

**City of Tamarac
City Commission Minutes
Wednesday, May 27, 2020**

CALL TO ORDER

Mayor Gomez called the Wednesday, May 27, 2020, Virtual City Commission meeting to order at 9:303 a.m.

ROLL CALL

Mayor Gomez, Vice Mayor Bolton, Commissioner Fishman and Commissioner Placko were present. Commissioner Gelin joined the meeting at 9:40 a.m.

Also present were City Manager Michael Cernech, City Attorney Sam Goren, and City Clerk Jennifer Johnson.

PLEDGE OF ALLEGIANCE

Commissioner Fishman led the Pledge of Allegiance.

Mayor Gomez provided welcome remarks and reminded those watching of the options for public access.

1. PROCEDURES FOR VIRTUAL MEETINGS

City Attorney Goren reviewed the procedures previously adopted for all commission meetings conducted using communications media technology ("CMT"), and in accordance with Governor DeSantis' Executive Orders 20-51, 20-52, 20-69 and 20-112.

2. PROCLAMATIONS AND PRESENTATIONS

None.

3. CITY COMMISSION REPORTS

a. Vice Mayor Bolton

Vice Mayor Bolton stated Memorial Day was like no other. He stated he went to Veterans Park and laid a wreath at the site and posted the photos to Facebook. The residents were very happy that was able to be done. Bolton stated, on Saturday he was at Caporella Park, and reported lots of residents still don't have masks and don't feel safe. Residents have reported to him, they want to open but safely. Bolton stated he handed out masks to make sure the residents are kept safe. Bolton stated he wanted to provide greetings to his Muslim friends in Tamarac after Ramadan ended. He made relevant posts on Facebook regarding the matter. Bolton stated, if anyone would like to see what he is doing in the City, or his District, they can go to his Facebook page Facebook.com/CommissionerMarlonBolton. Bolton provided his personal cell number 954-275-3850. He provided his office number 954-597-3463. Bolton wished everyone a Happy Memorial Day, and wished himself a happy birthday Sunday, and hopefully he will be healthy for his birthday. Bolton stated, you never know what can happen between meetings. Bolton wished everyone who is a father, Happy Father's Day, and stated he is a father to a five-year-old named Matthew. Bolton also stated his son is a talker and may grow up to be a lawyer one day.

Mayor Gomez wished Vice Mayor Bolton an early birthday, and stated Commissioner Gelin

was not present to give a report.

b. Commissioner Fishman

Commissioner Fishman wished Vice Mayor Bolton a Happy Early Birthday. Fishman thanked everyone involved in the Memorial Day video, and stated it was a wonderful tribute to the Veterans we have in our City. While we could not enjoy our regular ceremony for Memorial Day, it was very moving to watch the video. Fishman also wished everyone a Happy Early Father's Day.

c. Commissioner Placko

Commissioner Placko wished Vice Mayor Bolton Happy Early Birthday, and Happy Early Father's Day to all the fathers. Placko stated she has received a lot of feedback regarding opening. Everybody, at this point, has to make the decision that is best for them. Placko stated, we all get to choose now. I have gotten push back on both sides, and you need to make a decision that is best for you and what you are comfortable with.

d. Mayor Gomez

Mayor Gomez stated she appreciated all the work that went into the Memorial Day video. She appreciates all our Veterans, including all the men and women we don't know about and they serve our City very well. Gomez stated there are still a lot of meetings going on about the reopening of our cities, our county, and state. It is up to us to make the decision on what's best for us. The decision I make, about my health, with help taking care of you. If I don't feel well, I stay home. Same for anyone else. If you don't feel comfortable, don't go out. If you do decide to go out, stay local and try to support our local businesses.

4. CITY ATTORNEY REPORT

City Attorney Goren referenced the four executive orders by the Governor, and for the purpose of 20-112 re-emphasized the virtual quorum. Public business is to continue. Moving forward, under the rules you adopted, subordinate local government meetings may take place at the City Manager's discretion. Goren stated he would keep the Commission posted on any changes.

5. CITY MANAGER REPORT

City Manager Cerench stated the City is welcoming the swim team back to the Aquatic Center. Depending on how things go, we will determine if when we will be opening the Aquatic Center to the public. The Dog Park is open, and we have been monitoring park attendance and behavior. Everyone seems to be doing their best to be respectful of one another. The numbers are not as high as expected, so we will be opening to non-residents starting later this week. The Red route and Red Extension Community Bus Shuttle will be back online this week. The Fitness Center, at the Aquatic Center, will reopen Friday. It will be open Monday – Friday 6 a.m. to 7 p.m. Saturday from 7:30 a.m. – 6 p.m. and closed Sundays. It will also be closed from 2 p.m. – 3 p.m. daily for cleaning.

6. PUBLIC PARTICIPATION

Mayor Gomez opened for public participation and read instructions describing the public's access during a virtual meeting.

Mayor Gomez asked the City Clerk if there were any comments submitted via email.

City Clerk Johnson, read the following comments submitted via email or Facebook into the record.

- 1) Jorel Sabado, via email, Hello, My name is Jorel and I work with Bron, the property registration service vendor on behalf of mortgage servicers. I am emailing you today with regards to any changes in your procedure which may be impacted due to the recent events caused by COVID-19.

As vacant property registration fees as well as late fees are time-sensitive, we would like to inquire about the following,

- Would you prefer we wait until events have subsided?
- Is there anyone in the office to accept mail?
- Will there be a grace period if renewal is due?
- Will fines be assessed if registration is not received?
- When is the expected date of return to work if office/registration program is shut down?

Please inform if your local municipality/county/state government has implemented moratoriums on the following programs:

- Foreclosures (if on hold, will payments be deferred until a later date or waived completely?)/Date of stay?
- Evictions/Date of stay?
- Violations/Date of stay?
- Utility stoppage/Date of stay?

Please state or provide any examples of acceptable proof needed to show COVID-19 related loss in order to qualify for these support programs and how long these programs are to be implemented for.

If this information is unknown or the incorrect contact has been reached, please defer this message to the person who handles the moratorium law. Please also feel free to call at the below contact card should any of the requested information remain unclarified.

- 2) John Hamilton, via email, as a resident of the Woodlands community I strongly urge the commission to approve the agenda item introduced by Commissioner Gelin to hire an independent, third party to survey the entire Woodlands community to gain an accurate perspective on how the residents feel about the ongoing proposed development of their property. It is in the best interests of all parties involved to have an unbiased, neutral accounting of the of the feelings this issue will certainly affect the most, the residents of the community.
- 3) Jose Spena, of 5721 Coco Palm Drive, Tamarac, and by telephone, stated the City staff and Commission rushed to create and approve an ordinance to help real estate developers before doing anything for the residents. This may help real estate developers by lowering impact fees, help them make more money when their projects are finished, and they sell the units for market price years later. They will not transfer savings to future buyers, it will go to stockholders, but will be paid by all current and future residents and possibly decrease quality of life. Staff justifies this incentive as a benefit to the residents, but it is not. If future city revenues could be used to benefit the community, then why not give it back to the community such as a property tax cut. It was pushed in the past two meetings, back-to-back, and I would like to know who profits from our future resources and how much they receive.

Mayor Gomez closed public comment.

7. CONSENT AGENDA

a. Approval of the March 19, 2020, Special City Commission Workshop Minutes

b. Approval of the May 13, 2020, City Commission Workshop Minutes

c. TR13381 – WTP Wells 9, 15, 16, 17

A Resolution of the City Commission of the City of Tamarac, Florida, authorizing a purchase agreement with Florida Design Drilling Corporation (FDD) for the Water Treatment Plant Wells 15, 16 and 17 Project authorizing an expenditure of funds for an amount not to exceed \$243,269.70 including a contingency in the amount of \$29,192.36 for a project total not to exceed \$272,462.06; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): District 2

Citywide

d. TR13428 – Approval of Assignment Agreement for Utility Billing Services Contractor – InfoSend, Inc. (Formerly Southwest Direct, Inc.)

A Resolution of the City Commission of the City of Tamarac, Florida, approving an assignment to assign the contract award of Utility Billing, Printing and Mailing Services from Southwest Direct, Inc., to InfoSend, Inc., pursuant to the purchase of the assets of Southwest Direct, Inc. by InfoSend, Inc., for the remainder of the contract term through June 25, 2021 and Florida Contract #18-7312; authorizing the appropriate City officials to execute the agreement between the City of Tamarac and Southwest Direct Inc.; providing for conflicts; providing for severability; and providing for an effective date .

Commission District(s): Citywide

e. TR13431 – Hurricane Irma Rebuild Grant Programs Applications

A Resolution of the City Commission of the City of Tamarac, Florida, approving and authorizing the appropriate City Officials to apply for and receive financial assistance for the Hurricane Irma Rebuild Florida grant programs; providing for conflicts; providing for severability; and providing for an effective date.

f. TR13432 – FS36 Fire Alerting System

A Resolution of the City Commission of the City of Tamarac, Florida, approving Change Order No. 2 to the agreement with Keylite Power & Lighting Corporation for the installation of the Fire Station 36 Alerting System utilizing Contract No. R1426611P1 awarded by Broward County Board of County Commissioners; authorizing an expenditure from the appropriate accounts in an amount not to exceed \$173,154.31; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): District 4

Citywide

g. TR13439 – Resolution of Support for the Tamarac Mainlands 1-5

A Resolution of the City Commission of the City of Tamarac, Florida, providing a resolution of support for the Mainlands 1-5 Pavement and Resurfacing Project, approving and authorizing the appropriate City Officials to apply to Broward County for Cycle 1 Rehabilitation and Maintenance (R&M) Surtax funding via an application process through the Broward Mobility Advancement Program – Surtax Administration in an amount not to exceed \$3,000,000 for the Mainland 1-5 Pavement & Resurfacing Project; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): District 1

Mayor Gomez asked the City Manager if there are any additions or deletions.

City Manager Cernech stated there were no additions or deletions.

Mayor Gomez called for a motion and a second to approve the Consent Agenda.

Commissioner Fishman motioned to approve. Vice Mayor Bolton seconded. Clerk Johnson conducted a roll call vote and the motion to approve carried unanimously 5-0.

8. REGULAR AGENDA

a. TR13416 – LaTaberna Nightclub, Special Extended Hours Permit

A Resolution of the City Commission of the City of Tamarac, Florida, approving the Special Extended Hours Permit for LaTaberna Nightclub located at 5303 State Road 7, Tamarac, Florida, allowing the sales of alcoholic beverages for consumption on-premises only from 2:00 a.m. to 4:00 a.m. Thursday, Friday, Saturday and Sundays before a holiday, in accordance with Section 3-4 of the City of Tamarac Code of Ordinances; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): District 1

City Attorney Goren read the title for the record.

Mayor Gomez called for a motion and a second.

Commissioner Fishman motioned to approve. Commissioner Placko seconded.

City Attorney Goren stated the backup information has been provided. Director of Community Development Director Maxine Calloway provided background information related to the item stating LaTaberna is the first to apply using the amending ordinance.

Discussion by the Commission ensued regarding the annual fee being \$400, must reapply after one year, how this application compared to Moments nightclub and if the Broward Sheriff's Office has received any complaints or violations against the establishment.

City Clerk confirmed there were no comments from the public.

Following discussion, Clerk Johnson conducted a roll call vote and the motion to approve carried unanimously 5-0.

b. TR13426 – Denouncing White Supremacy

A Resolution of the City Commission of the City of Tamarac, Florida, condemning and denouncing white supremacy, bias and hate in all of its forms; committing to ensuring civil and human rights are afforded to all individuals in the City of Tamarac; and reaffirming Tamarac's commitment to peace, respect, inclusivity, and equity for all; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): District 1

City Attorney Goren read the title for the record, stating this resolution was deferred from the previous meeting.

Mayor Gomez called for a motion and a second.

City Attorney Goren clarified that the item before the Commission is the revised document that was tweaked prior to the previous meeting to this meeting.

Commissioner Fishman requested the item be table the item to the June 10, 2020 meeting. Commissioner Gelin seconded. City Clerk Johnson conducted a roll call vote and the motion to table until the June 10, 2020 meeting carried 4-1 with Vice Mayor Bolton dissenting.

Mayor Gomez called for a brief recess at 10:10 a.m. and returned at 10:20 a.m.

c. TR13429 – Adoption of Go-Forward Roadway Landscape Master Plan

A Resolution of the City Commission of the City of Tamarac, Florida, providing for the adoption of the Go-Forward Roadway Landscape Master Plan, April 2020, prepared by Miller-Legg, attached hereto as “Exhibit A”; providing for the implementation of the design guidelines and typical conceptual landscape corridors for the roadways within the plan; providing for the application of the implementation strategy and cost estimates within the plan; providing for the acceptance of the recommendations with the plan; providing for conflicts; providing for severability; and providing for an effective date. Commission District(s): Citywide

City Attorney Goren read the title for the record.

Mayor Gomez called for a motion and a second.

Commissioner Placko motioned to approve. Commissioner Fishman seconded.

Community Development Director Maxine Calloway introduced the item and turned the presentation over to Brian Shore and Ludmila Fuentes of Miller-Legg. Shore and Fuentes provided a presentation that is available for review in the City Clerk’s Office.

Mayor Gomez opened for public comments, and there were none.

Following the presentation, discussion by the Commission related to number of trees in the City, native versus non-native trees, age of the City’s irrigation system, costs and funding options, and prioritizing annually as part of the Capital Improvement Program.

Calloway clarified that this is an approval of the landscape master plan, and any funds expended in the future to implement the plan would need Commission approval. The recommendation is a 10-year implementation plan, with targeting areas annually.

Following discussion, City Clerk Johnson conducted a roll call vote and the motion to approve carried unanimously 5-0.

d. TR13430 – Citizen Participation Pan and FY19-20 Action Plan Amendment

A Resolution of the City Commission of the City of Tamarac, Florida, approving an amendment to the City’s previously adopted Citizen Participation Plan and Annual Action Plan for Fiscal Year 2019/20 attached hereto as Exhibit “A” and “B”, respectively, for expenditure of the U.S. Department of Housing and Urban Development Community Development Block Grant; providing for the incorporation of housing assistance payment and economic development activities, and the reallocation of a certain portion of FY19-

20 Minor Home Repair Program to the Housing Assistance Payment Program and the expansion of existing Public Services; providing for conflicts; providing for severability; and providing for an effective date.

Commission District(s): Citywide

City Attorney Goren read the title for the record.

Mayor Gomez called for a motion and a second.

Commissioner Fishman motioned to approve. Commissioner Placko seconded.

Director of Community Development Maxine Calloway provided a presentation, which is on file in the City Clerk's Office.

Mayor Gomez opened for public comments, and there were none.

Discussion by the Commission ensued with questions related to the number of residents who have been assisted so far, total amount of funds initially available, data of the requirements of the application, is staff counting the number of calls or how many people are downloading the application, has the City partnered with Broward County to market the programs available, job loss statistics, and if we have helped any businesses in Tamarac yet, and options to return application in person.

There being no discussion by the Commission, City Clerk Johnson conducted a roll call vote and the motion to approve carried unanimously 4-0. Commissioner Gelin was absent during the vote.

Mayor Gomez recessed at 11:25 a.m. and returned at 11:35 a.m.

e. Woodmont Amended and Restated Development Agreement Third Periodic Review

Third periodic review of the Amended and Restated Development Agreement ("Development Agreement") between the City, Woodmont Country Club, Inc. and Pulte Home Company LLC, dated January 11, 2017, in accordance with Paragraph 26 and Section 163.3235 FL. St., and Determination Hearing as to whether or not there has been demonstrated good faith compliance with the terms and conditions set forth in the Development Agreement.

City Attorney Goren read the title for the record. Goren also detailed issues related to the agreement.

Mayor Gomez asked the members of the Commission if there were any disclosures. Vice Mayor Bolton and Commissioners Gelin, Fishman and Placko stated no communication on this item. Mayor Gomez stated she has spoken with Mark Schmidt.

Commissioner Placko motioned to approve. Commissioner Fishman seconded.

City Attorney Goren stated he received several communications from counsel for the developer expressing his concern for being able to login to the meeting, and for the purposes of this meeting Goren asked that he identify himself for the record.

Justin Schmidt verified he was attending the meeting and could hear the presentation.

Community Development Director Maxine Calloway provided a presentation, which is on file in the City Clerk's Office.

Mayor Gomez opened for public comments, and there were none.

Justin Schmidt, on behalf of Woodmont Country Club, provided comments in response to the City's presentation.

Mayor Gomez requested the City Clerk read public comments.

- 1) David J. Schneider, from Facebook, golf course lands and paths should be changed to multi-use for the benefit of all citizens and homeowners that surround the course. But it is ok for Woodmont Country Club to destroy our property values with a hotel while not taking any responsibility for the maintenance of the Woodmont community.

Discussion by the Commission ensued regarding the details of the agreement, progress toward completion and getting to a cure program.

Mayor Gomez requested the City Clerk read additional public comments.

- 1) David J. Schneider, from Facebook, pristine golf course? Golf course paths are far more pristine.

Mayor Gomez closed public comments.

Discussion by the Commission ensued regarding details of the cure plan from 2018, and maintenance of the lake.

Assistant Director of Public Services John Doherty provided details related to recent maintenance of the lake. Calloway referenced paragraph 7 [of the developer's agreement], which speaks to the waterway conveyance relative to the aqua range and further cited provisions in paragraphs 8 and 9. Calloway provided details regarding the attempted conveyance and flowage easement.

Discussion by the Commission continued regarding Pods B and G being transferred to Woodmont Country Club from Pulte, financial issues because of COVID, and what is the plan to cure.

Schmidt responded yes Pods B & G were transferred. Schmidt provided comments in response to the questions and is willing to discuss compromises with the City to move forward. Schmidt stated they are moving in good faith, and the City needs to be patient, but he is willing to sit down with City to discuss a cure plan.

Calloway provided information for a tolling period if a site plan was submitted, and details related to the submission of a site plan in May 24, 2018.

Discussion by the Commission continued with concerns expressed with how long it has been since the agreement was signed in 2017, and getting the project completed.

City Attorney Goren clarified the amended and restated agreement was negotiated, all lawyers participated in the jointly prepared document, and the Commission at the time weighed heavily on what the document would look like. Goren stated he supports the staff

analysis, findings, and review. In the event there is a need, there is a Chapter 163 agreement, and further provided details related to the agreement and making it unique.

City Attorney provided language to clarify the motion, including to negotiate in good faith and with due diligence, to authorize and direct City staff to meet with Woodmont within the next 30 days, come up with a plan within 30 days, and at our July 8th meeting will either be to approve or whatever the contract provides legally under paragraph 26.

City Clerk Johnson conducted a roll call vote, and the motion carried unanimously 5-0.

9. ORDINANCES – FIRST READING

None.

10. PUBLIC HEARING

None

11. ORDINANCES – SECOND READING

None

12. QUASI-JUDICIAL HEARING(S)

None.

13. OTHER

a. Discussion and Section of Artist for Colony West Suspended Ceiling Sculpture

The Director of Community Development is requesting the City Commission discuss and select an artist to design the Suspended Ceiling Sculpture for the Colony West Clubhouse project.

Director of Community Develop Maxine Calloway provided background information about the item. Art consultants Beth Ravitz and George Gadson provided a presentation which is on file in the City Clerk's Office.

Discussion by the Commission ensued with regard where the money to pay for the art comes from, and what piece would be best for the site, that it stay within or as close to the \$50,000 price range, and stay in the silver motif.

Commissioner Placko motioned to move forward with the mesh style piece (selection 3 from the presentation. Commissioner Gelin seconded. City Clerk Johnson conducted a roll call vote and the motion to approve the mesh styled piece carried unanimously 5–0.

Mayor Gomez recessed the meeting at 1:42 p.m. and returned at 1:52 p.m.

b. Survey of the Woodland Residents

Discussion requested by Commissioner Gelin regarding the City hire an independent third party to survey residents of the Woodlands community to determine the number of residents who are for, against, or take a neutral position on the proposed development.

Commissioner Gelin introduced the item, and provided background related to the topic.

Mayor Gomez asked if there were any public comments.

City Clerk Johnson read the following, which was submitted by email:

- 1) Joel Davidson, of 4608 Norfolk Island Pine Drive, Tamarac, City Commission, I hope u will go forward with the third party survey for residents to decide if they want redevelopment of The Woodlands or not. As a 20 year resident of this community, and familiar with The Woodlands since 1972, I am not in favor of the type of redevelopment 13th floor homes is proposing.

Mayor Gomez closed public comment.

Discussion by the Commission ensued regarding a final site plan being submitted and it being reviewed through the DRC [Development Review Committee] process, an additional community meetings that must take place, possibly HOAs getting involved, and the late-night meeting held in July 2019 was regarding land-use plan amendment and rezoning, which will come back for approval after Broward County approves and transmitted to the State. The City Attorney summarized the City's Code of Ordinances provides protection of Quasi-Judicial procedures, and it is the Commissions has an obligation and responsibility to evaluate all the competent and substantial evidence in an equitable manner. Goren stated conducting a survey would potentially open the City up to a challenge and may even run afoul of the procedures set forth in the City's Code.

Commissioner Gelin motioned to direct the City to hire a third-party independent firm to survey residents of the Woodlands community to get their opinion on the potential development being proposed. Vice Mayor Bolton seconded. City Clerk Johnson conducted a roll vote and the motion failed 3-2 with Commissioner Fishman, Commissioner Placko and Mayor Gomez dissented.

c. Resident Assistance Programs

Discussion requested by Commissioner Gelin regarding transferring \$250,000 from the General Fund and repurposing those funds for Resident Assistance Programs because of COVID-19.

Commissioner Gelin introduced and provided background related to the item. City Manager Cernech provided additional information related to the funds and creating a process that is fair and equitable to the applicants.

Commissioner Gelin motioned to direct staff to create a program to help fund residents in need as a result of COVID-19 in an amount no more than \$250,000 from our reserve account to establish a fund to help residents. Vice Mayor Bolton seconded. Vice Mayor Bolton substituted the motion to direct staff to come up with guidelines, how the funds would be distributed, what the price tag is, a full package at the next meeting. Commissioner Gelin seconded.

City Manager Cernech stated staff could give a progress report at the Budget Hearing next week.

City Clerk Johnson conducted a roll call vote and the motion carried unanimously 5-0.

There being nothing further to discuss, Mayor Gomez adjourned the meeting at 2:38 p.m.

Jennifer Johnson, CMC
City Clerk

Michelle J. Gomez, Mayor

Note to the reader: The above signature is the City Clerk, of the City of Tamarac, Florida. If the minutes you have received are not signed, or completed as indicated above, they are not the official minutes of the Tamarac City Commission Meeting held Wednesday, May 27, 2020.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Commission with respect to any matter considered at such meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is based.

The City of Tamarac complies with the provisions of the Americans with Disabilities Act. If you are a disabled person requiring any accommodations or assistance, please notify the City Clerk's Office at (954) 597-3505 of such need at least 48 hours (2 days) in advance. Additionally, if you are hearing or speech impaired and need assistance, you may contact the Florida Relay Service at either of the following numbers: 1-800-955-8770 or 1-800-955-8771.