMISSIONER WEXLER: -- but I don't know that we're -- I -- I think we need a whole lot more information.

VICE MAYOR KIAR: Sounds -- absolutely.

COMMISSIONER WEXLER: Okay?

VICE MAYOR KIAR: I agree.

COMMISSIONER WEXLER: Thank you.

VICE MAYOR KIAR: And that's very helpful. I -- I agree with you.

MAYOR RYAN: Commissioner LaMarca.

UNIDENTIFIED SPEAKER: Wow.

COMMISSIONER LAMARCA: So I -- I want to clarify. I had -- I had a constituent call me and said please vote to decriminalize marijuana. I said we're not -- we're not voting to do anything. We don't have the ability to do that.

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UNIDENTIFIED SPEAKER: Right.

COMMISSIONER LAMARCA: But you will next --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAMARCA: -- November. So -- so nor is it isn't changing any rules for medical marijuana or anything else. It's dealing with solely a possession issue.

We have read and we have heard through letters and seen through letters that the Sheriff is -- is fine with this.

Commissioner Kiar, did you -- did you reach out to the Chiefs of Police association, which is the -- all of the other 17 chiefs of police in Broward County?

VICE MAYOR KIAR: The -- really, only the three elected officials I reached out to were the Sheriff, the State Attorney, and the Public Defender.

COMMISSIONER LAMARCA: Okay. I would definitely want to reach out to the other 17 cities in Broward County that are represented not by the Broward Sheriff's Office.

I did not -- I did speak to Mr. Satz this morning, because I thought it was important what his -- what his opinion of it was. It was not important to me what the Public Defender's opinion of it was, for obvious reasons.

With regard to Mr. Satz, he didn't have a real problem with this. And I have to tell you I was a little surprised. We talked about what would be -- what would make sense.

And clearly there is an issue here and there's a bigger issue. The first issue is

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Mr. -- Mr. Pompano Beach was here earlier from District 2, and he mentioned multiple, multiple, multiple. As many as you want. And, Marty, you said the same thing, to a degree.

I would support a second chance, which is first time.

What I would also not support is anything that did not include making this a mandatory step. Now, so for those who aren't reading between the lines, if somebody gets pulled over and the cop has the discretion, and I am a hundred percent in support of public safety and law enforcement, as everyone knows, however, if you leave it to a human being to make a decision whether they can or can't deliver a penalty to somebody and a different one to somebody else, I don't want to see this turn into, well, so-and-so was -- was pulled over and they didn't get a second chance. They didn't get a fine of a hundred dollars. They went to jail. And it may turn out that person looks more like my colleague and less like me and that happened. And I don't want that to be the -- the issue here.

The issue here is if there's going to be a penalty that is a fine, a financial fine, then it should apply to everyone. So it should be mandatory that everyone gets the same penalty, not somebody from one neighborhood or another or one background or another.

The other concern that our -- that our State Attorney had was that it would be an increase in -- in DUI. And DUIs, typically I always thought of as alcohol but it's any -- any drug under the influence. So that was a concern.

The biggest issue here is I think we -- whether -- whether Commissioner Holness's numbers or your numbers were what -- what the numbers were in jail, it makes no sense for somebody to sit in jail because they can't make bail because they had one joint or something thereof in their pocket.

I don't know about 20 or 40, but this is for possession. This isn't for drug dealers. This is for somebody who happened -- happened to have something

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on their possession.

It's currently a misdemeanor -- and we -- we dealt with the other issues. Currently, it's a misdemeanor and you go through either pretrial intervention, which is -- is -- is at least the first, maybe the second time that you're -- you're caught in the situation. And also we have drug court.

But I don't want to spend money in our jails to keep people who happen to have possession of one -- one or more joints in their possession.

The other question is financially, Commissioner Kiar, what do we do with regard to tests whether -- so we have the crime lab. I don't want this to make a negative financial impact on the -- on the crime lab to do drug testing. We have tests that can be done on-site.

What I'm -- the only other thing I'm concerned with is, look, we all know marijuana is -- is cannabis and it grows in the ground just like any other plant, and it has its effects just like grapes do when they're -- when they're -- when they're --

UNIDENTIFIED SPEAKER: Ripened.

COMMISSIONER LAMARCA: -- well ripened and -- and all that good stuff. My concern is that somebody has a joint in their pocket. We have this program in this place. What happens if that joint has some other drug in it? PCP, flakka, whatever else.

MAYOR RYAN: Flakka, not flakka. Flakka.

COMMISSIONER LAMARCA: You know, a couple years ago we had an epidemic where seven people were dying a day in -- in the State of Florida due to prescription drug overdose and -- and the -- the pill mill situation. I don't want to see us basically looking the other way for a joint, which I don't -- again, I think everybody up here has the same perspective. We don't want to put

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people in -- in jail for one joint, but what if that has a deadly drug in it that could have an adverse affect? So we need to make sure we know how to -- know how to deal with that.

That being said, I -- I think it's a -- it's a good first start of having the conversation. Clearly, the bigger issue is going to be in a year and a half on the ballot.

But from a -- from a standpoint if it's mandatory that everybody gets the same treatment, everyone's treated equally, I don't have a problem with it.

MAYOR RYAN: Commissioner Holness.

COMMISSIONER HOLNESS: Yes, Vice Mayor Kiar -- Kiar, I'm going to support you on this. As a matter of fact, I want to be added as a co-sponsor of this also.

And it's not that I don't think that there are some issues with the usage of marijuana. The THC content can actually affect your cognitive skills.

However, the affect that it has on people's lives when they're caught with some small amount -- and -- and you talk about the numbers and how it's disproportionate to minority communities, to the black community, it -- it is really horrendous. And -- and -- and a -- a lot of folks have become hopeless and helpless, because you -- you need to be a barber, you have a record, you can't do that. There's so many restrictions that's put on your life as a result of it.

I think where you're going with this is in a good direction. There are some other elements that I think needs to be -- need to be utilized. I -- I don't -- I'm not sure you set this up as a diversionary program as they have in Miami, which is far more extensive. I think where you're at, based on -- on your conversation, is that if you're caught with a certain amount, then you get a ticket rather than be sent to jail --

VICE MAYOR KIAR: Yes.

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COMMISSIONER HOLNESS: -- not that you now enter into a diversionary program.

I think the next step that we really need to get to is into a diversionary program, someplace where you can get some help, some support, some counseling, put in the right direction if you have a -- an issue that is continuous with marijuana that's debilitating you and not making you function the way you ought to function. So I think we need to go down that road and -- and look at that.

I -- I support you on this first step, and I think the Sheriff's, from his letter that -- that I read, is on the same point, that, yes, he supports this is a first step, but let's get to where we can do -- put something in place that has given us the success rate that we have had for our civil citation diversionary program. In that program, 96 percent of the people who enter don't re-offend. 94 to 96 percent don't re-offend. And -- and -- and they get some tools and some -- some education and some training and some skill sets to help better their lives and become stronger and better, not be weaker, not be damaged to the extent that they are not able to function as full human beings and productive human beings within our society.

This is in the right direction. And hopefully we can also put some of the things out. If -- if we are collecting money from the civil citation, then let's put some educational pieces in there, also, as to how, if you believe you have an -- an issue, where you can go to get help to be treated if you think that you're -- you're -- you're utilizing this and it's affecting you in a negative manner.

So I'm in support of -- of -- of what you're doing.

MAYOR RYAN: Commissioner Furr.

COMMISSIONER FURR: Thank you.

First of all, I want to -- I want to kind of give a shout out to Sally Heyman on this, because she was creative enough to figure out how to -- how to bring this

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about. And I had a chance to actually talk with her at length up in Jacksonville this last week. And -- and I see Michael Putney is here. I saw their show together, as well, where it was very -- very well discussed. She put a lot of thought into it.

And -- and it -- her -- her motion was not just on marijuana. It is -- it's on a whole list of things --

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER FURR: -- which was pretty -- which was smart, as well.

But to the extent what this is, I want to -- I want to caution the mandatory aspect of it, and particularly why, because -- and -- and I think this I actually saw on the Putney show was the idea if there's 20 -- 20 --

COMMISSIONER WEXLER: Grams.

COMMISSIONER FURR: -- 20 grams, if they're in little baggies, that's a whole different -- that's -- that's somebody who's dealing it as opposed to somebody who's -- for their own use.

So I think we want to really think -- I think we're going to -- we're going to want to have that discretion of the officer at all times, because you don't know.

As to fiscal impact -- you already covered all the other stuff. I'm not going to go over, because you covered it very well. But as to the fiscal impact, I don't think we know what that's going to be, because I think there's costs and I think there's tremendous savings. I think -- I don't think we know what those are going to be yet.

I know Sally Heyman had -- had suggested savings in the millions based on how many people were arrested, the time in jail, court time, all that kind of stuff. I don't know where she got all her numbers, but that was her -- her fiscal impact

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was a huge savings, not only -- not only in terms of money but in terms of the actual time that police officers were -- spent there as opposed to places -- other places they could be.

And I think -- I -- I have represented a low to moderate income area for almost 12 years, and I have -- I have seen the damage it has done to families. And it's tremendous for -- for huge areas of -- of areas that I've represented of knocking on doors and people can't vote, they can't become a -- they can't get a job. Just the -- the -- the litany of problems that -- that go with this.

This needs to -- I -- I -- I'm very happy to -- to jointly sponsor this, and I was going to -- I -- I think you beat me there about an hour to -- to the -- to the -- to do this.

But I think this is a good -- a good move on our part, and -- and more than happy to help co-sponsor this.

And I -- I think the idea of directing -- I do think -- I -- I agree with Commissioner Holness on trying to find an educational aspect of this. Oftentimes when you get a citation, sometimes if you -- if you get a traffic, sometimes you have an option of paying or going to traffic school. Being able to do a drug intervention or a drug education program, I think would actually be a good part to this. I think it would be a good aspect. You could do an either/or, you could -- or make it -- that part, I wouldn't -- I don't know if you want to do that mandatory, but that is a good -- a good opportunity to -- to educate those people that are partaking.

Okay. Thank you.

MAYOR RYAN: Commissioner Bogen.

COMMISSIONER BOGEN: Marty, I want to tell you I support what you're bringing forward, especially when our -- our chief prosecutor for Broward County and law enforcement officers support it. I think that's great.

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And even though Commissioner Wexler pointed out about details, I think our brilliant County Attorney who is going to wake up, hopefully, will wake up, I think she's a bright professional --

COMMISSIONER WEXLER: She is awake.

COMMISSIONER BOGEN: I know, I'm joking. I think she's a bright professional lady who will be able to put together an ordinance with specifics. I think she's very experienced in doing that without having the details.

I -- I fully support it, and I -- you know how I stand.

MAYOR RYAN: Commissioner Sharief.

(COMMISSIONER FURR LEFT THE ROOM.)

COMMISSIONER SHARIEF: Again, I would be supportive if I knew how many times a person could offend and get a citation before this turned into a -- a -- a real criminal record. That's number one.

Number two, what is your limit? I mean, you can -- you can stop the same person three times in a month with 20 grams and that person can get a hundred dollar fine --

(COMMISSIONER FURR RETURNED TO THE ROOM.)

COMMISSIONER SHARIEF: -- and they're going to make a lot more money than that selling their 20 grams.

So the other thing that concerns me about this is, honestly, people driving under the influence after smoking marijuana. If you are driving after you smoke and -- smoke marijuana, that is considered a DUI, and the cop can't let you go. He's got to arrest you and he's got to put you in jail.

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There are so many tentacles to this that I can't imagine us going forward without some concrete evidence and factual data as to how much this is going to cost, how much it's going to save.

Again, I'm going to echo Commissioner Furr's comments in regards to Commissioner Heyman from Dade County. We talked about this at length in Jacksonville. And she had some other components. She had some other thoughts about what would make this a stronger exception or exemption policy for us, and I just don't see those things included here.

And I -- I don't want to go off half cocked and -- and say, yes, I'm going to support this and -- and have it have repercussions that we are not prepared to handle.

While I understand that the majority of Broward County did want to legalize marijuana, you do -- hopefully, for those people in the audience, they do know that this is not a legalization of marijuana in any shape or form.

VICE MAYOR KIAR: Right.

COMMISSIONER SHARIEF: This is simply saying that if you are caught with a 20-gram bag of illegal marijuana that you're going to get a pass, which you'll get a hundred dollar violation for, and you cannot get caught with that one hundred -- that -- that 20-gram bag every single day, and you cannot be on the street corner and get caught with 20 grams every single day and think you're going to continually get off. So --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: -- I -- I'm hoping not. I mean, but the way the -- this is so broad. How could we in good conscience and in good faith sit here and pass this today without having those details hammered out?

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And as far as our African-American community, as far as, you know, people being caught with that, as far as statistics, listen, we know that right now in the State of Florida that marijuana possession is illegal. Okay? What we're talking about here is giving a second chance.

So -- but the people that are using this for recreational use, you do understand, are not going to go home because they got a hundred dollar fine, get into a drug rehab program, or get into some kind of rehabilitation program and just stop smoking marijuana. These are people that want to smoke it for recreational use, and they have it in their possession for that reason.

And what you're saying is that if you get caught with this illegal substance in your possession, then we're going to give you this pass this one time. How many times do you get a pass if you smoke it all the time?

VICE MAYOR KIAR: Can I respond, Mr. Mayor?

MAYOR RYAN: I'm going to let you close.

VICE MAYOR KIAR: Oh, thank you.

MAYOR RYAN: (Inaudible.)

COMMISSIONER SHARIEF: But that -- I mean, I'm -- I'm just asking a hypothetical question. I don't expect for you to have an answer to me because I don't think it's cooked. I don't -- I don't think this is really cooked. I don't think we're -- we're at a point where this Commission can actually take a position on this and vote on this.

So -- and I know what your intentions are, and I think that when it comes back, I'd be willing to support it. But I think it needs to be cooked some more.

MAYOR RYAN: All right. I'm going to make some statements and then I'm going to recognize Vice Mayor Kiar to close on his -- his motion.

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This is just a motion to direct the County Attorney to -- to come up with a proposed ordinance. So we don't need to solve all of the issues here this afternoon.

But here -- here are my concerns. You -- you can't take away from the police officer the discretion on whether or not to arrest somebody for possession of less than 20 grams of marijuana. If you did so, as been stated before, then that's decriminalizing marijuana. We are not authorized to do that. Under our County Charter, we are preempted under state law.

So you have to leave that discretion. So, inherently, some police officers are going to make that call in the street. Whether it's made -- made based upon race or ethnicity or the way somebody's dressed, the way somebody acts, it's just going to happen. So we have to recognize that.

All right. The second thing is I'm uncomfortable dictating to the cities that they would have -- that their police officers would have that discretion if that local government does not choose to do so.

If you look at our Charter, you know, we preempt the cities with respect to land use decisions, with respect to environmental protection, on the ethics for elected officials, but cities have Home Rule power with regard to the health, safety, and welfare of their citizens. And certainly possession of marijuana falls within the rights of cities to control health, safety, and welfare issues.

So I would say that -- that we might go and take a step and say if we are going to enforce it -- or, excuse me, if we are going to allow for the civil citation program, it would be within the area that we serve as the municipal board, which is the unincorporated area. Beyond that, then you can have a discussion about whether the contract cities with BSO want to come on board, and then it's another step.

But I -- I feel like the cities ought to be able to weigh in. And they always say

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that we're trying to take control and we're making decisions for them. So in this instance, I think that there's a lot of different opinions. The people are closest to their local government, their municipal government. Let all of the citizens come and speak to their local elected officials and decide how they want to -- how they want to pursue this.

The -- the other thing that -- that we've had some discussion on is should this be a -- a standalone charge or could it be in conjunction with some other charge, with reckless driving, not DUI, but reckless driving, which is a -- a lesser offense, with some other kind of misdemeanor charge? If it's -- if it's graffiti or trespassing or something else, do you -- do you allow that possession of marijuana charge to be -- to be determined to be a civil citation?

Then, also, the number of times.

So these are all things that you need to consider.

With that, I mean, I'll -- I'll support a motion to direct us going forward, but, you know, as Commissioner Wexler said at the very beginning, the devil's in the details. If it comes back and it's too loose, then, you know, it may not have support of this Commission.

So motion to direct, does somebody got the motion?

VICE MAYOR KIAR: Can I make a quick --

MAYOR RYAN: Oh, Vice Mayor Kiar, will you please close?

VICE MAYOR KIAR: Thank you, Mr. Mayor.

And -- yeah, and I really appreciate this discussion. I -- I thought it was very well done. And I definitely appreciate the co-sponsors and the -- the thoughts. It was very well thought out.

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A couple things that I just wanted to mention. This isn't a -- we're not requiring the cities to do anything. What you have to understand with this, we don't preempt the cities on this issue. We're allowed to do a countywide ordinance that, as the Sheriff said, gives these cities and the Sheriff another tool in their toolbox.

So let's say if we pass this, the Sheriff may decide he wants to follow it; he may decide he doesn't want to follow it. The City of Fort Lauderdale, that has its own police department, they may decide they want to follow this ordinance; they may decide that they don't. Their law enforcement chief and their Commission would say, hey, we like the County's new ordinance. We're going to instruct our officers to -- to use their discretion in lieu of arresting them to issue them a civil citation. They could also say we're not going to follow it. We're just going to continuously arrest folks.

It's within their discretion. And if a city truly doesn't like it, they have the ability to opt out. We do not preempt them in this manner.

That's why I think it's very important that this is a countywide ordinance.

I appreciate -- I see that there's definitely the support o move forward with a motion to direct, and -- and I -- I -- and I'm thrilled and excited about the work that staff and the County Attorney is going to do over the summer, along with myself and anybody else that would like to get involved in seeking input from the cities and any other stakeholders.

And I'm very hopeful, at the end of the day, that we can come up with a palatable ordinance to this County Commission that is going to give our officers and our deputies the ability, if that city chooses, if the Sheriff chooses, if their deputies choose, to give people a second chance in life rather than ruining their lives with an arrest.

So with that said, I make a motion that we move this forward.

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COMMISSIONER WEXLER: Point of order here. You said one thing, Vice Mayor. Mayor, you said something very different. And what you said that was different was how to proceed.

I support this motion to direct, but it is a very loose piece of fabric that needs to be detailed. Okay? The Mayor laid out a plan for doing that, working with police chiefs and work -- even BSO's cities. You have the city elected officials that sign the contract with BSO. They need to be in that loop.

You then stated but is within our purview to do this because we're the County Commission. If they want to opt out -- so you're going about it, Mayor, looking to gather the information from the ground up. Vice Mayor, you're saying, let's just do it, and if they want to opt out, they can opt out.

MAYOR RYAN: (Inaudible.)

VICE MAYOR KIAR: What I'm saying is --

MAYOR RYAN: Just a minute. Wait.

VICE MAYOR KIAR: -- what I'm saying --

MAYOR RYAN: Wait, wait.

VICE MAYOR KIAR: -- is --

MAYOR RYAN: No, just a minute. For -- I just want to understand what -- what Commissioner Wexler is saying. And -- and Vice Mayor Kiar, you'll understand this quite well, having served in Tallahassee, that it is much easier to stop a bill from going forward than it is to pass a bill. And so the same thing applies at the local government level.

For you to put the -- kind of like -- like the onus on -- on the cities to kind of like opt out or -- or -- or develop some type of strategy not to issue civil citations

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places the -- the -- shifts the burden or the difficulty onto the local officials.

I feel a matter of this nature, the local officials have to make an affirmative statement that they want the civil citation program.

That's where you and I are looking at it differently.

So in that context, I mean, if you want to proceed that way, you're not going to have my support. I don't know if you're going to have support of this Board.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: So do you want to -- do you want --

COMMISSIONER BOGEN: A point -- can I have a point of order, Mayor?

The -- the motion doesn't discuss either one. It's just to direct the County Attorney to draft an ordinance.

MAYOR RYAN: She needs -- she --

COMMISSIONER BOGEN: Why don't we let her draft a couple different ordinances, different examples, using her -- her experience to bring it back to us and we can go from there.

MAYOR RYAN: All right. To the County Attorney, do you -- what would -- what would you do if -- if you don't -- if we don't have a resolution on how to draft this proposed ordinance, what do you do? Do you bring us like a Baskin Robbins 31 flavors?

MS. ARMSTRONG COFFEY: If the meeting ended right now, we would go to the sponsor and we would prepare amendments for each Commissioner who spoke with us and wished to have a different version.

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MAYOR RYAN: Okay. So Commissioner Furr.

COMMISSIONER FURR: Thanks.

And -- and I'm actually okay with that, because -- and I think when it comes back, we flesh it out and that's what you would bring -- before we would pass all, that's what you're going to bring to the cities. We don't have anything to bring to the cities right now.

MAYOR RYAN: All right. So --

COMMISSIONER FURR: Or if you're actually trying to gain support, you can't -- you can't bring this kind of wide open thing. You have to have something in your hands that they can actually take a look at.

MAYOR RYAN: When -- when we come before --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER FURR: Yeah, there might be -- this might -- this might take a while --

MAYOR RYAN: Commissioner --

COMMISSIONER FURR: -- to get through.

MAYOR RYAN: -- Commissioner Furr, when -- when -- when this comes back before us, if -- if the sponsor has not gone to the cities and we don't have support by some types of resolutions from the cities, then how are we going to make that decision?

VICE MAYOR KIAR: Can I --

MAYOR RYAN: I mean, are we going to -- are we going to -- are we going to go ahead and -- and just bring it up and then just defer it and then once we have some

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drafts, then -- then the Vice Mayor is going to go to the cities and find out what their feelings are?

COMMISSIONER FURR: One, we know that we can do it for the unincorporated part. That -- that part we do know.

The second part would be having the -- the option of those that are under BSO and -- and letting them take -- take their own, make their own decision on it.

VICE MAYOR KIAR: Exactly.

COMMISSIONER FURR: The other cities are going to have to make that decision on their own, to be honest --

VICE MAYOR KIAR: And can --

COMMISSIONER FURR: -- because -- but -- but the -- but what we're showing there, what we're showing to those other cities is a pathway. That's what this is doing. It's showing a pathway for other cities to be able to -- to get to where we're trying to get to, because, to be -- in all honesty, and I think you alluded to this, Commissioner Kiar, is a couple weeks ago you didn't even think this was possible, and I don't think many of us thought that this kind of pathway was possible.

So I think -- and I know, having talked to many cities over -- over many years, a lot of people have been interested in trying to find a way to do something like this. What we're doing is actually -- is blazing a trail, so to speak, of showing -- blazing a trail. I know, there's too many puns in here. I'll be blunt.

(Laughter.)

VICE MAYOR KIAR: I was waiting for that one.

COMMISSIONER FURR: Yeah. But I think -- I think this -- this does give everyone a --

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a pathway to -- to getting to where I think we want to go.

MAYOR RYAN: All right. Thank you for the clarity in your observations.

So we have Vice Mayor Kiar's motion to direct the County Attorney to -- to draft a proposed ordinance, and members can speak to the -- the County Attorney on any amendments they want to run.

Is there a second on the motion?

COMMISSIONER BOGEN: Second.

COMMISSIONER HOLNESS: Second.

MAYOR RYAN: All in favor, indicate by saying aye.

Opposed?

Show the motion passes unanimously.

COMMISSIONER SHARIEF: No, it doesn't.

VICE MAYOR KIAR: (Inaudible.)

MAYOR RYAN: Oh, I'm sorry.

VICE MAYOR KIAR: 7/2.

COMMISSIONER WEXLER: It's fine. It passes.

MAYOR RYAN: Who vote --

COMMISSIONER WEXLER: It's six objectors for a motion to direct anyway, so.

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MAYOR RYAN: All right. Well, no, we're going to -- we're going to reflected it. It's -- it's 7 to 2 unless you want to change.

COMMISSIONER SHARIEF: (Inaudible.)

COMMISSIONER WEXLER: I -- I -- as long --

MAYOR RYAN: Do you want to direct or not?

COMMISSIONER WEXLER: I'll direct.

MAYOR RYAN: Okay.

COMMISSIONER SHARIEF: (Inaudible.)

COMMISSIONER WEXLER: I'll direct.

MAYOR RYAN: All right. Show the motion passes unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM 100

MAYOR RYAN: All right. So now we're on to Item 100, which is a motion to adopt a resolution encouraging the Broward County Supervisor of Elections to adopt a policy precluding SOE contractors that donate directly or indirectly from actively supporting a candidate, from providing professional or legal guidance to the SOE in connection with the election.

All right. So this is brought up because we have members of the public that wish to speak on the item.

For those who are leaving, would you please quietly leave the chamber?

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Thank you so much.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: All right. Item 100, which is in reference to Supervisor of Elections Office.

All right. I have one, two, three, four speakers. Let's see if they're still here.

Mildred Bryant. Mildred Bryant?

Lisa Crawford. Lisa Crawford? Okay. Come forward.

After Lisa Crawford is Jenny Hayne followed by Joe Major.

Ms. Crawford, you're recognized.

MS. CRAWFORD: Thank you. Good afternoon, everyone.

I'm here because I -- I read Resolution 100, and, if I understand it correctly, it's basically saying if a vendor provides professional or legal services to the Office of the Supervisor of Elections, that that vendor cannot donate or actively support the candidate within the election cycle, if I understand it correctly.

(COMMISSIONER FURR LEFT THE ROOM.)

MS. CRAWFORD: And I'd like to speak to that. I personally feel that if this Commission passes a resolution like that, that it should apply across the board to all constitutional officers, that being Sheriff, Property Appraisers, Clerk of Courts. That's the only posture in which a constitutional office should be singled out.

Also I would say that if the Commissioners are going to -- to do this, I would ask that such rules apply to yourselves as Commissioners, because my understanding is that Commissioners also raise money from dealing with

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vendors, thousands and thousands of dollars, and I just don't understand why the Office of the Supervisor of Elections is being singled out. And it just doesn't feel right.

(COMMISSIONERS LAMARCA AND WEXLER LEFT THE ROOM.)

MAYOR RYAN: Our next speaker is Lisa Crawford, followed by Jenny Hayne, followed by Joe Major.

(VICE MAYOR KIAR LEFT THE ROOM.)

MAYOR RYAN: Lisa Crawford?

MS. CRAWFORD: I'm sorry, I just spoke.

UNIDENTIFIED SPEAKER: That was Ms. Crawford.

MAYOR RYAN: Oh. Sorry.

Jenny Hayne?

Joe Major?

All right. We'll bring it back.

The sponsor is Commissioner Ritter.

Commissioner Ritter.

COMMISSIONER RITTER: Thank you, Mayor.

I put this item on the agenda to say a few words about it and the comments we have heard in the last week or so.

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I appreciate that Commissioner Bogen brought this issue to our attention. And I think that every person who has run or thought about running for election deserves the comfort of knowing that the elections office shows no favoritism and its staff and employees are above reproach.

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

COMMISSIONER RITTER: We all know that across the country, lawsuits and challenges to elections come in every conceivable way. In this country, our history of flawed elections, intimidation at the ballot box, fixed elections are common stories.

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

COMMISSIONER RITTER: So when -- so when I learned of the potential conflicts in the Broward Supervisor's Office brought to us by Commissioner Bogen, I was concerned, as it seems was the opinion of most of us on this dais.

Our discussion last week has generated public statements from the attorney for the Supervisor accusing us of a racist effort against the Supervisor.

I am offended and, quite frankly, call BS on those comments and organized efforts to make that case by some in this community.

Nothing could be further from the truth.

In addition, she has decided we are hypocrites because we vote on issues and contracts. Let's not forget we do that after staff has decided on the appropriate recipient of County contracts.

The issue was not that the Supervisor was doing anything inappropriate, but rather no policy existed in that office to suggest that making political contributions or taking sides in political campaigns by staff, especially by the chief legal officer for the Supervisor, just didn't look right.

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Again and again over the last few weeks we've been called names, accused of everything, I guess, except starting the Chicago fire -- that's probably what you've been accused of, Commissioner Bogen, since you're from Chicago -- simply because we suggested --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- that the integrity in the elections office was a good thing.

It's sad that the attorney for the Supervisor doesn't think so and was willing to attack County Commissioners to protect a way of doing business.

Colleagues, I lived through the most blatant partisan brass knuckles attack on our election process in Broward County and the United States in 2000 --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER RITTER: -- during the Gore versus Bush debates debacle elections disaster. It brought out the very worst in everyone.

We all swore to do everything in our power to make sure that elections in Broward forever become the gold standard.

While we may not have always achieved that in the last 15 years, it doesn't mean we ever give up trying.

(COMMISSIONER FURR RETURNED TO THE ROOM.)

COMMISSIONER RITTER: I believe the suggestion to the Supervisor that she institute a policy that asks her and her staff to maintain the highest level of credibility in a process that defines us as Americans is a simple one.

I, quite frankly, am surprised that she has refused to do so and has diverted

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attention to her request to the Florida Bar for an opinion.

When I look at the Florida Bar opinion -- I'm a lawyer by profession, as are some of us on this dais, and the Florida Bar might allow me to do things that I simply cannot do as a County Commissioner. For example, I can't bring a client in front of a city or a City Commission and ask them for some -- for something for a client. The Florida Bar says I could do that. They would see no conflict. But the ethics ordinance dictates otherwise.

So the Florida Bar opinion isn't the be-all and end-all of this issue.

And I'm surprised that the attorney for the Supervisor, a woman I know and respect and have known and respected for nearly 20 years, who also enjoys being a County vendor, hasn't stepped up and said good idea, Commissioners. We should institute a policy. She's agreed to stop making contributions, reluctantly, but this isn't about her. It's about the issue.

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

COMMISSIONER RITTER: Instead, I get comments likening this issue to the elections of County Commissioners, which is a silly comparison. The Supervisor doesn't have eight colleagues to discuss and argue over every single issue that comes before the County Commission. The Supervisor of Elections is not required to make decisions that take sides.

In fact, it's just the opposite. She's not supposed to take sides, and neither is anyone in her office or who works for her.

As Commissioners, we have no control over the voting process. We cannot tell the Supervisor how to spend her money, nor can we tell her who to hire or fire.

In fact, if you take a look at who she has hired, she's hired a lawyer named Thomas Brown in Tallahassee to do her appellate work. If you take a look at Mr. Brown's website, it says he's committed to helping the injured, that he

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concentrates on personal injury and wrongful death, truck collisions, negligent security, medical malpractice, and residential facility abuse and neglect.

His seven -- he has seven practice areas. Not one is elections law. And he's representing the Supervisor in Jennifer Brisbane versus Tyrone Francois, et al.

In addition to that, he's a trial lawyer, not even appellate lawyer, and he has zero experiences in elections law.

But we can't tell her who to hire and fire. We can suggest, but at the end of the day, Dr. Snipes and her staff act without answering to us, the County Administrator, or quite frankly, anyone.

Her only responsibility is to run clean, fair, honest, and above reproach elections.

And I, for one, want to file my papers, ask for documents and lists without having to worry that the person across the counter or the person deciding on the outcome or the person advising the Supervisor of Elections is working for my opponent.

Mr. Mayor, since we have no control over the Supervisor of Elections or what happens in this office, I will withdraw this item.

MAYOR RYAN: All right. The -- there's a -- a request of the sponsor to withdraw. Does that need any kind of approval or is that -- can the sponsor unilaterally withdraw?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. ARMSTRONG COFFEY: The Commissioner -- the Commissioner can withdraw.

MAYOR RYAN: Okay. So we'll show that Item 100 is withdrawn.

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Did you want to speak on this? Did you -- Commissioner Holness, you have your microphone on. You want to turn that off?

COMMISSIONER BOGEN: I would like (inaudible).

COMMISSIONER RITTER: I've withdrawn the item. I've withdrawn the item, Commissioner Bogen. With due respect, I can unilaterally do that.

COMMISSIONER WEXLER: Right.

AGENDA ITEM 103

MAYOR RYAN: All right. Let's move on to Item 103.

Now, this is a motion to adopt a resolution to oppose hydraulic fracking, fracturing, or any form of extreme well stimulation for the purpose of resource extraction in the State of Florida.

Commissioner Furr, you're going to introduce it, and then we have two speakers from the public.

COMMISSIONER FURR: Okay. Thank you.

This was prepared by the Environmental Division -- Department, and I appreciate them putting that together. Thank you very much.

It's actually something that I never thought we would -- that I didn't think we would even need to do. I thought it was -- it would be so outlandish that anybody would even consider fracking, given the geology of -- of Florida that I -
- I -- when somebody had mentioned, you know, would you -- would you sign an anti-fracking -- yeah, sure, I'll do it, but no one's going to do it.

And then I found out that they had actually done it already, illegally, in Collier

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County. And I provided maps to you all how close this is. And there's actually a pipeline going through Broward County and the well fields are pretty close to Broward County.

So to make sure -- I know this is -- this is already on our -- on our federal legislative agenda. I just wanted to put it on our state -- to do a resolution to our state legislators to discourage this.

Unfortunately, I also -- also saw during this last legislative session, they were actually considering allowing fracking and -- and keeping secret what the -- what the actual ingredients would be for their fracking, not having to let people know what kind of chemicals were being used, which is even worse.

We shouldn't be fouling our own nest. That's really what it comes down to. And that's what you're doing.

COMMISSIONER WEXLER: Fouling our own nest?

COMMISSIONER FURR: You've never heard that term?

COMMISSIONER WEXLER: No.

COMMISSIONER FURR: Okay. Well, you'll have to look that one up.

But when you -- but when you are toying with doing this kind of work right within our own water system where we get water, that's fouling your own nest.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER FURR: You got it. You got it.

COMMISSIONER WEXLER: I got it.

COMMISSIONER FURR: So I'm going to make a motion to approve this, and --

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COMMISSIONER BOGEN: Second.

COMMISSIONER HOLNESS: Second.

COMMISSIONER FURR: -- I appreciate your support.

Thank you.

MAYOR RYAN: Commissioner -- Commissioner LaMarca.

COMMISSIONER LAMARCA: Do you have speakers from the public?

UNIDENTIFIED SPEAKER: Yes.

MAYOR RYAN: Oh, I'm sorry.

COMMISSIONER LAMARCA: Do you want to do them first?

MAYOR RYAN: Right. Right.

COMMISSIONER LAMARCA: I'm going to be real quick, but --

MAYOR RYAN: Very good, Commissioner LaMarca.

Lorraine Manzi. Lorraine Manzi to speak on fracking, followed by Jennifer Ehrenfried.

MS. MANZI: Hi. It's my first time here. And I just want to say with all these jobs coming up and -- and if there is going to be an open-ended citations for charges for these 20 grams, we don't need any fracking.

But, anyway, this is the color of Weeki Wachee. I don't know if you guys have ever been there. As a kid, most native Floridians have went there. And this is

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the color of the water in our springs, and these springs are as clear as this glass. And if you have time, I want you to go on the web and look up the Twin D's Cave and Karst, K-a-r-s-t, underwater research team. You will see (inaudible) of our clear waters, the aquifer which produces some of our drinking waters.

As we speak, this Karst team is mapping out miles of underground rivers, caves, sinkholes, formations and they can be as tall and deep as the skyscraper and as large as a parking space for a jumbo airliner.

(COMMISSIONER RITTER LEFT THE ROOM.)

MS. MANZI: Samples from these springs can be days old or hundreds of years old. These miles and miles of underground water flows can be as fast as 200 feet per second or, during droughts, can be as low as 98 cubic feet per second.

Our aquifer filters itself of rainwater sediments and normal pollutants. If you go too deep, the water is too salty. Too shallow, the water has not had enough time to filter itself out.

As a native Floridian, I have a personal relationship with the beauty and harshness of Florida, especially fracking, oil drilling, high pressure that uses poisonous chemicals with thousands of gallons of our water. Fracking will destroy our aquifer made of coral sand, silts, limestone, gypsum, et cetera.

There is nothing good about fracking. And their reputation on cleaning up their messes is they don't.

Our Florida's clean air and water depends on your voting no to any type of fracking. We must keep our drinking water clean or do you want to buy it from China. You're supposed to laugh at that. Okay.

There are thousands, perhaps millions of citizens from around the world who feel this way.

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(VICE MAYOR KIAR LEFT THE ROOM.)

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MS. MANZI: And you and I need to change things now and to establish justice and ensure domestic tranquility, provide for the general welfare of people you work for, which is us.

I'd appreciate it if you go online and look at the farst -- sorry, Karst, K-a-r-s-t, and they'll have beautiful pictures of what our underground rivers look like.

MAYOR RYAN: Thank you.

MS. MANZI: Thank you.

MAYOR RYAN: Our next speaker is Jennifer Ehrenfried.

MS. EHRENFRIED: Good afternoon. I'm Jennifer Ehrenfried. I know it's been a long day, so I'll try and be brief, but I am available to answer any questions if there are any.

I'm here on behalf of Food and Water Watch and our 40,000-plus members in Florida, as well as the Statewide Coalition Against Fracking.

I'm here to encourage you and to thank Broward County for passing this resolution.

In doing this, Broward County's taking real action to mitigate climate change, sea level rise, and to encourage development of renewable energy resources. In so doing, you're taking efforts to protect our precious Everglades to the west, our equally precious coastline in the east, and, most importantly, our water supply for the entire region.

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Again, I thank you.

I encourage you to please pass this important resolution today.

Thank you.

MAYOR RYAN: Thank you.

Commissioner LaMarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

Commissioner Furr, I -- I just want to clarify that this item is dealing with the entire State of Florida, right? Because that's how you said it and I would let -- let you know where I am with it.

Fracking in the Everglades in Broward County, fracking off shore, drilling, any of that on our fragile area where we have purview over, so to speak, Broward County, I would support you.

To tell the rest of the state, I think the other 66 counties may want to go and do the same thing, and maybe we could work with FAC to do that, the Florida Association of Counties.

But I don't -- I don't feel comfortable telling the other 66 counties in the state what to do, whether it's on the panhandle or somewhere else.

I'm not saying it's not just as fragile there, but I'm really worried about our rectangle here.

And I can support you if that's what we're looking for, because we are Broward County.

MAYOR RYAN: Other members wish to speak on the item?

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(VICE MAYOR KIAR RETURNED TO THE ROOM.)

MAYOR RYAN: All right. Commissioner Furr, I'm going to tell you a little story about what happens in Florida when -- when you end up digging where you ought not be digging.

Back in the 1960s, there was a cross state Florida barge canal that was being dug, and as a result of it, as a result of digging that canal, there was pollution that entered into many of the beautiful springs in north central Florida that never, never were restored back to their original condition --

(COMMISSIONER RITTER LEFT THE ROOM.)

MAYOR RYAN: -- because of that folly in the 1960s.

So I don't know what -- what this effort will do with those in Tallahassee, but I -- I fully support it.

And I believe you send a good message throughout this state that because we have a -- a geological condition of -- of limestone that is very porous, anywhere you dig, it has consequences.

So it's -- it's a very, very well thought-out resolution and I support you wholeheartedly.

So with that, you -- okay. Commissioner Furr moves Item 103, the resolution --

COMMISSIONER SHARIEF: Second.

MAYOR RYAN: -- on fracking, and it's seconded.

All -- all in favor, indicate by saying aye.

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Opposed?

Show that motion passes unanimously.

(Applause.)

VOTE PASSES UNANIMOUSLY.

(COMMISSIONER RITTER WAS NOT PRESENT FOR THE VOTE.)

MAYOR RYAN: All right. So now we go on to -- we have some items for a Public Hearing.

MS. ARMSTRONG COFFEY: Mayor, are you recessing the morning meeting?

MAYOR RYAN: We're going to go ahead and recess the morning meeting.

We're going to pick up the -- the Public Hearings in the afternoon. Then we'll come back and we still have some items for the morning.

All right. So we're going to go ahead, we're going to -- we're going to -- we're going to recess the morning meeting. We're going to go to the afternoon meeting. We're going to take our Public Hearings.

And the first item is --

COMMISSIONER WEXLER: Mayor, can I ask you a question?

MAYOR RYAN: Yes.

COMMISSIONER WEXLER: I missed it. When are we going to do 98?

MAYOR RYAN: We're going to do 98 after we do the

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COMMISSIONER WEXLER: After we do --

MAYOR RYAN: -- Public Hearings.

COMMISSIONER WEXLER: Okay.

MAYOR RYAN: Yes.

COMMISSIONER WEXLER: Thank you.

MAYOR RYAN: I didn't forget about it.

(THE MEETING RECESSED AT 5:39 P.M. AND RECONVENED AT 6:06 P.M.)

VICE MAYOR KIAR: And we're back to 98, and the Mayor is now coming in.

COMMISSIONER WEXLER: Reconvening -- you're reconvening the morning meeting.

(MAYOR RYAN RETURNED TO THE ROOM.)

MAYOR RYAN: Hold on.

VICE MAYOR KIAR: Take it over.

(Laughter.)

MAYOR RYAN: Don't -- don't put any pressure on Marty. Stop that.

AGENDA ITEM 98

MAYOR RYAN: All right. We're going to go ahead and we're going to reopen the

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morning meeting, and we are now on Item Number 98.

All right. Item Number 98 is a motion to authorize the Office of the County Attorney to file litigation as and when appropriate against transportation network companies that fail to comply with Broward County's regulations.

This is brought by Commissioner Wexler. Commissioner Wexler, I want you to introduce this item and we're going to hear from the public.

And just to let you know, we have 45 persons who have signed up to speak on this item.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Each will be provided two minutes if you choose to do so.

If you begin to hear somebody else that -- that speaks the same way as you, you might be able to just waive your time, and then what you can do is you can waive in support of the statements by the person who speaks on your behalf.

All right. Commissioner Wexler, please --

COMMISSIONER WEXLER: I'm going --

MAYOR RYAN: -- introduce this item.

COMMISSIONER WEXLER: -- I'm going to be very brief, Mayor.

It's rather self-explanatory. I worked with the Legal Department in trying to make the language as broad as possible. I stopped short of using the word injunction. Certainly, the word -- the -- the injunction tool is there for our Legal Department to use if they believe that it is appropriate to use.

It is written in -- in such a manner that, while we're on break this summer, that if

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they feel that -- that they have appropriate -- what -- what's the word I'm looking for -- history, history, between fines, between lack of the -- the fingerprinting mechanism, and many other operations that certainly doing -- we've already done a cease and desist.

(MAYOR RYAN LEFT THE ROOM.)

COMMISSIONER WEXLER: There are other legal tools that can be used, and I did not want to identify or limit what you could use, and so that -- that's why it is written the way that it is.

And -- and I said that I would do this at the last meeting, so here goes.

Thank you.

We're ready for the public. Mayor? Vice Mayor?

COMMISSIONER SHARIEF: Vice Mayor.

UNIDENTIFIED SPEAKER: Okay. This guy (inaudible).

COMMISSIONER SHARIEF: He needs to (inaudible). He has to (inaudible).

VICE MAYOR KIAR: The -- the first speaker is --

UNIDENTIFIED SPEAKER: I'm going to move over.

COMMISSIONER SHARIEF: I'll run the timer. Go.

VICE MAYOR KIAR: Got it. The first speaker is Willie Roberson.

Mr. Roberson is not here.

(MAYOR RYAN RETURNED TO THE ROOM.)

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UNIDENTIFIED SPEAKER: No, he's here.

VICE MAYOR KIAR: And the -- oh, he is here.

UNIDENTIFIED SPEAKER: He's here. (Inaudible.)

VICE MAYOR KIAR: Oh, okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: I can't believe it.

VICE MAYOR KIAR: We're (inaudible).

MAYOR RYAN: That was -- that -- Lois, that was the most brief you've ever been.

COMMISSIONER WEXLER: (Inaudible.)

MR. ROBERSON: All right. Thank you. It's been a nice, long day.

UNIDENTIFIED SPEAKER: Yes. Yes, it has.

MR. ROBERSON: I appreciate that very much. I've learned that I can endure many things.

(Laughter.)

MR. ROBERSON: I tell you something, I appreciate the opportunity. I was listening to the item at present. I tried so much to indicate in the manner that which you're trying to present this to us.

It's to do with that and understanding the public situation of fines and stuff, but mine is really to help you to get 500 jobs for the school children before they end

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up on the streets and get hurt.

There's too much ISIS in this government. There are too many things that's not right everywhere. Even in my house at 2040, there is a Mr. Lennet Brown, his name is Leonard Brown. He choose to do things against the United States of America, and I will fight him until there is no room to stand.

But I want to get the children off the streets. I want to help. I have 500 jobs, and it's not too late. I say as to Mr. Lennet Brown, if you hurt the hair on one child, you say six to 600 must be sacrificed, I will split your assets from the bottom of your behind to your head. Let it be known, thanks to you for what you've done. I've accepted my Commissioner dealing with witchcraft and warlockism after I finish this program. I will have nothing to do with the evil stuff that's about. So the children of 500 jobs, I ask that you, Mayor -- and somebody get that damn doorbell.

MAYOR RYAN: Mr. Roberson, that's an indication the --

MR. ROBERSON: I would ask that --

MAYOR RYAN: -- that's an indication that your --

MR. ROBERSON: -- Commissioner and the Mayor --

MAYOR RYAN: -- two minutes to speak have concluded.

MR. ROBERSON: And I appreciate --

MAYOR RYAN: Thank you, sir.

MR. ROBERSON: -- that, and thank you very much, Mr. Mayor, I hope chaired this meeting. Was it the Commissioner or Vice Mayor? Who chaired this meeting?

UNIDENTIFIED SPEAKER: The Mayor.

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MR. ROBERSON: The Mayor?

UNIDENTIFIED SPEAKER: The Mayor.

MR. ROBERSON: That is very good, because I know that I've been trying to talk to him for a while.

MAYOR RYAN: Thank you, sir.

MR. ROBERSON: Nice to know his mouth is working.

MAYOR RYAN: All right. Next speaker is George Smith, followed by George Platt, followed by Akhtar Kamal.

Mr. -- Mr. Smith, are you here? Joe Smith?

MR. SMITH: Hi, my name's Joe Smith. I'd like to tell you about my favorite restaurant. It's called the Asian Buffet in Deerfield Beach. I tell everybody about it. I suggest you all try it. They have a real good selection. The place is very clean, and the prices are reasonable.

I am sure there are some certificates hanging on the wall, but, like most people, I have not done any research to verify their legal status. As a customer, I think I can safely assume that they have passed all their inspections and are a legal business simply because their doors are open.

Now, if I went -- went there one day and there were padlocks on the door and a notice in the window announcing a shut-down for one reason or another, could I go to a government agency and say, re-open the restaurant; I am a big fan; please don't enforce your rules, they are too good for that?

Now substitute Uber for Asian Buffet. My first point is it is not reasonable for Uber to continue operating in this illegal manner, no matter how many fans they

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have.

My second point is by not going for the injunction, they are open for business, which, to the public, it appears that all is in order, when it is far from normal. They are a 100 percent illegal car service every time they send an unpermitted vehicle and unlicensed driver.

And as for the language to the item today, as appropriate, the answer to that is, yes, it's appropriate. And when appropriate is ten months ago.

Thank you.

MAYOR RYAN: Next speaker is George Platt, followed by Akhtar Kamal, followed by Robert Bonner.

(VICE MAYOR KIAR LEFT THE ROOM.)

MR. PLATT: Good evening. George Platt on behalf of Go Airport Shuttle.

You've all heard the saying that we are a nation of laws, not a nation of men. So to put this in a modern, current context, we are, in fact, a county of laws, laws that you have taken an oath to uphold, and we are definitely not a county of Uber people.

So we're in a situation here, and I congratulate Commissioner Wexler for bringing this issue forward. I support it. My clients support it. And the people that work for my clients support it. And that's hundreds of people.

We're suffering irreparable harm in and around the venues that my client works in its concession agreement with the County.

It's a highly regulated environment ,as you all know. We discussed that earlier today.

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You have passed reasonable ordinances and regulations, and, to date, Uber, Lyft, the TNCs and the drivers are pretty much ignoring your ordinances, your regulations. There's no geofence. There's no agreement at the airport.

And -- and so we're basically out there in limbo and, obviously, irreparable harm is being suffered. That is one of the basis for which you would go seek an injunction.

So please pass this motion today. Ensure that the County staff and the County Attorney work with -- in order to lay the appropriate foundation so that if, in fact, they must, and I encourage them to, take legal action at the appropriate time that there won't be any doubt about it whatsoever, that you will be on very solid, solid ground.

And thank you again for doing the right thing.

MAYOR RYAN: Next speaker is Akhtar Kamal, followed by Robert Bonner, followed by Rick Versace.

MR. KAMAL: Good afternoon, respectable Commissioners. My name is Akhtar Kamal. I drive a taxi.

Authorizing the County Attorney to take legal action against TNCs is the most admirable and justifiable action this Commission will take.

Kindly note that these TNC companies started with a lie, that they are not a taxi company, but a ride share company, even though it defies the truth, as the goal of ride sharing is to remove but not to add vehicles to the road by sharing the rides and thereby reducing the pollution, traffic congestion, fuel consumption, and parking problems, whereas these TNC companies are adding more vehicles on the road while there are already more than enough taxis in existence to do the same job.

They continue to bring in criminals to drive for them and put the public in

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serious danger. As mentioned in the news media, people like convicted felon Duncan Eric Burton, an Uber driver from Houston, who was accused of raping his Uber passenger and was in federal prison for 14 years prior to he started to drive for Uber.

Another Uber driver, Patrick Karajah, who attacked his passenger with a hammer, fractured his skull --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. KAMAL: -- and seriously injured his one eye. Another Uber driver, (Inaudible), a -- a fierce ISIS supporter who wanted to shoot and kill in the name of the ISIS before he was arrested by the FBI this April in Miami. And the list goes on.

The County Commission has given enough notices to these TNC drivers and have demonstrated great restraint and provided with the ample opportunity for these TNC drivers to comply with the law, but to no avail.

These TNC companies and their drivers have proven over time that they have no respect for law. They have been thumbing their noses at all of the measures taken by the Commission to stop them from operating illegally.

Since enough warnings has already been issued, therefore, I believe that it's long overdue to take serious action against these illegally operating TNC companies.

I want to remind you that it is the responsibility to prevent --

MAYOR RYAN: Thank you, sir.

OPERATOR: (Inaudible.)

MR. KAMAL: -- the rape of Broward County women by the TNC drivers, just as Duncan Eric Burton, driving for Uber, who could have been prevented from

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raping his passenger if his criminal record would have been checked by the government.

MAYOR RYAN: Thank you, sir. Your time has expired.

MR. KAMAL: Thank you.

MAYOR RYAN: Next is Robert Bonner followed by Rick Versace, followed by Brock Rosayn.

(COMMISSIONER HOLNESS LEFT THE ROOM.)

MR. BONNER: Robert Bonner, Intercity Taxi.

As a small cab company, we find ourselves now receiving less -- 100 less calls per day compared to the same time last year. We've forced ourselves -- we find ourselves forced to cut the hours of staff.

On top of that, we have new expenses. We've paid over \$2,000 to -- to comply with the new inspections that are done by mechanics.

A level playing field is a nice concept, but only if both teams take the field.

Thank you.

MAYOR RYAN: Next speaker is Rick Versace, followed by Brock Rosayn, followed by John Camillo.

MR. VERSACE: Thank you for saving the best for last.

MAYOR RYAN: You're not the last speaker.

MR. VERSACE: I'm -- I'm Rick Versace. I'm with the Florida Limousine Association.

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And -- and I'd like to point out that you can't opt out from following the law. It's not like an e-mail that doesn't apply to you so you just delete it. The law is the law and you have to follow it.

You know, we -- we -- when we first started meeting here a few months ago, we spoke about a cease and desist and an injunction, and then they said that they can't fit into the rules, so you spent a lot of time and money crafting an ordinance that would suit them. It was a much easier, relaxed ordinance for them to follow, much easier than some places where they -- where they follow, like in New York City.

So what do they do? They don't -- they still don't comply. In fact, what they do is they teach their drivers how to evade detection. And they actually tell their drivers, go out and break the law. If you break the law we're going to pay your citations and we'll hire the -- the attorneys to defend you.

To me, that sounds like racketeering, and maybe we should be considering a RICO Act against them for the actions that they pursue.

I think what you -- what the Commission did was an excellent job of marrying old school concepts of public safety to modern concepts of technology, and did an excellent job, and they still slapped the Commission in the face by ignoring and -- and carrying on in what they -- in the way they operate.

I was in New York City last week and I saw Uber all over the place. And in New York City they follow the rules. They do background checks on their drivers. They do get their vehicles inspected. They do fingerprinting. They do all the right things. In fact, in New York City they actually have to go and get a -- a special license plate, a TLC plate on their vehicles. And they're the largest company in the city.

It doesn't hurt to follow the rules.

I think what we need is we need to get the Attorney General's Office involved to

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stop the criminal transportation activity that's taking place in Broward County.

Thank you.

MAYOR RYAN: Next speaker is Brock Rosayn, followed by John Camillo, followed Lorraine Wilde.

MR. ROSAYN: Good evening, Mayor Ryan and Commissioners.

I'm here today to support an immediate injunction against illegal TNCs operating here in Broward County.

Why? Time and time again this Commission has tried to work with these TNCs to legally operate in this County, and time and time again these TNCs have been defiant and blatantly ignored the word of this Commission and the rules and regulations as set forth in the County ordinance.

They have not even tried to comply.

Their MO is to first not follow any laws and then attempt to change the laws to match their illegal activities. Not only are they not paying for permits and fees or carrying required insurance, they are now trying to get legal approval of their actions after the fact.

Your own Airport Director stated the lawlessness must stop. They still pay no fees to the airport, but continually congest the airport traffic and facilities.

Hillsborough County, Tampa, has diligently tried to work with these TNCs, as well -- excuse me -- as well, to get them into compliance, but to no avail. The Hillsborough County Public Transportation Commission has said enough is enough and has instituted an injunction action against these illegal TNCs.

And in closing, this Commission has tried to be fair and worked in good faith with these TNCs, but they have no respect for the word of this Commission or any intention of complying with the ordinance here in Broward County.

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The only language they will understand is for a judge to order them to stop operating.

And I thank you very much for your time.

MAYOR RYAN: Next speaker is John Camillo, followed by Lorraine Wilde, followed by Ajibola Aromashodu, with Uber.

COMMISSIONER WEXLER: Mayor? And you guys are staying up here, right? Okay. Because you almost -- there's only four of us sitting there.

MR. CAMILLO: Good evening, Commissioners. Thank you, Mayor.

John Camillo, Yellow Cab. We've been in business for half a century plus, and in that entire time we've operated our own garages and we worked on our own cars and we never needed to have a license.

On April 7th, you passed a law that said that from here on out you're going to change the way that inspections occur and they have to occur at a licensed -- at a licensed garage facility with master mechanics.

So we went ahead and what we did is we got a license. But the license wasn't just coming and getting something from the County. We had to get a state license. We had to prove that we had environmental certifications. We had to have insurance.

After we got a state license, we had to come to the County and get a license from the County. We had to get a license from the City of Fort Lauderdale. Then we had to get all 16 of our mechanics licensed by the County individually.

(COMMISSIONER RITTER LEFT THE ROOM.)

MR. CAMILLO: We continue to comply with the ordinance.

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You passed a rule saying that certain drivers can no longer qualify based on their criminal background, and we had drivers that had been approved by the County, had been driving cars, that the County then advised us were no longer acceptable. So we terminated those drivers because they were no longer licensed by the County. Again, we complied.

Since you passed that law on April 7th, B and L, Yellow Cab has paid \$110,000 in County permit fees for its permits, \$20,000 in port permit fees to the port --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. CAMILLO: -- \$20,000 in airport permit fees to the airport, and almost \$300,000 in origination fees to the airport.

And every time I sign a check and every action I take in order to comply with the rules that you've imposed on our industry, I ask myself is there going to come a time when the level playing field does occur and that this ordinance is -- or that this Commission actually authorizes the action that's necessary to enforce this -- this ordinance.

MAYOR RYAN: Thank you, Mr. Camillo. Next speaker is --

MR. CAMILLO: We support Commissioner --

MAYOR RYAN: -- Lorraine Wilde, followed --

MR. CAMILLO: -- we support Wexler's motion.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MAYOR RYAN: Thank you.

MR. CAMILLO: Thank you.

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MAYOR RYAN: Thank you.

Thank you.

Next speaker is Lorraine Wilde, followed by Ajibola Aromashodu, followed by Brian Stafford.

MS. WILDE: Mayor, Commissioners, I have been a franchise operator at Fort Lauderdale Airport and pay the airport approximately \$50,000 a month for that privilege. And I -- I love being at the airport and I love doing what I do.

(COMMISSIONER LAMARCA LEFT THE ROOM.)

MS. WILDE: But every day I'm losing more and more passengers to TNCs who are operating illegally and do not pay the County anything. They -- they actually come up to the curb and solicit passengers right from my stand. And it's -- it's really disheartening.

It has been almost one year since the TNCs have been operating against the law in Broward County, encouraging their drivers to break the law while Uber pays their fines.

You have created a reasonable ordinance. While the TNCs can come into our community and service their customers, TNCs have given no indication that they will obey any ordinance that you create.

How long do they have to operate illegally before you let them know you mean business and that your concerns are for the residents and visitors of Broward County?

I truly support the County filing an injunction against the TNCs now.

Thank you very much.

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MAYOR RYAN: Thank you.

Next speaker is Ajibola Aromashodu, followed by Brian Stafford, followed by Shatarian Thirsty.

All right. Ajibola's not here.

Brian Stafford, not here.

Shatarian Thirsty, not here.

Stephanie Vallejos from 3100 Palm Trace. Here she comes. Followed by Albert Aront, followed by Matthew Pappas.

MS. VALLEJOS: Good afternoon and thank you for having me.

My name is Stephanie. I'm a Lyft driver. I've been driving for the ride share service for about a year and a half in different markets around the United States. It's a great opportunity for me to have a little side job to help out with my bills.

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

(MAYOR RYAN LEFT THE ROOM.)

MS. VALLEJOS: The riders always -- you know, they tell me about their horrendous experiences with taxicabs. An example is a customer said they called for a taxicab to be at the airport at a certain time of day, and they missed their flight because the cab never came. They called several times.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. VALLEJOS: The cab company, they said that it's on the way and they still didn't

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show up.

A lot of customers that I have or the riders that I have really enjoy the service, appreciate the -- the cleanliness of the car. One of the riders I picked up in Miami-Dade last weekend told me that because it was approved in Miami-Dade they drive down there, but they notice that the taxi drivers have started to clean their cars up now because they have healthy -- healthy competition in order for them to --

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

MS. VALLEJOS: you know, to make them a little bit better because they're competing with these ride share companies.

Thank you for your time.

VICE MAYOR KIAR: (Inaudible.) I got it.

UNIDENTIFIED SPEAKER: You got it? Right here.

VICE MAYOR KIAR: Albert Aront.

(MAYOR RYAN RETURNED TO THE ROOM.)

VICE MAYOR KIAR: Oh, Tim is back.

COMMISSIONER BOGEN: Mayor, come on, Mayor (inaudible.)

MAYOR RYAN: Albert Aront, followed by Matthew Pappas, followed by Art Manon.

All right. We don't see Albert Aront.

Matthew Pappas. Don't see Matthew Pappas.

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Art Manon from Margate.

MR. MANON: Yes, sir.

MAYOR RYAN: Sir, come right up.

MR. MANON: Thank you, Honorable --

MAYOR RYAN: He'll be followed by William Carroll, who will be followed by Kasra Moshkani.

MR. MANON: -- thank you, Honorable Council members.

I'd like to dispel the myth that Uber is not in compliance. I'll leave my -- my cell phone here to verify I've not been doing Uber in Broward County since the grace period. Now I'm -- I've put my money where my mouth is is that we're -- we're committed about having a world-class city that our citizens and our tourists enjoy. I've gone to my primary job, association in Washington, D.C., National Pest Management Association where our -- our motto, industry motto is our mission is your protection.

I drive an Uber down to Miami. I don't make a lot of money, but like a lot of people that drive with Uber, we've had family members who have been affected by vehicle accidents.

I did pest control services in Iraq for 28 months for our -- our -- for the military bases. I know of three people who lost their lives and it was because of vehicle accidents. So I came back, I said what can I do about that situation.

I'm not making a lot of money driving a hummer down to Miami, where Miami, a lot of the tourists, I'm baffled by this decision, where they say, a lot of European, a lot of countries where they -- they embrace our freedom and all and they go, how come a world-class city doesn't embrace a free market system?

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UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MANON: The citizens and tourists benefit from a free market system like democrat -- democracy over dictatorship.

And, like I said, my association, because everyone knows that volume -- the elephant in the room is the insurance. It's not feasible for an individual to comply. I've talked to insurance people who say it's -- it's economic suicide for all these mass individuals to operate on that level. So it makes sense that volume reduces expense. That's why I flew to Washington, D.C. I'm not going to make any money for Uber to pay for that expense to -- and my association is receptive to this. Now, the elephant in the room is getting the insurance companies to -- to -- to make it feasible for individuals.

MAYOR RYAN: Thank you, sir.

MR. MANON: Thank you.

MAYOR RYAN: Your two minutes has expired.

So next speaker is Art Manon, followed by William Carroll, followed by Kasra Moshkani. Art Cannon.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: William Carroll, come on up. You're -- we're ready to -- to hear from you. Followed by Kasra Moshkani, followed by Charles Strickland.

MR. CARROLL: All right. Well, first, you know, I want to thank you guys for giving me this opportunity to speak. I don't really feel that I was prepared for what I'm here to do today.

But, you know, just bouncing off of some of the things that I've heard by some

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of the speakers before me about law and about Uber drivers breaking the law, I mean, a righteous law is something that is designed to protect the rights of the people. It's not something that's designed to protect the rights of itself. So whenever there's a conflict, whereas if you just look at the way society is operating, our customers feel that they have a right to our service.

Me, as someone who is now independent, I mean, I'm basically self-employed, I feel that I have a right to provide this service to people.

And, you know, it's working out well, you know, aside from, you know, if you listen to people who are failing to compete, which that happens, you know.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

MR. CARROLL: And I'm not -- I'm not trying to come off like I, you know, am completely careless to whatever plight a cab driver is going through during this time, but the truth is it happens, the way that the -- the internet has revolutionized media. Look what Netflix did to Blockbuster. Look what Media Share has done for independent artists, giving them a freedom from record labels. This -- it's just the time.

It's our culture. Like if I was to ask you -- you mentioned about what -- how many or how much is 20 grams of weed? What did I do to find that information out? I Googled it. It's our culture to Google something now. It's our culture to Uber from Point A to B. It's a safe platform for, you know, a parent to get their kids to school, to friends' homes, to families' homes. And I'll even share this personal experience. I had a group of kids. The parent called me to pick up their kids to take them to somewhere -- and I'm -- I've only one in Florida for four years so I'm sorry that I -- I'm not really sure the destination, but let's say it was from South Beach to let's say west of Fort Lauderdale. And basically, while the kids were in the car they said they wanted to go to a different destination that was not what the parent put in there. So, as an Uber driver, the courtesy that we give, the customer service that we give that they're not used to from a taxi driver is I called the parent and I let them know, okay, the

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destination was changed. You can see by logging into your account exactly where I dropped them off in case you have any discrepancies with that. So --

MAYOR RYAN: Thank you. Your time has expired.

(COMMISSIONER FURR LEFT THE ROOM.)

MR. CARROLL: Thank you.

UNIDENTIFIED SPEAKER: Well said.

MAYOR RYAN: Next speaker is --

(Applause.)

MAYOR RYAN: For those who arrived late, at the beginning of this meeting we had stated that there is no applause or booing. So if you agree with the remarks made by any person that is speaking, just please wave your hands. No applause, please.

Kasra Moshkani, followed by Charles Strickland, followed by Michael Moskowitz.

MR. MOSHKANI: Thank you, Mr. Mayor, Mr. Vice Mayor, Commissioners, County staff for -- for making the time today.

We're here today because an injunction goes too far.

There are tens and thousands of residents and tourists here in Broward County who depend on the safe and reliable rides that Uber provides, and there are over 38,000 who have signed a petition in -- in favor of amending the TNC ordinance.

There are thousands of Uber drivers, Uber driver partners who -- you know,

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many of whom are here today. They depend on the income that they bring in in order to put food on their -- their family -- family's tables.

An injunction goes too far, because the items -- you know, there are a number of items in the TNC ordinance that were not voted on by the Commission, things that we haven't had a conversation with the Commission on.

And, of course, there's fingerprinting. There is no doubt that some of the drivers who are here today, who have taken their -- you know, the last six hours of their day to come out here, some of them are willing to do that, some of them will jump through, you know, more ridiculous hurdles.

But the reality is that there are thousands of other driver partners who couldn't make it out here today. They have other jobs. And they -- they will not be able to jump through that hurdle. And those drivers are --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: (Inaudible.)

MR. MOSHKANI: -- they're critical to the success of ride sharing.

Accredited background checks are as good, if not better than, the fingerprinting background checks that our competition has pushed you all to adopt.

With regard to the airport, as you all know, we've been in negotiations with them for the last three months. We've agreed about 80 percent of the way. The last 20 percent, as you know, we have not been able to agree on.

Because of that, and to show our commitment to working towards an agreement with them, as of last night, we've ceased operations at both the airport and the seaport, which means that any Broward resident or tourist will not be able to request an Uber ride at either of those locations.

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We want to continue to work with staff while you are all on break.

There are over 40 states, cities, counties that have enacted ride sharing legislation, and we want to make Broward one of those.

Thank you.

MAYOR RYAN: Thank you, sir.

Next speaker is Charles Strickland, followed by Michael Moskowitz, followed by Morris Zaila.

MR. STRICKLAND: Good evening. My name is Charles Strickland. I'm a real estate agent in Broward County. I'm also an Uber driver.

In between sales and cancellations before closings, we have to eat. Uber has given me the opportunity to make the money that I need to feed my family. I have five children, grown children of course, ten grandchildren. I take care of most of them, to be honest with you. But being an Uber driver gives me the time to make the money, the extra money that I need.

And I've been listening to these people talking about safety and things. It's -- most of it's a lie. The background check that I had to go through, 60 percent or higher fail it with Uber. I have a hack license. I have three different business permits in Broward County. I've been fingerprinted many, many times. I was licensed A and H and life.

And these people are trying to say that Uber drivers are not licensed, they're not safe to ride with. It's just the opposite, as far as I'm concerned. I've heard more bad things about taxi drivers than I have Uber drivers. I hear it from my customers.

If you guys would just go home, call a cab, and see how long it takes, if they get there, and then see if they actually go direct to where you're going, want to go,

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you're going to find that most of them will go out of their way to run the bill up --

MAYOR RYAN: (Inaudible.)

MR. STRICKLAND: -- and that's on and on and on. I didn't just make that up. I've heard it many, many times from my riders.

MAYOR RYAN: (Inaudible.)

MR. STRICKLAND: And I leased a cab for a season. I know how it works.

UNIDENTIFIED SPEAKER: Yeah, okay. (Inaudible.)

MR. STRICKLAND: I really do. So I wish that you guys would work with us and try to work something out.

Thank you.

MAYOR RYAN: Next speaker is Michael Moskowitz, followed by Morris Zaila, followed by Diego Felacnio -- Felicino.

MR. MOSKOWITZ: Good evening, Mr. Mayor and members of the Commission. Michael Moskowitz here representing Uber today.

The first question is I want to make sure is has this meeting been noticed for evening meeting.

But, putting that aside, I a recent entrant on behalf of Uber. I'm pleased to appear before you. And, certainly, I understand the frustrations that generated the motion that Commissioner Wexler filed. I understand them completely.

And I was brought on board recently in an effort to provide some additional strategy, a new viewpoint, some new approach to try to get this resolved without adversity that would obviously occur in the event litigation was filed.

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And in that regard, one of the decisions that was made intentionally as a gesture to show that Uber intends to work very hard in good faith to resolve this was a decision that was made to close down Uber's operations at the airport and the seaport. And that was done because we understand that you can't stand or meet with people and say we want to work in good faith if you're going to poke them in the eye. So that's the first step that was done.

The second step is we've already set one meeting tomorrow with Lenny Vialpando. We intend to have other meetings with your airport staff, Mrs. Henry's staff, Legal staff in an effort to reach a resolution.

There are some issues that need to be fine-tuned. We hope that we can accomplish that in working cooperatively together so that there can be a business resolution. We all know, and as a fellow litigator, I know that a business resolution is far better than the best lawsuit anybody can ever file.

So, with that, we stand committed before you today to work in good faith over the next several months to reach a resolution.

And what we are requesting and suggesting that you would consider is postponing this, deferring this for a couple of months to let us work in that regard over the summer recess with the hope of bringing something back before you.

Mr. Mayor, it's always a pleasure. Thank you very much, sir.

MAYOR RYAN: Thank you.

Next speaker is Morris Zaila, followed by Diego Felicio, followed by Howard Berkowitz.

MR. ZAILA: Good afternoon, Commissioners.

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MAYOR RYAN: Your name, sir?

MR. ZAILA: My name is Morris Zaila.

MAYOR RYAN: Thank you.

MR. ZAILA: Obviously, it looks like you're not tired yet of Uber and Lyft. I mean, for the whole year I hear they're coming, we're coming. And guess what? They're even lying.

UNIDENTIFIED SPEAKER: Uh-huh.

MR. ZAILA: Stopping work at the airport. When you drop a passenger at the airport, you've got to pay 3.50. They don't mention it. They say we just -- and in their e-mail to the drivers, they say you can drop in the airport. You don't have to pay. Go ahead, do it.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. ZAILA: But don't pick up because we are not going to pay for you your fine anymore. It's too much.

How -- how far we can go allowing those illegal markets, so-called, breaking the law consistently and stealing money from the public? We need that money to run the airport. Where is it going to come from? Only from the legal activity. Don't we have enough sense to run after them and make sure that they pay?

Of course they want to prolong it. They like to stretch it. They like to play the Uber game. I call it Uber game. They just came on -- up with a new game. You can -- we train illegal drivers. Okay? So if we cannot go after the head of the snake, we should really manage the tail.

(COMMISSIONER BOGEN LEFT THE ROOM.)

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MR. ZAILA: And the tail are the drivers that are encouraged to commit that illegal service, because the money is easy. They don't have to pay any obligation, not insurance, that is commercial insurance, seven days, 24 hours a day. They don't have to inspect the vehicles. They don't have to go to fingerprinting. They are freebies.

I hope you take into consideration what I said.

Thank you.

MAYOR RYAN: Next speaker, Diego Feliciano, followed by Howard Berkowitz, followed by Shatarian Thirsty.

MR. FELICIANO: Good evening, Commissioners. Diego Feliciano, President of the South Florida Taxi Cab Association for 25 years.

I heard the words "negotiate," "comply." Give me a break. These people just were in Tallahassee just a few weeks ago trying to skirt the law and add themselves to the budget so you couldn't regulate them for another year. They lost, but they tried. They're beyond embarrassment, you know? They were admonished by one senator for what they were trying to do.

You know, whether it's a (inaudible), a radio, a phone, or an app, you're transporting a passenger from Point A to Point B. It's been being done since horse carriages.

Strict codes have been being written for over a hundred years to protect the riding public that rides in these vehicles. There is no magic. There's just dispatching. And that's Uber and Lyft. They are dispatching.

Their success is only when they undercut the taxis. Do you know that when they price surge, the taxis get a lot more fares? That's because as soon as Uber goes into price surging, they ride taxis. They're smart. They know taxis are regulated and will always be the same cost. Surge pricing, that's what they

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call it.

You know why they can undercut us? They can undercut us because they're skirting your laws.

You know what you need to do, Commissioners. They are skirting the laws or they couldn't undercut the taxis. And when they price surge, then they all get in our taxis.

I represent over 2,000 cab drivers in Miami-Dade County. We're having the same problems you are. We've thrown them out of there twice. We've beat them in the legislature twice. And they're back here and they need to be regulated.

Thank you very much.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Next speaker is Howard Berkowitz, followed by Shatarian Thirsty, followed by Auguste Saintvil.

Howard Berkowitz?

Shatarian Thirsty, followed by Auguste Saintvil, followed by Taymar Gonzalez.

MS. THIRSTY: Hello. Good evening. My name is Shatarian Thirsty. On May 10, 2015, Uber has opened up a flexible opportunity for me. I am able to be independent and reliable at my own time availability.

Uber is needed in the Broward County community. Uber transportation helps save lives. That's my personal belief. There have been many times that I picked up passengers in the downtown Fort Lauderdale area that was under the influence of alcohol that really appreciated Uber's transportation because we were right there within minutes of their request.

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Uber allows me to pay my bills. My life would change if I could not use Uber to make ends meet.

My service to riders in Broward County is needed. It's affordable, reliable, and I truly believe Uber transportation has helped save lives.

Thank you.

MAYOR RYAN: Thank you.

Next speaker is --

(COMMISSIONER FURR RETURNED TO THE ROOM.)

MAYOR RYAN: -- Auguste Saintvil, followed by Taymar Gonzalez, followed by Mani Avetisyan.

MR. SAINTVIL: Yes, good afternoon, thank you for giving me such opportunity.

But the thing is --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. SAINTVIL: -- I want all the Commission to know I'm -- first of all, I'm the owner of Broward taxi. First of all, I want to know until Uber give me a disaster because I think all the -- everyone in here got a family. Until somebody been in an accident they don't have no insurance to cover. They know better than that. Then I don't know how come they still let them operating without no insurance. You know, that's bad.

Let's assume for the airport, for a taxi company, we've got to pay \$85 for each car to -- you know, to inspect it to make sure -- to control the safety of all the passenger. Uber, none.

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Also the airport, this morning I got to pay \$48,000 for my driver, you know, to make sure to keep Fort Lauderdale beautiful to make sure they build up the airport to make sure everything look nice. Then Uber, none.

So far, what kind of business that is? That's a cowboy business? I don't understand. Somebody got a gun and they say, hey, I'm the cowboy. I'm going to get whatever I want. But the people working here pay all the fine, then they don't get nothing, then Uber got everything they want to.

(COMMISSIONER BOGEN RETURNED TO THE ROOM.)

MR. SAINTVIL: How they want to operate, what -- what kind of law that is? What kind of country that is? Oh, that's mean -- that's called a Uber country. They can do whatever they want to do. They don't have to pay nothing.

Okay. That's my point.

Thank you.

MAYOR RYAN: Next speaker is Taymar Gonzalez, followed by Mari Avetisyan, followed by Joseph Schmitzberg.

UNIDENTIFIED SPEAKER: This is everything. This is the last of it.

(COMMISSIONER RITTER LEFT THE ROOM.)

MS. GONZALEZ: Hi. My name is Taymar Gonzalez. I'm a Uber partner as well as Uber customer. I'm a single mother of this smart boy, six years old. Okay? He's my world. He's my life.

First I would like to talk -- to speak about my experience as a rider. During the last two years, I've been using Uber as a rider because it is convenient in different aspect. First, no cash transactions are involved. Riders can know

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where the drivers are and how long will take for them to get to me. I have the access to drivers through the app for a specific directions. I decide between my ability options -- availabilities options which is better for me. And the most important advantage is that I have the power to rate my experience with each ride, what means a lot to me, because as a customer, I receive response to my needs as soon as I need it.

For me, this is an excellent customer service process because -- not because you -- you have to pay all the fees that you have to pay as a regular taxi. You're able to disrespect the customers, let them wait, and do all the bad things that were already listened from the other -- the other partners.

Now I would like to speak about my experience as a partner. Before I start as a partner, I worked as a manager for Walgreens for seven years. During all the seven years, I never had the flexibility to present -- to be present in the most important aspect of my personal life.

(COMMISSIONER LAMARCA LEFT THE ROOM.)

MS. GONZALEZ: For example, I felt really guilty as a mother every time that I -- my son gets sick and I don't have the time to take him to the doctor. I was struggling to balance my work life, my -- with my personal life, and, the most important, with his -- his time.

MAYOR RYAN: Thank you, ma'am.

All right. Our next speaker is Mari Avetisyan, followed by Joseph Schmitzberg followed by Mark Lauritzer.

(COMMISSIONER BOGEN LEFT THE ROOM.)

MS. AVETISYAN: Hello. My name is Mari Avetisyan. I say it again because you couldn't pronounce my last name.

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And I think there is a lot of confusions here today, because we are not talking about taking Uber out of the roads. We are talking about making Uber comply with all the requirements that we all follow.

And like me, I'm a mom of two -- I mean, of two kids, six and seven years old. And I've again giving him -- giving them a decent life doing my job, following rules and regulations.

I'm here to talk on behalf of all the limousines, private car service, and taxicabs that have been following rules and regulations. And the fact that some of them are not clean or whatever they are saying or trying to say here just to put the level of our service on the ground to make it better for them doesn't mean it is the truth. People are the way they are, and if you are a dirty person, you are going to be driving a dirty car. When someone sits in my car, they -- they see what they have in my car. They have a good service, and I treat people the same way I like to be treated.

If they don't comply with the requirements, if they don't comply with the law, they are not allowed to be around. It's not legal.

Comply with the requirements, and everybody is going to be playing the same game.

Thank you.

COMMISSIONER SHARIEF: Amen. I like that one.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

MAYOR RYAN: Next person speaking is Joseph Schmitzberg, followed by Mark Lauritzer, followed by Roberto Ghitis.

MR. SCHMITZBERGER: Good afternoon. It's Schmitzberger. Sorry my handwriting is so poor.

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I wanted to compliment Commissioner Sharief and Mr. Holness, who's not here right now, on their strong stance in the last meeting against Uber. I believe Ms. Ritter and you also, Mayor, are leaning in their direction.

MAYOR RYAN: Yeah --

MR. SCHMITZBERGER: Ms. Wexler, you're -- you're very --

COMMISSIONER WEXLER: Yes?

MR. SCHMITZBERGER: -- you're on both sides.

I mean, the fines -- the fines are ridiculously low. Dade County, the first fine is a thousand dollars. You have to somehow find one of these people three times with our limited enforcement officers you have out there. It's ridiculous compared to Dade County. I have a better chance of winning the lottery than catching one of these guys three times.

Injunction is the only answer.

I'm really sorry Mr. LaMarca isn't here right now, because when I talked to one of the enforcement officers this weekend in the port, he described as Mr. LaMarca being in bed with Uber, using Uber. And I think maybe he's moonlighting driving for them the way he supports them.

UNIDENTIFIED SPEAKER: Yeah.

(Laughter.)

MR. SCHMITZBERGER: It's -- it's -- I'm not -- we're all exhausted here. I'm going to get out of here.

But I think injunction is the only answer. You can't let this go on for a couple

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months while you guys are on break and just let them -- they're begging to work with you. Last night, they decide to shut down the -- the app to show good faith. What have they been doing for months? It's ridiculous to let them go on like this.

I -- I don't see how you can make any other decision than an injunction.

Thank you.

MAYOR RYAN: Next speaker is Mark Lauritzer, followed by Roberto Ghitis, followed by Edwin Vargas.

Mark Lauritzer?

Roberto Ghitis?

Edwin Vargas?

Your name, sir?

MR. VARGAS: Edwin Vargas.

MAYOR RYAN: He will be followed by Bill Barlow, followed by Dale Bailey.

MR. VARGAS: Thank you for having me.

They said a couple funny things. All I've got to say is it's been pretty comical today.

I'll try to throw a quick example for you. You're throwing a party. You're at his house. You're at his house. You don't know each other. You need a ride home. You go to him and you ask him, oh, I need a ride home. I can't -- I don't have a ride to get there.

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You say, well, I know somebody that can basically get you there. It would be him. You have somebody put together by a mutual friend that got you home. Now, is he going to say he can't because all of a sudden now he has to pay -- pay a fine? I'm thinking, you know what, there's a mutual connection that's involved.

I started driving Uber in December. I found a very good business plan that's been out there. Really, I'm not knocking the way the cabs do their business, but competition has been put on the table. And since there's competition, somewhere along the way, I'm setting everything else aside to say that they need to basically ante up their game, because what I hear from a lot of my riders, the reason why they choose Uber has really nothing to do with the fact that, oh, it's a convenience. It's because they realize they're getting poor service in other areas.

They found the niche. People are finding it, and people are fulfilling that niche. I support it as a driver. I support it as a rider. And I feel like if anything, if you guys can open that window to at least sit down and talk to them some more and at least fix it to at least everybody can be able to work together, it's fine.

(COMMISSIONER LAMARCA RETURNED TO THE ROOM.)

MR. VARGAS: I'm not concerned about these fees and everything else that goes along. So long as it's still that particular loophole, yeah, I'm going to say I'm driving and I'm doing it. Okay? I'm not soliciting. I don't have a sign that says cab in my car. So I'm not running around telling people, guess what, I'm available. I haven't heard of anyone going to an airport telling someone, I'm a - I'm an Uber driver. You want me? No, that doesn't happen.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. VARGAS: I'll be the first to say and if they've done it, hey, go after them. I know I don't do it. I would never do that, because I'm not a cab driver. I've got other jobs to do.

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Thank you.

(VICE MAYOR KIAR LEFT THE ROOM.)

MAYOR RYAN: Next speaker is Bill Barlow, followed by Dale Bailey, followed by Robert Segal.

MR. BARLOW: Good evening. Bill Barlow from Lauderhill.

I initially was going to speak on the insurance issue, but Kasra has assured me that he has given you new information making our insurance legal 24/7. That was an issue that I think that we were being or suffering under a misinterpretation of the insurance law to begin within that for 24/7. I don't drive my car 24/7 and the car is not in use 24/7. And so that -- that interpretation, as long as I was driving the car 24/7, I'm insured. If I choose to sit at home, there's no need for the insurance. But, anyway, so much for the insurance issue.

The other thing, I tried to get in -- into compliance and I need -- need to know whether our insurance now is going to meet the County's standards. You know, you wisely or semi-wisely said you need to comply with state insurance laws. We thought we were to begin with.

So that becomes an interpretation at the local level, and I can't get my car online legally until I get an interpretation that says the insurance is legal.

Beyond that, the inspections, I paid to have my car inspected, 19-point inspection to satisfy Palm Beach when they gave us a temporary operating authority. That was done not by our own inspectors, as Yellow Cab is now trying to do. That was done by a Meineke shop in town which I paid for.

Now you expect me to pay another \$85 to do a 21 point inspection. You've added two points. You've added do I have a tire tool in my -- in my trunk and is

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my trunk neat? Big deal. 85 bucks for that? I don't think so. That's -- that's wrong. You -- and that -- that's only good for ten days. And if I fail to get the rest of the registration done within ten days, now I've got to cough up another \$85. Why is that not good for a year like Palm Beach's certificate of -- of inspection is?

MAYOR RYAN: Thank you, sir.

MR. BARLOW: Uh-huh.

MAYOR RYAN: Next speaker is Dale Bailey, followed by Robert Segal, followed by Ilan K.

Dale Bailey?

COMMISSIONER SHARIEF: They have the same thing to say to let us go ahead and get to work.

MAYOR RYAN: Robert Segal?

Ilan K.?

Danielle Aruly -- no, Daniel Ackell. Daniel Ackell.

MR. ACKELL: Right here.

MAYOR RYAN: Come on up. You will be followed by Richard Eberhart, followed by Serge Lyubarsky

MR. ACKELL: Hello, everybody. Here we are again. Well, the good news is my dog is paid. He's got his tag. He's legal.

COMMISSIONER SHARIEF: Uh-huh.

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MR. ACKELL: And in an honor of Adopt a Dog Day, Buckets is legal.

Uber is not. They still have yet to write a check. They still have yet to get real insurance. They haven't complied with the law.

As a matter of fact, what they did today by offering you a courtesy of not going into the geofence that they said they couldn't do at the airport that they now can do, they have said, just like Mr. Buckets without his license, I wouldn't go into the dog park because that's where you get caught.

Uber still approved their drivers to drive through the airport in a memorandum last night to the drivers. They think it's legal. It's not. Okay?

Their story is getting old, and I've had a very long day here. I don't get paid like the lawyers and the lobbyists and these other people do here.

You have to have some compassion for the people on the streets out there. I work very hard. Instead of a 70 hour work week, my hours now 90, 95 hours. It's unbelievable.

(COMMISSIONER HOLNESS RETURNED TO THE ROOM.)

MR. ACKELL: The second issue here is in honor of the disability act that was touted today, this is another subject, Uber, unfortunately they don't have to do any of that. You guys let them slide on that.

In honor of Broward County and Uber and the people with handicapped disabilities, you all should be really upset at yourselves.

The next thing is is Uber is doing approximately 8,000 rides a day in Broward County, 16,000 rides tri-county. The odds of getting caught are .002 percent, under the presumption of Mr. LaMarca's 70 tickets on Memorial Day weekend. Getting bit by a shark in Fort Lauderdale is greater.

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(Laughter.)

MR. ACKELL: Three times. The odds of that are like winning the lottery, as Joe said.

An injunction is needed. Show's over. Comply. Get insurance and at least have a level playing field.

Thank you for your time.

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

MAYOR RYAN: Next speaker is Richard Eberhart, followed by Serge Lyubarsky, followed by Ben Clerveaux.

MR. EBERHART: Mayor Ryan, Commissioners, thanks for having me here. I'm about to fall asleep.

Anyway, I retired back in 2011 from FedEx. I was there for 34 years, a truck driver. I had a pretty good record, believe me.

And when Uber came along -- well, they've been along, you know, quite a while now, but I -- I only got involved in it about a month ago. And I really enjoy it. I really do. It's a good little part-time thing to do. And I'm willing to get fingerprints, the extra insurance, or anything. I really enjoy it. I really do.

I have drive -- or riders that I pick up that, you know, complain about the taxicabs, you know, being dirty, you know, the -- you know, the communication not being, you know, legit. You know, they have -- they have hard times with everybody.

I -- -- I know I have to go for inspection in Palm Beach, and I'll do that. I haven't really -- you know, I just hope that you all feel, you know, for us Uber drivers. You know, like I -- I don't make a living at it by no means. I have a clean car. I'm always real friendly with my passengers. And I just -- I really enjoy doing

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what I'm doing, whether I've got to go to Miami, or got to go to Palm Beach, or got to stay in Broward, whatever, it's just a little extra on the side. You meet different people from different walks of life, different conversations.

(COMMISSIONER WEXLER LEFT THE ROOM.)

MR. EBERHART: I'm here to support the Uber's partnership. I hope you all have the same feelings. I'd like to continue doing what I'm doing. I enjoy totally. I met a few people today, heard good -- lot of good conversations.

And I just hope you vote for us to stay in Broward.

MAYOR RYAN: Thank you, sir.

Next speaker is Serge Lyubarsky, followed by Ben Clerveaux, followed by Jonathan Sabghir.

MR. LYUBARSKY: Good evening. I kind of feel like you put us in the -- in the end because you already decided. So I guess it's like a plea.

Anyway, I've only been doing Uber for about two weeks. I actually have a job and this is just, I guess, a hobby. I deejay internationally all over the world. And what's happening here, it's kind of like -- my last tour was in Russia, and in Russia when someone comes in, instead of -- I -- I guess someone comes in with a new business model, instead of helping them out, the government -- somebody pays the government so the government just blocks everything, and nothing kind of moves forward.

So anyway, I just did a list of things that people have told me over the last week and a half, people that I have driven. I've only done maybe 40 rides, but, basically, regarding cabs, they're dirty, they smell.

Most of the time people go, oh, my God you speak English? Because the drivers in cabs a lot of times don't.

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The last person I picked up, they drove from Fort Lauderdale Airport to Miami and the taxicab driver told them that the credit card machine doesn't work.

(COMMISSIONER BOGEN RETURNED TO THE ROOM.)

MR. LYUBARSKY: A lot of times the drivers don't know where to go. If they do, they'll actually drive the person around to make more money on that person. A lot of times, they refuse to drive people to certain places if it goes out of their way. A lot of times, they refuse to pick up people if it goes out of their way.

Regarding Uber and Lyft, clean cars. I drive a 2015 Lexus. I don't know if a 1980 Crown Victoria compares to that. New cars, service. I offer people gum, I offer people water, whatever music they want. I'll offer to stop when they need to. It doesn't really matter. I mean, I've actually dropped off people in Boca and on the way I saw them not get in the club and I drove them, out of my own pocket, back to Fort Lauderdale, just because I didn't want the guys to get stuck there.

We see the photos of the people that we're picking up. They see the photos of us. We can rate the people. I've canceled rides on people that had one star because other riders -- I mean, you're -- you're basically instead of -- I mean, I just know you guys decided already.

MAYOR RYAN: Next speaker is Ben Clerveaux followed by Jonathan Sabghir, followed by Paul Regan.

MR. CLERVEAUX: Hi. Ben Clerveaux. Thank you for your time.

I've been a Uber driver for five months. I've driven 3,000 miles for Uber.

UNIDENTIFIED SPEAKER: Can I -- can I be first (inaudible)?

MR. CLERVEAUX: On this platform I have met countless people --

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UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. CLERVEAUX: -- from all over the world who appreciate the service that Uber provides. When someone comes in from a different town or state, they always ask is Uber here?

(COMMISSIONER WEXLER RETURNED TO THE ROOM.)

MR. CLERVEAUX: And they are happy with joy because Uber is here. It's a great service. It's a great platform. And I've gotten to serve hundreds of people. I've taken over 400 trips, safely, with families, individuals of all walks of life in the tri-county area.

Palm Beach has regulation that will be in -- that will be continued until September, and I'm asking this Commission to maybe consider the same type of thing that Palm Beach has considered. Of course, it's a different place with different problems, but I think people in Broward County really need this service.

As far as airport goes, Uber has taken people from the airport safely and on time, time and time again. And they have discontinued the service, which I know will hurt the tourism industry, because some people said to me personally that they would rather walk than take a cab, and that they'd rather have Uber open than to have cab service open because of the experience they have experienced on -- with the taxi -- with the taxi service.

My uncle, he is a cab driver himself, and one night he told me he was held at gunpoint. And I think that's due to the cash system that has been in place. And that really scared me. And that was before Uber was in south Florida, but when presented with that opportunity, I said it's something I definitely have to -- have to go for.

And the last thing I want to say is that there are other transportation companies

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who have successfully come into south Florida and made it a great place to be and a great place to take a ride. So I'm asking you to maybe allow Uber that same chance.

Thank you.

MAYOR RYAN: Next speaker is Jonathan Sabghir, followed by Paul Regan, followed by Michael Diaz-Garcia.

MR. SABGHIR: My name is Jonathan Sabghir. I'm a 34-year resident of Broward County. I'm a lawyer. And recently, a few weeks ago, I became a partner with Uber and also with Lyft.

The -- what brought me into Uber was about nine months ago I started hearing the word Uber a lot. It occurred usually on Thursday, Friday, Saturday nights. My youngest daughter started using Uber, and it soon became a -- a common parlance and -- and, you know, almost a verb. I don't know if it was a noun or a verb at the time because I wasn't sure what it was.

But I soon found out that -- that young people were using Uber to avoid having to use the dreaded designated driver system, which had become ubiquitous in going out on -- you know, to various places, mostly on the east side. I live all the way out west, as far out west as you can get in -- in Coral Springs.

My experience with public transportation here in Broward County has been less than awesome. I'd be surprised if any of the Commissioners have ever been on a Broward County Transit. Perhaps maybe one or two. I've ridden Broward County Transit many, many times, and have found it to be completely inadequate. I have had awful experiences myself with broken down air conditioning system.

I've had terrible experiences using taxicabs in Broward County. I second the -- the comments of the -- the previous speaker.

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The one thing for driving for Uber for a couple weeks. I do it early in the morning before I go to work at my full-time job, and I do it sometimes after work and on weekends the last few weekends. And it's been very interesting. And you hear over and over and over again, oh, I'm so happy to be in an Uber or Lyft. Your car is clean. The air conditioning works. You're friendly. You're not wasting time. You can understand me. All right? No, there's no baloney, there's no baloney about -- about people claiming that their credit card machines aren't working. I asked my daughter about that. Over and over and over again. All right?

I used Uber up in New York two times in the last four months I've been there, and what I found was taxicab drivers are leaving the hack business and going to work for Uber and Lyft, because their customers are friendlier, they're happy to be in Uber and Lyft cars, and they're tired of driving around in 15, 20 year old cars with inadequate air conditioning when it's 95 degrees out.

Uber is a social service. It is helpful. I'm giving ride to single mothers for a third of the price that taxicabs can do it and allowing people to live reasonable and dignified lives.

Thank you.

MAYOR RYAN: Next speaker is Paul Regan, followed by Michael Diaz-Garcia, followed by Ira Wernikoff.

Paul Regan?

Michael Diaz-Garcia?

Ira Wernikoff?

Andy Louisserzi, no, Andre Louisserzi from Sunrise, come forward, followed by Andrew -- no, excuse me followed by Robert Larson, followed by Jacques Tellus.

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MR. LOUISSEZ: Good afternoon, everyone.

MAYOR RYAN: You're Andry?

MR. LOUISSEZ: Yes, my name is Andre. I come from Haiti.

(VICE MAYOR KIAR LEFT THE ROOM.)

MR. LOUISSEZ: So I'm coming here for a living. I'm working hard. And then I'm coming to speak for all of the driver, taxi. So I'm glad to be here.

So I'm just want everything's going to be all right. Everybody want food. Everybody have a family.

(COMMISSIONER HOLNESS LEFT THE ROOM.)

MR. LOUISSEZ: So I don't care about Uber. I don't care about whatever.

So I want you make sure take care of everything all right.

Thank you very much.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Our next speaker -- our next speaker is Robert Larson, followed by Jacques Tellus, followed by David Kramer.

Your name, sir?

MR. LARSON: Hi. My name is Robert Larson and I live in Downtown Fort Lauderdale. I'm a board member at the Flagler Village Civic Association where we're designing a urban pedestrian sustainable neighborhood right here in downtown Broward County, if you will.

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I don't own a car. I get around via bicycle, Uber, and I have a car from a neighbor if I pitch in every monthly basis. So that's a -- a new kind of urban sustainable lifestyle.

I think what I've been hearing -- I learned a lot living here -- staying here the last few hours. I've been here for four hours.

First of all, I hear people afraid about losing their businesses and jobs. Well, guess what? I lost a business to a larger competitor that had better technology and a better business model. I didn't cry about it. I got back to work and found a better business model for myself.

And what I'm hearing is that their business model is broken because of the regulations. The man from -- from Yellow Cab said he had to write a hundred thousand dollar check due to new regulations. So, I -- you know, there's a lot of things. And I got here -- I actually walked in when you said how convoluted and crazy things were with that port -- or the airport deal.

Well, this is also kind of crazy and convoluted in that, you know, you've got the taxi guy says they can't -- they can't compete because of insurance and all this maintenance that you're throwing on them and then, you know, they don't want -- you know, and we all know how, you know, corrupt transportation, garbage collection. These are like standard corrupt industries in our country. So, you know, it's like are we here to protect Mr. Gaddis? Are we here to protect a few fat cats because -- for -- you know, hiring people to go around and drive under - - you know, with poor wages in taxis? I mean, what are we really trying to do here, you know?

I think the people in Broward County have spoken that they want Uber. I just checked. It's like 38,000 people signed the petition. So it's -- it's here to stay. It's like Airbnb. We'd be up here talking about Airbnb, you know. It's like if somebody can make money with an asset, why not let them?

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(VICE MAYOR KIAR RETURNED TO THE ROOM.)

MR. LARSON: Yeah, get the insurance straightened out, but -- but as far as old legacy businesses dying off, guess what, they're happening all over the world and billions are being shifted to new economies.

Thank you.

MAYOR RYAN: Thank you.

Next speaker is Jacques Tellus, followed by David Kramer, followed by Antoine Jean Simon.

MR. TELLUS: Good afternoon, City Commissioner.

My name is Jacques Tellus. I drive for Yellow Cab. I hear about a lot of (inaudible) about rider Uber.

(MAYOR RYAN LEFT THE ROOM.)

MR. TELLUS: But sometime, you know, I can even say no. But so we are (inaudible) driver in the Yellow Cab. They doing good. They clean. And so Yellow Cab got a good system right now. But so I heard it say you late, but so it's not. Sometime they send me for the customer --

UNIDENTIFIED SPEAKER: You may have to (inaudible).

MR. TELLUS: -- I went there before they (inaudible) because so I'm coming, everybody, all the driver at Yellow Cab coming quickly. They got a good system. They got a good GPS inside the Yellow Cab.

But so I'm drive for Yellow Cab, but so I drive for Broward County for 16 years. That's my (inaudible) but so my kids, I'm talking to my kids since -- since they born. They're -- they're supposed to follow the law. (Inaudible) we go to the

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store, you're supposed to have money. You're not supposed to steal nothing.

But so my point, I want the City Commissioner to understand about that, the law. The law is the law. I can buy ten cars -- I can buy ten car to make on the street, too, (inaudible) insurance (inaudible), too. I can do same thing Uber do. I can put me on a website. I hire -- hire ten driver to be -- to be operate on the - - on the street. What's about the plan? Did you know the insurance Uber? Did you know how Uber doing? But so I think we were pushing for the Uber. The City Commissioner nice to Uber, because I come in everyday, I come in all the time. I'm tired of coming over there.

But so my point, I (inaudible) my other license since 16 years to the City Commissioner refund my money. I'm quit for the taxi driver if you don't do something today.

Thank you very much.

VICE MAYOR KIAR: Our last two speakers are David H. Kramer, and then Antoine Jean Simon.

(Inaudible.) Barbara, (inaudible).

MR. KRAMER: Commissioners, thank you very much.

Today is about an ordinance that you've passed and how the TNCs have been ignoring that ordinance and not following it.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. KRAMER: And I congratulate Commissioner Wexler for bringing this motion forward.

I do support the enforcement of that ordinance.

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I have five Broward County taxi permits personally, and represent Middle River Enterprise who has 23 Broward County taxi permits.

Just recently, as Mr. Camillo talked about B and L Service, I personally, from this pocket, paid a thousand dollars to renew my permits to Broward County for one year, and for Middle River Enterprise, \$4,600. That's not counting drivers' fees, inspection fees, mechanics' fees, all of those other fees.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. KRAMER: That's the rules that we comply with.

We're heard a lot of discussions today about private sector funding of infrastructure, things like building at airports, complying with laws, talking about marijuana, and other issues.

The legal stakeholders in this issue are simply asking for a level playing field. And you attempted to do that with this ordinance and it's just being totally disregarded.

Like the speaker about the problem with beggars and the congestion that they're causing on street corners, Uber doesn't use football helmets to do it; they use smart phones.

And speaking of smart phones, I just want to read something to you.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. KRAMER: With the remainder of my time, I'm going to go to the Uber app. I'm going to go to their about, I'm going to go to their legal, I'm going to go to their terms and conditions, and I'm going to go down to where it says -- come on-- the service is available for use by persons -- excuse me -- the service is not available for use by persons under the age of 18. You -- you cannot authorize your account to be used by other persons or providers. You -- meaning the

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customer -- you agree to comply with all the laws.

They put the burden on the customer to do that. They don't do that.

Thank you for your time.

(MAYOR RYAN RETURNED TO THE ROOM.)

MAYOR RYAN: Thank you, sir.

Last speaker is Antoine Jean Simon.

MR. SIMON: Good evening. My name Antoine Jean Simon. Thank you for the opportunity you give me to -- to speak.

And then, first, I don't speak so much English. I think somebody could understand me if you follow the -- when I'm talking.

I come in with a question. Who make the law in -- in the Broward County?

The second one, who -- who is there to enforce the law in Broward County?

You got -- you -- I come (inaudible) four time. Everybody talking about one thing. About Uber. Uber, he don't have no license, no permit --

UNIDENTIFIED SPEAKER: That's the last one.

MR. SIMON: -- no insurance. Okay. The law say if any -- anybody want to open a business --

UNIDENTIFIED SPEAKER: All right. All right. (Inaudible.)

MR. SIMON: -- any -- anywhere in the United States, you got to have --

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UNIDENTIFIED SPEAKER: Robert Kramer.

MR. SIMON: -- license. You got to have the permit. Plus your business supposed to be inspected before you open the door.

If you don't have a license, you're not allowed to open the business. Even a (inaudible) you want sell in the (inaudible), you've got to have the permit to sell it.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. SIMON: If police officer find anybody sell something you don't have the permit, he arrest you. He enforce the law. Who has that -- who has got to pass the law to the police to enforce this law to Uber. Uber is supposed to be in jail.

(Laughter.)

MR. SIMON: All the driver drive for Uber -- to Uber supposed to be in jail. They don't have no permit, no nothing.

(Laughter.)

MR. SIMON: Please, help the cab driver. I drive cab for 26 years in Broward County. I know the law to drive in that business.

MAYOR RYAN: Thank you, sir. Your time has expired.

MR. SIMON: Thank you.

MAYOR RYAN: All right. We're going to go bring it back to discussion by the members. Commissioner Bogen, you're recognized.

(COMMISSIONER RITTER LEFT THE ROOM.)

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COMMISSIONER BOGEN: Uber announced today that they're stopping operations at the airport and the port, and -- and I think that anybody can say that that's a -- that's a great good-faith effort. But you know tomorrow and next week they could turn it right back on and start operating.

And I'm listening to Lorraine Wilde. She's paying \$50,000 a month. John Camillo is paying money. And we've got no revenue unless we go and do our stings and ticket them. It's nothing.

But I'm all about money, and I --

MAYOR RYAN: I wouldn't say that.

COMMISSIONER BOGEN: No, no. Hear me out. I -- I want to -- Uber says they're -- Mr. Moskowitz says he's trying to work things out now that he's brought in. And I'd like him to put his money where his mouth is.

And I want to suggest an idea that I have. Here is the idea. We give the County Attorney, just like Commissioner Wexler said, we give her the authority to seek action. But, as -- as the County Attorney will opine that, you know --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER BOGEN: -- it's not going to be easy. Any legal action will take along time. So what we ask Uber to do, maybe they'll come up and address this, is Uber puts up a letter guaranteeing \$250,000 that if one Uber driver is caught on the airport picking up, or if one Uber driver's caught on the port picking up, that would be a liquidated damage for the County.

That way tomorrow, when we leave here, they -- they want to turn it on and we do some stings, we got 250 grand and you still have the authority to go after them.

I -- I would like to call up Mr. Moskowitz. Come on up, Mike.

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COMMISSIONER WEXLER: How about Kas -- Kasra?

COMMISSIONER BOGEN: Kasra?

UNIDENTIFIED SPEAKER: Yeah.

MAYOR RYAN: Yeah, he's the one who would agree.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER BOGEN: Mr. Moskowitz, you said now that you're trying to work out now something in just a short period of time, and, Kasra, you -- you've said you're not operating.

(COMMISSIONER RITTER RETURNED TO THE ROOM.)

COMMISSIONER BOGEN: You guys willing to put your money where your mouth is?

MR. MOSKOWITZ: I'm -- I only -- I'm short 5,000 on the 250.

(Laughter.)

COMMISSIONER BOGEN: Come on. Come on, you guys are a -- you know, you're a \$40,000,000,000 company, whatever you are. Are you willing -- I -- I would love you to -- I would like to tell -- so are you willing to put up a -- a letter, a commitment letter where it would be guaranteed by your corporation, or a letter of credit, that if one driver is found picking up with the app on in either place during the next summer months, then we keep the money and then we can go pursue legal action. Would you be willing to do that?

MR. MOSHKANI: Commissioner, do you mind if I take a minute to confer with my colleagues --

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COMMISSIONER BOGEN: Sure.

MR. MOSHKANI: -- on that? Okay.

MAYOR RYAN: All right. In the meantime there was one person that signed up that was -- was not recognized. Albert Grant, please come up.

Sir, you've got two minutes.

MR. GRANT: Good evening, and thank you, Mr. Mayor and County Commissioners.

I'm Albert Grant, a citizen of this great nation, this land of opportunity where you can still dream, and dreams can still become a reality.

Just a bit on my background. I've served on committees at the South Broward Board of Realtors, on committees at the Miramar-Pembroke Pines Chamber of Commerce, on Sunshine Kids Foundation, which is a foundation for kids with cancer. And I've also served on the board of directors of my alma mater, which is Colbourne College Alumni Association, the South Florida Chapter. Colbourne College is in Jamaica.

Now, today I'm here to serve on my committee. I'm here today not to speak against any transportation authority, but to speak on behalf of Uber as an alternative means of people getting from Point A to Point B.

I'll simplify it just like this. Business and commerce is simply about supply and demand. There's demand on one side, supply on the other side. On the side of demand is the consumers, the people of Broward. On the other side is the supply and the suppliers who supplies products and services such as Uber providing a means, again, of people getting from Point A to Point B.

When the two sides come together, revenue is generated. Revenue in the hands of the people is a lifeline of any society, like blood to your body. By default, the economy improves when you provide products and services that is

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essential to consumers' wants and needs. That's the simplest way I can put that.

We are a consumer- and a market-driven society. We are America.

But today the American dream of entrepreneurship is under attack. The defining question in this free society in this United States of America in this situation today is when there is a demand to be filled and a supply -- when there's a demand to be filled and the supply is provided to fill that demand, does this product or service add to or take away from the American dream of entrepreneurship?

MAYOR RYAN: Mr. Grant, your time is expired.

We're questioning to go back to the Commission.

Commissioner LaMarca, you're recognized.

MAYOR RYAN: Commissioner Bogen --

MR. GRANT: Thank you.

MAYOR RYAN: -- we're -- we're waiting for a response.

UNIDENTIFIED SPEAKER: Oh, wait.

MAYOR RYAN: Okay. Do you have it?

MR. MOSKOWITZ: Yes, Mayor and Commissioner Bogen. And Kasra, who is the corporate representative, is standing next to me.

Uber is willing to enter into a written agreement with the County whereby in the event Uber turns the app back on, in the event Uber drivers pick up people at the port or the seaport, Uber will agree to a liquidated damage penalty of

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\$250,000, which is the number Commissioner Bogen suggested.

What we would like and we would request that the County consider is that while the County Attorney may be given the, quote, authority to act, we would ask that that authority, that the actual filing of anything, be deferred for some period of time -- we can talk about what that is -- for some period of time in order to then also allow us to follow up on what I said we intend to do in good faith when I stood up here at the podium, which is meet with County staff, meet with County Legal, meet with BCAD, meet with Mrs. Henry's people and try to work on these issues, so that after the summer break we can bring something back to the -- this Commission that you would think about, possibly act on, hopefully pass --

UNIDENTIFIED SPEAKER: Hold on.

MR. MOSKOWITZ: -- which will resolve the issue.

UNIDENTIFIED SPEAKER: Hold on a second.

COMMISSIONER BOGEN: Can I ask the County Attorney, let's talk about the legal options, if you took legal options, if we went for -- let's start with -- everyone is talking about injunctive relief. Would you agree -- as a -- as an attorney, I'm -- I've been arguing for injunctive relief many times for clients. I know it's very difficult.

Would you think that it would be an easy process, difficult, how long it would take?

MS. ARMSTRONG COFFEY: Well, as much for the sake of the public who've spoken here today as the members of the Board, we need to be aware that the burden is on the County.

That said, this Board has really, upon our advice, very methodically and very thoughtfully created a regulatory framework that allows us to seek that relief if

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the TNCs do not comply with the regulation.

It's not automatic, though. It's something where the burden falls on the County and it may not be a fast process.

COMMISSIONER BOGEN: How about other actions? Would be suing for damages?

MS. ARMSTRONG COFFEY: Probably not, unless we -- not if there's no access to the proprietary properties of the County like the airport and the seaport. We may seek damages if -- if they continue to access the airport and seaport.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER BOGEN: I -- I think if they're willing to put up a letter -- if we give our attorney the authority to act and they're willing to put up some letter of guarantee of that significant amount, that if one passenger is found to be picked up at the airport or the seaport within a certain time frame, it's a liquidated damage to the County, because there's no way that we're getting that kind of money, based on what you're saying, from any legal action, I think it's -- you know, I -- I would consider -- you know, I don't know if Commissioner Wexler would consider that as an amendment to --

COMMISSIONER WEXLER: Let me ask you, because you're an esteemed legal counsel sitting up here also, Commissioner Bogen. I heard what he said and it wasn't a complete -- it wasn't complete at all, not (inaudible).

MAYOR RYAN: No, it has certain conditions.

But before we do this, Commissioner Bogen has the floor. Commissioner Bogen has the floor, and after Commissioner Bogen, we have Commissioner LaMarca, Commissioner Sharief --

COMMISSIONER WEXLER: Well, he's asking --

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MAYOR RYAN: -- Commissioner Furr, Commissioner Holness, Vice Mayor Kiar, and do you want to speak --

COMMISSIONER WEXLER: -- yeah, but he's asking me a question, if I would accept that as --

COMMISSIONER BOGEN: What -- what I would like to make a motion if they are willing to put up a letter of guarantee within two weeks, if it's longer than two weeks, then it wouldn't matter anyway, that if Uber provides a letter within two weeks to the County of guarantee of \$250,000 as liquidated damage, including attorneys' fees and costs if we had to pursue that, that if one passenger is picked up at the airport or seaport --

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER BOGEN: -- with the app on --

UNIDENTIFIED SPEAKER: Or dropped off.

COMMISSIONER BOGEN: -- no, you -- you can't --

UNIDENTIFIED SPEAKER: Or dropped off.

COMMISSIONER BOGEN: -- do -- because they could pick up in Miami. A taxi could pick up in Miami and drop off in Lauderdale.

UNIDENTIFIED SPEAKER: They shouldn't be in our airport.

COMMISSIONER WEXLER: They shouldn't be in our airport.

UNIDENTIFIED SPEAKER: They shouldn't be in our airport at all.

COMMISSIONER WEXLER: That's the point.

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UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER BOGEN: Okay. Well, all I'm trying to do is, right now, in -- in the past eight months, we've had no control. We've had no control except ticketing them. We've had nothing. We have no teeth and nothing. We've had no teeth in giving some drivers some tickets.

COMMISSIONER WEXLER: (Inaudible.)

COMMISSIONER BOGEN: Excuse me, Commissioner Wexler, we have -- we have -- we have absolutely no teeth, and all we've been doing is giving out tickets.

Here we've got corporate on the line that's willing to put up a sizable amount of money that we could determine what those -- maybe you could help out here and determine what that is, but still giving the County the authority to move forward, but now we've got some -- now we've got some teeth. All right.

MAYOR RYAN: Do you want to go -- you want to go ahead and -- and go through the speakers and then -- and then present your motion?

All right. Commissioner LaMarca.

COMMISSIONER LAMARCA: Thank you, Mayor.

Commissioner Bogen, I think what you've gotten them to agree to doesn't alleviate some of the -- some of the folks that spoke out against, doesn't alleviate the owners of the other companies or their -- or their lobbyists of their positions, but it makes a lot of sense.

So I did get an e-mail and -- notice that they were suspending operations at the airport and the seaport as far as picking up.

Now, it's -- it's been every one of my conversations with the folks from the rides for hire industry, being taxicabs or anything else, that their business was at Fort

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Lauderdale-Hollywood International Airport and Port Everglades. So to now say that you can't -- that not picking up there is not the -- the only thing, it's also dropping off there.

If I was picked up in Lighthouse Point and dropped off at the airport and I was never going to call another mode of transportation, that person was never going to have my business, or that company.

So I don't see how that -- how -- how what Commissioner Wexler is saying versus what you are, how that causes us any -- any damage or even those -- those other companies.

We had -- we've had some speakers here, which I wish we could just replay the tape every three weeks, but we finally got Lyft here, we got the taxicabs, we got the limos, and Uber, all in one room. So I -- I guess that's the -- that's our success for finally having enough of these meetings.

But with -- with regard to some of the things that were said, causing irreparable harm at the -- at the airport and the seaport. Well, if they're not picking up there, I don't know how that could be the case.

I would say that we've had some folks on both sides. I'm going to be brief because I know we all -- we're all tired. But there's a couple of folks that kind of come and -- and don't do -- do their -- their causes any good.

Mr. Kamal, I almost feel like every time somebody comes up and says, well, somebody was hit with a hammer, beat in the head, or raped in a Uber, that we need to have the same conversation about Mr. Rafael. And I don't want to do that to Mr. Camillo, but the fact is there is a bad element in -- in every -- every group of our society. And if you want to quote bad things in one group, you've got to do it to the other.

A lot of good businesses here. Mr. Bonner happens to be one of them, and some other folks, who do a great job. And -- and we've always been trying to

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get to this point where we have Uber, TNCs, Lyft, other ones, get to the point where their company is legal.

And I -- I'm frustrated in that I've got residents, constituents, people that I know that have called me up and said I went through all the process. I got my fingerprints. I got my background check done. I went and got my car inspected. And I did all these things and I went to Broward County, because I've been out to Gov West a couple times, and there's a -- a litany of -- a long list of folks that are -- that are registering to become rides for hire drivers.

And, unfortunately, until the company registers, this equation is just not going to work. Until the company, the TNC, whoever it is, if it's Lyft or Uber or anybody else, until the company registers, these folks who are residents and people in our communities are not going to be legal as drivers. And there's just no way around that, along with the insurance.

And, you know, we did what we were -- we were -- we were asked to do, really, and that's to follow state law, and, unfortunately, the legislature decided to go home and then when they came back they didn't take up the issue.

But, you know, we're on the hook for this. We want folks to follow the law and we put a law in place.

I'm going to be on the side of supporting what Commissioner Bogen put forward.

Shy of that, I'm not supporting -- you know, this process, we're -- we're not done. I -- I understand if I was on one side of the equation or the other, I'd have my perspective, but we're not done with the process of making them register.

The -- the airport issue has taken a lot longer than even I can -- I can say that I -- I -- I was hoping it would take.

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I don't know how Palm Beach is doing it. They still have a temporary operating agreement. I haven't read any -- read any headlines from Palm Beach. A lot of same cab companies -- I know Mr. Rosayn works -- Rosayn in Palm Beach as well. I haven't heard the issues there. I don't know what their temporary operating agreement has accomplished, but certainly it hasn't -- it hasn't caused the -- the situation here.

So when it comes time to it, I -- I'd like to support what Commissioner Bogen has put forward, as long as we have the legal teeth in that document and some type of binding letter where our County Attorney is comfortable with it.

MAYOR RYAN: Commissioner Sharief.

COMMISSIONER SHARIEF: First of all, Mayor, can I ask Ms. Henry to have Mr. Vialpando or someone from his department come up and answer a question for me?

MAYOR RYAN: Lenny, come on down.

COMMISSIONER SHARIEF: I -- I don't know if he's still -- oh, he's --

MAYOR RYAN: He's here.

COMMISSIONER SHARIEF: -- here.

MAYOR RYAN: He's here.

MS. HENRY: He's here.

COMMISSIONER RITTER: He's not going anywhere.

MAYOR RYAN: He wasn't allowed to leave. Okay.

COMMISSIONER SHARIEF: Hi, Mr. Vialpando.

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In -- in -- in your dealings with Uber, have they shown up and been willing participants to negotiating a deal with the -- with Broward County? Because my understanding is that prior to our last meeting, where we had the fines on the agenda, that they had not shown up or made any good-faith effort to negotiate.

MR. VIALPANDO: From April 28th, when the Board passed the ordinance, until last night, I had not heard from Uber. But they did reach out last night and ask for a meeting and I do have a meeting with them tomorrow at 2:00.

COMMISSIONER SHARIEF: Okay. Thank you.

And -- and would you -- would you say that in -- now, I -- I heard someone say today that for two years they've been breaking the law driving for Uber, and the County has only been in negotiations for I guess about a year now.

So are you aware that for two years Uber has been operating illegally in Broward County?

MR. VIALPANDO: They announced to us, I believe it was August 6th, that they were going to commence operations in Broward County on August 7th of 2014. So that's my earliest --

COMMISSIONER SHARIEF: Right.

MR. VIALPANDO: -- knowledge of them operating in the County.

COMMISSIONER SHARIEF: Okay. But they've had people come up here and testify that they've been driving for a year and a half and two years in Broward County.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: Did I ask for your comment? Thank you.

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There's -- another gentleman said he's been driving for five months, 3,000 miles, 3,000 illegal miles here in Broward County.

And from my recollection, we've asked Uber to come to the table and to agree to register their drivers, and they have not, right? They have not agreed to register their drivers.

MR. VIALPANDO: They have not obtained a TNC license from the County, and they have not come in and complied with the TNC requirements, no.

COMMISSIONER SHARIEF: Okay. So at this point in time, Commissioner Bogen, I would have been inclined to support your motion had Uber shown good faith in negotiating previously. But, based on their past history, I believe that you could be waiting for your third term to end before you see that letter.

(Laughter.)

COMMISSIONER SHARIEF: And, based on the fact that they have not been forthcoming and they have not been truthful with us, I think that it is -- is -- is really telling when you have a meeting and you say we want to negotiate with Uber and then Uber gets on the TV afterwards and say we have no intention of complying at all with any of the regulations that the County Commission has imposed, and then do not show up for three and a half months, and then all of a sudden hires a new attorney and says, oh, we want to work.

This is all about buying time and about playing games. And -- and that time has run off for me.

So I'm not interested in having another two-week delay.

If Uber does not give you that letter tomorrow, I want to move forward with injunctive relief.

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I am sick and tired of them playing games with us. I -- I want to send a clear message to Uber and Lyft and anybody else who comes to Broward County that wants to operate illegally that we have laws and rules and regulations that you need to abide by for the safety of our passengers and -- and of the people in Broward County, as well as the tourists that you say want to use your services.

And, as far as I'm concerned, competition is fine, but compliance is even better. It costs you less to comply than it does for you to continue to break our laws and to thumb your noses at us.

And, as far as I'm concerned, I -- I think you're going -- you may have gray hair before you get that. You will be gone before you get that letter from Uber --

MAYOR RYAN: Only his --

COMMISSIONER SHARIEF: -- Commissioner Bogen.

MAYOR RYAN: -- hairdresser will know for sure.

(Laughter.)

COMMISSIONER SHARIEF: So --

MAYOR RYAN: All right. Commissioner Furr.

COMMISSIONER SHARIEF: -- there.

COMMISSIONER BOGEN: Hey, Tim, can I just add one thing? You know, one thing to Commissioner Sharief, why don't we ask Uber if they'll -- if they don't provide that letter within two weeks -- listen to me -- they will stipulate to injunctive relief?

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER BOGEN: Commissioner Sharief, we would be given a gift if they stipulated. We wouldn't have to fight in court.

COMMISSIONER SHARIEF: I don't want (inaudible).

COMMISSIONER BOGEN: I'm just telling you that -- you can ask the County Attorney what that idea -- please ask the County Attorney.

MAYOR RYAN: All right. We're -- we're going to come back to your motion after the members have spoken.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Commissioner Furr --

COMMISSIONER FURR: Thank you.

MAYOR RYAN: -- you've got the floor.

COMMISSIONER FURR: Well, that actually speaks to what I want -- what I want to hear as well.

I actually want a date. I want to hear a date that they're going to actually get their license and come and get their license.

And I don't know if Mr. Moskowitz is still here. Or Kasra.

UNIDENTIFIED SPEAKER: He's here.

COMMISSIONER FURR: I'm sure they are. That -- that -- that is actually --

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER FURR: -- what I'm looking for -- thank you for being here. I appreciate it.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: He's paying for his grandchildren's tuition through --

COMMISSIONER FURR: (Inaudible) get paid by the hour.

MAYOR RYAN: -- university level --

COMMISSIONER FURR: (Inaudible) --

MAYOR RYAN: -- today.

COMMISSIONER FURR: -- couldn't be better.

(Laughter.)

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER FURR: One of the most important things for -- for me to hear is when you're going to get the -- the TNC license. And that needs to happen, because the other parts, I agree with Commissioner LaMarca, a lot of things are taken -- or can't fall into place until that happens.

And -- and the reality is some of our mechanisms aren't in place, things that -- trying to get -- trying to get the registrations, different -- there's a -- a couple things that aren't there yet.

And -- but the one thing that should be there is -- more than anything, is their application for a license. There's no excuse for not having that.

I've got -- I -- I had a list here of five things that they're -- you know, they're

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saying, and I've -- and I've talked with Samantha about the (inaudible), whatever you call it, and -- what is it?

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER FURR: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER FURR: I know, I know. (Inaudible.) I figured Stacy would like that one.

But they had five -- five particular things that they're having -- they're having problems getting to.

One is the level one background checks.

The other -- the second is the removal of a requirement to have a list of driver vehicles and VIN numbers listed on their insurance policy certificate.

Third is the 90 -- they're trying to get a 90 -- 90-day buffer between the time the drivers can be on boarded and the time a driver must be register as a chauffeur.

They're concerned -- they would like the removal of a geography exam. Is there a geography exam right now for taxis?

COMMISSIONER WEXLER: Kind of.

COMMISSIONER FURR: Kind of?

UNIDENTIFIED SPEAKER: (Inaudible.)

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COMMISSIONER WEXLER: It's a (inaudible) exam.

COMMISSIONER FURR: Must be. Okay. Even though I'm -- I'm surprised with -- with GPS.

UNIDENTIFIED SPEAKER: GPS.

COMMISSIONER FURR: I'm surprised.

COMMISSIONER WEXLER: Which way is the ocean, which way --

COMMISSIONER FURR: I mean --

COMMISSIONER WEXLER: -- is the Everglades?

COMMISSIONER FURR: Okay. Yeah.

MAYOR RYAN: Which way do I go?

COMMISSIONER FURR: Right.

(Laughter.)

COMMISSIONER FURR: Okay. Which way do I go?

But I -- I'm not -- I would rather hear them say now when they're going to get that TNC license. And I'm -- I would like to hear from Kasra and from Mr. Moskowitz, because that -- that -- until that happens, other things can't fall into place. We -- I -- I would like to hear a date.

MR. MOSHKANI: Sure. Commissioner, so one of the things I want to make clear is that what's written in the ordinance today, there are a number of things in there that weren't actually voted on. I'll give you very specific example.

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The way that the ordinance is written, it requires us to have insurance that complies with state law, which is fine. However, there's an additional condition that says in order to obtain a TNC license, we need to, as a TNC present a certificate of insurance that includes on it the VIN number and name of every single driver on the platform on that certificate. And that's not how ride sharing insurance works. We don't have the ability to get our insurance company to include that information on a certificate.

COMMISSIONER FURR: So how do you plan --

MR. MOSHKANI: So -- so --

COMMISSIONER FURR: -- how do you -- for our sake, how do you plan on overcoming that?

MR. MOSHKANI: I'm sorry?

COMMISSIONER FURR: How do you -- how do you plan on overcoming that?

MR. MOSHKANI: So what -- what we'd like to do, which is what Mr. Moskowitz mentioned, is work with County staff over the next couple of weeks, someone who is empowered to work through these details with us, because, again, these are things that we haven't discussed with you all in the past, and we'd like to be at the table and work through those things.

And, you know, these are -- these are -- that insurance issue, you know, it's a technicality, but it's important and it prevents us from being able to apply for a TNC license.

COMMISSIONER FURR: I still don't hear how you can overcome it, given the state law

Mr. Moskowitz, do you have an idea on that?

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MR. MOSKOWITZ: I -- I do --

COMMISSIONER FURR: Okay.

MR. MOSKOWITZ: -- Commissioner, to better answer your question.

COMMISSIONER FURR: All right.

MR. MOSKOWITZ: State law requires that every vehicle be insured to a minimum, I don't know if it's 10, 20, I'm not --

COMMISSIONER FURR: Okay.

MR. MOSKOWITZ: -- the specific on that, but that every vehicle be insured up to a certain minimum amount.

And Uber is currently working on a -- on obtaining a insurance coverage that will ensure that every vehicle that drives for Uber, when they're driving for Uber, will have that insurance.

We're currently working on that solution. We're not prepared to present that today. We don't have the specifics, but we are very close to achieving that solution.

But we will be in compliance with state law if we obtain that.

What we will not be in compliance with is your ordinance, because your ordinance says you have to be in compliance with state law and have a certificate that lists -- that lists --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MOSKOWITZ: -- VIN number, every driver, et cetera. That's something we can't do.

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So we -- we -- we are fairly confident we can comply with state law, but not that provision of the ordinance, and I think that's what my client is referring to.

COMMISSIONER FURR: Okay. Is there -- is there a way where you -- where the -- you can apply as a TNC without that -- without that part? Is there a -- and I'm asking Lenny or I'm asking staff.

MR. MOSKOWITZ: I think Lenny would be in a better position to respond --

COMMISSIONER FURR: Okay.

UNIDENTIFIED SPEAKER: -- to that --

COMMISSIONER FURR: Lenny, is there a way --

UNIDENTIFIED SPEAKER: -- than we would.

COMMISSIONER FURR: -- for them to actually apply for their TNC now, given that -- given that technicality?

MR. VIALPANDO: Yes. Basically --

UNIDENTIFIED SPEAKER: Yes.

MR. VIALPANDO: -- we do that all the time. Many applications are submitted and the fees are paid, and then we do a review and we let people know what the deficiencies are, and then we can work with them on how they can overcome those deficiencies.

So they could have applied anytime between April 28th and now, or tomorrow, and they could make that application, and if there was some issue that they had a hurdle with, then they could meet with us and the County Attorney's Office and we would work through those issues with them to find a way to be able to

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get them licensed.

That's what we do, and what's what we're here for, is try to help people obtain licenses and permits. And we would be happy to do that.

COMMISSIONER FURR: Thank you.

Would you all do that?

MR. MOSKOWITZ: I guess when we meet with Lenny tomorrow, that's one of the first things we'll explore --

UNIDENTIFIED SPEAKER: Oh.

MR. MOSKOWITZ: -- is the ability to -- to -- to accomplish that.

I'm a little confused, and I'm playing lawyer here, and that is the deficiency or the inability to comply with the ordinance that requires something. So I'm not sure how to cure that deficiency. We're happy to work with County Legal, but --

COMMISSIONER FURR: The -- the --

MR. MOSKOWITZ: -- how do you cure a deficiency if you're not going to do it? In other words, if the ordinance requires you to do something and you can't do it when you apply, you then have to cure it by doing it. That's normally the process as I understand it. If I'm wrong, you know, someone will correct me.

The only way to accomplish that is -- and I'm not speaking for the majority of this Commission -- is that if we can work through a process where we can minimize the number of requested changes that we would ask to your ordinance -- and I use the word "minimize" because you're not going to consider a wholesale after you've done this already. But if there are a few items, three to five items, as you mentioned, Commissioner, and we bring that back and that's the solution, then at least that's something for you to consider.

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You know, if that -- if that's the solution and it's acceptable to the County, because it still provides the County with a sound regulatory scheme, then it -- then, you know, you can think about that as a -- as a good business solution.

UNIDENTIFIED SPEAKER: (Inaudible) registration.

COMMISSIONER FURR: Okay. Let me ask Kasra another question. Kasra, have you -- have you been in touch with Kent George since the 28th, April 28th?

MR. MOSHKANI: I -- I've been in Kent George and cc'd all of you on those conversations.

COMMISSIONER FURR: Okay. But what -- where -- where does that stand now?

MR. MOSHKANI: So Kent George asked for us to basically go through the insurance process before he would sit down with us. And we've sent over the insurance certificate to Mr. Burkholder and are -- are waiting to hear back.

COMMISSIONER FURR: The insurance -- the -- which insurance certificate?

MR. MOSHKANI: So it's the -- the James River insurance policy, which we believe in -- is in compliance with state law. We -- we put that in front of him and are waiting to hear back. And we're committed to working through, you know, any insurance issue to make sure that we're compliant with state law and the -- and that Mr. Burkholder's office agrees.

COMMISSIONER FURR: But -- but you -- but I think it -- hasn't it already been somewhat established that that insurance certificate is not going to satisfy this ordinance?

MR. MOSHKANI: You know, I -- I think that Mr. --

COMMISSIONER FURR: (Inaudible.)

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MS. ARMSTRONG COFFEY: I think the concern with James River is that it's a surplus lines insurer and doesn't enjoy the guarantee benefits that authorized representatives have.

And so I'm not sure we've heard from the TNCs as to whether they are complying with the Department of Motor Vehicle's requirements.

James River is -- is an authorized insurance company, but whether the insurance they provide as a surplus lines carrier is sufficient to meet the requirements of the Department of Motor Vehicles remains, so far as I can tell, unresolved.

We have not seen that it does comply.

MR. MOSHKANI: So we haven't -- we haven't put our insurance in front of Mr. Burkholder since the ordinance was passed. We have done so at this point and are waiting to hear back on that.

If we do hear back that -- you know, that he opines that that insurance is not sufficient for it to meet state law, we will find another solution. And as --

COMMISSIONER FURR: Okay.

MR. MOSHKANI: -- Mr. Moskowitz mentioned, we're working down that path already.

COMMISSIONER FURR: Okay. Lenny, what -- I just want to clarify something you were saying a minute ago. You were saying that people could not sign up yet for their TNC registration because the -- the TNC has a whole is not signed up, correct?

MR. VIALPANDO: Right. There's two parts. There's the chauffeur registration which the chauffeurs can apply for now, but when they want to assign their vehicle a decal in order to be able to operate on the roads, the insurance actually comes from Uber.

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So the only way for us to, you know, authorize them to operate is if they're insured, and in -- we can't do that until Uber gets the license and meets the criteria so that they can be attached to Uber's license.

COMMISSIONER FURR: Okay. That's all for right now.

MAYOR RYAN: Commissioner Holness.

COMMISSIONER HOLNESS: It's time to take action.

Thank you, Commissioner Wexler. We've talked and we have talked and we have talked. And we have talked enough. It's time for action. It's time for us to -- to let these guys understand that don't thumb your -- your -- your -- your -- your -- your fingers at us. This is -- this is not about games. It seems like you intend on playing games.

It's time for us to act against these TNC, Uber and Lyft, who think that they can come in and break the laws, do what they want to do. We don't allow anyone to do that.

(COMMISSIONER SHARIEF LEFT THE ROOM.)

COMMISSIONER HOLNESS: If you -- if you're a barber, you get a license.

Everybody gets follow the rules. They are not willing to follow the rules, and that's because it takes money to follow the rules. They can charge less than the taxi and the limousine and everyone else because they're not complying with the rules.

The rules require insurance 24/7. The taxi operators have to pay that or else they can't operate. Everyone else has to.

The rules that you do background check and that your vehicles are inspected,

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the other transportation companies are following it. Why can't they?

What -- what, they're some special group that's above the -- the rules and the laws and the rest of the other folks have to follow it?

So I'm glad this is up. I -- I called for this earlier, because, you know, if you look at what we've done, we've bent over backwards to accommodate them. Okay? There is no -- nothing that says they have to provide any kind of transportation for disabled people. The taxis have to.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER HOLNESS: Surge pricing, they can charge whatever they want.

Unlimited number of cars.

And now we've done all of that, and we've worked over time, so many meetings here, to accommodate them, and they say, well, we're not going to pay attention to you.

Now that this is on the agenda, Commissioner Wexler, what happens? They show up and they're willing to talk.

For how much longer will they talk? They want to buy more time, because the longer they take to get in compliance, it's the less it's costing them and the more money they're making. They're not lose any -- anything at all.

And even their drivers are willing to comply, but they're not willing to because they don't want to comply.

And this thing about the insurance, it's another subterfuge.

UNIDENTIFIED SPEAKER: Right.

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COMMISSIONER HOLNESS: We're -- we're not going to do the insurance you want because it costs for you to provide that insurance. So we're going to come and buy some more time. And then how much longer?

It's been too long now. They've been operating here, according to them, officially, in another few weeks, one year. One year. How much money has they -- have they made over that time? How many of those people who are out there complying every day, how much have they lost? How much has been taken away from their families while they're complying with our rules and our regulations, agreeing to a set price, agreeing to all the restrictions that we put on them that limit their ability to make as much money as Uber is doing and Lyft? We've got -- we still have them on a restriction because they can't charge more than X dollars per -- per -- per mile. These other guys can charge whatever they want, whenever they want to set their price, however they want to set the price, there's no regulations on that.

So it's time for us -- no -- no more game -- playing games. Enough with the games. I'm -- I'm sorry, Commissioner Bogen, but, hey, this is -- this is beyond midnight. Their time -- time's over.

MAYOR RYAN: It's just 8:00 p.m.

COMMISSIONER HOLNESS: It feels like that. Been here all day.

But it's time for us to now really wake up and say, hey, we've given them enough room to do what they need to do. Let's make them comply.

The taxis are paying every time they go into the airport, every time they leave the airport. They're -- they're paying a fee. We're losing money there.

I haven't heard them says we're going to go ahead and make you whole for all the money we took out of the airport. I haven't heard that.

They were supposed to put geofence. Where is that? I haven't seen it. Have

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anyone here?

They were supposed to sign agreement with us that they're going to pay us. Where's the agreement? Not done.

I'm totally with you, Commissioner Wexler. It's time for us to make this happen to ensure that fairness and equity is done for all the people.

MAYOR RYAN: Vice Mayor Kiar.

VICE MAYOR KIAR: Thank you, Mr. Mayor.

You know, I have to say this has been one issue that's been incredibly frustrating to me from the beginning. And I think it's been frustrating to all of us for a number of reasons, especially -- and I think a lot of those have been espoused today.

I'll tell you my thoughts, and then I'll tell you my feeling about seeking injunctive relief and maybe a Dec Action.

(COMMISSIONER SHARIEF RETURNED TO THE ROOM.)

VICE MAYOR KIAR: You know, when I look at the ordinance that we prepared, I believe -- and we voted, I believe, on unanimously -- I think that was a very fair ordinance. We didn't regulate the amount of cars Uber could have on the road. We didn't say this is the amount you have to charge. We allowed them to operate within their business model

And there appeared to be a few issues that they had with it. One was the insurance issue, which has been brought up a whole lot today. And I believe what we passed was we said that they have to comply with whatever is required by state law. That's it. That's what we said.

We don't have the ability to allow them to do anything that state law -- that

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doesn't comply with state law. That's it. That's what we're working on, and I think hopefully we can resolve that issue.

The other issue I'm kind of surprised hasn't come up today is the fingerprints issue, because that was the other issue that Uber has been frustrated with.

COMMISSIONER LAMARCA: It just did.

VICE MAYOR KIAR: I guess it just did. But it has been brought up very little, and I have -- I didn't hear it from one Uber driver, though, by the way, when they came up. The folks I heard speak were concerned about the insurance issue.

Now, to me, the fingerprints issue doesn't seem that onerous. And it's frustrating to me, truthfully, that Uber has not wanted to comply with our ordinance because they don't want to have their drivers fingerprinted.

And it's not like the concern is that -- it's not the -- and the concern isn't that fingerprints take a while and nobody will be on the road. We actually -- I remember passing Commissioner Bogen's amendment that basically said that during that time period while we're waiting for fingerprints to come back, the drivers can drive.

So, to me, that seems to be something not onerous and something that I really hope Uber comes to the table on, because that's really a health and safety issue.

And it frustrates me that there are folks out there that try to claim that the County Commission is making it so onerous for a group to operate here when all we're asking for is that you have your drivers fingerprinted so that the person that gets in the car does not injure the person in the back.

With that said, I also do not support, even though I know it's very well intended, what Commissioner Wexler wants to do. I -- I don't -- I'm not -- I can't support that today because I guess the two things the County Attorney would do would

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either to be -- is to seek declaratory relief or injunctive relief, two very high standards that would likely take a significant amount of time and cost a significant amount of money.

So I don't believe that that is currently in the best interest of the County.

I do like Commissioner Bogen's idea, because I believe he came up with an idea that Uber agreed to, which basically puts them on the spot and says, hey, you have to put up 250 grand, it's a letter of intent, and you have to make a good faith effort now to comply with the County code, to work with the County, so that you can come in here and comply with our ordinance.

And so that's why I believe I'm going to support Commissioner Bogen's idea today. And I'm hopeful, over the next couple months while we're on break, that Uber and Lyft and the TNCs can sit down with the County and work this out, because, like I said, this is getting very frustrating, very annoying, and I would like to put this behind us so that we can all move on.

Thank you.

MAYOR RYAN: All right. I'm going to make a couple remarks and then here's where we're going to finish up.

So it's --

COMMISSIONER WEXLER: Are you going to come back to me?

MAYOR RYAN: Of course. Of course. I -- I'm going to explain how we're going to go through it.

All right. I'm going to make some comments, and then we have a motion by Commissioner Bogen, and you're going to close because this is your item.

All right. So sometimes when you talk for hours and hours, you kind of lose

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track of -- of what the big picture is.

In August, you know, Uber comes into town and they start operating without complying with the regulations that we have in our existing code.

We tighten up our code to make sure that it's very clear that transportation network companies have to be registered, vehicles have to be inspected, there has to be a -- an inspection, an evaluation of the driving record, and the criminal background check. And then you have to have insurance.

So Uber, in the very beginning, said to me, and I'm sure they said it to all of you, that what they really could not negotiate away is they wanted to have unlimited drivers and they wanted to have no regulation on their pricing.

Both those were given to them. There's no -- there's no restriction on how many drivers they can put on the road. They can do surge pricing. No -- no control over that.

So we come in what I -- with what I think are three reasonable proposals. Your vehicles have to be safe, your drivers have to be safe, and you have to have insurance when and if there are accidents. Why? Because Uber will tell you they call them driver partners. They're independent contractors. They're not their employees. So when a driver gets in an accident, Uber doesn't stand there and pick up for whatever those damages are.

COMMISSIONER SHARIEF: California just ruled that they are.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: Well, I -- I don't know whether or not that's going to be enforceable in Florida.

But the point is the only thing that they really are having a struggle with is this insurance issue.

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Now, you go into other large cities, they handle it. They handle it -- I was in Chicago and every Uber driver, when he does a pickup, pays \$1.30 and he's insured whether you drive five blocks or five miles or 50 miles. And there are ways to self-insure in the -- in the -- in the transportation, paid transportation business.

I -- I'm -- I'm nervous that now that we're right here at the last minute before the summer break, that we're going to leave this open and -- and not give the authority to our County Attorney to proceed. Because what's happened to Uber? They got foreclosed out in -- in Tallahassee. They tried to preempt county authority to operate, to -- to -- to regulate. And -- and now you also have consideration of our ordinance now in Palm Beach County and Miami-Dade County.

So you've got a big market here, almost 6,000,000 people. And if -- if Uber doesn't operate in a market like this, some other company is going to come in, as I have said. Uber doesn't have a patent on being able to -- to be a transportation network company. And now that it's become evident, there are entrepreneurs out there that will fill the void, so it doesn't have to be Uber. I'd like for Uber to be able to take advantage. I mean, that's the capitalist way. Let's do it. But you've got to follow reasonable regulations.

The only thing they're hung up on is the insurance. They could overcome it. I don't know why a \$40,000,000,000 company cannot come into some kind of an agreement with All State or State Farm or Progressive or -- or some large insurance company and take care of this insurance issue. Just have a rider on a policy, on a private policy, a rider for when you -- you operate on a -- as a transportation network driver. It could be done. It could be done.

So if we don't -- if we don't do something here, then you're going -- you're not going to give Joni the tools to -- over the summer, to continue to gather the information necessary to, when she's prepared, to go forward with litigation, whether it is for -- for injunctive relief or whatever our -- the appropriate

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remedies available to the County to enforce our ordinance.

I'm concerned about opening the door and saying, well, if you -- if you don't go back into the airport and the seaport, and, you know, you post this \$250,000 letter of credit, then we'll wait and we'll try to work things out. Well, in the meantime, I mean, this is a big county and they're picking up drivers everywhere, downtown, you know, on the beach, day and night, so I -- you know, I don't know that that solves the problem.

I think it's better for us to go ahead and let Joni go forward -- excuse me -- Ms. Armstrong Coffey to go forward and to take whatever legal steps her office feels appropriate to prepare us so that we can enforce this ordinance.

All right. Now, with that, Commissioner Bogen, you're recognized for your motion.

COMMISSIONER BOGEN: First of all, Commissioner --

COMMISSIONER WEXLER: (Inaudible.)

MAYOR RYAN: And then you close. He's going to do a motion and then you're going to close.

COMMISSIONER BOGEN: I want to first comment on something here, Mayor.

MAYOR RYAN: Because I want him to go ahead and based upon -- based upon what everybody has spoken, you know, all of the -- the -- the communication here, I want him to be able to frame his motion, and then you'll be able to speak to his motion, and then you'll close.

COMMISSIONER BOGEN: First of all, Commissioner Holness goes, sorry, Commissioner Bogen. This -- you don't -- I don't think you get it. What -- I'm not doing this for Uber. This is for the County. Okay? We have had no teeth in getting any remedy if -- and -- and -- and, Mayor, I'm not talking about stopping

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the County Attorney from moving forward.

Let me say this again. Right now, the County Attorney has expressed she's not going to seek damages. So we have no teeth in getting money.

Everything that Commissioner Holness is talking about is money. They're making money. They're making profits. They're making money, we're -- and we're getting nothing. And -- and every time we've done a sting with -- with any type of citations, it's a little pittance of nothing, and they're -- and they're making money.

So we have no teeth whatsoever in anything in -- with -- with Uber.

So by having them put up a letter, having them put up a letter of -- that if they're found in violation, we still give the County Attorney the authority to move forward, give them a limited period of time, and I mean a deadline, as we were talking earlier, a deadline to register, seek compliance, and a deadline, a period of time.

And if that period of time goes on and they're bullshitting us, then --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER BOGEN: -- excuse my language -- then -- then you can -- then the County Attorney moves forward.

But -- but at no time in the past, Mayor, have we ever had teeth -- have we ever had teeth into this.

MAYOR RYAN: Okay. I understand the theme, but you have to --

COMMISSIONER BOGEN: So --

MAYOR RYAN: -- you have to -- Commissioner Bogen, you have to --

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COMMISSIONER BOGEN: -- so I'll phrase my motion.

MAYOR RYAN: -- and you have to -- you have to state your motion, sir.

COMMISSIONER BOGEN: Okay. My -- my -- my motion is that -- that we provide the County Attorney authority to move forward with the appropriate legal action.

However, if Uber provides a letter of guarantee of \$250,000 that will be provided to the County should any driver be found to pick up a passenger at the port or the airport while the app is on, that would be a liquidated damage.

And -- and I -- I would ask my fellow Commissioners what that period of time would be to allow them to -- to -- to work this out, and, if at a certain date, whether it be 60 days or 90 days, it's not worked out, you can move forward. Litigation's going to take a long time.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Well, if we're going to -- if we're -- if we're going to --

COMMISSIONER BOGEN: Legal action's going to take --

MAYOR RYAN: -- ask her to go forward with litigation, if --

COMMISSIONER BOGEN: -- months.

MAYOR RYAN: -- if you're going to ask the County to go forward with the litigation, why are you going to put in your motion that she's prohibiting from filing suit?

COMMISSIONER BOGEN: I -- I'm not. I'm saying you give them a -- as Commissioner Kiar said, and -- give them a limited period of time to comply. If they don't comply within that limited period of time, we still have teeth. We still have \$250,000. So they're not going to your airport and taking passengers away.

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They're not going to the port. And if they do, we've got -- we've got a quarter of a million dollars.

MAYOR RYAN: Okay. Just to clarify your motion, is it \$250,000 for each pickup at the airport?

COMMISSIONER BOGEN: No, once -- once -- once it's violated, all bets are off and -- and legal action proceeds.

MAYOR RYAN: All right. So let's get some clarification on what members might want to understand on this motion.

So -- all right. Commissioner Kiar, and I -- and I know that Commissioner Wexler wants to speak, and Commissioner Ritter.

VICE MAYOR KIAR: I -- I -- I definitely support what -- you know, a part of what you're -- you're trying to do, you know, Commissioner Bogen. I think, you know, the -- asking Uber for \$250,000 letter of -- letter of intent if they break -- if they basically turn their app on and pick on -- pick up a -- a person at the airport, I think is more than fair. And they -- they've agreed to it.

I would rather vote on those separately, that and then separately vote on Commissioner Wexler's motion, because I definitely want to vote for what you've recommended, but I'm not comfortable at this time voting for asking -- seeking -- asking the County Attorney to seek legal action.

And so would you be willing to bifurcate that motion?

COMMISSIONER BOGEN: Well, the -- the -- the -- Uber's agreement to put up the money is our agreement to wait a period of time, 60 days, 90 days, for them to comply.

COMMISSIONER SHARIEF: No, no, that wasn't the --

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MAYOR RYAN: So -- so, in other words --

UNIDENTIFIED SPEAKER: No?

MAYOR RYAN: -- if they put up \$250,000, then they can ignore the balance of the -- of the ordinance for 60 days?

COMMISSIONER BOGEN: No, they represented that they're going to try to -- to comply. And I --

MAYOR RYAN: But if they don't comply in 60 days, other than they just don't go into the airport, otherwise they, you know --

COMMISSIONER SHARIEF: They just keep (inaudible).

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- keep on operating.

VICE MAYOR KIAR: I mean, I -- I looked at the 250,000 as our way of ensuring that they don't go into the airport over the next -- while they work this out with County staff. I didn't look at it as a -- you know, that's how I had viewed it.

MAYOR RYAN: All right. Okay. Let's go -- let's go over to Commissioner Wexler.

COMMISSIONER WEXLER: I have been --

MAYOR RYAN: Everybody -- everybody --

COMMISSIONER WEXLER: -- sitting here --

MAYOR RYAN: -- let's all --

COMMISSIONER WEXLER: -- so patiently.

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MAYOR RYAN: -- let's everybody stay together.

UNIDENTIFIED SPEAKER: Together.

MAYOR RYAN: Listen, we're almost --

COMMISSIONER WEXLER: All right.

MAYOR RYAN: -- done.

COMMISSIONER WEXLER: Listen --

MAYOR RYAN: Just everybody hang in there.

COMMISSIONER WEXLER: -- listen --

MAYOR RYAN: You're next --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: -- Commissioner Ritter.

COMMISSIONER WEXLER: -- they sat in my office yesterday, they sat in my office yesterday and they said we are shutting the app off for the airport in Broward County.

Now, maybe I needed to have something explained a whole lot better as to what that actually means, because shutting the app off in Broward County for airport and seaport doesn't mean just I'm not going to do pickups.

Actually, they said -- and they -- and if you look at a phone and if you come and you push Uber, a little message will come up and say not available for airport.

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Well, in my world, that means not available to go into the airport and not available to go out of the airport.

That's what good faith means. That's what complying means.

There hasn't been one thing -- and the guy that called me a flip-flopper, you know what? I am a peace maker, and I want to see it work in Broward County, and have tried really hard. But I don't see the effort on their part to make it work.

It has been nothing but lies on top of lies on top of lies. And it may be a business model to delay. I don't -- I'm really believing that that's what it is at this point in time.

MAYOR RYAN: Of course.

COMMISSIONER WEXLER: And the big delay is can we wait until the next legislative session, maybe these fools up here -- well, I'm done being the fool up here. Okay? You pushed me to the edge.

(Applause.)

COMMISSIONER WEXLER: So now I have a different position. It's called a hammer. And I hope that there are five people up here today that wish to say -- and you know what? I don't think your idea is bad at all. I think it's a wonderful idea, but it's a two-way. It's into the airport and it's out of the airport.

COMMISSIONER BOGEN: Then --

COMMISSIONER WEXLER: It's not just picking up at the airport.

COMMISSIONER BOGEN: -- then amend my amendment.

COMMISSIONER WEXLER: But I want to go -- I want to go further. And it's giving

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them, because they've had time and time and time -- and their list isn't just insurance. It's fingerprinting. It's a geography test. It's five things on their list. Five things on their list.

And once they get one thing, it's another thing I don't like. That's their model.

And I said to them yesterday, enough already.

And then this crap with the Airport Director? You know what? We've been copied on all their e-mails. They don't want to be treated like a taxi. We want to be a car for hire. You know what? Great. They should be -- they should be considered --

MAYOR RYAN: Oh, okay.

COMMISSIONER WEXLER: -- a car for hire. Wait, wait, wait, wait, wait.

Now they want to be considered a taxi again because they only want to pay \$3 in one direction versus 3.50 in and 3.50 out.

You can't keep moving the line. Either there's something you want and work with us, but don't keep moving it. And that's what's happening. The goal is moved, moved --

MAYOR RYAN: You're --

COMMISSIONER WEXLER: -- moved, moved.

MAYOR RYAN: -- you're right. I mean, that was what was stated, that we have three to five issues we want to iron out. That's like really opening the door.

But as we finish our debate, let's have no more references to ca-ca.

Okay. Commissioner Ritter --

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(Laughter.)

MAYOR RYAN: -- you're recognized.

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER SHARIEF: He said bull ca-ca. She just said regular crap.

MAYOR RYAN: Yeah, she just said crap.

Okay. Commissioner Ritter.

COMMISSIONER RITTER: Thank you, Mr. Mayor.

Ms. Henry, may I ask Mr. Vialpando a question, please?

MS. HENRY: You may. Lenny.

COMMISSIONER RITTER: Mr. Vialpando, there's been a lot of talk today about the 24/7 insurance requirements, and Uber has suggested that it cannot comply with the VIN number and the driver -- giving the names of the drivers.

What do the taxis do?

MR. VIALPANDO: Taxis do give us the information on their vehicles. And we actually license each vehicle separately, and they give us proof of insurance for that vehicle.

(VICE MAYOR KIAR LEFT THE ROOM.)

MR. VIALPANDO: And the way our code is set up right now is that Uber would get this TNC license and they would provide proof of insurance to get it, and then the drivers would get a chauffeur registration and they would get their vehicle

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inspected, and then we would take that information and we would put it on Uber's license so Uber would acknowledge, yes, that's one of our drivers.

So we would then have the information about that. And, yes, that vehicle which we have the information about is covered by our insurance because it's operating as a TNC vehicle.

And that's the way that the ordinance was passed.

COMMISSIONER RITTER: The TNC, they came to see me this afternoon. I finally let them back in my office. And they suggested that there was -- there was no way for them to comply with that requirement, that the state law does not require the VIN number and the driver -- the name of the driver.

(VICE MAYOR KIAR RETURNED TO THE ROOM.)

COMMISSIONER RITTER: And that there was no -- there was no insurance available that would provide for that. But yet the taxis do it --

MR. VIALPANDO: We do have the --

COMMISSIONER RITTER: -- right?

MR. VIALPANDO: -- information on the commercial insurance policy for each vehicle, yes.

COMMISSIONER RITTER: My question is did we ask anything different of the TNC than we currently ask of the taxi driver?

MR. VIALPANDO: Well, we haven't --

COMMISSIONER RITTER: Or the taxi owner?

MR. VIALPANDO: -- we haven't actually reviewed a TNC app yet, and -- and we

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anticipate working through those issues as part of the application process.

So we would anticipate that -- that a TNC would come in and pay the app fee and submit an application, and then we would work with the County Attorney's Office about reviewing the information they submitted and -- and working on the deficiencies that might exist in their application.

And then, clearly, the code would have to be interpreted in a way that met reality. And I think that that's a reasonable expectation as part of the process, but that hasn't even been attempted at this point.

COMMISSIONER RITTER: Okay. Thank you.

Actually, it's interesting. While we were sitting here today talking about the airport, and the ability to pickup and drop-off. I went on my Uber app and I actually called a car to take me to the airport. And the car would have been here in four minutes if I hadn't canceled the ride.

So -- and I -- and I didn't expect that that would happen. I thought there would be little message that popped or whatever they said they were doing.

Okay. Well, I -- they're taking me to the airport, Commissioner LaMarca. I guess you're just so up Uber's butt they don't want to do anything for you, right?

(Laughter.)

(Applause.)

COMMISSIONER RITTER: And, by the way, that's not true. I am so sick and tired of you all dumping on my colleague, Commissioner LaMarca, because last time when -- in April when we voted on this ordinance, it was nine to nothing in favor of the ordinance. So -- and I -- and I was just teasing you, Commissioner LaMarca.

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COMMISSIONER LAMARCA: (Inaudible.)

COMMISSIONER RITTER: I know --

MAYOR RYAN: No, he didn't.

COMMISSIONER RITTER: -- that you are not.

(Laughter.)

COMMISSIONER RITTER: And you know what? You all should know it, too --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER RITTER: -- because enough of you have been here over the past ten months, six months, eight months, enough of you have been here to hear what Commissioner LaMarca has said and how he's voted.

It's so unfair. And -- and I -- you know, I've been doing this for eight and a half years. I was a legislator for eight years before this. And I -- and I've listened to the public come and talk time and time again. And you maybe get your information from the newspaper or maybe get your information from a blog.

But it just seems like so many of you don't really listen to what we say. You just think you know what we're going to do ahead of time.

UNIDENTIFIED SPEAKER: You don't listen to us.

COMMISSIONER RITTER: I -- excuse me, sir, I sat here and listened, except when I -- I -- when I had to, you know, relieve myself in the restroom. Okay? Which -- and I apologize for having to do that. I am 55. I can't hold it like I used to.

(Laughter.)

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MAYOR RYAN: All right. Okay.

COMMISSIONER SHARIEF: All right.

MAYOR RYAN: Oh, no, no. We're going to bring this in. We're going to -- we're going to -- we're going to bring this in for a -- a vote now.

COMMISSIONER RITTER: Just -- no, one more comment, please.

MAYOR RYAN: All right.

COMMISSIONER RITTER: You know, I listened to my colleagues and they talked on and on and on and on.

But it's not just about the airport and the seaport here, folks. It's about the rest of Broward County. And so you agree that you won't go to the airport, which you're doing, and you agree -- I mean, maybe after I mentioned --

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: No, no -- no comments from the --

COMMISSIONER RITTER: -- (inaudible) and -- and --

MAYOR RYAN: -- no comments from --

COMMISSIONER RITTER: -- and finally let --

MAYOR RYAN: -- the public, please.

COMMISSIONER RITTER: -- it's about the County.

And, finally, let me suggest to you that while we're negotiating with Uber here, because they happen to have a representative, there's nobody here from Lyft to

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bind the company. I got three drivers here from Lyft who are saying how wonderful it is to drive for Lyft and how great it is and they're earning extra money, but I've got nobody here to bind the company.

So what's your suggestion about that, Commissioner Bogen? Should we treat them differently because Uber has a representative here and Lyft does not?

You cannot possibly ask one of these drivers, because they can't bind the company, if Lyft is willing to put up a \$250,000 bond.

Uber's not the only TNC operating in Broward County today.

MAYOR RYAN: Okay. So what we're going to do is we really, really want to wrap this up while we're still fresh.

Okay. So, Commissioner Bogen --

(Laughter.)

MAYOR RYAN: -- I want you to go ahead and I want you to state your motion. State your motion.

We're going to vote on your motion and then we're going to vote on -- then we're going to vote on the main motion that's -- that's sponsored by Commissioner Wexler.

So give it a shot.

COMMISSIONER BOGEN: You know, I just -- it's tough. It's just tough. It's tough.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER BOGEN: I'd like to ask, you know, maybe we -- you know, it's -- my motion was solely to seek some type of collateral or money to -- so we had it.

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And I realize there's a lot of holes and there's a lot of different issues. And I -- you know, if there was a way to amend what -- you were amending my motion.

You know, I'm just trying to see if they're willing to put up money for a violation. Otherwise, we have nothing.

And -- and I'm not looking to, you know, give anything to any of the TNCs.

So I guess I'll -- I'll -- I'll craft a motion, but, you know, I've got to get their approval.

MAYOR RYAN: Yeah, you know, Commissioner Bogen, it's really, really hard to do this at the list minute. So, I mean, you're a bright lawyer, but I don't think this is going to head us in the right way.

So how -- how about you withdraw your motion and, Commissioner Wexler, why don't you state your motion.

COMMISSIONER WEXLER: There it is as written. Motion to authorize the Office of the County Attorney to file litigation -- I did not identify what kind of litigation -- as and when appropriate against transportation network companies that fail to comply with Broward County regulations.

And that's not just the airport or seaport. It's throughout the County.

MAYOR RYAN: Okay. We have the motion.

Do we have a second on the motion?

COMMISSIONER SHARIEF: Second.

COMMISSIONER HOLNESS: Second.

MAYOR RYAN: All right. All -- all in favor of the motion, indicate by saying aye.

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Opposed?

COMMISSIONER LAMARCA: No.

VICE MAYOR KIAR: No.

MAYOR RYAN: All right. So the motion passes 7 to 2 with Vice Mayor Kiar and Commissioner LaMarca voting in the negative.

VOTE PASSES 7 TO 2 WITH VICE MAYOR KIAR AND COMMISSIONER LAMARCA VOTING NO.

MAYOR'S REPORT

AGENDA ITEM 101

MAYOR RYAN: All right. Now let's -- we all --- all we have left is we have the Mayor's Report, which I waive my Mayor's Report.

Please -- please leave the chamber quietly. Please leave the chamber quietly.

MS. HENRY: They're ready to go. I'm ready.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MAYOR RYAN: Okay. I'm going to waive the Mayor's Report.

COUNTY ADMINISTRATOR'S REPORT

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AGENDA ITEM 102

MAYOR RYAN: County Administrator, do you have a report?

MS. HENRY: (Inaudible.)

MAYOR RYAN: She waives.

NON-AGENDA

MAYOR RYAN: All right. Let's go to the members. And I'm hoping that we don't have any bulletin board announcements.

All right. Commissioner Furr.

COMMISSIONER FURR: I'm going to waive.

MAYOR RYAN: Waives.

AGENDA ITEM 104

MAYOR RYAN: Commissioner Wexler.

COMMISSIONER WEXLER: I just want to wish everybody a safe and happy break.

MAYOR RYAN: Great idea.

COMMISSIONER WEXLER: Thank you.

AGENDA ITEM 105

COMMISSION MINUTES

MAYOR RYAN: Commissioner Ritter.

COMMISSIONER RITTER: Yeah, so --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER RITTER: -- this is seriously important. Okay? I've been waiting all day to say this.

Last year I had a rubber band ball on a dais before summer break, and when I came back from summer break it was gone. And I explained to the people out there who were listening, including staff, that if they brought my rubber band ball back there would be no questions asked. And it never showed up.

So for the past year, I've been working on this rubber band ball. And I'm telling you, if it's not on this dais when I get back here in August, there's going to be hell to pay.

MAYOR RYAN: Well, you missed your calling. You should --

COMMISSIONER RITTER: Have a nice summer.

MAYOR RYAN: -- you should go to Hollywood. You're a -- you're a real actress.

UNIDENTIFIED SPEAKERS: (Inaudible.)

AGENDA ITEM 106

MAYOR RYAN: Okay. Commissioner Sharief.

COMMISSIONER SHARIEF: I was just going to announce the FAC -- the new FAC directors. Do you -- is that okay?

COMMISSION MINUTES

MAYOR RYAN: No, no. I don't want to hear.

COMMISSIONER LAMARCA: Just the ones from Broward.

COMMISSIONER SHARIEF: That's me and you.

MAYOR RYAN: All right. Thank you for that identification.

All right. Vice Mayor Kiar.

VICE MAYOR KIAR: None, Mr. Mayor. Thank you.

COMMISSIONER SHARIEF: I don't know.

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER SHARIEF: I was going to tell him.

MAYOR RYAN: The Italian stallion.

COMMISSIONER LAMARCA: Although I was supposed to be in a forum with Justin Sayfie, I was here with you fine folks. That's why I changed my tie.

MAYOR RYAN: Thank you so much.

COMMISSIONER LAMARCA: I won't dare add anything to that.

MAYOR RYAN: All right. Commissioner Holness. Commissioner -- Commissioner Holness.

COMMISSIONER HOLNESS: I waive.

UNIDENTIFIED SPEAKER: No.

COMMISSION MINUTES

UNIDENTIFIED SPEAKER: Wow.

UNIDENTIFIED SPEAKER: No. What?

MAYOR RYAN: Commissioner Bogen.

COMMISSIONER HOLNESS: I have a list of stuff, too.

COMMISSIONER BOGEN: I like to pull your chain.

MAYOR RYAN: All right. All right. The meeting's adjourned.

(THE MEETING ADJOURNED AT 8:27 P.M.)

(THIS IS NOT A VERBATIM TRANSCRIPTION OF THE MEETING.)