

City of Pembroke Pines, FL

*City of Pembroke Pines
Charles F. Dodge City Center
601 City Center Way
Pembroke Pines, FL 33025*



Meeting Minutes

Wednesday, December 6, 2023

6:30 PM

6:30 PM Public Hearing (CAPER - FY 2022"), followed by Regular Commission Meeting. ADD-1 Commission Item and ADD-2, ADD-3 added to the Consent Agenda and republished.

Commission Chambers

City Commission

*Mayor Frank Ortis
Vice Mayor Iris A. Siple
Commissioner Jay D. Schwartz
Commissioner Thomas Good Jr.
Commissioner Angelo Castillo*

6:30 PM PUBLIC HEARING ("CAPER - FISCAL YEAR 2022")**PH-1** [23-0899](#)

PH-1: THE PURPOSE OF THIS PUBLIC HEARING IS TO RECEIVE PUBLIC COMMENT ON THE CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT ("CAPER - FISCAL YEAR 2022")

PROPOSED RESOLUTION 2023-R-44 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING THE PROGRAM YEAR 2022 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED RESOLUTION 2023-R-44 IS ITEM # 20 ON THE AGENDA.

City Attorney Goren read the CAPER Public Hearing Item into the record.

Mayor Ortis opened the public hearing.

No members of the public wished to speak about the item.

Mayor Ortis closed the public hearing.

6:35 PM [or at such time as the Public Hearing adjourns] REGULAR MEETING CALLED TO ORDER**ROLL CALL**

Present 4 - Mayor Frank Ortis, Vice Mayor Iris A. Siple, Commissioner Jay D. Schwartz, and Commissioner Angelo Castillo

Also present: City Manager Charles F. Dodge, City Attorney Samuel Goren, and City Clerk Marlene D. Graham.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Ortis.

ACKNOWLEDGEMENTS

Mayor Ortis recognized Sheryl A. Woods - President and CEO of the YMCA of South Florida on behalf of Tom McMahon, Board Chair. Ms. Woods was listed as a recipient of the 2023 Ultimate CEO Award in the South Florida Business Journal.

PRESENTATIONS:

PRE-1 [23-0914](#)

PRESENTATION # 1: MAYOR ORTIS WILL RECOGNIZE THE PEMBROKE PINES CHARTER MIDDLE SCHOOL BOYS' GOLF TEAM AND THEIR COACHES FOR WINNING THE 2023 BROWARD COUNTY MIDDLE SCHOOL ATHLETIC ASSOCIATION (MSAA) BOYS' GOLF TEAM CHAMPIONSHIP.

Mayor Ortis and Vice Mayor Siple presented certificates to recognize the following Pines Charter Middle School Golf Team Students and Coach:

Gregory Scala Jr.
Reyansh Kalra
Arron Sorensen
Jonah Rodriguez
Landon Finn
Lucas Pyle,
Colton Pollard
Jill Bear - Team Coach

Ms. Bear congratulated the team for their hard work that led up to the championship win.

Commissioner Schwartz congratulated golf team.

PRE-2 [23-0917](#)

PRESENTATION # 2: BERMELLO AJAMIL & PARTNERS WILL PRESENT THE PARKS AND RECREATION MASTER PLAN.

Mayor Ortis called the presenters of the Parks and Recreation Master Plan to the podium.

Mr. Alfredo Sanchez - Partner, Planner, and Urban Designer introduced his colleagues at Bermello Ajamil and Partners: Mr. Randy Hollingworth - Director of Landscape, Architecture and Planning and Mr. Joshua Rak - Senior Planner and Urban Designer. Mr. Sanchez thanked Assistant City Manager Christina Sorensen for the opportunity to collaborate on the master plan.

Mr. Rak presented the Master Plan via PowerPoint Presentation and provided an overview of the following areas:

Need assessments via community workshops: Parks Inventory, Programs, Operations, and Planning Components.

Survey Overviews performed by the ETC Institute and the responses from residents.

Priority investment ratings for facilities, amenities, and recreation programs.

Park Service classifications, designs, and recommendations based on the geographical locations.

Mr. Rak concluded with the information about implementation and funding sources over the time periods of 1-4 years, 5-8 years, and 9-12 years.

Vice Mayor Siple asked for clarification on equipment availability at parks for individuals with special needs, about the educational component recommended for walking nature trails, and dedicated Zen areas.

Mr. Hollingworth responded with a recommendation to have fully accessible playgrounds in all parks, but the equipment would typically be more expensive. Mr. Hollingworth also responded about the technology component to program for the nature trails with informal educational opportunities, about bond referendums to fund future projects, and about the Dream Park.

Commissioner Good asked about the percentage of the community that participated in the meetings and/or surveys.

Mr. Sanchez responded 95 percent.

Mr. Rak weighed in on the matter saying there were tight controls on how the survey was administered and how questions are asked in their respective languages. The goal was to achieve a level of confidence that the survey was well represented in each district.

Mr. Sanchez said the totals varied and were based upon the surveys and community input and at least 400 people participated in the survey.

Commissioner Castillo spoke about the attendance at the Rose Price Park and Club 19 to ensure there was enough public input. The Commissioner thanked the firm for the presentation.

Commissioner Schwartz thanked the team for their collaborative efforts. The Commissioner recommended providing a survey to the residents about the referendum with an actual cost associated with it.

Mayor Ortis said he attended the meetings, and they had a good turnout.

Christina Sorensen, Assistant City Manager, weighed in on the matters discussed concerning the survey, implementation plan, and how to locate specified recreational preferences for constituents to research in the future.

ANNOUNCEMENT OF ITEMS TO BE PULLED FROM AGENDA

The City Clerk declared no items pulled from the agenda. Ms. Graham referenced the three addendum items added to the agenda.

ITEMS AT THE REQUEST OF THE PUBLIC

City Clerk declared no items at the request of the public.

COMMISSION AUDITOR REPORT:

None

APPEALS OF BOARD OF ADJUSTMENT DECISIONS:

None

ANNOUNCEMENT OF BOARD AND COMMITTEE APPOINTMENTS

No board appointments announced.

CONSENT AGENDA:

1. [23-0890](#) MOTION TO APPROVE THE PROPOSED WORK AUTHORIZATION 2023-01 WITH CAROLLO ENGINEERS, INC. PURSUANT TO THE AWARD OF RFQ # PSUT-22-02 "CCNA CONTINUING SERVICES FOR PUBLIC WATER SYSTEM ENGINEERING AND RELATED SERVICES", IN AN AMOUNT NOT TO EXCEED \$133,976.00

2. [23-0904](#) MOTION TO AWARD IFB # TS-23-10 "EXAGRID SUPPORT AND MAINTENANCE RENEWAL" TO THE MOST RESPONSIVE/RESPONSIBLE BIDDER, VCLOUD TECH, INC., IN THE AMOUNT NOT TO EXCEED \$59,384.58 FOR A ONE (1) YEAR PERIOD.

A motion was made to approve on the Consent Agenda

3. [23-0907](#) MOTION TO AWARD IFB # TS-23-11 "VEEAM SOFTWARE SUPPORT AND MAINTENANCE RENEWAL" TO THE MOST RESPONSIVE/RESPONSIBLE BIDDER, VCLOUD TECH, INC., IN THE AMOUNT NOT TO EXCEED \$80,670.34 FOR A ONE (1) YEAR PERIOD.

A motion was made to approve on the Consent Agenda

4. [23-0910](#) MOTION TO AWARD IFB # TS-23-13 "ANNUAL RENEWAL FOR CITRIX SHAREFILE" TO THE MOST RESPONSIVE/RESPONSIBLE BIDDER, VCLOUD TECH, INC., IN THE AMOUNT NOT TO EXCEED

\$58,597.50 FOR A ONE (1) YEAR PERIOD.

A motion was made to approve on the Consent Agenda

5. [23-0911](#) MOTION TO APPROVE THE PURCHASE OF REPAIR PARTS FOR CITY WASTEWATER LIFT STATIONS ON AN AS NEEDED BASIS FROM SMITH & LOVELESS, INC. IN AN ANNUAL AMOUNT NOT TO EXCEED \$325,000.00, PURSUANT TO SECTION 38.18(C) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

8. [23-0893](#) MOTION TO APPROVE SUBMISSION OF THE 2024 APPLICATION TO THE AREA AGENCY ON AGING OF BROWARD COUNTY, INC. FOR CONTINUED SERVICES THROUGH OLDER AMERICANS ACT GRANTS TITLE IIIB AND IIIE. MOTION TO APPROVE AGREEMENT JA124-10-2024 BETWEEN THE CITY OF PEMBROKE PINES/SOUTHWEST FOCAL POINT SENIOR CENTER AND THE AREA AGENCY ON AGING OF BROWARD COUNTY, INC. TO PROVIDE OLDER AMERICAN ACT TITLE IIIB AND IIIE SERVICES FOR THE PERIOD OF JANUARY 1, 2024 TO DECEMBER 31, 2024 IN THE TOTAL AMOUNT OF \$462,059.00.

A motion was made to approve on the Consent Agenda

9. [23-0918](#) MOTION TO APPROVE THE PUBLIC HEARING (CDBG ACTION PLAN) AND REGULAR COMMISSION MEETING MINUTES OF WEDNESDAY, NOVEMBER 15, 2023.

A motion was made to approve on the Consent Agenda

10. [23-0891](#) MOTION TO APPROVE REQUEST TO ADVERTISE SOLICITATION(S)
- (A) PSPW-23-19 "CITYWIDE HVAC FILTER REPLACEMENT"
- (B) AD-23-02 "OPERATION AND MANAGEMENT OF TRANSPORTATION SERVICES"
- (C) TS-23-16 "NETMOTION RENEWAL FOR VARIOUS CITY DEPARTMENTS"
- (D) CS-23-06 "MODERNIZATION OF ELEVATORS AT PINES POINT SENIOR RESIDENCE"

A motion was made to approve on the Consent Agenda

11. [23-0903](#) MOTION TO APPROVE THE RESURFACING OF THE TRACK AT THE ACADEMIC VILLAGE CHARTER SCHOOL CAMPUS BY CONICA

USA POLYTRACKS LLC DBA POLYSPORT FOR A TOTAL AMOUNT NOT TO EXCEED \$225,342.50, WHICH INCLUDES AN OWNER'S CONTINGENCY IN THE AMOUNT OF \$10,242.50, UTILIZING PRICING ESTABLISHED BY THE INTERLOCAL PURCHASING SYSTEM (TIPS) CONTRACT # 230201, PURSUANT TO SECTION 35.18(C) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

12. [23-0909](#) MOTION TO APPROVE THE FINDINGS AND RECOMMENDATION OF THE EVALUATION COMMITTEE AND TO AWARD RFQ # PSUT-23-06 "CCNA EMERGENCY POWER SYSTEM REPLACEMENT AT THE WWTP RE-BID" TO HILLERS ELECTRICAL ENGINEERING, INC. AND TO DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR SERVICES.

A motion was made to approve on the Consent Agenda

13. [23-0637](#) MOTION TO AWARD IFB # PSPW-23-14 "SITE WORK FOR EQUIPMENT AND MACHINERY BUILDING" TO THE MOST RESPONSIVE/RESPONSIBLE BIDDER, SO CAL SHAKER PLATES & CONSTRUCTION SITE SERVICES LLC DBA NATIONAL SWPPP SERVICES, IN THE AMOUNT NOT TO EXCEED \$723,250, WHICH INCLUDES AN OWNER'S CONTINGENCY IN THE AMOUNT OF \$33,250.

A motion was made to approve on the Consent Agenda

14. [23-0060](#) **MOTION TO APPROVE THE DEPARTMENT RECOMMENDATIONS FOR THE FOLLOWING ITEMS LISTED ON THE CONTRACTS DATABASE REPORT:**

(A) The Transportation Authority - Bus Transportation Services Charter Schools/Community Services - Renewal

(B) South Florida Institute on Aging, Inc. - Volunteering Services at the Southwest Focal Point Senior Center - Renewal

(C) Calvin, Giordano & Associates, Inc. - Environmental and Support Services - Renewal

(D) Miramar-Pembroke Pines Regional Chamber of Commerce, Inc. - Trustee Partnership Agreement - Renewal

(E) SmartCop - Public Safety Automatic Records Management -

Renewal

(F) Anderson Aquatics LLC - Competitive Swim Team & Instructional Programming - Renewal

ITEM (G) WILL EXPIRE WITH NO RENEWAL TERMS AVAILABLE, THEREFORE, NO COMMISSION ACTION IS REQUIRED AS IT IS PRESENTED FOR NOTIFICATION PURPOSES ONLY PURSUANT TO SECTION 35.29 (F) OF THE CITY'S PROCUREMENT CODE:

(G) Ceiling to Floor Cleaning, Inc.-Janitorial Services Studio 18-Non-Renewal

A motion was made to approve 14 (B), (C), (E), (F) and (G) on the Consent Agenda. Item 14 (A) and (D) were pulled from Consent Agenda for discussion.

15. [23-0898](#) MOTION TO APPROVE A CHANGE ORDER FOR THE PURCHASE OF AN ADDITIONAL FORTY-SEVEN (47) BODY ARMOR INNER/OUTER VEST CARRIERS, OMEGA RIFLE PLATES AND ACCESSORIES FOR THE POLICE DEPARTMENT FROM FEDERAL EASTERN INTERNATIONAL, LLC., FOR A TOTAL AMOUNT NOT TO EXCEED \$89,770, UTILIZING PRICING ESTABLISHED BY THE STATE OF FLORIDA ALTERNATE CONTRACT SOURCE # 46151500-NASPO-21ACS, PURSUANT TO SECTION 35.18(C)(5) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

16. [23-0920](#) MOTION TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF HEALTH IN BROWARD COUNTY (DOH-BROWARD) AND THE CITY OF PEMBROKE PINES RELATED TO THE CITIES READINESS INITIATIVE (CRI)

A motion was made to approve on the Consent Agenda

- ADD-1 [23-0921](#) **[ADDENDUM ITEM ADD-1]:** COMMISSIONER CASTILLO - ITEM #1: DISCUSSION AND POSSIBLE MOTION TO CALL A SPECIAL MEETING OF THE PEMBROKE PINES CITY COMMISSION DURING THE MONTH OF DECEMBER, 2023, IN ORDER TO POTENTIALLY RATIFY THE COLLECTIVE BARGAINING AGREEMENT ('CBA') WITH THE PBA AT THE EARLIEST POSSIBLE DATE AND TIME BUT NOT

THUS FAR ON THE REGULARLY SCHEDULED
DECEMBER CITY COMMISSION AGENDA.

Commission Item ADD-1 was approved along with Consent Item ADD-2 related to the PBA Collective Bargaining Agreement. A motion was made to approve on the Consent Agenda.

ADD-2 [23-0922](#)

[ADDENDUM ITEM ADD-2]: MOTION TO APPROVE THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF PEMBROKE PINES AND THE BROWARD COUNTY POLICE BENEVOLENT ASSOCIATION, INC. FOR THE TERM OCTOBER 1, 2022 TO SEPTEMBER 30, 2025.

A motion was made to approve on the Consent Agenda

ADD-3 [23-0930](#)

[ADDENDUM ITEM ADD-3]: MOTION TO APPROVE THE 2023-2024 SCHOOL IMPROVEMENT PLAN FOR THE PEMBROKE PINES CHARTER MIDDLE SCHOOLS.

A motion was made to approve on the Consent Agenda

Approval of the Consent Agenda

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to approve the Consent Agenda. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and
 Commissioner Castillo

Nay 0

6. [22-0880](#)

MOTION TO APPROVE THE AMENDED AND RESTATED AGREEMENT WITH CALVIN GIORDANO AND ASSOCIATES FOR THE OPERATION, MAINTENANCE, AND MANAGEMENT OF MUNICIPAL FACILITIES AND GROUNDS FOR AN INITIAL FIVE-YEAR TERM, THROUGH SEPTEMBER 30, 2028, IN THE BEST INTEREST OF THE CITY PURSUANT TO SECTION 35.18(C)(8) OF THE CITY'S CODE OF ORDINANCES.

A motion was made by Commissioner Good Jr., seconded by Commissioner Castillo, to approve Item 6. The motion carried by the following vote:

Aye 4 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, and Commissioner
 Castillo

Nay 1 - Good Jr.

PRIOR TO THE VOTE BEING TAKEN:

Commissioner Good read Item 6 into the record by title. The Commissioner spoke about the reasons why he was not in favor of the item and referenced the process taken for the solid waste management agreement.

City Manager Dodge responded that the 180-day extension was to allow additional time for the negotiation process.

City Attorney Goren responded about the essential services local municipalities are required to provide by law. City Attorney Goren stated waste disposal services are one of the required basic services and said specialized services are not the same as it relates to the competitive bidding of goods and services. Mr. Goren also clarified the waste disposal services went to bid publicly as a Request for Proposal (RFP) and included pricing information. The operation, maintenance, and management of municipal facilities/grounds services went out as a Request for Quote (RFQ) that did not include pricing information for the record.

Commissioner Schwartz spoke on the item.

7. [23-0424](#) MOTION TO RATIFY THE CITY MANAGER'S APPROVAL OF AMENDMENT # 9 THROUGH 13 WITH TYLER TECHNOLOGIES, INC. FOR THE ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM, INCREASING THE COST OF THE AGREEMENT BY \$454,900 FOR ADDITIONAL SERVICES AND TO ALSO INCREASE THE ANNUAL SAAS LICENSING FEES BY \$4,881.

A motion was made by Commissioner Good Jr., seconded by Mayor Ortis, to approve Item 7. The motion carried by the following vote:

Aye 4 - Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, and Commissioner Castillo

Nay 1 - Good Jr.

PRIOR TO THE VOTE BEING TAKEN:

Commissioner Good read Item 7 into the record by title and inquired about the change order dollar amounts and time frames.

City Manager Dodge responded about the reason for the change orders. He said they were credits, charges for issues related to the implementation of the ERP system, and to primarily fix the system processing for payroll.

Matthew Kefford, Technology Services Director, addressed the Commission about the complexity of the City's payroll system for the City, Police, Fire, and the Charter Schools. He said the payroll updates were done quarterly and was the reason for the quarterly change order requests.

City Attorney Goren responded to the questions of the Commission regarding the procurement code for expenditures.

14(A) [23-0060](#)

MOTION TO APPROVE THE DEPARTMENT RECOMMENDATIONS FOR THE FOLLOWING ITEMS LISTED ON THE CONTRACTS DATABASE REPORT:

(A) The Transportation Authority - Bus Transportation Services Charter Schools/Community Services - Renewal

(B) South Florida Institute on Aging, Inc. - Volunteering Services at the Southwest Focal Point Senior Center - Renewal

(C) Calvin, Giordano & Associates, Inc. - Environmental and Support Services - Renewal

(D) Miramar-Pembroke Pines Regional Chamber of Commerce, Inc. - Trustee Partnership Agreement - Renewal

(E) SmartCop - Public Safety Automatic Records Management - Renewal

(F) Anderson Aquatics LLC - Competitive Swim Team & Instructional Programming - Renewal

ITEM (G) WILL EXPIRE WITH NO RENEWAL TERMS AVAILABLE, THEREFORE, NO COMMISSION ACTION IS REQUIRED AS IT IS PRESENTED FOR NOTIFICATION PURPOSES ONLY PURSUANT TO SECTION 35.29 (F) OF THE CITY'S PROCUREMENT CODE:

(G) Ceiling to Floor Cleaning, Inc.-Janitorial Services Studio 18-Non-Renewal

A motion was made by Commissioner Good Jr., seconded by Commissioner Good Jr., to approve Section (A) of Consent Item 14. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

A motion was made by Commissioner Schwartz, seconded by Commissioner Castillo, to approve a substitute motion to increase the recommended from \$17,000 ceiling not to exceed \$24,000. The motion carried by the following vote:

Aye 4 - Mayor Ortis, Vice Mayor Siple, Good Jr., and Commissioner Schwartz

Nay 1 - Commissioner Castillo

PRIOR TO THE VOTE BEING TAKEN ON 14(A):

Commissioner Good read Item 14A into the record by title and spoke on the item.

City Manager Dodge provided a response about the 180 day extension for the transportation services. The purpose of the extension was to avoid a delay in services during the middle of the school year.

Mark Gomes, Procurement Director, responded that the renewal option was extended to the City Commission at a previous meeting, and it was recommended to send the item out for bid. The 180 day extension was to allow time without delaying services to prepare the bid and obtain quotes as requested. Mr. Gomes referenced Item 10-the Request for Proposal (RFP) item that was approved under the consent agenda.

PRIOR TO THE VOTE BEING TAKEN ON 14(D):

Commissioner Schwartz read Item 14D into the record by title and spoke on the item. Commissioner Schwartz made a recommendation to have administration work with the Chamber of Commerce to increase the amount of the agreement, not to exceed \$24,000.00 instead of the \$17,000.00 proposed. The City Manager would have the discretion to identify areas where the funds would be most useful without bringing an item back to the Commission.

Commissioner Castillo spoke on the item.

City Attorney Goren responded about the agreement having a specified dollar amount and that the City Commission had the discretion to increase the amount.

Assistant City Manager Mike Stamm clarified for record that the minimal dollar amount in the agreement would be \$17,000.00 but would not exceed \$24,000.00. Mr. Stamm also responded that the additional funds would be utilized for other small business events and opportunities. He said he would work with the Chamber of Commerce to identify areas where the city could provide additional support and may require the full \$7,000.00.

QUASI JUDICIAL CONSENT AGENDA:

ORDINANCES AND RESOLUTIONS:

SECOND READING ORDINANCES:

17. [2023-15](#) MOTION TO ADOPT THE PROPOSED ORDINANCE NO. 2023-15 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE NO. 2023-15 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING THE FRANCHISE AGREEMENT WITH PLANET T UNIFORMS, INC. TO PROVIDE SCHOOL UNIFORMS FOR THE PEMBROKE PINES CHARTER SCHOOLS WHICH IS ATTACHED HERETO AS EXHIBIT "A", AND INCORPORATED HEREIN; AUTHORIZING THE CITY MANAGER OF THE CITY OF PEMBROKE PINES TO EXECUTE THE AGREEMENT WITH PLANET T UNIFORMS, INC., ALL CONSISTENT WITH THE PROVISIONS OF SECTION 3.12 OF THE CHARTER OF THE CITY OF PEMBROKE PINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR EFFECTIVE DATE.

A motion was made by Commissioner Good Jr., seconded by Vice Mayor Siple, to adopt Proposed Ordinance 2023-15. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

Enactment No: 2014

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2023-15 into the record by title.

Mayor Ortis opened the public hearing.

No members of the public wished to speak about the item.

Mayor Ortis closed the public hearing.

18. [2023-16](#) MOTION TO PASS AND ADOPT PROPOSED ORDINANCE 2023-16 ON AN EMERGENCY BASIS ON FIRST AND SECOND READING.
- PROPOSED ORDINANCE 2023-16 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING THE CITY'S INVESTMENT POLICY TO COMPLY WITH THE REQUIREMENTS OF §218.415, FLORIDA STATUTES, AS AMENDED BY CH. 2023-28, LAWS OF FLORIDA, TO CLARIFY THAT INVESTMENT DECISIONS ARE BASED SOLELY ON PECUNIARY FACTORS AS FURTHER DETAILED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; PROVIDING FURTHER HOUSEKEEPING AND FORMATTING AMENDMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BOTH FIRST AND SECOND READING HAVE BEEN SCHEDULED FOR DECEMBER 06, 2023.

A motion was made by Vice Mayor Siple, seconded by Commissioner Castillo, to adopt Proposed Ordinance 2023-16 on Second and Final Reading, after passage of the proposed ordinance on first reading and following a public hearing at the same meeting on an emergency basis. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

Enactment No: 2015

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2023-16 into the record by title on first reading.

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2023-16 into the record by title on second reading.

Mayor Ortis opened the public hearing.

No members of the public wished to speak about the item.

Mayor Ortis closed the public hearing.

19. [2023-17](#)

MOTION TO PASS AND ADOPT PROPOSED ORDINANCE 2023-17 ON AN EMERGENCY BASIS ON FIRST AND SECOND READING.

PROPOSED ORDINANCE 2023-17 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF PEMBROKE PINES BY AMENDING §33.64, ENTITLED "INVESTMENT OF GENERAL EMPLOYEES' PENSION FUNDS;" ADOPTING A REVISED INVESTMENT POLICY INCORPORATED INTO SECTION 33.64 TO COMPLY WITH THE REQUIREMENTS OF 112.662, FLORIDA STATUTES, AS AMENDED BY CH. 2023-28, LAWS OF FLORIDA, TO CLARIFY THAT INVESTMENT DECISIONS SHALL BE BASED SOLELY ON PECUNIARY FACTORS AS FURTHER DETAILED IN EXHIBIT "A," ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BOTH FIRST AND SECOND READINGS HAVE BEEN ADVERTISED FOR DECEMBER 06, 2023.

A motion was made by Vice Mayor Siple, seconded by Commissioner Castillo, to adopt Proposed Ordinance 2023-17 on Second and Final Reading, after passage of the proposed ordinance on first reading and following a public

hearing at the same meeting on an emergency basis. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

Enactment No: 2016

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2023-17 into the record by title on first reading.

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2023-17 into the record by title on second reading.

Mayor Ortis opened the public hearing.

No members of the public wished to speak about the item.

Mayor Ortis closed the public hearing.

FIRST READING ORDINANCES:

RESOLUTIONS:

20. [2023-R-44](#)

MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-44

PROPOSED RESOLUTION 2023-R-44 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING THE PROGRAM YEAR 2022 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

PUBLIC HEARING REQUIRED

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to adopt Proposed Resolution 2023-R-44. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

Enactment No: 3847

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2023-R-44 into the record by title.

Mayor Ortis opened the public hearing.

No members of the public wished to speak about the item.

Mayor Ortis closed the public hearing.

21. [2023-R-46](#) MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-46.

PROPOSED RESOLUTION 2023-R-46 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING THE UTILITY WORK BY HIGHWAY CONTRACTOR AGREEMENT BETWEEN THE CITY AND FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN; PROVIDING FOR UTILITY IMPROVEMENTS ALONG PINES BOULEVARD FROM 1-75 TO EAST OF NORTHWEST 118TH AVENUE; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO FDOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Siple, seconded by Commissioner Good Jr., to adopt Proposed Resolution 2023-R-46. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 0

Enactment No: 3848

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2023-R-46 into the record by title.

22. [2023-R-47](#) MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-47.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA ESTABLISHING AN AUDITOR SELECTION COMMITTEE PURSUANT TO SECTION 218.391, F.S.; PROVIDING FOR PURPOSE, MEMBERSHIP, DUTIES, RESPONSIBILITIES, AND MEETINGS OF THE AUDITOR SELECTION COMMITTEE; PROVIDING FOR THE ELECTION OF A MEMBER OF THE CITY COMMISSION TO CHAIR THE AUDITOR SELECTION COMMITTEE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE AUDITOR; PROVIDING FOR TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to adopt Proposed Resolution 2023-R-47. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and
 Commissioner Castillo

Nay 0

Enactment No: 3849

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2023-R-47 into the record by title.

Commissioner Schwartz spoke on the item.

City Attorney Goren responded about the selection committee process if the item was approved.

23. [2023-R-45](#) MOTION TO ADOPT PROPOSED RESOLUTION 2023-R-45.

PROPOSED RESOLUTION 2023-R-45 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SURTAX-FUNDED MUNICIPAL TRANSPORTATION PROJECT: JOHNSON STREET REHABILITATION AND RESURFACING (BC-PBRKPINES-FY2020-00001-C); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A motion was made by Vice Mayor Siple, seconded by Mayor Ortis, to adopt Proposed Resolution 2023-R-45. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and
 Commissioner Castillo

Nay 0

Enactment No: 3850

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2023-R-45 into the record by title.

REGULAR AGENDA:

24. [23-0902](#) MOTION TO AWARD IFB # PSEN-23-01 "JOHNSON STREET AND NW 202ND AVENUE REHABILITATION AND RESURFACING (SURTAX)" TO WEEKLEY ASPHALT PAVING, INC. IN THE AMOUNT NOT TO EXCEED \$499,153.

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to approve Item 24. The motion carried by the following vote:

Aye 5 - Mayor Ortis, Vice Mayor Siple, Good Jr., Commissioner Schwartz, and
 Commissioner Castillo

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Item 24 into the record by title.

25. [23-0745](#) MOTION TO APPROVE THE MUNICIPAL ELECTION AGREEMENT WITH THE BROWARD SUPERVISOR OF ELECTIONS' OFFICE (BSOE) FOR THE **MARCH 19, 2024** MUNICIPAL ELECTION IN THE CITY OF PEMBROKE PINES.

A motion was made by Commissioner Castillo, seconded by Vice Mayor Siple, to approve Item 25. The motion carried by the following vote:

Aye 4 - Vice Mayor Siple, Good Jr., Commissioner Schwartz, and Commissioner Castillo

Nay 1 - Mayor Ortis

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Item 25 into the record by title.

Commissioner Schwartz spoke on the item and asked for the email received by the City Attorney's Office to be read into the record.

Commissioner Good asked for a point of clarification about any responses received by the Broward Supervisor of Elections regarding future elections.

City Attorney Goren explained the only response received by the City Attorney's Office was an email sent from the legal counsel of the Broward Supervisor of Elections on 12/05/2023 at 1:00 PM for the record. City Attorney Goren also read the email he received from Ms. Devona A. Reynolds Perez, Counsel for the Broward County Supervisor of Elections into the record as requested. The subject line of the email was titled, *"Pembroke Pines Special Election."* **[Attached hereto as Exhibit "A"]**.

Commissioner Schwartz inquired about the requirement to hold a special meeting for public input prior to a vacated district seat being placed on the March or November 2024 Election based on the opinion from Broward Supervisor of Elections.

City Attorney Goren responded to the Commission referencing the emailed opinion he previously read into the record. The legal opinion provided by the Broward Supervisor of Election's counsel, with regards

to the resign-to-run law, was that a Commissioner for the City of Pembroke Pines should be able to fill a vacated seat in the March 2024 Election.

Commissioner Schwartz referenced the time when former Commissioner Susan B. Katz resigned from her district seat in 2004, to allow sufficient time for her seat to be filled in a March election when she ran for the Mayoral seat. He then referenced the District 3 Commissioner Ortis resigning from his seat, to run for the Mayoral seat after former Mayor Katz passed away, and the process taken for his seat to be appropriately filled during a special election.

Commissioner Schwartz then asked if a Commissioner submitted a resignation letter to the City Clerk 10 days prior to the qualifying period, when would the City Commission be able to give direction to the City Clerk to prepare a special meeting to discuss when the seat election would be held.

City Attorney Goren clarified the following for the record:

The City Attorney's Office had opined that the resign-to-run law per section 99.012 of the Florida Statutes regarding the elections code, was a state statute that governed both local and other public officials who have the option to resign from their respective seats within 10 days irrevocably before qualifying to run for another form of office. The law provides the option for an elected official to keep their seat until there is an elected/appointed successor during an organizational meeting. The law also states, *"The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation."* The City Attorney's Office also provided a legal opinion regarding the law when an official files a resign-to-run letter, the statutes states, *"The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation."* Therefore, it would be a prospective vacancy, not an immediate vacancy, and that the City Attorney's Office did not agree with the opinion submitted by the Supervisor of Election's counsel respectfully, because there were previous instances where a special election was held in the month of August for the City of Pembroke Pines.

Commissioner Schwartz then asked if the City Attorney's Office could be directed to get a binding opinion from the Division of Elections at the Florida Department of State prior to the 10-day qualifying period. The option was also discussed about appointing an interim Commissioner

until the November 2024 election.

Commissioner Castillo made a point of clarification regarding any public input with regards to electing an interim Commissioner.

Commissioner Schwartz referenced the proposed resolution he placed on the August 6, 2023, Commission Meeting Agenda regarding resigning from a Commission seat and continued to speak on the item.

Commissioner Good asked for a point of clarification regarding the statute stating the Broward Supervisor of Elections had the authority to say no to ballot access.

Mayor Ortis asked what legal options the City Commission had concerning the matter.

City Attorney Goren responded that there were general laws included in the Florida Statute books and special laws that were applicable to certain counties. Mr. Goren said Broward County was one of the counties distinguished, and referred to the special acts referenced in the emailed opinion. City Attorney Goren then deferred to Assistant City Attorney Horowitz who addressed the Commission regarding the state statutes requiring municipal elections in March or November of 2024.

Assistant City Attorney Horowitz responded to the request for the statutory citation requiring the Broward Supervisor of Elections to only conduct municipal elections in March and November 2024. He referenced the four or five special acts mentioned by City Attorney Goren dating back to the mid-70s and stated those acts referenced both months. Mr. Horowitz also stated those acts did not solely speak to March or November Elections, but was interpreted that way, and that accommodations have been made in months other than March and November to hold special elections with prior Broward Supervisors of Elections.

Commissioner Castillo spoke on the item.

Commissioner Schwartz made a point of clarification about the item he placed on the August 6, 2023, Commission Meeting Agenda.

Commissioner Castillo requested the email sent by the City Attorney's Office to be read into the record.

City Attorney Goren read the emailed response from the City Attorney's Office to the City of Pembroke Pines into the record. The subject line of the email was titled, *"FW: Pembroke Pines Special Election."***[Attached hereto as Exhibit "A"]**.

Commissioner Castillo read a statement and spoke about why he would not be able to support elections solely to be held in March or November 2024.

Assistant City Attorney Horowitz responded about the provision in the elections code that allows municipalities to change the election date notwithstanding a municipal charter provision. The Broward Supervisor of Elections and their counsel suggested the City of Pembroke Pines wave the 180 election requirement in the City's Charter to hold an election in November if the City Commission chose to not hold the election in March 2024.

City Attorney Goren clarified for the record that there would be a March election occurring in March 2024. He said no Commissioner had filed a resign-to-run letter to date and Commissioner Castillo was not required to do so until 10 days prior to the qualifying period. In the event the Commissioner submitted a letter of resignation, he would lawfully be able to keep his seat until a successor had been appointed under the protection of section 99.012 of the Florida Statutes.

Assistant City Attorney Horowitz responded with the options the City had in the event there was a vacancy that needed to be filled within 180 days of Commissioner's letter of resignation. Mr. Horowitz then read a section from the resign-to-run law which states, *"The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation."* Therefore, the Commissioner could lawfully decide when to submit his letter of resignation if it was not later than the two dates referenced in the statute.

Mayor Ortis asked City Attorney Goren to weigh in on the matter.

City Attorney Goren responded the item before the Commission was a Broward Supervisor of Elections agreement for the March 2024 municipal election. If the City Commission decided not to take additional action, the Commissioner could submit his letter of resignation and remain in his seat until March according to the law. Ballot access would then be available in the November election for the District 4 seat and could be addressed at a later date.

Commissioner Good spoke about the position of the Broward Supervisor of Elections and that the item was solely to approve the March 19, 2024 municipal election agreement.

Vice Mayor Siple spoke about the Supervisor of Elections' role and expressed concern for residents who wished to campaign for the District 4 seat once the letter of resignation was submitted.

City Clerk Graham addressed the Commission to explain the agreement deadline was due by December 15, 2023 for the March 2024 election.

REPORTS OF LEAGUE REPRESENTATIVES

Mayor Ortis reported on the next Florida League of Cities Meeting in Weston, FL on December 7, 2023.

REPORTS OF THE CITY MANAGER AND CITY ATTORNEY

COMMISSION ITEMS:

NEW BUSINESS:

26. [23-0932](#) MOTION TO PROMPTLY AND TO TIMELY SET A SPECIAL MEETING OF THE PEMBROKE PINES CITY COMMISSION AS/IF/WHEN THE DISTRICT COMMISSIONER IN DISTRICT 4 FORMALLY FILES HIS RESIGN-TO-RUN LETTER UNDER SECTION 99.012, FS AND TO THEREBY AUTHORIZE THE CITY COMMISSION TO THEN PUBLICLY CONDUCT A REVIEW OF SAME UNDER THE PROVISIONS OF SECTION 286.0114, FS (THE SUNSHINE LAW) AND TO FURTHER CONSIDER SETTING A POTENTIAL SPECIAL ELECTION TO BE CONDUCTED, IF AT ALL, COINCIDENTAL WITH THE MARCH, 2024 GENERAL MUNICIPAL ELECTION, TO FILL THE VACANCY IN PEMBROKE PINES COMMISSION DISTRICT 4.

A motion was made by Vice Mayor Siple, seconded by Commissioner Schwartz, to approve the motion under New Business to set a special meeting

for members of the public in the City of Pembroke Pines regarding the potential for a special election to be conducted to fill the vacancy in Pembroke Pines Commission District 4. The motion carried by the following vote:

Aye 3 - Mayor Ortis, Vice Mayor Siple, and Commissioner Schwartz

Nay 2 - Good Jr., and Commissioner Castillo

PRIOR TO THE VOTE BEING TAKEN:

Vice Mayor Siple spoke about holding a special meeting to discuss the Sunshine Law, any other options the Commission had for elections to be held after March 19, 2024, and to allow for public input.

City Attorney Goren clarified that Commissioner Castillo had not yet submitted his letter of resignation and the special meeting/discussions would have to take place afterwards for the record. Commissioner Castillo would be required to submit his letter of resignation 10 days prior to the qualifying period beginning on January 2, 2024.

Commissioner Castillo made a point of order about the discussion.

Vice Mayor Siple and Commissioner Good spoke on the item.

AFTER THE VOTE WAS TAKEN:

Commissioner Schwartz spoke on the item.

OLD BUSINESS:

ADJOURN - 9:16 P.M.

CITY OF PEMBROKE PINES

Marlene D. Graham, CMC
City Clerk