

# City of Fort Lauderdale

City Hall  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301  
[www.fortlauderdale.gov](http://www.fortlauderdale.gov)



## Meeting Minutes - APPROVED

Tuesday, December 3, 2013

1:30 PM

City Commission Conference Room

## City Commission Conference Meeting

*FORT LAUDERDALE CITY COMMISSION*

*JOHN P. "JACK" SEILER Mayor - Commissioner*  
*BRUCE G. ROBERTS Vice Mayor - Commissioner - District I*  
*DEAN J. TRANTALIS Commissioner - District II*  
*BOBBY B. DuBOSE Commissioner - District III*  
*ROMNEY ROGERS Commissioner - District IV*

*LEE R. FELDMAN, City Manager*  
*JOHN HERBST, City Auditor*  
*JONDA K. JOSEPH, City Clerk*  
*CYNTHIA A. EVERETT, City Attorney*

Meeting was called to order at 1:48 p.m. by Mayor Seiler.

## ATTENDANCE ROLL CALL

**Present** 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

**Also Present:** City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph and City Attorney Cynthia A. Everett

## CITY COMMISSION REPORTS

### Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest.

### City-Wide Economic Development Strategic Plan

Commissioner Rogers mentioned that there was a lot of discussion at his district meeting about this topic. His constituents are focused on small business development which is consistent with what the City is trying to do with having retail on the ground floor of developments. The City was criticized for not doing a good enough job of getting the word out about the public forums. It was suggested that applicants provide email addresses with business license applications. The City Manager explained for Mayor Seiler the public notice that was done. Commissioner Rogers thought the City may want to think about holding additional outreach forums with better notice.

Commissioner Trantalis began discussion about creating infrastructure that would be inviting to businesses. Commissioner Rogers pointed out that some spaces have been designed for retail, but the property owner had difficulty finding a retailer to lease the space. Input is needed on development that will attract and fill the needs of retail. Commissioner DuBose commented on the benefit of having staff and the elected officials in sync in working with businesses. The new Broward County mayor and the president of Broward League of Cities have made economic development a priority initiative. Vice-Mayor Roberts said there is a huge opportunity for public-private partnerships with the transit projects coming into place. Commissioner Rogers felt that signage and parking are high priorities for small businesses. For example, the City should think about when to move from free pay parking. In response to Commissioner Trantalis, the City Manager said staff is examining the All Aboard Florida initiative to understand their development plans. Discussions are also ongoing at the staff level about the future of Flagler Village.

Commissioner Rogers was encouraged to see that all of the agencies involved with the Metropolitan Planning Organization (MPO) appear to be on the same page in terms of things like walkability and the Complete Streets program. Moreover, other cities have voiced support of the Wave streetcar project.

In response to Mayor Seiler, the City Manager said there is a self-imposed deadline to have a report to the Commission in the spring. Commissioner Rogers suggested continuing to gather feedback and perhaps in January target specific issues. Commissioner DuBose thought the consultant could possibly

be charged to meet with small businesses for example. Mayor Seiler wanted to schedule two follow-up forums in January and move the deadline forward about 30 days.

Commissioner DuBose stressed the importance of the "Six Pillars of Character" philosophy. It was confirmed that the consultant is aware of Six Pillars.

Continued on Page 4.

### Flooding

Commissioner DuBose expressed concern about flooding and the cost for a level of service that would be satisfactory. It is citywide. It comes down to economics. The Commission needs to have a serious discussion. The City Manager said a conference item is planned for the second meeting in January.

### Traffic Signal Delays

Commissioner DuBose noted that a concern raised at his district meeting on this topic. People are having significant delay getting in and out of some neighborhoods. Vice-Mayor Roberts recalled that some neighborhoods want delayed signals in order to avoid cut-through traffic. The City Manager believed the signal timing upgrade is a two-phase countywide project. The first phase is synchronization and the second phase involves intelligent traffic systems, where cameras will monitor the signalization program to gather data. He offered to request that the Florida Department of Transportation make a presentation during an upcoming conference meeting.

### Lighting Outage, Beach

Mayor Seiler noted the recent electrical outage at the beach. When such electrical outages occur, he asked that staff notify relevant organizations such as the Central Beach Alliance and others with an email blast.

## CONFERENCE REPORTS

**CF-1 13-1431** QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING  
SEPTEMBER 30, 2013

No questions.

**CF-2 13-1469** EMERGENCY PURCHASES - FORCE MAIN AT 901 INTRACOASTAL  
DRIVE, SANITARY SEWER PIPE AT 1890 SW 37 TERRACE,  
SANITARY SEWER LATERAL AT 2419 GULFSTREAM LANE

No questions.

**CF-3 13-1563** CENTRAL BEACH MASTER PLAN PUBLIC IMPROVEMENT  
PROJECTS UPDATE

The City Manager highlighted the status of staff's work on this item reflected in Commission Agenda Memorandum 13-1563. He explained for Commissioner Trantalis the competitive negotiations act

process. Commissioner Trantalis stressed the importance of getting started. The City Manager expects to have the task order and contract before the Commission for authorization at the second meeting in January. Mayor Seiler also wanted to ensure that the urgency is understood. Mayor Seiler opened the floor for public comment.

Abby Laughlin, a Central Beach Alliance (CBA) board member, said staff's presentation to the CBA was excellent but there are a lot of new people who are unfamiliar with the background and how the process works. She suggested future presentations include some history and background.

Jack Newton, resident of Venetian Condominium, provided a handout raising questions about the idea of having two parking garages at the Las Olas Bridge and suggestions relating to the barrier island. It is attached to these minutes. He wondered where the idea for two parking garages originated because the master plan calls for just one. He is concerned that an economic feasibility study has not been conducted and yet the City is pursuing a contract with architects. A cost estimate should first be known. He went on to review information in the handout. In response to Mayor Seiler, Newton said he would support just one garage on the south side. He went on to say that he favors the marina expansion based on the economic benefit. He concluded by suggesting the possibility of golf carts to transport people from downtown parking to the beach.

Mayor Seiler explained that he hopes to change patterns on the beach by getting people out of their cars after they cross the bridge that would prevent traffic congestion on the barrier island.

Fred Carlson, 625 Orton Avenue, pointed out that there is a serious problem with the parking garages because they would extend above the roadway and block the view to the north and south. He urged direction be given to the architect that the garage height not exceed the road bed level to preserve the downhill view to the north and south. Mayor Seiler agreed. Carlson commented on the benefits of dredging that allows for bigger boats that bring more revenue and puts the City on the map as a luxury destination. Most members of the Central Beach Alliance and others that he has spoken with, including Jackson Tower residents, favor the marina expansion. He would like the City to take a more aggressive look at potential revenues when dredging is done.

There was no one else wishing to speak.

**CF-4 13-1481 CITY-WIDE ECONOMIC DEVELOPMENT STRATEGIC PLAN -  
PHASE I ECONOMIC PROFILE REPORT**

Discussion continued from Page 3.

The City's consultant, Molly McKay with Willdan-Willdan Financial and Economic Development Consulting Service, referred to discussion earlier in the meeting and indicated that she believes they are on the same page as the Commission. It is difficult to get the word out and encourage public participation during the holiday season. They are planning three tiers of public outreach: first, through the Strengths, Weaknesses, Opportunities and Threats (SWOT) process; second, through individual calls and interviews; and finally, through an online survey. They are attempting to encapsulate many different elements into the plan, including an entrepreneurial development strategy and attraction and retention of retailers. She referred to the planning and design and the place-making elements across the board, such as walkability, complete streets and integrating with transit. They need time to collect input from local small business owners, industry leaders and homeowner associations. The important work is on the ground, working with staff on a plan that can be implemented.

Vice-Mayor Roberts requested a list of stakeholders that Willdan-Willdan intends to interview. Commissioner Rogers asked about demography. McKay explained that they have just completed the first draft of the economic profile and still getting acquainted with the data. Citywide, Fort Lauderdale has, for the most part, a young population. There are pockets of low-income on the cusp of poverty as well as high-income residents. They are focused on closing that gap and building the middle class. There is a strong economy. Commissioner Rogers asked if any uniqueness has been identified. McKay advised that they are currently focused on the community's assets, which are its population, its proximity to more than five colleges and universities, and the diverse area industries. She elaborated on what is intended with the entrepreneurial business development strategy, including connecting existing activities with other things happening nationally. The next step is to transcend from planning to implementation. The City does not need any more plans but rather a road map. They are using the Six Pillars but will dig deeper to determine what investors, developers and businesses are looking for in their site selection criteria.

In response to Commissioner DuBose, McKay said among the City's challenges is the high citywide office vacancy rate. Willdan-Willdan will be focusing on uses that will have the greatest likelihood of success in certain areas. Also, there are some planning issues related to signage, parking and noise. There are developers who are frustrated in that their perspective is always to create a business-friendly environment in which to invest. The question is what can this plan do beyond what has already been done.

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, said building the middle class is a good idea. The City should require new City employees to reside in Fort Lauderdale. A lot of the problems have to do with the school system. Fort Lauderdale is a transient place. He did not think the City needs to solve everyone's problems.

## **OLD/NEW BUSINESS**

### **BUS-3 13-1107      PARK IMPACT FEES**

The City Manager highlighted the history on this item, including how this revenue can be used, detailed in Commission Agenda Memorandum 13-1107. There has been a lot of growth in the impact fee fund. There is a responsibility to program the funding, rather than just gathering cash. Parks and Recreation Director Phil Thornburg was tasked with forecasting out five years which is detailed in Exhibit 4. With concurrence, the Community Improvement Plan (CIP) would be amended.

Mayor Seiler opened the floor for public comment.

Mark McCormick, 1117 SE 6 Street, identified himself as president of Fort Lauderdale Select soccer club. There is a challenge from a macro level with respect to the number of youth and adults playing sports and available facilities, specifically fields. Children have to play on fields outside of the city limits or hold practices late into the evening.

Mayor Seiler pointed out there is no county regional park for use in Fort Lauderdale even though residents pay more taxes to Broward County than to the City.

McCormick said he would like impact fees to go toward building a soccer complex. He noted that there

is space for such a facility at Mills Pond Park and went on to note some of the advantages to that location. Over the long range, if Holiday Park was reconfigured, it could accommodate some five additional athletic fields. He elaborated on the diversity and number of children participating in soccer and lacrosse.

The City Manager noted that the Commission, during its goal-setting process, was clear that identifying and funding a soccer complex was a very high priority. Staff's recommendation is to allocate the bulk of this revenue, \$4 million, toward a soccer complex. He noted areas that have been examined. There is a concern about the Mills Pond Park site because it crams the fields into every available space, taking away from the openness and nature of the park. Also the soccer fields are not placed on the site with integrity. Staff has looked at the property that Nova Southeastern University leases from the City that is adjacent to Snyder Park. It presents a good possibility. McCormick was concerned about the commute from that location as many of the children live north of the Kinney tunnel, especially as development continues in the downtown. Vice-Mayor Roberts raised the idea of exchanging fields, so the new fields could be used for football, and the existing fields could be used for soccer. The City Manager mentioned another idea is partnering with the School Board for field use in the evenings although there is no lighting. Park impact fees could be used for lighting. Practice could take place at schools so that they are more localized and a complex for play. Commissioner Rogers felt there is a great opportunity at Snyder Park. The synergy of the entire complex is a win-win. This could also give some synergy to neighborhoods in the area. The Commission could take a piecemeal approach at Mills Pond or build a state-of-the-art soccer complex. McCormick indicated because the location is so meaningful, they would rather piecemeal it at Mills Pond. Commissioner DuBose believes that regardless of where the fields are located, parents will make the drive. Mayor Seiler suggested adding a field at Mills Pond and attempting to work out an arrangement with the School Board. He wanted to pursue meeting with the School Board and mentioned that Fort Lauderdale is also the largest taxpayer to the School Board.

Commissioner Rogers commented that Fort Lauderdale Select has upper level players. He felt they need their own complex which encourages the players and the sport. School fields can be used for recreational soccer or younger teams. His problem with Mills Pond is that it started out as a softball facility and may not have the capacity to accommodate additional fields. Vice-Mayor Roberts agreed. Mayor Seiler wanted to expedite providing additional field space by adding a field at Mills Pond and pursuing a partnership with the School Board, including the City providing lighting.

Parks and Recreation Director Phil Thornburg advised that some funding could be available next year if developments come through. Mayor Seiler requested that one field be added at Mills Pond. McCormick noted that two fields could be situated at the northwest corner of the park. He requested lighting in this location. Discussion ensued about adding lighting and other permanent improvements and the City Manager indicated he would come back to the Commission with the cost at the January 7, 2013, meeting.

Genia Ellis, representing the Riverwalk and Downtown Development Authority (DDA), encouraged the Commission to support this process. One item in staff's recommendation is completion of Riverwalk which is now 25 years old. The DDA will match the funding with grant funding. This completes an item in the vision plan and is associated with the residential units coming online in the downtown. That population of people is exactly who will be walking along the Riverwalk. It connects the Riverwalk on the north side to the shops on Las Olas Boulevard. The grant funds are time-sensitive.

Commissioner Rogers referred to the Visioning 1035 Initiative and said this is a partnership the City can leverage to complete the Riverwalk. In response to Commissioner Rogers, Ellis said there is virtually no signage downtown directing people to the Riverwalk. Mayor Seiler advocated for some wayfinding for a

reasonable price.

Abby Laughlin, a member of the Central Beach Alliance, was concerned with the staff recommendation. Some of the projects have not yet been approved. The report seems unrealistic with a lot of undeveloped ideas. Tiffany House will have about \$260,000 in impact fees which have not yet been allocated. She reiterated a previous request to have those fees specifically allocated to the North Beach area. At the time Mayor Seiler had indicated it could set a dangerous precedent.

Commissioner Trantalis explained that park impact fees being discussed would be for use throughout the city whereas Laughlin is referencing funds promised by hotel developers and intended for use in the area where the project occurred. He believes an impact fee generally should be spent in or around the area where it was collected. An impact fee can be spent in areas such as Snyder Park or Mills Pond Park, where no development has occurred, but in this particular situation that Laughlin is referencing, the funds were intended to be spent in the vicinity of the project itself. The City Manager indicated that those dollars are not in any single fund. Laughlin contended it was requested at the time from the dais, collected and not spent. Mayor Seiler noted that this occurred before this Commission was seated. No account was established for the funds. Thornburg was unaware that these funds were designated for anything. He was only aware of one occasion funds were earmarked and used for Peter Feldman Park. Mayor Seiler believed this occurred before there was a policy. It appears that the Commission in 2000 requested the funds. These funds were probably spent in 2001.

Laughlin emphasized that a project was approved with the stipulation of a \$70,000 contribution for use in a specific neighborhood for recreational amenities. She believed the Commission should follow the direction outlined by a previous commission. Thornburg offered to look into whether that funding was used. If not, it may still be in the park impact fee fund. There are actually two funds, before and after 2005. Laughlin clarified that there were two promises made, one when the W Hotel was being developed and one for the Hilton Hotel. Mayor Seiler noted that one for \$200,000 was designated for roadway and transit and the other of \$70,000 as a park impact fee.

The City Manager explained that the Commission created one citywide park impact district when the fee was created in 2006. When the Commission starts allocating specific projects to specific areas, they are moving away from one benefit district. Commissioner Trantalis pointed out that this area is being negatively impacted. The City Manager explained that the appropriate methodology would be to amend the ordinance and provide for multiple benefit districts. Otherwise there could be challenges on use of the dollars. Vice-Mayor Roberts noted that it would limit the City's flexibility in using the funds for the benefit of the entire city. Commissioner Trantalis suggested that there would first be a preference to first examine the best use of the funds in and around the affected area and then if there is a citywide benefit, it could also be considered. Mayor Seiler noted that would require a policy decision. The City Manager was concerned about tying specific dollars to a specific project. Mayor Seiler was open to having a policy discussion, perhaps giving greater weight to a neighborhood if there is a park available. He agreed with Vice-Mayor Roberts that it should be permissible for the funds to be spent citywide. He confirmed that staff will trace these dollars and a policy discussion on impact fees would be scheduled.

Laughlin noted one provision in the current ordinance allows for impact fees to be used to retire debt. Mayor Seiler disagreed and explained funds could be borrowed in order to build a park. Commissioner DuBose felt all of such points should be discussed when the Commission has its policy discussion. It should also be kept in mind that a soccer complex was made a priority during the strategic planning process. If changes to the strategic plan are made, that entire process needs to be revisited because the funding source is a factor. There should also be care not to restrict future commissions.

The City Manager added that the Commission determined that the Rivermont acquisition is also a priority. There is \$200,000 of Florida Recreation Development Assistance Program (FRDAP) funds and the City has pledged \$200,000 of park impact fee money toward the project. The asking price is \$1.8 million. It is listed on the bank's books at about \$1.35 million. He understood that the bank has received interest from a potential buyer. If the Commission is interested in using park impact fees for the balance, this is the time to decide. He has requested that the County apply the Middle River Terrace allocation of approximately \$970,000 to this acquisition but has not received a response. A total of \$1.1 million would be allocated from park impact fees and \$200,000 from the State. Commissioner Rogers supported this item. If the Commission is interested in going forward with the acquisition, it will need to consider a contract on December 17.

The City Manager clarified for Commissioner Trantalis that the \$1.1 million impact fee for the Escape Hotel is included in the projections shown as various developments. It is only a reasonable projection, because some projects may not come to fruition while others not shown will come about.

Fred Carlson, a Central Beach Alliance board member, said the current protocol is that when a developer builds something in a neighborhood he is happy to contribute to improvements in that area. Developers will not appreciate it if all of the funding contribution is spent elsewhere. It is fair and reasonable that at least some of the park impact fee be spent in that neighborhood.

Commissioner Rogers said he does not disagree on the surface but consideration must be given to available space. The ordinance requires that the money only be used for new park land. The most important thing is to provide a benefit for the entire city. Carlson agreed with a level-headed approach, but pointed out the need for improving D.C. Alexander Park and Bonnet House park. Mayor Seiler pointed out that Bonnet House is not a public park.

Charles King, 105 North Victoria Park Road, said he attended the School Board's boundary hearing the prior evening at Arthur Ashe Middle School that is now being used for adult English classes. He suggested fields at that location be pursued. He felt that Mills Pond appears to be under-utilized and should be considered ahead of Snyder Park.

There was no one else wishing to speak.

In response to Commissioner Rogers' question concerning Exhibit 2 to Commission Agenda Memorandum 13-1107, Thornburg said the City had to meet a standard of open space per resident in order to receive certification from American Parks and Recreation and to meet criteria outlined in the comprehensive plan. The study in Exhibit 2, a long-range strategic plan, reviewed distances to the closest parks and whether there were any barriers in between, such as an interstate. The strategic plan shows that pockets near Melrose Park and in the southeast and northeast parts of the city could benefit from more green space. Vice-Mayor Roberts felt in some neighborhoods, the pocket park concept is well-used. Commissioner Rogers wanted the City to address this. Pocket parks are just not big enough. There are not a lot of places to play a pickup game. Thornburg acknowledged there is not available land in some parts of the city. During the County bond process, they found it was difficult to find property to purchase in the northeast and southeast. In response to Commissioner Rogers' question about an area that could be used as a regional park in the south, Thornburg advised that the opening of Riverland helps the southwest.

Commissioner Trantalis noted that this issue is before the Commission tonight. A rezoning request in the



Coral Ridge area, if approved, would allow residential development on land currently designated as park space. Mayor Seiler noted that the Applicant has agreed to include a park in the development. There has been a huge misunderstanding about the proposal. First the property is not for sale. Residents in the area were adamant that they do not want a public park in that location. The golf course has never been a public park. The people who have requested a public park in the area do not actually live there. The neighborhood residents want golf course living. With the proposed development, residents have indicated they would prefer a small neighborhood park, not a large park that will create nuisances in terms of noise and lighting. Vice-Mayor Roberts noted that the City is getting a donation of a small parcel that can be a park similar to the one on 24<sup>th</sup> and Bayview Drive.

Commissioner DuBose said that while parks are important, the City is challenged with flooding and the level of service. Thornburg referred to an item coming forward in January that will include consideration of green spaces in low areas that may or may not be usable in the future.

**BUS-1 13-1590** OFFICE OF CITY MANAGER, DIVISION OF PUBLIC AFFAIRS -  
INFORMATIONAL PRESENTATION

Public Affairs Manager Chaz Adams showed a short video about the Division of Public Affairs. He introduced members of his staff and reviewed slides concerning the division's activities including redesign of the City's website that is underway. A copy of the slides is attached to these minutes.

**BUS-2 13-1610** CITY-WIDE PAVEMENT MANAGEMENT SYSTEM ROAD  
RESURFACING

Assistant City Manager Susanne Torriente explained that the City hired a firm last year to assess the status of all municipal roadways. The idea was to focus on where the most benefit could be realized and which roads were in the most need of repair. She referred to Commission Agenda Memorandum 13-1610 Exhibit 1, which highlights existing conditions, and Exhibit 3, which highlights the City Manager's recommendations. The results serve as a five-year capital improvement plan.

Public Works Director Hardeep Anand reviewed slides concerning this matter. A copy of the slides is attached to these minutes.

In response to Commissioner DuBose, Anand explained the methodology used to reach the conclusions in the report. Commissioner DuBose wanted to ensure that a highly-traveled road would be given priority over a road in need of similar repairs that is less traveled. Torriente and Anand confirmed that it would cost about \$12 million to get all roads into the 80 to 100 percentile and into a maintenance cycle. Torriente indicated that maintenance is not included in the cost figures. The goal is to get into a regular maintenance routine and prioritize those in most need. The benefit will be a more systematic approach. Anand advised that the life span is five to seven years for one type of treatment and 15 years for the conventional treatment. Commissioner DuBose reiterated his concern that this study does not capture mobility. Roads with the higher mobility should have a higher priority. Vice-Mayor Roberts felt it also has to do with the road condition. The recommendation calls for \$2.2 million of repairs in the first year and \$700,000 in each of the subsequent four years. In a short time, several critical roads will be addressed. Anand advised that data can be obtained with respect to use and then considered together with this data on condition in subsequent years. Commissioner DuBose was pleased to move forward with the information provided today but would like to have the additional variable of use in the future.

Anand advised that staff would like to use the same approach for sidewalks. A system is being

developed and will be presented in the future.

In response to Commissioner Rogers, Anand said that WaterWorks issues prompting some roads to be repaved were taken into account when preparing a priority list. Staff has changed its practice of patch repairs to a full half-lane.

Vice-Mayor Roberts asked about repairs to areas where paver bricks exist and whether there is an alternative that still offers the stamped look. Anand advised that it would be part of the repair process. Maintenance is a big issue with that type of application. In response to Commissioners Rogers and DuBose, Anand went on to explain the data was developed from a software program along with a machine that traveled across the entire roadway system. The City no longer has the machine but it owns the data and software. There is enough work to do for five years. Another baseline/update could be collected perhaps every five to seven years to keep the data current. However the software can be updated manually with visual inspections.

There was consensus to proceed with the recommendation.

#### **BUS-4 13-1588 C-51 RESERVOIR PROJECT STATUS REPORT**

Assistant City Manager Sue Torriente said an elected official is needed to serve on this committee. Commissioner Trantalis volunteered.

#### **BUS-5 13-1537 2014 CITY COMMISSION MEETING DATES - Martin Luther King, Jr. Day and Labor Day**

There was consensus to hold the second meeting of January on Wednesday, January 22, due to the Martin Luther King Jr. holiday. There was also consensus to hold the first meeting of September on Wednesday, September 3. Commissioner Trantalis noted that a Monday holiday followed by a Tuesday meeting pre-empts commissioners from holding their district meetings the evening prior to the Commission meeting.

### **BOARDS AND COMMITTEES**

#### **BD-1 13-1533 MINUTES - period ending November 27, 2013**

No discussion.

#### **BD-2 13-1534 BOARD AND COMMITTEE VACANCIES**

Please see regular meeting item R-3.

### **CITY MANAGER REPORTS**

None

The City Commission convened the Executive Closed Door Session at 4:52 p.m. and adjourned at the end of the session.

**EXECUTIVE CLOSED DOOR SESSION**

**13-1615**

THE CITY COMMISSION SHALL MEET PRIVATELY PURSUANT TO FLORIDA STATUTES 286.011(8) CONCERNING:

City of Fort Lauderdale, *et al.* vs. Hezzekiah Scott (Case Nos. 10-61122 and 12-15014 AA)