City of Pembroke Pines, FL

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

Meeting Minutes

Thursday, September 12, 2019

5:05 PM

5:05 PM Public Hearing Fire Assessment. 5:30 PM (or at such time as Fire Assessment Public Hearing adjourns) Public Hearing Special Meeting. 5:45 PM (or at such time as Special Meeting adjourns) Commission Workshop Special Meeting.

Commission Chambers

City Commission

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

5:05 PM PUBLIC HEARING FIRE ASSESSMENT CALLED TO ORDER

ROLL CALL

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

Also present: City Manager Dodge, City Attorney Goren, and City Clerk Graham.

PUBLIC HEARING FIRE ASSESSMENT ITEM:

PH-1 **19-1073** PUBLIC HEARING: CONSIDERATION OF RE-IMPOSING FIRE PROTECTION SPECIAL ASSESSMENTS FOR THE PROVISION OF FIRE PROTECTION SERVICES WITHIN THE CITY OF PEMBROKE PINES FOR 2019-2020.

PURPOSE: RECEIVING PUBLIC COMMENT ON THE PROPOSED ASSESSMENTS. THE ASSESSMENTS FOR EACH PARCEL OF PROPERTY WILL BE BASED UPON EACH PARCEL'S CLASSIFICATION AND THE TOTAL NUMBER OF BILLING UNITS ATTRIBUTED TO THAT PARCEL. **[PUBLIC COMMENT].**

City Attorney Goren read Item Public Hearing Item 1 into the record.

Mayor Ortis opened the Public Hearing.

No members of the public spoke on the item.

Mayor Ortis closed the Public Hearing Item.

RESOLUTION:

1. **2019-R-38** MOTION TO ADOPT PROPOSED RESOLUTION 2019-R-38.

PROPOSED RESOLUTION 2019-R-38 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, RELATING TO THE PROVISION OF FIRE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF PEMBROKE PINES, FLORIDA; RE-IMPOSING FIRE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF PEMBROKE PINES

FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Siple, seconded by Vice Mayor Schwartz, to adopt the Proposed Resolution 2019-R-38 for the Fire Assessment. The motion carried by the following vote:

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

Nay 0

Enactment No: 3670

PRIOR TO THE VOTE BEING TAKEN:
City Attorney Goren read Proposed Resolution 2019-R-38 into the record, by title.

The City Commission adopted Resolution Number 3670.

MEETING ADJOURNED

5:30 PM (or at such time as the Fire Assessment Public Hearing adjourns) CITY COMMISSION PUBLIC HEARING SPECIAL MEETING CALLED TO ORDER

ROLL CALL

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

Also present: City Manager Dodge, City Attorney Goren, and City Clerk Graham.

PUBLIC HEARING SPECIAL MEETING ITEM:

PH-2 **19-1095** CITY COMMISSION SPECIAL MEETING TO DISCUSS PROPOSED RESOLUTION 2019-R-40 SECOND SUPPLEMENTAL RESOLUTION FOR EXTENSION OF BANK RATE PURCHASE DATE; AND PROPOSED RESOLUTION 2019-R-41 AUTHORITIZATION RESOLUTION FOR CITY OF PEMBROKE PINES CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2019.

City Attorney Goren read Item Public Hearing Item 2 into the record.

Mayor Ortis opened the Public Hearing.

No members of the public spoke on the item.

Mayor Ortis closed the Public Hearing.

RESOLUTIONS:

1. **2019-R-40** MOTION TO ADOPT PROPOSED RESOLUTION NO. 2019-R-40.

PROPOSED RESOLUTION 2019-R-40 IS A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 3412 AS AMENDED BY RESOLUTION NO. 3603, 3631 AND 3654 TO PROVIDE FOR AN EXTENSION OF THE INITIAL BANK RATE PURCHASE DATE; AUTHORIZING OTHER REQUIRED ACTIONS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to adopt Proposed Resolution 2019-R-40. The motion carried by the following vote:

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

Nay 1 - Commissioner Good Jr.

Enactment No: 3671

Enactment No: 3671

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2019-R-40 into the record, by title.

Mayor Ortis opened the public hearing.

City Attorney Goren announced no member of the public spoke on the item.

Mayor Ortis thereby closed the public hearing.

2. **2019-R-41** MOTION TO ADOPT PROPOSED RESOLUTION 2019-R-41.

PROPOSED RESOLUTION 2019-R-41 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $80,000,000 IN AGGREGATE PRINCIPAL AMOUNT CITY OF PEMBROKE PINES, FLORIDA CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2019, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING THE CITY'S CHARTER SCHOOL REVENUE BONDS, SERIES 2008 AND FINANCING AND/OR REIMBURSING THE COST OF ACQUIRING, DESIGNING, CONSTRUCTING, RECONSTRUCTING AND EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS OF THE CITY, INCLUDING WITHOUT LIMITATION CAPITAL IMPROVEMENTS TO THE CITY'S ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM AND FINANCING THE TERMINATION PAYMENTS WITH RESPECT TO THE INTEREST RATE SWAP AGREEMENTS ENTERED IN CONNECTION WITH THE CITY'S CHARTER SCHOOL REVENUE BONDS, SERIES 2008; COVENANTING TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES TO PROVIDE FOR THE PAYMENT THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS FOR THE BENEFIT OF THE HOLDERS OF SUCH BONDS; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH BONDS; TAKING CERTAIN OTHER ACTIONS WITH RESPECT TO SUCH BONDS; AUTHORIZING AND APPROVING THE NEGOTIATED SALE OF SUCH BONDS TO THE UNDERWRITERS NAMED HEREIN SUBJECT TO THE TERMS AND CONDITIONS CONTAINED HEREIN; APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT; AUTHORIZING CERTAIN OFFICIALS TO DEEM FINAL THE PRELIMINARY OFFICIAL STATEMENT FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15C2 12; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; APPOINTING THE PAYING AGENT AND REGISTRAR; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISCLOSURE DISSEMINATION AGENT AGREEMENT; PROVIDING CERTAIN OTHER MATTERS RELATING TO THE SERIES 2019 BONDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN

EFFECTIVE DATE.

A motion was made by Commissioner Castillo, seconded by Commissioner Siple, to adopt Proposed Resolution 2019-R-41. The motion carried by the following vote:

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

Nay 1 - Commissioner Good Jr.

Enactment No: 3672

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Proposed Resolution 2019-R-41 into the record, by title.

Mayor Ortis, Vice Mayor Schwartz, and Commissioners Good, Siple and Castillo spoke on the item.

The following member of the public spoke on the item:

Ms. Gloria Pierce, 13055 SW 15th Court, Pembroke Pines, FL

The Commission adopted Resolution Number 3672.

MEETING ADJOURNED - 5:37 PM

5:45 PM (or at such time as the City Commission Special Meeting Public Hearing adjourns) COMMISSION WORKSHOP/SPECIAL MEETING CALLED TO ORDER

COMMISSION WORKSHOP/SPECIAL MEETING ITEM:

WS-1 **19-1100** WORKSHOP ITEM 1: CITY OF PEMBROKE PINES COMMISSION WORKSHOP DISCUSSION ON THE USE OF CITY FACILITIES.

Mayor Ortis called the workshop to order and introduced City Manager Dodge.

City Manager Dodge provided an overview of the workshop. He said the purpose of the workshop was to discuss implementing a policy regarding the use of the City facilities. There would be a policy to govern the leasing of city facilities.

Vice Mayor Schwartz made a point of clarification to include other City facilities: Southwest Focal Point Senior Center, Recreation Center, Spring Valley and Towngate facilities, as well as the Pembroke Pines Charter Schools.

Mr. Dodge confirmed that the aforementioned City facilities would also be included along with City Center.

Commissioner Castillo spoke on the City's proprietary responsibilities. He said that each city facility had different statutes pertaining to types of buildings, i.e. schools, and made reference to the City Attorney's legal memorandum dated September 4, 2019.

City Attorney Goren referenced a legal memorandum to the Commission dated September 4, 2019 as a supplement to previous legal memoranda dated August 27, 2018 and May 9, 2019, regarding the uses of City facilities and specifically City Center and gun shows. The legal memorandum of September 4, 2019 provided options to the Commission for consideration pertaining to uses of City facilities. The intended purposes in which the City Center would be used, including retail events as referenced from the 09-04-19 City Attorney memorandum on page 2 section 1:

"*...prohibiting the rental of the City Center for all retail events, or events where a retail component exceeds a certain percentage threshold* and section 4 *to defer approval of any future gun show events while waiting for further judicial relief matters currently pending in the appellate courts."*

The City Attorney responded to questions from the Commission pertaining to the options listed in the memorandum:

1) Prohibit the rental of the City Center for all retail events, or events where a retail component exceeds a certain percentage threshold.

2) Make the determination that the City, in its proprietary capacity as the owner and operator of a venue, will no longer permit gun shows to be held at the City Center.

3) Seek additional relief through the Legislature, consistent with the action taken by the City Commission at its August 21, 2019 regular meeting.

4) Defer approving any future applications for gun show events while waiting for further judicial relief on matters currently pending in the appellate courts.

City Attorney Goren spoke about the pending litigation against the State of Florida regarding Chapter 790.33 of the Florida Statutes regarding field of regulation of firearms and ammunition preempted, in which the City was a co-plaintiff along with Coral Springs, Coconut Creek, and Wilton Manors. The case was appealed and that the statute would remain intact as is.

City Attorney Goren concluded by speaking about the meaning of the word "draconian"--meaning excessively harsh, severe, extreme, and iron-fisted as it pertained to F.S. 790.33 and its prohibitions and penalties for local gun control regulations. Mr. Goren said all the information he provided to the Commission was to protect the best interests of the City concerning the matter.

The following items were discussed by the Commission:

- Each facility being governed by different Florida State Statues dependent on the facility type and what the City's proprietary responsibilities would be.
- Options listed in the Legal Memorandum of September 4, 2019.
- Determining a reasonable percentage threshold for retail shows before the event becomes unauthorized.

Steve Clark, General Manager of SMG, responded to the questions of the Commission regarding event contracts.

The following members of the public spoke on the matter:

Ms. Gloria Pierce, 13055 SW 15th Court, Pembroke Pines, Florida.
Ms. Barbara Markley, 621 Federal Hwy # 6, Fort Lauderdale, Florida.
Ms. Markley asked Mr. Clark questions regarding SMG's management of City Center and the types of events planned for City facilities.
Mayor Ortis said that he was still hearing from members of the public who wished to know more about upcoming events planned at City Center.

SPECIAL MEETING REGULAR ITEM:

1. **19-1097** DISCUSSION AND POSSIBLE MOTION(S) ARISING FROM THE WORKSHOP MEETING REGARDING THE USE OF CITY FACILITIES, AND THE CITY CENTER IN PARTICULAR.

A motion was made by Commissioner Siple, seconded by Vice Mayor Schwartz, to approve the item to direct the City Manager to provide further information on the items brought forward and discussed by Commission at the preceding workshop, to provide a report on the last 3 years of use of City facilities--rented or leased as referred to in Section 1 on Page 2 of the City Attorney's Memorandum dated September 4, 2019:

"...prohibiting the rental of the City Center for all retail events, or events where a retail component exceeds a certain percentage threshold";

and Section 4 on Page 2 of the same City Attorney's Memorandum dated September 4, 2019:

"...to defer approval of any future gun show events while waiting for further judicial relief on matters currently pending in the appellate courts."

The motion carried by the following vote:

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

Nay 0

PRIOR TO THE VOTE BEING TAKEN:

City Attorney Goren read Special Meeting Item 1 into the record.

Commissioner Siple spoke the item.

The following member of the public spoke on the item:

Ms. Gloria Pierce, 13055 SW 15th Court, Pembroke Pines, FL.

SPECIAL MEETING ADJOURNED - 6:22 PM

CITY OF PEMBROKE PINES

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Marlene D. Graham, CMC
City Clerk

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE
PROCEEDINGS IS MADE WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE SHOULD CONTACT THE CITY CLERK, 450-1050 AT LEAST 48 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.