

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, October 21, 2020

6:30 PM

6:30 PM Virtual Regular Commission Meeting.

Item 15 pulled from the agenda. Online at

<https://www.ppines.com/135/Watch-Meeting---Live-Stream>. Webex

Phone No. +1-408-418-9388. Meeting Number 173 816 0017.

Commission Chambers

City Commission

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

6:30 PM VIRTUAL REGULAR MEETING CALLED TO ORDER**ROLL CALL**

Present 5 - Mayor Frank Ortis, Vice Mayor Jay D. Schwartz, Commissioner Thomas Good Jr., Commissioner Angelo Castillo, and Commissioner Iris A. Siple

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Ortis.

ANNOUNCEMENT OF ITEMS TO BE PULLED FROM AGENDA

The City Clerk announced Item 15 pulled from the Agenda.

ITEMS AT THE REQUEST OF THE PUBLIC

There were no items at the request of the public.

ANNOUNCEMENT OF BOARD AND COMMITTEE APPOINTMENTS

BA-1 20-0744 BOARD ANNOUNCEMENT: COMMISSIONER ANGELO CASTILLO WISHES TO ANNOUNCE THE FOLLOWING APPOINTMENT TO THE ENVIRONMENTAL ADVISORY BOARD AS A DISTRICT 4 REGULAR MEMBER:

MS. HEIKE NAIGUR

Commissioner Castillo announced Ms. Heike Naigur as the District 4 board appointment to the Environmental Advisory Board.

Ms. Naigur thanked the Commission.

Commissioner Good and Commissioner Siple commended Ms. Naigur on her new appointment.

City Attorney Goren explained the Communications Media Technology "CMT" rules under the Governor's Executive Order 20-246, extending Executive Order 20-69, which expires on November 1, 2020. After the expiration of the Executive Order, government meetings will require an in-person quorum. City Attorney Goren spoke on all of the options available to the public to participate in the virtual meeting, stated the meeting had been properly noticed, providing appropriate phone number and access code.

ACKNOWLEDGMENTS:

Commissioner Siple provided data from the Raising Positive Children Forum.

2,850 viewers watched via YouTube livestream
400 + viewers watched on Facebook livestream
Total viewership 3,250 at the event
1,800 viewers responded to the feedback survey.

Commissioner Siple thanked Principal Castellano and recognized many City staff members who assisted in making the program possible.

Mayor Ortis and Vice Mayor Schwartz acknowledged Commissioner Siple's efforts.

CONSENT AGENDA:

1. **20-0742** MOTION TO APPROVE THE PURCHASE OF FIRE RESCUE MEDICAL SUPPLIES AND EQUIPMENT FROM THE BROWARD SHERIFF'S OFFICE (BSO) FOR A TOTAL AMOUNT NOT TO EXCEED \$198,300 FOR FISCAL YEAR 2020-2021, WITH NO CHARGE FOR ADMINISTRATIVE FEES, MARKUP PRICING, OR SHIPPING PURSUANT TO SECTION 4.12(A)(1) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

2. **20-0743** MOTION TO APPROVE ENTERING INTO AN AGREEMENT BETWEEN THE CITY OF PEMBROKE PINES/SOUTHWEST FOCAL POINT SENIOR CENTER AND AREAWIDE COUNCIL ON AGING OF BROWARD COUNTY, INC. TO PROVIDE EMERGENCY HOME ENERGY ASSISTANCE PROGRAM (EHEAP) CARES ACT. THE TOTAL AMOUNT OF THE AGREEMENT IS \$18,986.75.

A motion was made to approve on the Consent Agenda

3. **20-0745** MOTION TO APPROVE OUT-OF-FIELD TEACHING WAIVER FOR THE 2020-2021 SCHOOL YEAR FOR HEATHER PUERTAS TO TEACH ESOL AND READING OUT OF FIELD, AND JULIANA STAAP-LLARENA TO TEACH ELEMENTARY EDUCATION, ESOL, AND READING OUT OF FIELD AT THE FSU/PEMBROKE PINES CHARTER ELEMENTARY SCHOOL.

A motion was made to approve on the Consent Agenda

4. **20-0746** MOTION TO APPROVE THE PURCHASE OF QUICKLIME ON AN AS NEEDED BASIS FROM LHOIST NORTH AMERICA OF ALABAMA, LLC. UTILIZING THE SOUTHEAST FLORIDA GOVERNMENTAL COOPERATIVE PURCHASING GROUP (CO-OP) BID # 20-21B FOR AN ESTIMATED ANNUAL FISCAL YEAR AMOUNT NOT TO EXCEED \$1,196,160 (4,200 TONS X \$284.80/TON), PURSUANT TO SECTION 35.18(C)(6) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

5. **20-0748** MOTION TO APPROVE THE PURCHASE OF FIRE RESCUE MEDICAL SUPPLIES AND EQUIPMENT FROM HENRY SCHEIN FOR A TOTAL AMOUNT NOT TO EXCEED \$36,000, UTILIZING THE SAVVIK BUYING GROUP CONTRACT # 201801, FROM MEDLINE INDUSTRIES, INC. FOR A TOTAL AMOUNT NOT TO EXCEED \$21,600, UTILIZING THE SAVVIK BUYING GROUP CONTRACT # 201801, AND FROM STRYKER CORPORATION, FORMERLY PHYSIO CONTROL, INC., FOR A TOTAL AMOUNT NOT TO EXCEED \$8,200 UTILIZING THE PUBLIC SAFETY ASSOCIATION INC. CONTRACT # 2018-11 FOR FISCAL YEAR 2020-2021 PURSUANT TO SECTION 35.18(C)(6) OF THE CITY'S CODE OF ORDINANCES.

A motion was made to approve on the Consent Agenda

6. **20-0763** MOTION TO RELEASE CASH MAINTENANCE BOND IN THE AMOUNT OF \$25,000.00, REGIONS BANK CASHIERS CHECK #5505469306, FROM ARUBA PEMBROKE INVESTMENT N.V., INC. FOR THE WATER IMPROVEMENTS ONLY FOR PUBLIX VILLAGE SQUARE.

A motion was made to approve on the Consent Agenda

8. **20-0762** MOTION TO APPROVE THE SECOND AMENDMENT TO THE AGREEMENT FOR PURCHASE AND SALE WITH PROVIDENCE ONE INVESTMENTS, LLC.

A motion was made to approve on the Consent Agenda

9. **20-0755** MOTION TO APPROVE REQUEST TO ADVERTISE SOLICITATION(S):
- (A) AD-20-04 "BACK SCANNING AND MEDIA CONVERSION"
(B) TS-20-08 "CITRIX NETSCALER ADC HARDWARE"
(C) PSPW-20-12 "CHARTWELLS KITCHEN FACILITY - COOLER FREEZER SYSTEM REPLACEMENT"
(D) PSPW-20-13 "CONSTRUCTION OF NEW EXTERIOR STORAGE AREAS FOR CITY CHARTER SCHOOLS"
(E) PSPW-20-14 "ROOF REPLACEMENTS FOR VARIOUS SCHOOL BUILDINGS"

A motion was made to approve on the Consent Agenda

10. **20-0767** MOTION TO APPROVE THE FOURTH AMENDMENT TO THE CROSSING GUARDS AGREEMENT BETWEEN THE CITY OF PEMBROKE PINES AND KEMP GROUP INTERNATIONAL CORPORATION TO EXTEND THE TERM OF THE AGREEMENT FOR AN ADDITIONAL ONE HUNDRED TWENTY (120) DAYS FOR AN AMOUNT NOT TO EXCEED \$179,270.00

A motion was made to approve on the Consent Agenda

11. **20-0770** MOTION TO APPROVE THE VIRTUAL REGULAR COMMISSION MEETING MINUTES OF WEDNESDAY, OCTOBER 7, 2020.

A motion was made to approve on the Consent Agenda

Approval of the Consent Agenda

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

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

Nay 0

7. **20-0727** MOTION TO APPROVE THE BUSINESS LEASE AGREEMENT

BETWEEN THE CITY OF PEMBROKE PINES AND CHOICES FOR LIFE INC. IN THE AVAILABLE SPACE LOCATED AT 6700 SW 13TH STREET, PEMBROKE PINES, FL 33025.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Siple, to approve the business lease agreement between the City of Pembroke Pines and Choices for Life, Inc. The motion carried by the following vote:

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

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Item 7 (as revised) into the record, by title.

Vice Mayor Schwartz spoke on the item with concern about issues with the revised agreement, the procurement process, and the lack of financials in the back up documentation. He said the original intent of the agreement was to make sure the Early Development Center Preschools remained open. He referenced an item brought forth by former Commissioner Carl Shechter back in 2006.

City Manager Dodge addressed the concerns of the Vice Mayor regarding the process of leasing space to a potential tenant/contract terms, and that the Corporation had been reinstated with the State of Florida as of October 21, 2020.

Ms. Noel Hall, owner of the non-profit corporation Choices For Life Inc., addressed the questions of the Vice Mayor regarding how she heard about the vacancy and engaged with the City to obtain leasing information.

City Attorney Goren responded to the Vice Mayor regarding the City of Pembroke Pines legal contract terms as the "Landlord" and Choices For Life Inc. as the "Tenant" upon approval by the City Commission and that regardless of the right of the Broward County Property Appraisers Office to analyze leases, the burden of tax liability would be on the tenant and not the City.

Commissioner Castillo spoke on the item and inquired if the Early Development Center would still be operational alongside the non-profit corporation. Commissioner Castillo also inquired if there would be any foreseeable conflicts if the Early Development Center remained

operational.

City Manager Dodge said that Commissioner Good planned to hold a community meeting with the local residents to discuss the use of the property.

Commissioner Good spoke in favor of the non-profit corporation. He said, however, that he would have preferred to conduct the community meeting to get input from residents in advance of Commission action.

Commissioner Siple spoke in favor of the non-profit corporation being a part of the City pending the logistics being worked out.

ORDINANCES AND RESOLUTIONS:

FIRST READING

- 12. 2020-13 MOTION TO PASS PROPOSED ORDINANCE NO. 2020-13 ON FIRST READING.**

AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, PURSUANT TO SECTION 8.03 OF THE CITY OF PEMBROKE PINES CHARTER, AUTHORIZING THE SALE OF APPROXIMATELY 2.271 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 18400 - 18490 JOHNSON STREET, PEMBROKE PINES, FLORIDA, TO CHABAD LUBAVITCH OF PEMBROKE PINES, INC., SUBJECT TO THE TERMS AND CONDITIONS AS SET FORTH IN THE PURCHASE AND SALE AGREEMENT, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ALL NECESSARY DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECOND AND FINAL READING IS TENTATIVELY SCHEDULED FOR NOVEMBER 18, 2020.

A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass Proposed Ordinance 2020-13 on First Reading. Second and final reading scheduled for November 18, 2020. The motion carried by the following vote:

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

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2020-13 into the record, by title.

Commissioner Castillo spoke in favor of the item.

Rabbi Mordechai Andrusier expressed thanks to the Commission and staff for their continued support.

Commissioner Siple, Commissioner Good, and Vice Mayor Schwartz also thanked Rabbi Mordechai for all of his efforts.

City Attorney Goren spoke saying the item would be brought before the Commission on second and final reading on November 18, 2020 and it would be in a non-virtual format for the record; meaning each member of the Commission would be physically present at the meeting, but with seating limitations and possible virtual format options for the members of the public.

13. 2020-15 MOTION TO PASS PROPOSED ORDINANCE 2020-15 ON FIRST READING.

PROPOSED ORDINANCE 2020-15 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING ORDINANCE NO. 1932; PROVIDING FOR AN AMENDED BUDGET FOR FISCAL YEAR 2019-2020 FOR THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECOND AND FINAL READING IS SCHEDULED FOR WEDNESDAY, NOVEMBER 4, 2020.

A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to pass Proposed Ordinance 2020-15 on First Reading. Commissioner Good said he would not support the item because he was not in favor of anything that had to do with refunding of the Series 2008 Charter Schools Revenue Bonds which terminated the rates. Second and final reading is scheduled for November 4, 2020. The motion carried by the following vote:

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

Nay 1 - Commissioner Good Jr.

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Ordinance 2020-15 into the record, by title.

Commissioner Good spoke. He said he would not support the item because he was not in favor of anything that had to do with refunding of the Series 2008 Charter Schools Revenue Bonds which terminated the rates.

City Attorney Goren stated the item would be brought back at the November 4, 2020 Commission meeting in the non-virtual format.

Commissioner Castillo requested a memorandum from the City Manager outlining the reasons why the budget needed to be amended. The City Manager responded that the documentation would be provided to the Commission as requested.

RESOLUTIONS:**14. 2020-R-46 MOTION TO ADOPT PROPOSED RESOLUTION 2020-R-46.**

PROPOSED RESOLUTION 2020-R-46 IS A RESOLUTION OF THE CITY OF PEMBROKE PINES, FLORIDA AUTHORIZING THE MAYOR, THE VICE MAYOR, THE CITY MANAGER, THE CITY CLERK AND THE FINANCE DIRECTOR TO SIGN VOUCHERS AND CHECKS, TO MAKE DEPOSITS AND WITHDRAWALS, AND TO AUTHORIZE TRANSACTIONS ON INVESTMENTS PURSUANT TO THE CITY'S INVESTMENT POLICY ORDINANCE AND AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Vice Mayor Schwartz, seconded by Commissioner Siple, to adopt Proposed Resolution 2020-R-46. The motion carried by the following vote:

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

Nay 0

Enactment No: 3721

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2020-R-46 into the record, by title.

REPORTS OF LEAGUE REPRESENTATIVES

Mayor Ortis spoke on the meeting with President Tony Ortiz and his goals for Florida League of Cities.

Commissioner Siple reported on the Municipal Administration Committee and its preparation of legislative agendas items. The Commissioner also reported that the next Florida League of Cities meeting would take place on November 12, 2020 with an option for in-person or virtual participation.

REPORTS OF THE CITY MANAGER AND CITY ATTORNEY

A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to approve conducting a Shade Session. The City Attorney, on the advice of the City's outside special legal counsel, Cindy Laquidara, Esq., of the Ackerman law firm, formally requested, under Section 286.011(8), Florida Statute, that the City Commission conduct a shade meeting in the near future and, subject to calendars and court outcomes, regarding the currently pending consolidated case known as the "City of Pembroke Pines vs. the City of Hollywood (Large User Agreement cases)"; for the City Attorney and Ms. Laquidara to seek advice and direction from the City Commission, as allowed by law under the Statute. The motion carried by the following vote:

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

Nay 0

City Manager Dodge reported there was a consensus via email, to meet on Monday, November 2, 2020 at 6:00 PM in a Commission Workshop Meeting to discuss the "white paper" item and amendments to the Calvin Giordano Associates and Waste Pro contract agreements.

Commissioner Castillo requested a cost benefit analysis of contracting out services verses keeping them in house and that it would be provided to the Commission as an amendment to the report.

City Manager Dodge's second item was regarding the startup of sports tournaments with the sports organizations. He called on Christina Sorensen, Director of Recreation and Cultural Arts to address the matter.

City Manager Dodge also provided instructions for the Commission to log off and back on the virtual platform for an Executive Session (governed by s. 286.011(8), Fla. Stat.) to discuss Broward Teacher Union (BTU) contract negotiations to take place immediately after the adjournment of this regular Commission meeting, October 21, 2020.

Vice Mayor Schwartz inquired about the Waste Pro documentation for review prior to the Workshop and City Manager Dodge responded the information would be provided the next day.

Vice Mayor Schwartz also inquired about the workshop being open to the public for input and City Attorney Goren responded that after November 1st, the City Commission will be required to be present for a quorum and that the CDC guidelines would be followed with regards to public accessibility at the meeting.

City Manager Dodge spoke about potential options available for public access and participation in the meeting.

Christina Sorensen, Recreation and Cultural Arts Director, addressed the Commission regarding inquiries on requests for tournaments with the youth sports organizations. Staff reached out to Broward County for guidance based upon the inquiries and was told there is no approval needed as long as the Broward County Emergency Order 20-25 guidelines were maintained, referencing attachment 19 in the document as it pertains to non-professional organized sporting events with spectators.

Vice Mayor Schwartz asked when the regular parks would open back up and what the requirements for that process are.

Commissioner Good recommended that staff reach out to other municipalities that have allowed some of their parks to re-open and to assess their processes.

City Manager Dodge recommended that the City's parks not be re-opened at this time for the safety and welfare of the residents.

Please note the audio time-stamped from 1:29:42 to 1:31:34 of the Regular Commission meeting is unavailable due to technical difficulties. Please refer to vote action taken under Reports of the City Manager and City Attorney in these minutes.

COMMISSION ITEMS:

15. 20-0768 **[ITEM PULLED FROM THE AGENDA]** COMMISSIONER CASTILLO - ITEM 1: MOTION TO DISCUSS AND TAKE POSSIBLE ACTION TO PROVIDE ARC BROWARD WITH \$5,000 TO CONTINUE PROVIDING VIRTUAL SERVICES TO DEVELOPMENTALLY DISABLED AND AUTISTIC CHILDREN IN PEMBROKE PINES IN LIGHT OF DWINDLING FUNDING DURING THE COVID EMERGENCY.

NEW BUSINESS:

OLD BUSINESS:

ADJOURN - 8:31 P.M.

CITY OF PEMBROKE PINES

Marlene D. Graham, CMC
City Clerk