



AGENDA

REGULAR COMMISSION MEETING

7:00 PM - Tuesday, October 15, 2024
Commission Chambers

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. DELETIONS OR WITHDRAWALS TO THE AGENDA
 - 4.1. [Grants for Safe School Day Oct 2024](#) 5 - 6
5. PRESENTATIONS / PROCLAMATIONS
6. PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE
7. CONSENT AGENDA
 - 7.1. Housekeeping items, minutes - Town Clerk Martell 7 - 34
 - 07 09 2024 (REVISED)
 - 06 14 2023 UNAPPROVED
 - 07 12 2023 UNAPPROVED
 - 07 12 2023 UNAPPROVED
 - [07 09 2024 SPECIAL COMMISSION MEETING MINUTES](#)
 - [06 14 2023 REGULAR COMMISSION MEETING](#)
 - [07 12 2023 REGULAR COMMISSION MEETING](#)
 - [07 12 2023 SPECIAL \(SHADE MEETING\)](#)
 - 7.2. Maintenance Memorandum of Agreement (MMOA) - Interim Town Manager Williamson 35 - 96
 - RESOLUTION NO. 2024-022
 - A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, ATTACHED HERETO AS EXHIBIT "A;" PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
 - [2024-022 MMOA FDOT Landscape](#)
 - [2024-022 MMOA 2007 EXHIBIT](#)
 - [2024-022 MMOA 2021 EXHIBIT 2](#)
8. RESOLUTIONS

Regular Commission Meeting

October 15, 2024

9. ORDINANCES, 2ND READING

- 9.1. LED Sign Code Amendment - Mayor Mohammed, Planning Consultant Vonder Meulen 97 - 104

ORDINANCE NO. 2024-008

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA
AMENDING CHAPTER 21 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "SIGNS AND ADVERTISING;" AMENDING ARTICLE II, ENTITLED "SIGNS" BY AMENDING DIVISION 1, ENTITLED "COMPREHENSIVE REGULATIONS AND REQUIREMENTS"; AMENDING SECTION 21-17 ENTITLED "DEFINITIONS"; SECTION 21-19 ENTITLED "PROHIBITED SIGNS;" PROVIDING AN EXCEPTION TO THE PROHIBITION OF LED LIGHTING; AMENDING SECTION 21-20, ENTITLED "PERMANENT SIGNS," TO ALLOW LED LIGHTING ON WINDOWS AND DOORS ON PROPERTIES ENGAGING IN NONRESIDENTIAL USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[LED sign agenda memo](#)

[LED sign staff report](#)

[LED sign Ordinance](#)

- 9.2. Code Text Amendment - Planning Consultant Vonder Meulen 105 - 117

ORDINANCE NO. 2024-009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA; **AMENDING CHAPTER 13.5 "LAND DEVELOPMENT", OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES, BY CREATING ARTICLE VIII, TO BE ENTITLED "QUASI-JUDICIAL PROCEEDINGS"; CREATING SECTIONS 13.5-80 THROUGH 13.5-83 OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES; ESTABLISHING QUASI-JUDICIAL PROCEDURES FOR PEMBROKE PARK; PROVIDING FOR THE INTENT; PROVIDING FOR DEFINITIONS; IDENTIFYING QUASI-JUDICIAL MATTERS; PROVIDING PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, EX PARTE COMMUNICATIONS, NOTIFICATION, PRESENTATION OF EVIDENCE AND PREPARATION OF THE ORDER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

[Code Text agenda memo](#)

[Code Text staff report quasi-Judicial 05302024](#)

[Code Text Ord \(Quasi-judicial Procedures\) \(00432499xC4B6A\)](#)

10. NEW BUSINESS

- 10.1. Moratorium on Self-Storage Facilities - Mayor Mohammed 118 - 137
ORDINANCE NO. 2024-010

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AMENDING CHAPTER 13.5, ENTITLED "LAND DEVELOPMENT;"AMENDING ARTICLE IV, ENTITLED "LAND USE REQUIREMENT / IMPLEMENTATION" BY CREATING SECTION 13.5-43, TO BE ENTITLED "ZONING IN PROGRESS;" ESTABLISHING AN ADMINISTRATIVE AND LEGISLATIVE PROCEDURE WHEREBY THE TOWN MAY PLACE A TEMPORARY HOLD ON THE ISSUANCE OF DEVELOPMENT PERMITS AND APPROVALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR ZONING IN PROGRESS PROCEDURES; PROVIDING FOR TOWN COMMISSION REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[12.1 agenda memo Self Storage Moratorium](#)

[12.1 Self-Storage Moratorium](#)

[2024-010 Moratorium Storage Centers](#)

- 10.2. Service Recognition (Bridging) - Human Resources Consultant Biazar 138 - 139

Language drafted for bridging former employees service when rehired.
Policy attached.

[Agenda Item Report - AIR-24-118 - Pdf](#)

- 10.3. Town Manager Recruitment Update - Human Resources Consultant Biazar 140

Clarification on background check process - commission's intent
Review where HR is in the conditional offer process

[Agenda Item Report - AIR-24-117 - Pdf](#)

11. OLD BUSINESS

- 11.1. Commercial Amnesty Program - Mayor Mohammed, Town Attorney Horowitz 141 - 144

RESOLUTION NO. 2024-014

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **PROVIDING FOR THE AMNESTY PROGRAM GUIDELINES FOR COMMERCIAL PROPERTY OWNERS WHO PERFORMED WORK WITHOUT PERMITS TO FACILITATE BRINGING PROPERTY INTO COMPLIANCE THROUGH JANUARY 31, 2026**; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

[2024-014](#)

[2024-014 Exhibit Guidelines Commercial Amnesty Program](#)

12. DISCUSSION

- 12.1. Discussion and possible action regarding a finding of entitlement and the payment of Commissioner Jacobs' attorney's fees related to the 145 - 152

dismissal of criminal charges - Town Attorney Horowitz

[Geoffrey Jacobs Letter to Pembroke Park Legal Fees Request \(1\)](#)
[Invoice 720 - Geoffrey Jacobs v Town of Pembroke Park Criminal Case](#)
[Jacobs 2024-001 \(Attorney's Fees - Comm. Jacobs\)](#)

13. ATTORNEY REPORTS

14. TOWN MANAGER REPORTS

15. COMMISSION REPORTS

Commissioner Jacobs
Acting Clerk Commissioner Kashem
Clerk Commissioner Hodgkins
Vice Mayor Morrisette
Mayor Mohammed

16. ANNOUNCEMENTS

16.1. Special Magistrate Hearing, Wednesday, October 16th, at 9:00 AM
Workshop Commission Meeting, Wednesday, October 23rd, 6:00 PM

CALENDAR OF EVENTS:

Fall Festival, Friday, October 18th, 4:00PM to 7:00 PM
Citizenship Drive, Saturday October 26th at Town Hall from 10AM to
2pm
Health Fair, Saturday, November 2, 2024
Thanksgiving Giveaway, Monday, November 25th
Toy Giveaway, Thursday, December 19th

17. ADJOURNMENT

IN ACCORDANCE WITH THE PROVISIONS OF F.S. SECTION 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE, HE OR SHE 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 TO BE BASED.

ANY PERSON REQUIRING AUXILIARY AIDS AND SERVICES AT THIS MEETING MAY CALL THE TOWN CLERKS OFFICE AT 954-966-4600 AT LEAST TWO CALENDAR DAYS PRIOR TO THE MEETING. IF YOU ARE HEARING OR SPEECH IMPAIRED PLEASE CONTACT THE FLORIDA RELAY SERVICES BY USING THE FOLLOWING NUMBERS: 1-800-955-8770 (VOICE) OR 1-800-955-8771 (TDD)

DECORUM - ALL COMMENTS MUST BE ADDRESSED TO THE COMMISSION AS A BODY AND NOT TO INDIVIDUALS. ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS, OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION, SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION IS GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT. NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR IN OPPOSITION TO A SPEAKER OR HIS/HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBERS. PLEASE MUTE OR TURN OFF YOUR CELL PHONE OR PAGER AT THE START OF THE MEETING. FAILURE TO DO SO MAY RESULT IN BEING BARRED FROM THE MEETING. PERSONS EXITING THE CHAMBER SHALL DO SO QUIETLY.

Suzi Reutlinger



TOWN OF PEMBROKE PARK PROCLAMATION

Supporting the Greenlights Grant Initiative and Efforts to Make Schools Safer and Healthier

WHEREAS: *in the wake of the Uvalde tragedy, parents asked lawmakers to do one thing – “make their lives matter”; and,*

WHEREAS: *lawmakers came together to pass the Bipartisan Safer Communities Act (BSCA), providing billions of dollars in grants for school districts to afford security upgrades, mental health services, and other common-sense programs to make schools safer; and*

WHEREAS: *with grant applications take up to 100 hours and cost as much as \$50,000 to hire a professional grant writer, applying for, and winning, federal grants is complex, expensive, and intimidating; and*

WHEREAS: *relative to those that can hire a professional grant writer or have employees with the time and expertise to apply for these grants, school districts with limited resources and staff, often rural school districts or those in less affluent areas, are unfairly disadvantaged in the challenge of securing sorely needed federal funding; and*

WHEREAS: *the Greenlights Grant Initiative is focused on raising awareness about school safety grants, equipping school districts with resources and tools for successful applications, and ensuring continuous and more equitable federal funding for school safety; and*

WHEREAS: *the Greenlights Grant Initiative supports school districts in navigating the grant application process, through webinars, guidebooks, how-tos, tutorials, and other tools; and*

NOW, THEREFORE, BE IT RESOLVED, *THE TOWN OF PEMBROKE PARK supports the just keep livin Foundation’s Greenlights Grant Initiative in its mission to connect underserved school districts across the country to billions of dollars of available federal funding to make America’s schools and our children safer; and*

BE IT FURTHER RESOLVED, *Mayor Ashira Mohammed, Vice Mayor Erik Morrisette, Clerk Commissioner William R. Hodgkins, Acting Clerk Commissioner Musfika Kashem and Commissioner Geoffrey Jacobs supports efforts to make local school districts aware of the federal funds available for schools, the Greenlights Grant Initiative, and the important work it undertakes to help every school district keep our students safe.*

Ashira Mohammed Mayor

Erik Morrisette Vice Mayor

William R. Hodgkins Clerk Commissioner

Musfika Kashem Acting Clerk Commissioner

Geoffrey Jacobs Commissioner



MINUTES SPECIAL COMMISSION MEETING

(Revised 9-13-24)

6:00 PM - Tuesday, July 9, 2024
Commission Chambers

The SPECIAL COMMISSION MEETING of the Town of Pembroke Park was called to order on Tuesday, July 9, 2024, at 6:00 PM, in the Commission Chambers, with the following members present:

PRESENT: Mayor Ashira Mohammed; Vice Mayor Erik Morrisette; Clerk Commissioner William Hodgkins; Acting Clerk Commissioner Musfika Kashem; and Commissioner Geoffrey Jacobs

EXCUSED:

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 ROLL CALL

The meeting was called to order at 6:09 pm by Mayor Mohammed. Present at the meeting were Ashira Mohammed, Mayor; Erik Morrisette, Vice Mayor; William Hodgkins, Clerk Commissioner; Musfika Kashem, Acting Clerk Commissioner; and Geoffrey Jacobs, Commissioner.

Additional staff in attendance were Chandler Williamson, Town Manager; Marlen Martell, Town Clerk; Suzi Reutlinger, Executive Assistant to Commission; Daniel Decoursey, Interim Police Chief; Jacobs Horowitz, Town Attorney; and Tom Positano, Deputy Public Services Director, Jason Ochoa, Deputy Chief.

4 DELETIONS OR WITHDRAWALS TO THE AGENDA

Two items added by Commissioner Jacobs and Vice Mayor Morrisette

MOTION TO ACCEPT THE AGENDA WITH ADDITIONS TO DISCUSS INTERIM TOWN MANAGER AUTHORITY WHILE ON HIATUS REQUEST BY COMMISSIONER JACOBS. VICE MAYOR MORRISSETTE STATED HE WOULD LIKE TO DISCUSS THE TOWN MANAGER POSITION.

MOTION BY CLERK COMMISSIONER HODGKINS, SECONDED BY VICE MAYOR MORRISSETTE, MOTION PASSED 5-0.

5 PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD &

Town of Pembroke Park
SPECIAL COMMISSION MEETING
July 9, 2024

WELFARE

NONE

6 CONSENT AGENDA

- 6.1** Approval of Minutes - Town Clerk Martell
Special Commission Meeting, April 24, 2024
Regular Commission Meeting, May 8, 2024
Special Commission Meeting, May 16, 2024
Workshop Commission Meeting, May 16, 2024

**MOTION TO APPROVE THE CONSENT AGENDA AND REMOVE FROM
CONSENT LIFT STATION 15 FOR DISCUSSION**

**MOTION TO APPROVE MADE BY COMMISSIONER GEOFFREY JACOBS,
SECONDED BY CLERK COMMISSIONER WILLIAM HODGKINS. MOTION
PASSED 5-0.**

7 REMOVED FROM CONSENT AGENDA

- 7.1** Lift Station 15 Replacement - additional costs - Public Services Director Ghany
REMOVE ITEM FROM CONSENT AGENDA

**MOTION TO APPROVE THE ADDITIONAL COST TO REPLACE LIFT
STATION 15**

**MOTION TO APPROVE MADE BY COMMISSIONER GEOFFREY JACOBS,
SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 5-0.**

8 RESOLUTIONS

- 8.1** Tentative millage rate - Finance Director DiLena

RESOLUTION NO. 2024-009

**A RESOLUTION OF THE TOWN OF PEMBROKE PARK, FLORIDA,
ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 8.5000 MILLS
FOR THE FISCAL YEAR 2024-2025 COMMENCING OCTOBER 1, 2024,
THROUGH SEPTEMBER 30, 2025; SETTING A DATE AND TIME FOR THE
FIRST PUBLIC HEARING TO CONSIDER THE TENTATIVE MILLAGE RATE
AND TENTATIVE BUDGET AND A DATE AND TIME FOR THE FINAL
PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE AND BUDGET;
PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; AND
PROVIDING FOR AN EFFECTIVE DATE.**

MOTION TO APPROVED RESOLUTION NO. 2024-009

**MOTION TO APPROVE MADE BY CLERK COMMISSIONER WILLIAM
HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION
PASSED 5-0.**

9 ADDITIONS TO THE AGENDA

- 9.1** COMMISSIONER JACOBS MOTIONED FOR INTERIM TOWN MANAGER WILLIAMSON TO HAVE FULL COMMISSION AUTHORITY DURING SUMMER HIATUS

MOTION TO HAVE INTERIM TOWN MANAGER WILLIAMSON FULL AUTHORITY TO SIGN THE AMENDMENT FOR DEBRIS REMOVAL CONTRACT AND TO RUN THE DAY TO DAY OPERATIONS, OVERSEE ALL EMPLOYEES AND ABLE TO HIRE, FIRE, AND/OR TAKE DISCIPLINARY ACTION UNTIL AUGUST 28TH WHEN THE COMMISSION RETURNS FROM THEIR SUMMER HIATUS.

MOTION TO APPROVE MADE BY COMMISSIONER GEOFFREY JACOBS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-2.

- 9.2** VICE MAYOR MORRISSETTE REQUESTED TO PROCEED WITH TOWN MANAGER RECRUITMENT AS PREVIOUSLY APPROVED. NO ACTION WAS TAKEN
- 9.3** FURTHER DISCUSSION TOOK PLACE REGARDING THE TOWN MANAGER POSITION. ACTING CLERK COMMISSIONER KASHEM DIRECTED TO PLACE AT THE WORKSHOP COMMISSION MEETING THAT ITEM.
- 9.4** MAYOR MOHAMMED DIRECTED STAFF TO PUT OUT PREVIOUSLY APPROVED BIDS. THE DEBRIS REMOVAL AND AUDITOR SERVICES

10 ATTORNEY COMMENTS

- 10.1** MOTION TO EXTEND RESOLUTION 05-12-12
THE TOWN ATTORNEY WILL PRODUCE A RESOLUTION

MOTION TO APPROVE EXTENSION

MOTION TO APPROVE MADE BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 5-0.

- 10.2** MOTION TO RENEW RESOLUTION 07-01-01 REDUCING THE PERMIT FEE FOR NATURAL DISASTERS
THE TOWN ATTORNEY WILL PRODUCE A RESOLUTION

MOTION TO APPROVED THE RENEWAL

MOTION TO APPROVE MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 5-0.

- 10.3** MOTION TO RECONFIRM RESOLUTION 06-02-01

MOTION TO APPROVE RECONFIRMATION

MOTION TO APPROVE MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 5-0.

11 TOWN MANAGER COMMENTS

- 11.1** UPDATED THE COMMISSION ON THE AUDIT. THE TOWN WAS GRANTED A 45 DAY EXTENSION. HE ALSO SPOKE ABOUT OBSERVATIONS WITHIN THE TIME HE HAS BEEN EMPLOYED. HE THANKED THE COMMISSION FOR THE OPPORTUNITY AND LOOKS FORWARD TO WORKING FOR THE TOWN FOR YEARS TO COME. HE STATED JEFFREY LOUIS WAS AN ASSET DURING THE RAIN EVENT A FEW WEEKS AGO.

12 COMMISSIONER COMMENTS

- 12.1** COMMISSIONER JACOBS STATED HIS FAMILY WAS STILL BEING HARASSED AND HE HAS A CEASE AND DECEIT ORDER

ACTING CLERK COMMISSIONER KASHEM - NONE

CLERK COMMISSIONER HODGKINS - CONGRATULATED SUZI FOR COMPLETING THE PURCHASING CERTIFICATION COURSE

VICE MAYOR MORRISSETTE - NONE

MAYOR MOHAMMED - MENTIONED THAT SENATOR RICK SCOTT HAD REACHED OUT TO HER TO FIND OUT THE NEEDS OF THE COMMUNITY. SHE DIRECTED STAFF TO GATHER PICTURES OF THE FLOODING AND CREATE A POWERPOINT PRESENTATION TO SEND TO HIM.

13 ANNOUNCEMENTS

- 13.1** Special Magistrate Hearing, Wednesday, July 17th at 9:00 AM
Food Giveaway, Saturday, August 3rd from 9AM to 1PM
Special Magistrate Hearing, Wednesday, August 21st at 9:00 AM
Workshop Commission meeting, Wednesday, August 28th at 6:00
1st Budget Hearing, Wednesday, September 11th at 6:00 PM
Regular Commission meeting, Wednesday, September 11th at 7:00 PM
Final Budget Hearing, Wednesday, September 25th at 6:00 PM
Workshop Commission meeting, Wednesday, September 25th at 7:00 PM

14 ADJOURNMENT

Commission approved on: September 11, 2024 and (Revised 9-13-24)
ATTEST:

Marlen D. Martell, Town Clerk

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the Town Clerks Office at 954-966-4600 at least two calendar days prior to the meeting. If you are hearing or speech impaired please contact the Florida Relay Services by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD)

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

Town of Pembroke Park
SPECIAL COMMISSION MEETING
July 9, 2024



TOWN OF PEMBROKE PARK

3150 SW 52 Avenue, Pembroke Park, FL 33023
Broward (954) 966- 4600 - Fax (954)966-5186

REGULAR COMMISSION MEETING MINUTES Wednesday, June 14, 2023 at 7:00 PM

Mayor Ashira Mohammed
Vice Mayor Erik Morrisette
Clerk Commissioner William Hodgkins
Acting Clerk Commissioner Kashem
Commissioner Geoffrey Jacobs

Town Manager JC Jimenez
Interim Town Attorney Jacob Horowitz
Town Clerk Marlen D. Martell

1 CALL TO ORDER MEETING CALLED TO ORDER AT 7:06 P.M.

2 PLEDGE OF ALLEGIANCE LED BY THE MAYOR AND COMMISSIONERS

3 ROLL CALL The meeting was called to order at 7:06 pm by Mayor Mohammed. Present at the meeting were Ashira Mohammed, Mayor; William Hodgkins, Clerk Commissioner; Musfika Kashem, Acting Clerk Commissioner; and Geoffrey Jacobs, Commissioner. Vice Mayor Erik Morrisette was absent.

Additional staff in attendance were JC Jimenez, Town Manager; Jacob Horowitz, Interim Town Attorney; Marlen Martell, Town Clerk; Suzi Reutlinger, Assistant to Town Clerk; Roy Brown, Finance & Budget Director; Babette Friedman, HR Director and Ra Shana Dabney-Donovan, Interim Chief of Police

4 DELETIONS OR WITHDRAWALS TO THE AGENDA ITEM 7.4,10.2, 7.1, 7.2, 7.3, 7.4, 7.5 AND 10.8 WAS WITHDRAWN FROM THE AGENDA

MOTION TO ADOPT THE AGENDA AS AMENDED MADE BY CLERK COMMISSIONER HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER KASHEM. MOTION PASSED 4-0.

5 PRESENTATIONS / PROCLAMATIONS

Town of Pembroke Park
Regular Commission Meeting
June 14, 2023

1. 2023 Legislative Update - State Representative Marie Woodson

MARIE WOODSON SPOKE ON RECORD REGARDING THE LEGISLATIVE.

2. Broward County Mayor Lamar Fisher

MAYOR LAMAR FISHER SPOKE ON RECORD
SUZANNE BAILEY, LEGISLATIVE AIDE SPOKE ON RECORD

3. Critical Event Response Applications - Major Donovan

EDWARD MCGOVERN SPOKE ON RECORD

INTERIM CHIEF OF POLICE DONOVAN-DABNEY TO FORWARD CONTRACT TO
INTERIM TOWN ATTORNEY HOROWITZ FOR REVIEW.

6 PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE

RESIDENT DAVID ROACH SPOKE ON RECORD
RESIDENT ROBERT JANZER SPOKE ON RECORD
RESIDENT LILLIE-ANN PAGE SPOKE ON RECORD

7 CONSENT AGENDA

1. Approval of Minutes - Town Clerk Martell
 - 04 26 2023 Workshop Commission Meeting
 - 05 01 2023 Special Commission meeting
 - 05 10 2023 Regular Commission meeting
 - 05 24 2023 Special Commission meeting
 - 05 24 2023 Workshop Commission Meeting

COMMISSION JACOBS STATED THAT THERE WAS INACCURACIES ON 05 10
2023 REGULAR COMMISSION MEETING.

**MOTION TO APPROVE THE MINUTES WITH CORRECTIONS MADE BY CLERK
COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK
COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER
GEOFFREY JACOBS OPPOSED.**

INTERIM TOWN ATTORNEY HOROWITZ TO WORK WITH COMMISSIONER
JACOBS TO AMEND MINUTES

2. Proposed Management Package - HR Director Friedman

Town of Pembroke Park
Regular Commission Meeting
June 14, 2023

MOTION TO MOVE FORWARD MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

3. Cyber Security Grant Awarded - IT Director Pakula

MOTION TO ACCEPT THE GRANT MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

4. Town Manager Contract Renewal - HR Director Friedman

ITEM WITHDRAWN FROM THE AGENDA

5. S.W. 30th Street Sanitary Sewer Forcemain Replacement - Public Services Director Ghany

MOTION TO APPROVE THE FORCE MAIN REPLACEMENT DESIGN MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

6. Todd Larson Discussion - Commissioner Jacobs

MOTION TO REVERSE THE POLICY AND TO REINSTATE TODD LARSON MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

MEETING RECESSED AT 8:28 P.M.

MEETING RESUMED AT 8:36 P.M.

8 RESOLUTIONS

1. **RESOLUTION NO. 2023-008** - Clerk Commission Hodgkins

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND ADOPTING ARTICLES OF CENSURE AGAINST COMMISSIONER GEOFFREY JACOBS; FINDING THAT COMMISSIONER JACOBS HAS VIOLATED THE TOWN'S CODE OF CONDUCT, AS SET FORTH IN RESOLUTION NO. 2020-090, DATED DECEMBER 9, 2020; FINDING THAT COMMISSIONER JACOBS' BEHAVIOR IS UNACCEPTABLE AND THAT HE MUST MAINTAIN ORDER, DECORUM, CIVILITY AND RESPECT; AND PUBLICLY REPRIMANDING COMMISSIONER JACOBS FOR HIS CONTINUED MISCONDUCT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

COMPLETE RESOLUTION NO. 2023-008 READ INTO THE RECORD BY INTERIM TOWN ATTORNEY HOROWITZ.

MOTION TO ADOPT RESOLUTION 2023-008 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

2. Tentative Millage Rate - Finance Director Brown

RESOLUTION NO. 2023-009

A RESOLUTION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **ADOPTING A PROPOSED OPERATING MILLAGE RATE OF 8.5000 MILLS FOR THE FISCAL YEAR 2023-2024 COMMENCING OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024; SETTING A DATE AND TIME FOR THE FIRST PUBLIC HEARING TO CONSIDER THE TENTATIVE MILLAGE RATE AND TENTATIVE BUDGET AND A DATE AND TIME FOR THE FINAL PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE AND BUDGET; PROVIDING FOR DIRECTIONS TO THE TOWN MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

MOTION TO APPROVE 8.5000 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

9 ORDINANCES

1. Code of Conduct Ordinance - Mayor Mohammed

ORDINANCE NO. 2023-004

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA **AMENDING CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING ARTICLE II, ENTITLED "TOWN COMMISSION" BY CREATING SECTION 2-16 TO BE ENTITLED "CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS"; ESTABLISHING A CODE OF CONDUCT AND DECORUM FOR ELECTED AND APPOINTED TOWN OFFICIALS; REPEALING RESOLUTION NO. 2020-090, ADOPTED DECEMBER 9, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MAYOR MOHAMMED OPENED FOR PUBLIC HEARING
MAYOR MOHAMMED CLOSED FOR PUBLIC COMMENT

MOTION TO ADOPT THE CODE OF CONDUCT ORDINANCE 2023-004 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

2. Adopting Robert's Rules of Order - Mayor Mohammed

ORDINANCE NO.2023-005

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA **AMENDING CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING ARTICLE II, ENTITLED "TOWN COMMISSION" BY AMENDING DIVISION 3, ENTITLED "MEETINGS;" AMENDING AND CLARIFYING THE PROCEDURE FOR CALLING SPECIAL AND EMERGENCY MEETINGS OF THE TOWN COMMISSION; CREATING SECTION 2-43 TO BE ENTITLED "PARLIAMENTARY PROCEDURE"; ESTABLISHING ROBERT'S RULES OF ORDINANCE AS THE FORMAL PROCEDURE FOR TOWN COMMISSION MEETINGS; CREATING SECTION 2-44, TO BE ENTITLED, "SUPPLEMENTAL TOWN COMMISSION PROCEDURES;" PROVIDING ADDITIONAL PROCEDURES FOR CONDUCTING MEETINGS OF THE TOWN COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MAYOR MOHAMMED OPENED FOR PUBLIC HEARING
MAYOR MOHAMMED CLOSED FOR PUBLIC COMMENT

MOTION TO ADOPT ORDINANCE 2023-005 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

2ND READING SEPTEMBER 13, 2023 MEETING

3. **ORDINANCE NO. 2023-006** - Town Manager Jimenez, Finance Director Brown

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, **AMENDING CHAPTER 24 OF THE TOWN'S CODE OF ORDINANCES ENTITLED "TAXATION AND FINANCE," TO CREATE A NEW ARTICLE IV ENTITLED "FIRE PROTECTION SPECIAL ASSESSMENT," TO AUTHORIZE THE LEVY, COLLECTION AND ENFORCEMENT OF A FIRE PROTECTION SPECIAL ASSESSMENT IN THE TOWN; CREATING NEW SECTIONS IN THE TOWN CODE OF ORDINANCES AS FOLLOWS: SECTION 24-110 ENTITLED "INTENT," SECTION 24-111, ENTITLED "FINDINGS OF SPECIAL BENEFIT," SECTION 24-112, ENTITLED "AUTHORITY," SECTION 24-113, ENTITLED "DEFINITIONS," SECTION 24-114, ENTITLED "COLLECTION AND ENFORCEMENT," SECTION 24-115, ENTITLED "INITIAL ASSESSMENT RESOLUTION," SECTION 24-116, ENTITLED "PUBLIC HEARINGS," SECTION 24-117, ENTITLED "NOTICE REQUIREMENTS FOR PUBLIC HEARINGS," SECTION 24-118, ENTITLED "PREPARATION OF ASSESSMENT ROLL," SECTION 24-119, ENTITLED "FINAL ASSESSMENT RESOLUTION," SECTION 24-120, ENTITLED "PRELIMINARY ASSESSMENT RESOLUTION," SECTION 24-121, ENTITLED "ANNUAL ASSESSMENT RESOLUTION," SECTION 24-122, ENTITLED "EFFECT OF FINAL OR ANNUAL ASSESSMENT RESOLUTIONS," SECTION 24-123, ENTITLED "ADOPTION OF ASSESSMENT ROLL," SECTION 24-124,**

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ENTITLED "CERTIFICATION OF ASSESSMENT ROLL, "SECTION 24-125, ENTITLED "EXEMPTIONS," SECTION 24-126, ENTITLED "REVISIONS TO SPECIAL ASSESSMENTS," SECTION 24-127, ENTITLED "PROCEDURAL REGULARITIES," SECTION 24-128, ENTITLED "CORRECTION OF ERRORS AND OMISSIONS," SECTION 24-129, ENTITLED "ALTERNATE METHOD OF COLLECTION," SECTION 24-130, ENTITLED "BROWARD COUNTY PROPERTY APPRAISER AND BROWARD COUNTY REVENUE," AND SECTION 24-131, ENTITLED "RESERVATION OF POWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MAYOR MOHAMMED OPENED FOR PUBLIC HEARING

LILLIE-ANN PAGE SPOKE ON RECORD

DAVID ROACH SPOKE ON RECORD

MAYOR MOHAMMED CLOSED FOR PUBLIC COMMENT

MOTION TO ADOPT ORDINANCE 2023-006 MADE BY COMMISSIONER GEOFFREY JACOBS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION OPPOSED 1-3 MAYOR ASHIRA MOHAMMED, CLERK COMMISSIONER WILLIAM HODGKINS, AND ACTING CLERK COMMISSIONER MUSFIKA KASHEM OPPOSED.

4. Amending Chapter 19 of the Town's Code Of Ordinances, Entitled "Personnel" - HR
Director Friedman

ORDINANCE NO. 2023-007

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 19 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "PERSONNEL;" AMENDING ARTICLE I, ENTITLED "IN GENERAL" BY CREATING SECTION 19-1, TO BE ENTITLED "ADOPTION OF PERSONNEL POLICIES AND PROCEDURES MANUAL"; ADOPTING AND INCORPORATING THE TOWN'S PERSONNEL POLICIES AND PROCEDURES MANUAL BY REFERENCE IN THE TOWN'S CODE OF ORDINANCES; DELETING CONFLICTING PROVISIONS OF CHAPTER 19 OF THE TOWN CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MAYOR MOHAMMED OPENED FOR PUBLIC HEARING

MAYOR MOHAMMED CLOSED FOR PUBLIC COMMENT

MOTION TO ADOPT ORDINANCE 2023-007 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

10 NEW BUSINESS

1. Town Attorney Clerk - Commissioner Hodgkins

DISCUSSION ONLY, NO ACTION TAKEN

2. Robert Levy Settlement - Town Manager Jimenez

ITEM REMOVED FROM THE AGENDA

SHADE MEETING WILL BE HELD TO DISCUSS THE ISSUE

3. EMERGENCY REPAIR - Stormwater Station #1 - Public Services Director Ghany
MOTION TO DO REPAIRS NECESSARY IN THE AMOUNT NOT TO EXCEED
\$30,000.00

**MOTION TO APPROVE MADE BY CLERK COMMISSIONER WILLIAM HODGKINS,
SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION
PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.**

4. City of Weston - piggyback contract with A&A Drainage - Public Services Director
Ghany

**MOTION TO APPROVE CONTRACT AS WITH AMENDED MADE BY CLERK
COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK
COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.**

5. Florida League of Cities Conference, August 10-12 - Mayor Mohammed

FLORIDA LEAGUE OF CITIES CONFERENCE IS AUGUST 10 THRU AUGUST 12,
2023, ALL INTERESTED NEEDS TO INFORM STAFF

**MOTION FOR ANYONE COMMISSIONER INTERESTED IN ATTENDING THE FLC
ANNUAL CONFERENCE IN THE AMOUNT NOT TO EXCEED \$2,500.00 MADE BY
CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK
COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER
GEOFFREY JACOBS OPPOSED.**

6. Mayor Mohammad has been invited to be a guest speaker in Paris attached is the
letter

ITEM WITHDRAWN FROM THE AGENDA

8. Juneteenth Day

Code Enforcement Officers' Appreciation Week

June is PRIDE MONTH in support of the LBTQA community.

PROCLAMATIONS READ INTO THE RECORD BY TITLE ONLY BY MAYOR MOHAMMED.

7. Commission Chambers Renovation for multipurpose room - Town Manager Jimenez
MOTION TO APPROVE THE REMOVE AND INSTALL CARPET, PAINT AND THE PURCHASE OF CHAIRS IN THE AMOUNT NOT TO EXCEED \$24,000.00 MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

11 OLD BUSINESS

12 DISCUSSIONS

1. Documents Discussion - Commissioner Jacobs
NO ACTION TAKEN, DISCUSSION PERTAINING TO FALSIFICATION OF VOTING DOCUMENTS AND CRIMINAL ACTIONS WILL BE BROUGHT FORTH TO THE TOWN CLERK.

2. Town Manager Questions - Commissioner Jacobs
DISCUSSION ONLY

3. Food Drive Discussion - Commissioner Jacobs

MOVING FORWARD MAYOR MOHAMMED STATED THAT THE EVENTS COMMITTEE WILL BE ADDRESSING THE FOOD DRIVES.

4. Insurance Funds - Commissioner Jacobs

COMMISSIONER JACOBS IS REQUESTING TO PROVIDE WHAT HAPPENED TO THE FUNDING PAID OUT TO THE TOT LOT CANOPY

5. Public Works Director Discussion - Commissioner Jacobs

NO ACTION TAKEN; DIRECTOR WAS UNAVAILABLE.

MEETING RECESSED AT 10:16 P.M.
MEETING RESUMES AT 10:19 P.M.

6. Future Events- Acting Clerk Commissioner Kashem
World Suicide Prevention Day, September 10, 2023
Global Diversity Awareness Day

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Small Business Support Programs

MOTION TO APPROVE GLOBAL DIVERSITY AWARENESS IN AN AMOUNT NOT TO EXCEED \$12,000.00 PERMITTED THAT THE MONEY CAN BE FOUND IN THE BUDGET MADE BY CLERK COMMISSIONER WILLIAM HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 3-1 COMMISSIONER GEOFFREY JACOBS OPPOSED.

MAYOR MOHAMMED REQUESTED SUPPORT FROM HER COLLEAGUES TO APPROVE EVENTS DURING THE BUDGET PROCESS.

13 ATTORNEY REPORTS

INTERIM TOWN ATTORNEY HOROWITZ IS REQUESTING PUBLICLY ANNOUNCING TO HOLD A SHADE MEETING REGARDING DR. ROBERT LEVY vs TOWN OF PEMBROKE PARK CASE NO. 2201008. THE INTERIM TOWN ATTORNEY WILL COORDINATE WITH THE TOWN MANAGER, SPECIAL COUNSEL AND THE COMMISSION TO SCHEDULE SUCH.

THE INTERIM TOWN ATTORNEY RESPONDED AND CLARIFIED TO THE ALLEGATIONS COMMISSIONER JACOBS BROUGHT FORTH REGARDING THE TOWN CLERK FALSIFYING THE MEETING MINUTES OF MAY 10, 2023. INTERIM ATTORNEY JACOB EXPLAINED THAT THE CLERK HAS NOT FALSIFIED ANY RECORDS, AND THAT SHE WAS ACTING IN GOOD FAITH AND IF THERE ARE ANY CLARIFICATIONS TO BE MADE TO NOW WOULD BE THE RIGHT TIME.

14 TOWN MANAGER REPORTS

52ND AVE SINKHOLE IS BEING REPAIRED DESPITE THE RAIN, THE REPAIR IS STILL ON TARGET AND WILL BE COMPLETED BY THE END OF THE WEEK. THE FORENSIC AUDIT PROPOSAL COME IN AND WILL BE PUT ON THE AGENDA FOR THE NEXT MEETING AS DISCUSSION.

15 COMMISSION REPORTS

TOWN CLERK MARTELL TO EMAIL ALL COMMISSION THE AGENDA REPORT THAT CAN BE FILLED OUT AND SENT TO HER WITH THE BACK UP SIX(6) DAYS PRIOR TO THE MEETING AND SHE WILL UPLOAD.

Commissioner Jacobs - COMMISSIONER JACOBS STATED THAT FORENSIC AUDIT IS COMPLETELY A NECESSITY. COMMISSIONER JACOBS SAID THAT HE RECEIVED A PHONE CALL FROM SEVERAL MEMBERS OF THE MEDIA REGARDING AN ARTICLE THAT CAME OUT REGARDING THE COMMISSION MEETING WITH THE SHERIFFS OFFICE, HE BELIEVES THAT THERE IS SOME

SERIOUS SUNSHINE ISSUES. COMMISSIONER JACOBS STATED THAT HE ALSO THINKS IT IS A CONFLICT OF INTEREST HAVING THE CITIZENSHIP DRIVE.

FOR THE MONTH OF JULY AND AUGUST, THE COMMUNITY FARM WILL BE CLOSED ON SATURDAYS AND THAT THE COMMUNITY FARM WILL JUST BE MAINTAINED, AND WILL REOPEN IN SEPTEMBER

Acting Clerk Commissioner Kashem – **NO COMMENTS**

Clerk Commissioner Hodgkins - **NO COMMENTS**

Mayor Mohammed- MAYOR MOHAMMED CLARIFIED HER LAW STUDIES AND CAREER CHOICES, AND ASKED IF COMMISSIONER JACOBS HAD ANY ATTORNEYS THAT WOULD BE WILLING TO VOLUNTEER AND HOPED TO SEE COMMISSIONER JACOBS AT THE CITIZEN DRIVE HELPING AND ASSISTING HIS RESIDENTS.

16 ANNOUNCEMENTS

1. Citizenship Drive, Saturday, June 17, 2023 at Watkins Elementary School from 10AM to 2PM

Special Magistrate Hearing, Wednesday, June 21, 2023 at 9:00 AM

Workshop Commission meeting, August 23, 2023, at 6:00 PM

CALENDAR OF EVENTS:

Back to School Giveaway, Saturday, August 12, 2023, from 10AM to 4PM

Fall Festival tentatively scheduled for October 28 or 29

Health Fair, Saturday, November 4, 2023

Thanksgiving Giveaway, Monday, November 20, 2023 from 6PM to 9PM

Toy Giveaway, Friday, December 16, 2023, from 11AM to 3PM

MAYOR MOHAMMED ASKED IF ANYONE WOULD LIKE TO VOLUNTEER TO HELP WITH ANY OF THE EVENTS THAT IT WOULD BE GREATLY APPRECIATED.

MAYOR MOHAMMED THANKED THE INTERIM CHIEF AND ALL OFFICERS THAT SHOWED UP TO HELP OUT WITH THE FOOD GIVEAWAY.

17 ADJOURNMENTS: WITH NO FURTHER ITEMS FOR DISCUSSION, MEETING ADJOURNED AT 10:44 P.M.

ATTEST:

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Marlen D. Martell, Town Clerk

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the Town Clerks Office at 954-966-4600 at least two calendar days prior to the meeting. If you are hearing or speech impaired please contact the Florida Relay Services by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (tdd).

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



TOWN OF PEMBROKE PARK

3150 SW 52 Avenue, Pembroke Park, FL 33023
Broward (954) 966- 4600 - Fax (954)966-5186

REGULAR COMMISSION MEETING MINUTES Wednesday, July 12, 2023 at 7:00 PM

Mayor Ashira Mohammed
Vice Mayor Erik Morrisette
Clerk Commissioner William Hodgkins
Acting Clerk Commissioner Kashem
Commissioner Geoffrey Jacobs

Town Manager JC Jimenez
Interim Town Attorney Horowitz
Town Clerk Marlen D. Martell

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE LED BY MAYOR MOHAMMED AND COMMISSIONERS

3 ROLL CALL The meeting was called to order at 7:09 pm by Mayor Mohammed. Present at the meeting were Ashira Mohammed, Mayor; Erik Morrisette, Vice Mayor; William Hodgkins, Clerk Commissioner and Musfika Kashem, Acting Clerk Commissioner. Geoffrey Jacobs, Commissioner - ABSENT.

Additional staff in attendance were JC Jimenez, Town Manager; Jacob Horowitz, Interim Town Attorney; Marlen Martell, Town Clerk; Joseline Ramirez, Chief Code Compliance Officer; Mark Pakula, Information Technology Director; Suzi Reutlinger, Assistant to Town Clerk; Roy Brown, Finance & Budget Director; Babette Friedman, HR Director; and Ra Shana Dabney-Donovan, Acting Operation Police Chief.

4 DELETIONS OR WITHDRAWALS TO THE AGENDA

5 PRESENTATIONS / PROCLAMATIONS

1. Certificates of Appreciation - Mayor Mohammed

TO BE PRESENTED AT AUGUST WORKSHOP MEETING

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2. Budget - Finance Director Brown

REPORT PRESENTED AND SUBMITTED FOR COMMISSION REVIEW

6 PUBLIC COMMENTS RELATED TO AGENDA ITEMS / GOOD & WELFARE

7 APPROVAL OF THE PREVIOUS MEETING MINUTES

1. Approval of Minutes - Town Clerk Martell

05 10 2023 REGULAR COMMISSION MEETING REVISED

06 14 2023 REGULAR COMMISSION MEETING

MOTION TO ADOPT MEETING MINUTES MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

8 RESOLUTIONS

1. **RESOLUTION NO. 2023-006** - Town Manager Jimenez

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND AUTHORIZING THE PROPER TOWN OFFICIALS OF THE TOWN OF PEMBROKE PARK TO EXECUTE THE INTERLOCAL AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLABLE MATERIALS PROCESSING AUTHORITY OF BROWARD COUNTY, FLORIDA, ATTACHED HERETO AS EXHIBIT "A," AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN NON-SUBSTANTIAL CHANGES TO THE ILA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

GREG ROSS SPOKE ON RECORD

MOTION TO APPROVE RESOLUTION 2023-006 MADE BY VICE MAYOR ERIK MORRISSETTE, SECONDED BY CLERK COMMISSIONER WILLIAMS HODGKINS. MOTION PASSED 4-0.

2. **RESOLUTION NO. 2023-010** - Mayor Mohammed

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND AUTHORIZING THE PARTICIPATION IN THE "LAUNCHING OF THE YOUTH REHABILITATION PROJECT" (THE "PROJECT") IN PARIS, FRANCE SPONSORED BY THE FAMILLES JE VOUS AIME FROM SEPTEMBER 15TH, 2023 TO OCTOBER 9TH, 2023; FINDING A PUBLIC AND MUNICIPAL PURPOSE ASSOCIATED WITH THE PARTICIPATION IN THE**

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PROJECT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 2023-010 MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

3. Town Hall Hardening Roof Replacement - bid award - Public Services Director Ghany
RESOLUTION NO. 2023-011

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE AGREEMENT BETWEEN THE TOWN AND TOTAL ROOFING SYSTEMS "THE METAL ROOF EXPERTS," INC., ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN; WAIVING ANY IRREGULARITIES IN THE PROPOSAL SUBMITTED BY TOTAL ROOFING SYSTEMS AND FINDING AN AWARD TO TOTAL ROOFING SYSTEMS TO BE IN THE BEST INTERESTS OF THE TOWN; AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN NON-SUBSTANTIAL CHANGES TO THE AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

MOTION TO APPROVE RESOLUTION 2023-011 MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

4. CCNA Contract addendums - Public Services Director Ghany
RESOLUTION NO. 2023-012

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, **APPROVING AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE AMENDMENTS TO THE TOWN'S CCNA CONTINUING SERVICES AGREEMENTS WITH ENGENUITY, CONNECT ENGINEERING, LLC, HSQ GROUP, INC., CARNAHAN PROCTOR & CROSS, INC., KIMLEY HORN AND ASSOCIATES, INC., AND CRAIG A. SMITH & ASSOCIATES, LLC, ATTACHED HERETO AS EXHIBITS A-F, RESPECTIVELY; AUTHORIZING THE TOWN MANAGER TO APPROVE ADDITIONAL NON-SUBSTANTIAL CHANGES, AS MAY BE ACCEPTABLE TO THE TOWN MANAGER AND APPROVED BY THE TOWN ATTORNEY; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

MOTION TO APPROVE RESOLUTION 2023-012 MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

9 ORDINANCES 2ND AND FINAL READING

1. ORDINANCE NO. 2023-004 - Mayor Mohammed

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA **AMENDING CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING ARTICLE II, ENTITLED "TOWN COMMISSION" BY CREATING SECTION 2-16 TO BE ENTITLED "CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS"; ESTABLISHING A CODE OF CONDUCT AND DECORUM FOR ELECTED AND APPOINTED TOWN OFFICIALS; REPEALING RESOLUTION NO. 2020-090, ADOPTED DECEMBER 9, 2020; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MAYOR MOHAMMED OPENED THE FLOOR FOR PUBLIC COMMENT

MAYOR MOHAMMED CLOSED THE FLOOR FOR PUBLIC COMMENT

MOTION TO APPROVE ORDINANCE MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

2. ORDINANCE NO. 2023-005 - Mayor Mohammed

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA **AMENDING CHAPTER 2 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION;" AMENDING ARTICLE II, ENTITLED "TOWN COMMISSION" BY AMENDING DIVISION 3, ENTITLED "MEETINGS;" AMENDING AND CLARIFYING THE PROCEDURE FOR CALLING SPECIAL AND EMERGENCY MEETINGS OF THE TOWN COMMISSION; CREATING SECTION 2-43 TO BE ENTITLED "PARLIAMENTARY PROCEDURE"; ESTABLISHING ROBERT'S RULES OF PROCEDURE AS THE FORMAL PROCEDURE FOR TOWN COMMISSION MEETINGS; CREATING SECTION 2-44, TO BE ENTITLED, "SUPPLEMENTAL TOWN COMMISSION PROCEDURES;" PROVIDING ADDITIONAL PROCEDURES FOR CONDUCTING MEETINGS OF THE TOWN COMMISSION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MAYOR MOHAMMED OPENED THE FLOOR FOR PUBLIC COMMENT

MAYOR MOHAMMED CLOSED THE FLOOR FOR PUBLIC COMMENT

MOTION TO APPROVE ORDINANCE 2023-005 MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

3. ORDINANCE NO. 2023-007 - HR Director Friedman

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA **AMENDING CHAPTER 19 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "PERSONNEL;" AMENDING ARTICLE I, ENTITLED "IN GENERAL" BY CREATING SECTION 19-1, TO BE ENTITLED "ADOPTION OF PERSONNEL POLICIES AND PROCEDURES MANUAL"; ADOPTING AND INCORPORATING THE TOWN'S PERSONNEL POLICIES AND PROCEDURES MANUAL BY REFERENCE IN THE TOWN'S CODE OF ORDINANCES; DELETING CONFLICTING PROVISIONS OF CHAPTER 19 OF THE TOWN CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

MAYOR MOHAMMED OPENED THE FLOOR FOR PUBLIC COMMENT

MAYOR MOHAMMED CLOSED THE FLOOR FOR PUBLIC COMMENT

MOTION TO APPROVE ORDINANCE NO 2023-007 MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

10 NEW BUSINESS

1. Surplus equipment - Public Services Director Ghany

MOTION TO APPROVE THE SALE OF THE SURPLUS EQUIPMENT MADE BY VICE MAYOR ERIK MORRISSETTE, SECONDED BY CLERK COMMISSIONER WILLIAMS HODGKINS. MOTION PASSED 4-0.

2. Portable Pump repair - emergency repairs - Public Services Director Ghany

MOTION TO REPAIR THE PORTABLE PUMP MADE BY VICE MAYOR ERIK MORRISSETTE, SECONDED BY CLERK COMMISSIONER WILLIAMS HODGKINS. MOTION PASSED 4-0.

3. Emergency debris removal - contract renewal - Public Services Director Ghany

MOTION TO RENEW THE DEBRIS REMOVAL COMPANIES MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

4. S.W. 30th Avenue Septic to Sewer - Public Services Director Ghany

DISCUSSION ONLY

STAFF DIRECTED TO LOOK AT FINDING SOURCES AND TO APPLY FOR GRANTS THAT CAN BE UTILIZED TO COVER THE COST, THEN TO BE BROUGHT BACK TO THE COMMISSION.

5. S.W. 52nd Avenue - Inflow and Infiltration - Public Services Director Ghany
MOTION TO FIX THE EMPLOYMENT INFRASTRUCTURE FOR AN AMOUNT NO TO EXCEED \$20,000.00 MADE BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM, SECONDED BY CLERK COMMISSIONER WILLIAMS HODGKINS. MOTION PASSED 4-0.

6. Piggyback contracts for Storm Drain cleaning (Envirowaste & Johnson Environmental) - Public Services Director Ghany

MOTION TO APPROVE CONTRACTS FOR STORM DRAIN CLEANING MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

7. Waste Management Recycling Processing - Public Services Director Ghany

ANDRES CRUZ SPOKE ON RECORD

MOTION TO APPROVE THE CONTRACT FOR WASTE MANAGEMENT MADE BY VICE MAYOR ERIK MORRISSETTE, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

8. Temporary Salary Adjustment - HR Director Friedman

MOTION TO APPROVE TEMPORARY SALARY ADJUSTMENT FOR MISAEL FLORES MADE BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM, SECONDED BY CLERK COMMISSIONER WILLIAMS HODGKINS. MOTION PASSED 4-0.

TOWN TO WORK WITH THE POLICE DEPARTMENT REGARDING RAISE FOR THE POLICE DEPARTMENT SERGEANT

9. Appointing RaShana Dabney-Donovan as Interim Chief of Police - Vice Mayor Morrisette

MOTION TO APPOINT RASHANA DABNEY DONOVAN AS INTERIM CHIEF OF POLICE MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

11 OLD BUSINESS

12 DISCUSSION

1. Purchase of Crane Truck for the Sewer Dept. - Public Services Director Ghany

ABEO MANNING SPOKE ON RECORD

MOTION TO APPROVE THE PURCHASE OF THE FLEET TRUCK FROM ENTERPRISE MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY VICE MAYOR ERIK MORRISSETTE. MOTION PASSED 4-0.

2. Trinity Lake Fill - Public Services Director Ghany

STEVE WILLIAMS SPOKE ON RECORD

TODD LARSON SPOKE ON RECORD

DISCUSSION ONLY

MEETING RECESSED AT 8:49PM

MEETING RESUMED AT 9:03PM

3. Commission Chamber renovation update - Public Services Director Ghany

MOTION TO APPROVE ADDITIONAL CHAMBERS UNFORESEEN CIRCUMSTANCES, TREE STUMP WORK WITH AN AMOUNT TO EXCEED \$10K MADE BY CLERK COMMISSIONER WILLIAMS HODGKINS, SECONDED BY ACTING CLERK COMMISSIONER MUSFIKA KASHEM. MOTION PASSED 4-0.

4. Police Department Discussion Items - Vice Mayor Morrisette

DISCUSSION ONLY

13 ATTORNEY REPORTS NONE

14 TOWN MANAGER REPORTS

TOWN MANAGER BROUGHT UP DISCUSSION REGARDING THE POLICE DEPARTMENT CONSTRUCTION CHANGE ORDERS SO THAT THERE AREN'T ANY SURPRISES. MAYOR MOHAMMED CONFIRMED THAT THERE WAS A TOTAL OF \$1.1 MILLION DOLLARS FOR A BUILDOUT WITH NO FURNITURE.

15 COMMISSION REPORTS

ACTING CLERK COMMISSIONER KASHEM - NONE

CLERK COMMISSIONER HODGKINS - NONE

VICE MAYOR MORRISSETTE - NONE

MAYOR MOHAMMED- MAYOR MOHAMMED DIRECTED STAFF TO WORK WITH RESIDENT AT 4600 HALLANDALE BEACH BLVD. REGARDING ISSUES WITH 14-YEAR-OLD AIR CONDITIONER PERMITS BEFORE THEY WERE IN THE BUILDING. MAYOR TO SEND OUT INFORMATION.

MAYOR THANKED STAFF WHO VOLUNTEERED TO ASSIST WITH THE CITIZEN DRIVE. MAYOR THANKED FINANCE DIRECTOR BROWN FOR HIS HARD WORK. SHE ALSO RECOGNIZED HR DIRECTOR FRIEDMAN FOR HER HARD WORK AND DEDICATION. SHE THANKED HER FOR GOING ABOVE AND BEYOND HER TITLE OF HUMAN RESOURCES.

MAYOR MOHAMMED ALSO APOLOGIZED FOR THE LANGUAGE THAT WAS PREVIOUSLY USED AND APOLOGIZED TO ALL STAFF WHO WAS SUBJECTED TO OFFENSIVE BEHAVIOR. SHE ALSO STATED THAT EVERYONE IS HERE TO DO A JOB AND THAT NO ONE IS HERE TO DEAL WITH OR SUBJECTED TO FOUL LANGUAGE OR TO BE DEGRADED. SHE WANTED TO PUT ON THE RECORD THAT SHE IS SORRY AND HOPES THAT WE CAN MOVE FORWARD IN A POSITIVE DIRECTION AND MOVE THIS TOWN FORWARD.

16 ANNOUNCEMENTS

1. Back to School Giveaway, Saturday, August 12, 2023, from 10AM to 4PM
Special Magistrate Hearing, Wednesday, August 16, 2023 at 9:00 AM
Workshop Commission meeting, Wednesday, August 23, 2023 at 6:00 PM
1st Budget Hearing, Wednesday, September 13, 2023 at 6:00
Regular Commission meeting, Wednesday, September 13, 2023 at 7:00 PM

17 ADJOURNMENT WITH NO FURTHER BUSINESS MEETING ADJOURNED AT 10:04PM

ATTEST:

Marlen D. Martell, Town Clerk

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the Town Clerks Office at 954-966-4600 at least two calendar days prior to the meeting. If you are hearing or speech impaired please contact the Florida Relay Services by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (td).

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in

Town of Pembroke Park
Regular Commission Meeting
July 12, 2023

opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.



MINUTES SPECIAL COMMISSION MEETING

6:00 PM - Wednesday, July 12, 2023
Commission Chambers

The SPECIAL COMMISSION MEETING of the Town of Pembroke Park was called to order on Wednesday, July 12, 2023, at 6:00 PM, in the Commission Chambers, with the following members present:

PRESENT: Mayor Ashira Mohammed; Vice Mayor Erik Morrisette; Clerk Commissioner Bill Hodgkins; and Acting Clerk Commissioner Musfika Kashem

EXCUSED:

1 CALL TO ORDER

MEETING CALLED TO ORDER AT 6:11PM

2 PLEDGE OF ALLEGIANCE

LED BY MAYOR MOHAMMED AND COMMISSIONERS

MEETING RECESSED FOR PUBLIC SESSION AT 6:14PM

3 ROLL CALL

The meeting was called to order at 6:11PM by Mayor Mohammed. Present at the meeting were Ashira Mohammed, Mayor; Erik Morrisette, Vice Mayor; Bill Hodgkins, Clerk Commissioner; Musfika Kashem, Acting Clerk Commissioner. Geoffrey Jacobs, Commissioner - ABSENT.

Additional staff in attendance were JC Jimenez, Town Manager; Jacob Horowitz, Interim Town Attorney; Marlen Martell, Town Clerk; Suzi Reutlinger, Assistant to Town Clerk.

MEETING RECESSED FOR PUBLIC SESSION AT 6:14PM

4 EXECUTIVE SESSION

a) TOWN OF PEMBROKE PARK

NOTICE OF CLOSED-DOOR SESSION

An Attorney/Client session will be held pursuant to Fla. Stat. § Section 286.011(8) (2019), between Mayor Ashira Mohammed, Vice Erik Morrisette, Clerk Commissioner William Hodgkins, Acting Clerk Commissioner Musfika Kashem, Commissioner Geoffrey Jacobs, Town Manager Juan Jimenez, Interim Town Attorney Jacob Horowitz and Special Litigation Counsel

Christopher J. Stearns of Johnson Anselmo to discuss settlement negotiations or strategy sessions relating to litigation expenditures for pending judicial litigation in connection with:

Robert Levy vs. Town of Pembroke Park, Defendant.

THIS CASE IS PENDING IN THE CIRCUIT COURT FOR BROWARD COUNTY, FLORIDA AND HAS BEEN ASSIGNED - **Case No.: CACE 22010008(02) ("the Litigation")**

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Town Commission of the Town of Pembroke Park is a true and correct copy of said Notice and that I posted said Notice on the bulletin boards in Town Hall, a place convenient and readily accessible to the general public, and said Notice was posted on the Town website on July 5, 2023.

MEETING RESUMED FOR PUBLIC SESSION AT 6:29PM

MOTION TO APPROVE THE SETTLEMENT

Moved by Clerk Commissioner Bill Hodgkins
Seconded by Vice Mayor Erik Morrisette

Ayes: Mayor Ashira Mohammed, Vice Mayor Erik Morrisette, Clerk Commissioner Bill Hodgkins, and Acting Clerk Commissioner Musfika Kashem

PASSED 4-0 on a recorded vote.

5 ATTORNEY COMMENTS

NONE

6 TOWN MANAGER COMMENTS

NONE

7 COMMISSIONER COMMENTS

NONE

8 ADJOURNMENT

WITH NO FURTHER BUSINESS MEETING ADJOURNED AT 6:41PM

Commission Approved: _____

ATTEST:

Marlen D. Martell, Town Clerk

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may call the Town Clerks Office at 954-966-4600 at least two calendar days prior to the meeting. If you are hearing or speech impaired please contact the Florida Relay Services by using the following numbers: 1-800-955-8770 (voice) or 1-800-955-8771 (TDD)

DECORUM - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

RESOLUTION NO. 2024-022

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE TOWN AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, ATTACHED HERETO AS EXHIBIT “A;” PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Pembroke Park finds that it is in the best interests of the citizens and residents of the Town to enter into the Landscape Maintenance Memorandum of Agreement between the Town and the Florida Department of Transportation, District Four.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:

Section 1. The “WHEREAS” clause set forth above is true and correct and incorporated herein by this reference.

Section 2. The Town Commission of the Town of Pembroke Park hereby approves the Landscape Maintenance Memorandum of Agreement between the Town and the Florida Department of Transportation, District Four, attached hereto as Exhibit “A.”

Section 3. The proper Town Officials of the Town of Pembroke Park are hereby authorized and directed to execute said Agreement and take any and all action necessary to effectuate the intent of this resolution.

Section 4. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 2024.

MAYOR ASHIRA MOHAMMED

ATTEST:

CLERK-COMMISSIONER HODGKINS

Approved as to form and legal sufficiency

JACOB G. HOROWITZ
Town Attorney

RESOLUTION NO. 07-06-01

A RESOLUTION OF THE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AUTHORIZING THE TOWN TO MAKE AND ENTER INTO DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO HALLANDALE BEACH BOULEVARD; AUTHORIZING AND DIRECTING THE MAYOR AND CLERK COMMISSIONER TO EXECUTE SAID AGREEMENT FOR AND ON BEHALF OF THE TOWN; SUPERSEDING CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE.

I, Natasha Joseph, Deputy Town Clerk, of the Town of Pembroke Park, Broward County, Florida, do hereby certify that the foregoing is a true and correct copy of the original that is on file in the office of the Town of Pembroke Park, Florida.



In witness whereof, I have affixed my signature and the official seal of the Town of Pembroke Park, Florida this 7th day of July, AD 2007.

Natasha Joseph
Deputy Town Clerk

WHEREAS, State Road 858, also known as Hallandale Beach Boulevard, is the main thoroughfare for the Town and within the jurisdiction of the State of Florida Department of Transportation (DOT); and

WHEREAS, as part of the continual updating State of Florida Highway System, the DOT for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the State Road 858; and

WHEREAS, DOT desires to upgrade the landscape medians and areas outside the travel way to the right of way line of Hallandale Beach Boulevard located within the Town; and

WHEREAS, as a condition of DOT making aforesaid improvements, DOT has requested that the Town enter into an agreement to provide for the periodic trimming, cutting, weeding, mowing, fertilizing, litter pick up, necessary replanting, irrigation repairs, and median concrete replacements as needed on State Road 858 within the Town limit; and

WHEREAS, the Town agrees to assume the responsibility as requested by DOT and the parties desire to enter into an agreement setting forth the terms and conditions of the landscape median improvements and the Town's maintenance duties.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA

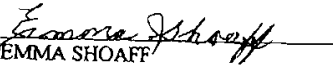
Section 1. That Town is authorized to make and enter into the District Four (4) Memorandum Agreement with State of Florida Department of Transportation for landscape median maintenance of State Road 858 (Hallandale Beach Boulevard) within the Town, said agreement being in form and content per the agreement on file with the Town Clerk and by reference made a part hereof.

Section 2. That the Mayor and Clerk-Commissioner are authorized and directed to execute said Agreement for and behalf of the Town and to affix the seal to the Town thereto.

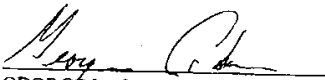
Section 3: That all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby superseded to the extent of such conflict.

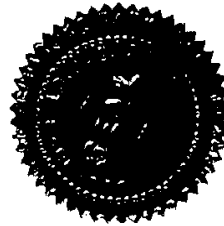
Section 4: That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 13th day of June, A.D., 2007.


EMMA SHOAFF
Mayor-Commissioner

ATTEST:


GEORGINA COHEN
RES 07-06-01 Dis & Maint Agreement DOT to 20310a.rpt



SECTION NO.: 86200
FM NO.(s): 413791-1-52-01
COUNTY: Broward
S.R. NO.: 858

DISTRICT FOUR (4)
MAINTENANCE MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this 16th day of July, 2007 by and between the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the **DEPARTMENT** and the **Town of Pembroke Park**, a political subdivision of the State of Florida, existing under the Laws of Florida, hereinafter called the **AGENCY**.

WITNESSETH:

WHEREAS, the **DEPARTMENT** has jurisdiction over **State Road 858** as part of the State Highway System; and

WHEREAS, as part of the continual updating of the State of Florida Highway System, the **DEPARTMENT**, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the highway facility as described in Exhibit A attached hereto and incorporated by reference herein, within the corporate limits (or unincorporated if County) of the **AGENCY**; and

WHEREAS, the **AGENCY** is of the opinion that said highway facilities that contain landscape medians and areas outside the travel way to the right of way line, excluding standard concrete sidewalk, shall be maintained by periodic trimming, cutting, weeding, mowing, fertilizing, litter pick-up, necessary replanting, irrigation repairs, and median concrete replacements as needed; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the **AGENCY** by Resolution No. 07-06-01 dated July 13, 2007, attached hereto and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so;

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. The **DEPARTMENT** hereby agrees to install or cause to be installed landscape, irrigation and/or hardscape on the highway facilities substantially as specified in the initial plans and specifications hereinafter referred to as the Project and incorporated herein as Exhibit B. If there are any major changes to the plans, the Department shall provide the modified plans and the **AGENCY** shall provide their approval or disapproval within 10 business days. The Department may elect to withdraw the landscape if changes are not approved within the

Project Landscape - MCO, Florida Dept. of Transportation, 11375 Pembroke Parkway

given time frame. Hardscape shall mean any non-standard roadway, sidewalk or median surface such as, but not limited to interlocking concrete or brick pavers, stamped asphalt and stamped concrete.

2. The **AGENCY** agrees to maintain the landscape and irrigation within the medians and areas outside the travel way to the right of way line by periodic trimming, cutting, mowing, fertilizing, curb and sidewalk edging, litter pickup and necessary replanting, following the **DEPARTMENT'S** landscape safety and plant care guidelines and as provided by Exhibit C. The **AGENCY'S** responsibility for maintenance shall include all landscaped/turfed areas and areas covered with interlocking pavers or similar type surfacing (hardscape) within the median and areas within the travel way to the right of way line, including paver sidewalks, paver intersections and all paver header curbs, stamped asphalt and concrete areas. It shall be the responsibility of the **AGENCY** to restore an unacceptable ride condition of the roadway caused by the differential characteristics of the paver brick and/or the header curb on Department of Transportation right-of-way within the limits of the Project.

Such maintenance to be provided by the **AGENCY** is specifically set out as follows:

To maintain, which means the proper watering and fertilization of all plants and keeping them as free as practicable from disease and harmful insects; to properly mulch the plant beds; to keep the premises free of weeds; to mow and/or cut the grass to a proper length; to properly prune all plants which includes: (1) removing dead or diseased parts of plants, or (2) pruning such parts thereof which present a visual hazard for those using the roadway. To maintain also means removing or replacing dead or diseased plants in their entirety, or removing or replacing those that fall below original Project standards. All plants removed for whatever reason shall be replaced by plants of the same size and grade as specified in the original plans and specifications. To maintain also means to keep the hardscape areas free from weeds and replacement of any areas becoming in disrepair so as to cause a safety hazard. To maintain also means to keep litter removed from the median and areas outside the travel way to the right of way line. Plants shall be those items which would be scientifically classified as plants and include but are not limited to trees, grass, or shrubs.

If it becomes necessary to provide utilities to the median or side areas (water/electricity) for these improvements, all costs associated with irrigation maintenance, impact fees and connections as well as on-going cost of water are the maintaining **AGENCY'S** responsibility.

The above named functions to be performed by the **AGENCY**, may be subject to periodic inspections by the **DEPARTMENT** at the discretion of the **DEPARTMENT**. Such inspection findings will be shared with the **AGENCY** and shall be the basis of all decisions regarding, repayment, reworking or Agreement termination. The **AGENCY** shall not change or deviate from said plans without written approval of the **DEPARTMENT**.

3. If at any time after the **AGENCY** has assumed the landscape installation and/or maintenance responsibility above-mentioned, it shall come to the attention of the **DEPARTMENT'S** District Secretary that the limits or a part thereof is not properly maintained pursuant to the terms of this Agreement, said District Secretary may at his option issue a written notice that

See Attachment 1, Appendix A, Exhibit C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, Appendix W, Appendix X, Appendix Y, Appendix Z, Appendix AA, Appendix AB, Appendix AC, Appendix AD, Appendix AE, Appendix AF, Appendix AG, Appendix AH, Appendix AI, Appendix AJ, Appendix AK, Appendix AL, Appendix AM, Appendix AN, Appendix AO, Appendix AP, Appendix AQ, Appendix AR, Appendix AS, Appendix AT, Appendix AU, Appendix AV, Appendix AW, Appendix AX, Appendix AY, Appendix AZ, Appendix BA, Appendix BB, Appendix BC, Appendix BD, Appendix BE, Appendix BF, Appendix BG, Appendix BH, Appendix BI, Appendix BJ, Appendix BK, Appendix BL, Appendix BM, Appendix BN, Appendix BO, Appendix BP, Appendix BQ, Appendix BR, Appendix BS, Appendix BT, Appendix BU, Appendix BV, Appendix BW, Appendix BX, Appendix BY, Appendix BZ, 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Appendix HY, Appendix HZ, Appendix IA, Appendix IB, Appendix IC, Appendix ID, Appendix IE, Appendix IF, Appendix IG, Appendix IH, Appendix II, Appendix IJ, Appendix IK, Appendix IL, Appendix IM, Appendix IN, Appendix IO, Appendix IP, Appendix IQ, Appendix IR, Appendix IS, Appendix IT, Appendix IU, Appendix IV, Appendix IW, Appendix IX, Appendix IY, Appendix IZ, Appendix JA, Appendix JB, Appendix JC, Appendix JD, Appendix JE, Appendix JF, Appendix JG, Appendix JH, Appendix JI, Appendix JJ, Appendix JK, Appendix JL, Appendix JM, Appendix JN, Appendix JO, Appendix JP, Appendix JQ, Appendix JR, Appendix JS, Appendix JT, Appendix JU, Appendix JV, Appendix JW, Appendix JX, Appendix JY, Appendix JZ, Appendix KA, Appendix KB, Appendix KC, Appendix KD, Appendix KE, Appendix KF, Appendix KG, Appendix KH, Appendix KI, Appendix KJ, Appendix KK, Appendix KL, Appendix KM, Appendix KN, Appendix KO, Appendix KP, Appendix KQ, Appendix KR, Appendix KS, Appendix KT, Appendix KU, Appendix KV, Appendix KW, 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Appendix NW, Appendix NX, Appendix NY, Appendix NZ, Appendix OA, Appendix OB, Appendix OC, Appendix OD, Appendix OE, Appendix OF, Appendix OG, Appendix OH, Appendix OI, Appendix OJ, Appendix OK, Appendix OL, Appendix OM, Appendix ON, Appendix OO, Appendix OP, Appendix OQ, Appendix OR, Appendix OS, Appendix OT, Appendix OU, Appendix OV, Appendix OW, Appendix OX, Appendix OY, Appendix OZ, Appendix PA, Appendix PB, Appendix PC, Appendix PD, Appendix PE, Appendix PF, Appendix PG, Appendix PH, Appendix PI, Appendix PJ, Appendix PK, Appendix PL, Appendix PM, Appendix PN, Appendix PO, Appendix PP, Appendix PQ, Appendix PR, Appendix PS, Appendix PT, Appendix PU, Appendix PV, Appendix PW, Appendix PX, Appendix PY, Appendix PZ, Appendix QA, Appendix QB, Appendix QC, Appendix QD, Appendix QE, Appendix QF, Appendix QG, Appendix QH, Appendix QI, Appendix QJ, Appendix QK, Appendix QL, Appendix QM, Appendix QN, Appendix QO, Appendix QP, Appendix QQ, Appendix QR, Appendix QS, Appendix QT, Appendix QU, 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Appendix TU, Appendix TV, Appendix TW, Appendix TX, Appendix TY, Appendix TZ, Appendix UA, Appendix UB, Appendix UC, Appendix UD, Appendix UE, Appendix UF, Appendix UG, Appendix UH, Appendix UI, Appendix UJ, Appendix UK, Appendix UL, Appendix UM, Appendix UN, Appendix UO, Appendix UP, Appendix UQ, Appendix UR, Appendix US, Appendix UT, Appendix UU, Appendix UV, Appendix UW, Appendix UX, Appendix UY, Appendix UZ, Appendix VA, Appendix VB, Appendix VC, Appendix VD, Appendix VE, Appendix VF, Appendix VG, Appendix VH, Appendix VI, Appendix VJ, Appendix VK, Appendix VL, Appendix VM, Appendix VN, Appendix VO, Appendix VP, Appendix VQ, Appendix VR, Appendix VS, Appendix VT, Appendix VU, Appendix VV, Appendix VW, Appendix VX, Appendix VY, Appendix VZ, Appendix WA, Appendix WB, Appendix WC, Appendix WD, Appendix WE, Appendix WF, Appendix WG, Appendix WH, Appendix WI, Appendix WJ, Appendix WK, Appendix WL, Appendix WM, Appendix WN, Appendix WO, Appendix WP, Appendix WQ, Appendix WR, Appendix WS, 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Appendix ZS, Appendix ZT, Appendix ZU, Appendix ZV, Appendix ZW, Appendix ZX, Appendix ZY, Appendix ZZ.

a deficiency or deficiencies exist(s), by sending a certified letter to the **AGENCY**, to place said **AGENCY** on notice thereof. Thereafter the **AGENCY** shall have a period of thirty (30) calendar days within which to correct the cited deficiencies. If said deficiencies are not corrected within this time period, the **DEPARTMENT** may at its option, proceed as follows:

- (a) Maintain the landscape or a part thereof, with **DEPARTMENT** or contractor's personnel and invoice the **AGENCY** for expenses incurred, or
 - (b) Terminate the Agreement in accordance with Paragraph 7 of this Agreement and remove, by **DEPARTMENT** or contractor's personnel, all of the landscape/hardscape installed under this Agreement or any preceding agreements except as to trees and palms and charge the **AGENCY** the reasonable cost of such removal.
4. It is understood between the parties hereto that the landscape covered by this Agreement may be removed, relocated or adjusted at any time in the future as determined to be necessary by the **DEPARTMENT** in order that the adjacent state road be widened, altered or otherwise changed to meet with future criteria or planning of the **DEPARTMENT**. The **AGENCY** shall be given sixty (60) calendar days notice to remove said landscape after which time the **DEPARTMENT** may remove same. All permits (including tree permits), fees, and any mitigation associated with the removal, relocation or adjustments of these improvements are the maintaining **AGENCY'S** responsibility.
5. The **DEPARTMENT** agrees to enter into a contract for the installation of landscape Project for an amount not to exceed \$60,780.00 as defined in Exhibit D.
- The **DEPARTMENT'S** participation in the Project cost, as described in Exhibit C is limited to only those items which are directly related to this Project. The **AGENCY** shall be invited to assist the **DEPARTMENT** in final inspection at the end of the contractor's 365 day warranty and establishment period.
6. The **AGENCY** agrees to reimburse the **DEPARTMENT** all monies expended for the Project, should the landscape/hardscape areas fail to be maintained in accordance with the terms and conditions of this Agreement.
7. This Agreement may be terminated under any one (1) of the following conditions:
- (a) By the **DEPARTMENT**, if the **AGENCY** fails to perform its duties under Paragraph 3, following ten (10) days written notice.
 - (b) By the **DEPARTMENT**, for refusal by the **AGENCY** to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the **AGENCY** in conjunction with this Agreement.

8. The term of this Agreement commences upon execution.
9. The **AGENCY** is political subdivisions as defined in Section 768.28, Florida Statutes, and agrees to be fully responsible for acts and omissions of their agents or employees. Nothing in this agreement shall be construed or interpreted to serve as a waiver of sovereign immunity by any party such that liability is extended beyond the limitations established by law. Nothing herein shall be construed as consent by a state agency or political subdivision of the State of Florida to be sued by third parties in any matter arising out of this Agreement or any other contract.

In the event that **AGENCY** contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:

- (a) **AGENCY's** contractor shall at all times during the term of this Agreement keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of \$1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of \$500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office and shall name **DEPARTMENT** as an additional insured.
 - (b) **AGENCY's** contractor shall furnish **AGENCY** with Certificates of Insurance of Endorsements evidencing the insurance coverages specified herein prior to the beginning performance of work under this Agreement.
 - (c) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of **AGENCY's** contractor is completed. All policies must be endorsed to provide **DEPARTMENT** with at least thirty (30) days notice of cancellation and or/ restriction. If any of the insurance coverages will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.
10. The **AGENCY** may construct additional landscape/hardscape within the limits of the rights-of-ways identified as a result of this document, subject to the following conditions:
 - (a) Plans for any new landscape/hardscape shall be subject to approval by the **DEPARTMENT**. The **AGENCY** shall not change or deviate from said plans without written approval by the **DEPARTMENT**.
 - (b) All landscape shall be developed and implemented in accordance with appropriate state safety and road design standards;
 - (c) The **AGENCY** agrees to comply with the requirements of this Agreement with regard to any additional landscape installed;

- (d) No change will be made in the payment terms established under item number five (5) of this Agreement due to any increase in cost to the **DEPARTMENT** resulting from the installation of landscape added under this paragraph.
11. This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.
12. The **DEPARTMENT**, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The **DEPARTMENT** shall require a statement from the Comptroller of the **DEPARTMENT** that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the **DEPARTMENT** which are for an amount in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than 1 year.
13. The **DEPARTMENT'S** District Secretary shall decide all questions, difficulties and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount and value thereof; and his decision upon all claims, questions and disputes shall be final and conclusive upon the parties hereto.
14. This Agreement may not be assigned or transferred by the **AGENCY** in whole or part without the consent of the **DEPARTMENT**.
15. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail.
16. Any and all notices given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses:

If to the Department:
State of Florida Department of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421
Attention: Elisabeth A. Hassett, R.L.A.
FDOT District IV Landscape Architect

If to the Agency:
Town of Pembroke Park
3150 S.W. 52nd Avenue
Pembroke Park, Florida 33023
Attention: Todd Larson
Public Works Director

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first above written.

AGENCY

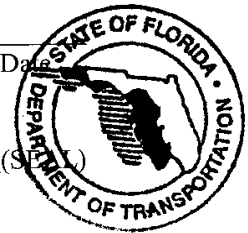
STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: Emma Sheff
Mayor / Chairperson

By: Gary O'Reilly
Transportation Development Director

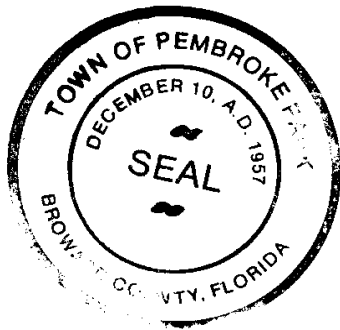
Attest: Mary Chen (SEAL)
Clerk

Attest: Nancy Ugo (SEAL)
Executive Secretary



Approval as to Form Date
Clayton J. Flynn 6/13/07

Approval as to Form Date
Dawn Radwan 7/16/2007



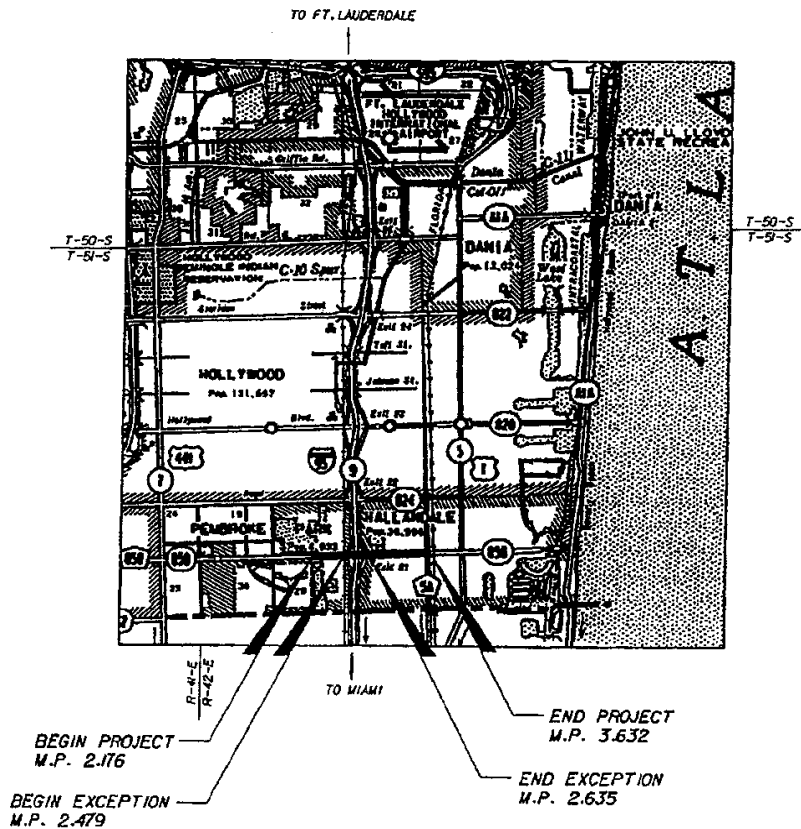
SECTION NO.: 86200000
 FM NO.(s): 413791-1-52-01
 COUNTY: Broward
 S.R. NO.: 858

EXHIBIT A

I. PROJECT LOCATION:

State Road 858 (Hallandale Beach Boulevard) from West of Lake Shore Drive (M.P. 2.176) to East of I-95 (M.P. 2.479)

II. PROJECT LOCATION MAP:



SECTION NO.: 86200000
FM NO.(s): 413791-1-52-01
COUNTY: Broward
S.R. NO.: 858

EXHIBIT B

PROJECT PLANS

The Department agrees to install the Project in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by Land Design South, Inc.

Dated: May 10, 2007

SECTION NO.: 86200000
FM NO.(s): 413791-1-52-01
COUNTY: Broward
S.R. NO.: 858

EXHIBIT C

MAINTENANCE PLAN

This Exhibit forms an integral part of the DISTRICT FOUR (4) HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

Dated: **May 15, 2007**

MAINTENANCE PLAN

Landscape Improvements

Project State Road No(s): 858 (Hallandale Beach Blvd.)
Project Limits: from West of Lake Shore Dr. (M.P.2.176) to
East of I-95 (M.P.2.479)
FM No(s): 413791-1-52-01
Maintaining Agency: Town of Pembroke Park
Date: May 15, 2007

I. General Maintenance Requirements and Recommendations:

The purpose of a plan for landscape and irrigation maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: *FDOT Design Standards*, *FDOT Plans Preparation Manual Vol. I, Chapter 2.11* and *FDOT Standard Specifications for Road and Bridge Construction* as amended by contract documents; and all other requirements set forth by the District 4 Operations Maintenance Engineer. The initial portion of the Maintenance Plan describes general maintenance requirements and recommendations. The concluding section is recommendations prepared by the Landscape Architect of Record specific to the attached approved plans.

Watering Requirements:

Watering is a critical concern regarding the maintenance of healthy plant material and for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

Irrigation System:

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods as well as adhere to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

Integrated Plant Management:

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees and turf areas should be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Establishment of an integrated plant management program is encouraged to ensure healthy plants which are free of disease and pests.

Mulching:

Mulch planting beds in such a manner as to: prevent weed growth; retain moisture to the plants; protect against soil erosion and nutrient loss; maintain a more uniform soil temperature; and improve the appearance of the planting beds. Avoid mulch mounded up on the trunks of trees, palms, and the base of shrubs to encourage air movement in this area which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

Pruning:

All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute ANSI A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, and to specific pruning heights maintaining clear visibility for motorists, and vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions and all trees and palms (with particular attention to fronds and fruit) maintained to prevent potential roadway hazards. The specific pruning heights are determined by understanding the designer's intent when selecting and placing the plants. The intended mature maintained height and spread of plants should be noted on the planting plans. (See Specific Requirements and Recommendations per Approved Landscape & Irrigation Design for these guidelines).

Staking and Guying:

All staking materials, except for replacements, are removed by the completion of FDOT warranty period or at one year (whichever comes first). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Design Standards* guidelines (See Index 544). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

Turf Mowing:

All grassed areas are to be mowed and trimmed with sufficient frequency to maintain a deep, healthy root system while providing a neat and clean appearance to the urban landscape.

Litter Control:

The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse.

Weeding/Herbicide:

All planting areas shall be maintained as weed free as practicable enlisting integrated pest management practices in areas specified on the plans and by maintaining proper mulch levels. Extreme care is recommended if using a chemical herbicide to avoid overspray onto plant materials. Any damage resulting from overspray is the applicator's responsibility to restore the plantings to the approved plans.

Plant Replacement:

Plant replacement shall be the same species and specification as the approved plan. Only plants graded Florida #1 per the Florida Department of Agriculture and Consumers Services, Grades and Standards for Nursery Plants is permitted on FDOT roadways. Should it become necessary to change the species, a general use permit is required from FDOT for approval by the FDOT District Landscape Architect.

Hardscape (Specialty Pavers):

All specialty pavers shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the pavers. Final surface tolerance from grade elevations shall, at a minimum, meet the most current Interlocking Concrete Pavement Institute (ICPI), Section 23 14 13 Interlocking Concrete Pavers, Part 3.05. If the pavers become damaged they shall be replaced with the same type and specification as the approved plan.

Hardscape (Landscape Accent Lighting)

Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan.

II. Specific Project Site Maintenance Requirements and Recommendations:

The design intent for the Pembroke Park section of the project is intended to highlight the proposed Royal Palms and allow the understory plants to fill in the space provided. The planting material should be maintained per the FDOT Standard Index 546. The plants shall not cause a visual obstruction in areas of safe sight. The selection of the following plants were based on meetings with the Pembroke Park staff. The Royal Palm was selected based on it being a specimen palm to attract attention to the corridor. The Cocoplum was selected and designed in such a manner to create a hedge that meanders through the medians creating small pockets of landscape areas that have been filled in with ground cover. The groundcovers Juniper, Liriope, and Dwarf Crown of Thorns were selected to fill in the small landscape pockets created by the Cocoplum hedge. Each one of these plants have been consistently used in medians in this area and will link the corridor to surrounding roadways.

REFERENCES

American National Standard (ANSI) A300, *Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*

<http://www.ansi.org/>

Florida Department of Agriculture, *Florida Grades and Standards for Nursery Stock*

<http://www.doacs.state.fl.us/pi/plantinsp/publications.html>

Florida Department of Transportation, *FDOT Design Standards*

<http://www.dot.state.fl.us/rddesign/rd/RTDS/06/544.pdf>

<http://www.dot.state.fl.us/rddesign/rd/RTDS/06/546.pdf>

Florida Department of Transportation, *FDOT Plans Preparation Manual Vol. I, Chapter 2.11 (PPM)*

<http://www.dot.state.fl.us/rddesign/PPM%20Manual/2006/Volume%202/zV2Chap26.pdf>

Florida Department of Transportation, *FDOT Standard Specifications for Road and Bridge Construction*

<http://www.dot.state.fl.us/specificationsoffice/July06WB/5800000SS.pdf>

Florida Department of Transportation, Landscape Architecture Website

<http://www.dot.state.fl.us/emo/beauty/FLA.htm>

Interlocking Concrete Pavement Institute (ICPI)

<http://www.icpi.org/>

International Society of Arboriculture (ISA)

www.isa-arbor.com

SECTION NO.: 86200000
FM NO.(s): 413791-1-52-01
COUNTY: Broward
S.R. NO.: 858

EXHIBIT D

PROJECT COST

This Exhibit forms an integral part of the DISTRICT FOUR (4) HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT between the State of Florida, Department of Transportation and the AGENCY.

Dated: May 10, 2007

I. **APPROXIMATE PROJECT COST:** **\$60,780.00**

SR 5 858 Pembroke Park-FPID 413791-1-52-01					
Cost Estimate for Landscape Pay Items					
	Symbol	Quantity	Unit Cost	Total Cost	Specification
Trees and Palms					
Roystonea elata-Royal Palm	RO	10	\$1,200.00	\$12,000.00	B&B, 8' Grey Wood Ht.
Trees and Palms Landscape Material Total-				\$12,000.00	
	Symbol	Quantity	Unit Cost	Total Cost	Specification
Shrubs					
Chrysobalanus icaco 'Red Tip'-Cocoplum	CHR	186	\$9.00	\$1,674.00	#3, 24" x 24", 24" OC.
Chrysobalanus icaco 'Horizontal'-Dwarf Cocoplum	CHI	185	\$9.00	\$1,665.00	#3, 12" x 12", 12" OC.
Euphorbia millii-Dwarf Crown of Thorns	EUP	855	\$9.00	\$7,695.00	#3, 12" x 12", 12" OC.
Juniperus chinensis 'Parsonii'-Parson's Juniper	JUN	750	\$3.00	\$2,250.00	#3, 12" x 12", 12" OC.
Liriope muscari 'Evergreen Giant'-Evergreen Giant Liriope	LIR	700	\$3.00	\$2,100.00	#3, 12" x 12", 12" OC.
Shrubs Landscape Material Total-				\$15,384.00	
Complete Irrigation System				\$33,396.00	
GRAND TOTAL COST				\$60,780.00	
Notes:					
1. This is a Conceptual Cost Estimate. Price reflects current plant prices, availability and specifications.					
2. Grand Total Cost does not include sod and irrigation.					

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

CONTRACT PLANS

FINANCIAL PROJECT ID 413791-1-52-01
BROWARD COUNTY (86200)
STATE ROAD NO. 858 HALLANDALE BEACH BLVD.

LANDSCAPE PLANS

INDEX OF LANDSCAPE PLANS

SHEET NO.	SHEET DESCRIPTION
1	KEY SHEET
2-3	LANDSCAPE TABULATION OF QUANTITIES
4	GENERAL NOTES
5-13	LANDSCAPE PLANS
14-16	IRRIGATION PLANS
17-18	IRRIGATION DETAILS
19-20	IRRIGATION SPECIFICATIONS

GOVERNING STANDARDS AND SPECIFICATIONS:
FLORIDA DEPARTMENT OF TRANSPORTATION,
DESIGN STANDARDS DATED 2006,
AND STANDARD SPECIFICATIONS FOR ROAD
AND BRIDGE CONSTRUCTION DATED 2004,
AS AMENDED BY CONTRACT DOCUMENTS.

APPLICABLE INTERIM STANDARDS MODIFICATIONS: 1-1-05

FOR DESIGN STANDARDS MODIFICATIONS, CLICK ON
"DESIGN STANDARDS" AT THE FOLLOWING WEB SITE:
<http://www.dot.state.fl.us/roadsign>

REVISIONS:

KEY SHEET REVISIONS		
DATE	BY	DESCRIPTION

PLANS PREPARED BY:

**LAND
DESIGN
SOUTH**

2101 CENTRE PARK WEST DR.
SUITE 100
WEST PALM BEACH FL
33409
(561) 478-8501

Landscaping Architectural and Planning/Environmental Consulting
ROBERT BENTZ, LA REG # 987
CERTIFICATE OF AUTHORIZATION NO: 000206

CONTRACT NO. C-8952
VENDOR IDENTIFICATION NO. P65-0759355

NOTE: THE SCALE OF THESE PLANS MAY
HAVE CHANGED DUE TO REPRODUCTION.

[Signature]
MAY 10 2007

LANDSCAPE PLANS
LANDSCAPE
ARCHITECT OF RECORD: **ROBERT A. BENIZ**

P.J.A. NO. 997

FISCAL YEAR	SHEET NO.
08	LD-1

FDOT PROJECT MANAGER: HUGO GUTIERREZ, P.E.

NOTES: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 61B0-1.001, F.A.C.

LANDSCAPE TABULATION OF QUANTITIES

[illegible]

MAY 10 2007

LANDSCAPE TABULATION OF QUANTITIES

PAY ITEM NO.	SYM	DESCRIPTION	SIZE	UNIT	SHEET NUMBERS										TOTAL THIS SHEET		GRAND TOTAL		REF. SHEET
					LD-10		LD-11		LD-12		LD-13		PLAN	FINAL	PLAN	FINAL	PLAN	FINAL	
					PLAN	FINAL	PLAN	FINAL	PLAN	FINAL	PLAN	FINAL							
580-1-1	CHR	Chrysobalanus Icaco "Red Tip"-Cocoplum	#3, 24" x 24", 24" OC.	E.A.	150		29		6		90				275		461		
	CHI	Chrysobalanus Icaco "Horizontal"-Dwarf Cocoplum	#3, 12" x 12", 12" OC.	E.A.												185			
	EUP	Euphorbia millii-Dwarf Crown of Thorns	#3, 12" x 12", 12" OC.	E.A.	180		170		15		745				1220		2075		
	JUN	Juniperus chinensis "Parsoni"-Parson's Juniper	#3, 12" x 12", 12" OC.	E.A.	300		160		15		785				1360		2140		
	LIR	Liriodendron muscari "Evergreen Giant"-Evergreen Giant Liriodendron	#3, 12" x 12", 12" OC.	E.A.	295		270		10		140				815		1545		

MAY 16 2007

1. CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES AND FIELD CHECK ALL DIMENSIONS PRIOR TO ANY LANDSCAPE OR IRRIGATION INSTALLATION. REPORT ANY CONFLICTS AND DISCREPANCIES TO ENGINEER.

2. ANY CONSTRUCTION NOT IN COMPLIANCE WITH STANDARDS, SPECIFICATIONS & THESE PLANS WILL BE REJECTED BY THE ENGINEER AND REPLACED WITH PROPER INSTALLATION COMPLETED BY THE CONTRACTOR AT NO ADDITIONAL COST.

3. TREES AND PALMS HAVE UNIQUE SYMBOLS IN THE LANDSCAPE PLANS AND ARE THEREFORE QUANTIFIED PER EACH PLANS SHEET. GROUNDCOVERS SHOWN BY HATCHED AREAS AND SHRUBS ARE QUANTIFIED FOR EACH MASS.

4. FERTILIZE ALL TREES WITH A COMPLETE, SLOW-RELEASE RHAND FERTILIZER WITH AN APPROX. RATIO OF 4-2-1. FOLLOW MANUFACTURER'S SPECIFICATIONS FOR APPLICATION. FERTILIZE PALMS WITH SPECIAL PALM FERTILIZER CONTAINING MANGANESE AND MANGANESE PER MANUFACTURER'S DIRECTION. ALL FERTILIZER SHALL COMPLY WITH SECTION 902.

5. CONTRACTOR SHALL VERIFY SOIL DRAINAGE CONDITIONS OF ALL PLANTING HOLES PRIOR TO PLANTING IN COMPLIANCE WITH FIRST SPECIFICATION SECTION 900-3.1. COST FOR ALL BED PREPARATION, UNSUITABLE SOIL REMOVAL AND ADDITIONAL FINISH SOIL WILL BE INCLUDED IN THE COST WITH SECTION 902.

6. ADDED FINISH SOIL SHALL BE FRIABLE LOAM TYPICAL OF LOCALLY CULTIVATED TOPSOIL, CONTAINING AT LEAST 5% DECAYED ORGANIC MATTER, A PH LEVEL BETWEEN 6.0 AND 7.0 AND TAKEN FROM WELL-DRAINED ARABLE SITES. SOIL WILL BE IN COMPLIANCE WITH SECTION 901 OF FDOT STANDARD SPECIFICATIONS, AND THE MORE STRINGENT REQUIREMENTS LISTED ABOVE. TOPSOIL FROM AREAS INFESTED WITH NUTGRASS OR TROPICAL SOYbean APPLE WILL NOT BE ACCEPTED. CONTRACTOR WILL PROVIDE VERIFICATION THAT ADDED SOIL COMPLIES WITH REQUIREMENTS BY SUBMITTAL OF SOIL TEST REPORT AND SOIL SAMPLES.

7. FERTILIZE ALL PLANTING BEDS WITH POLYMER/SULFUR COATED SLOW RELEASE FERTILIZER WITH APPROX. RATIO OF 4-2-1. APPLY AT RATE SPECIFIED BY MANUFACTURER. FURNISH RECEIPTS FOR MATERIALS USED.

8. TREAT ALL PLANTING BEDS WITH PRE-EMERGENT AND POST-EMERGENT HERBICIDES ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS. SUBMIT RECEIPTS FOR MATERIALS USED. ALL HERBICIDES TO BE APPLIED BY A FLORIDA LICENSED HERBICIDE APPLICATOR, WITH PRIOR CERTIFICATION. CONTRACTOR TO PROVIDE COPIES OF LICENSE DOCUMENTATION.

9. MULCH, IN COMPLIANCE WITH FIRST STANDARD INDEX 544 GENERAL NOTES, WITH CLEAN, INSET FREE FLORMULCH OR APPROVED EQUAL WATER IN WELL TO SECURE IN PLACE.

10. LAY AND JOINTLY IN ALL DISTURBED OR INDICATED AREAS WITH CLOSELY ADJOINING JOINTS, TOLL AND FERTILIZE WITH A POLYMER/SULFUR COATED TURF FERTILIZER WITH APPROX. RATIO OF 4-2-1 AND AT LEAST 30% SLOW RELEASE NITROGEN. APPLY AT THE MANUFACTURER'S SPECIFIED RATE. SUBMIT LABEL FOR APPROVAL AND RECEIPTS FOR MATERIAL USED. PIN ALL SLOPED SLOPES GREATER THAN 3% WITH STEEL U-PINS & 500 STAPLES.

11. NOTIFY THE ADMINISTRATOR AND LANDSCAPE ARCHITECT OF ANY UNUSUAL CONDITIONS I.E., COMPACTED SOIL/SUBGRADE, POOR DRAINAGE, UTILITY CONFLICTS, ETC., PRIOR TO PROCEEDING WITH LANDSCAPE OR IRRIGATION INSTALLATION.

12. ALL PLANTS, MATERIALS AND WORKMANSHIP ARE SUBJECT TO THE APPROVAL OF THE DISTRICT LANDSCAPE MANAGER.

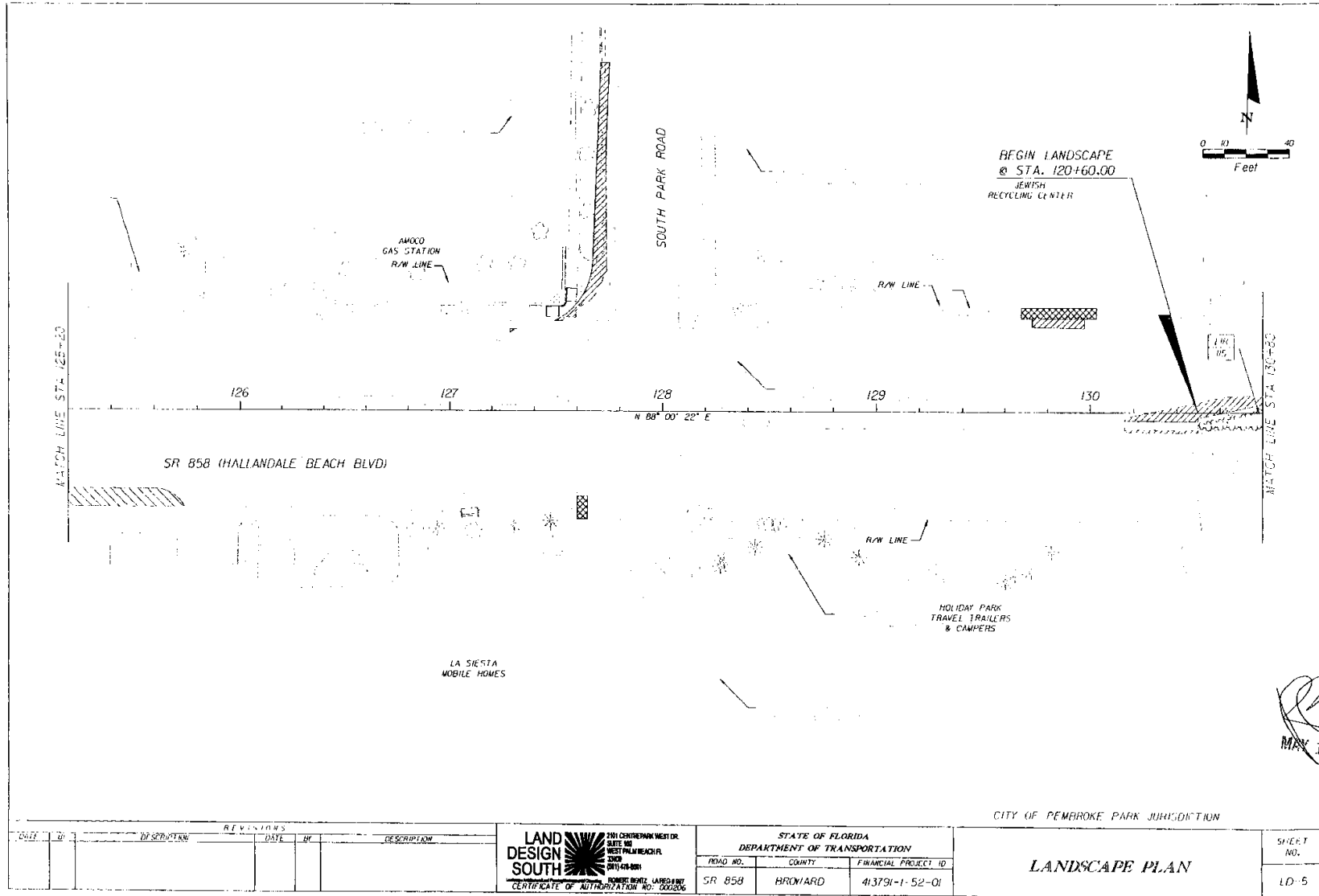
13. DO NOT MAKE SUBSTITUTIONS OR REVISIONS. ANY REVISIONS OR MODIFICATIONS TO THE LANDSCAPE PLAN MUST HAVE PRIOR APPROVAL BY THE LANDSCAPE ARCHITECT, DISTRICT LANDSCAPE MANAGER AND PERMITTING AUTHORITY. REVISIONS MUST BE DOCUMENTED AS REQUIRED BY APPLICABLE STATE, CITY OR COUNTY REGULATIONS.

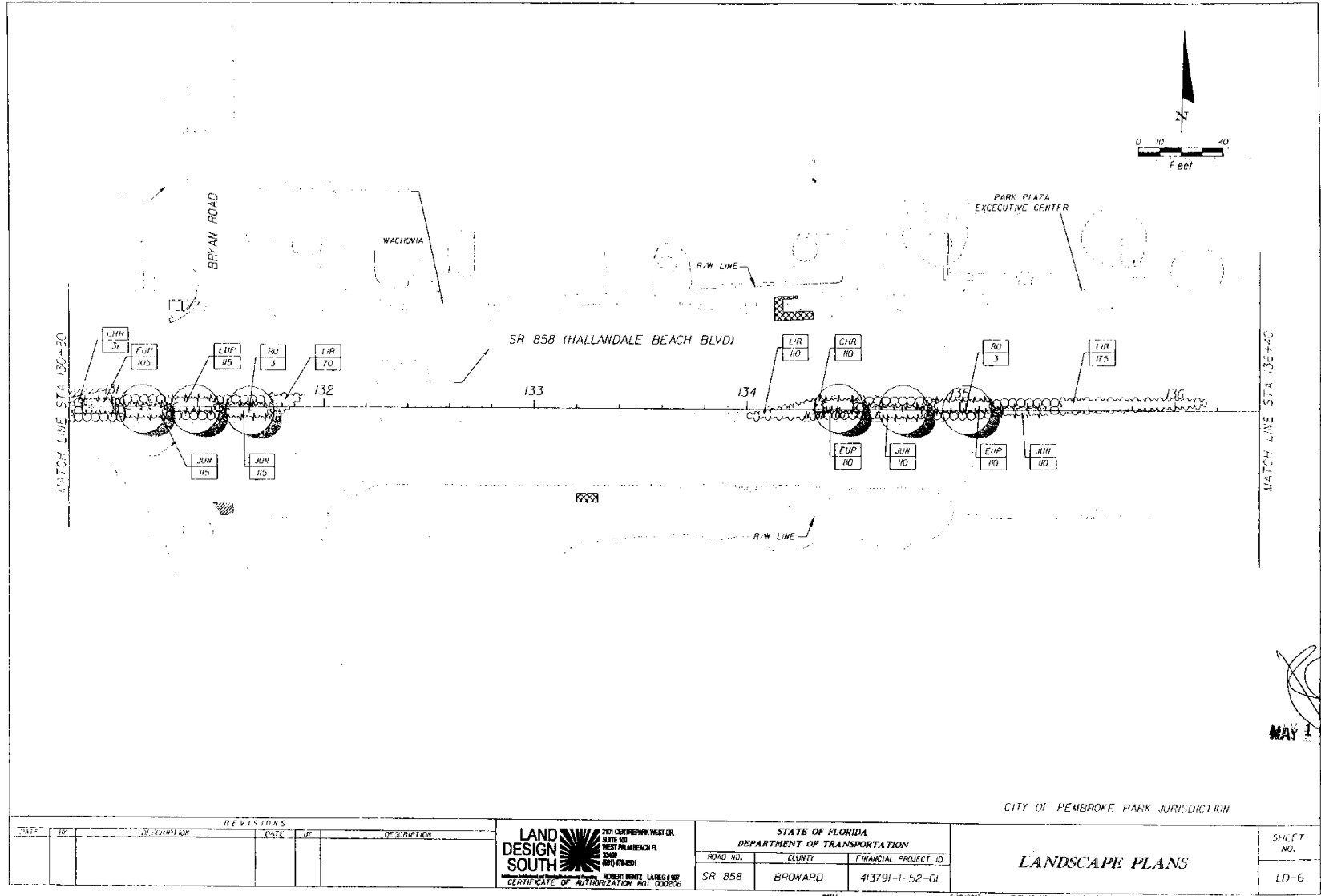
14. CONTRACTOR SHALL USE FDOT STANDARD INDEX 544 FOR PLANT INSTALLATION. SEE PLANTING DETAILS AS THEY APPLY TO TREES, MULTI-TRUNK TREES, AND PALMS AND SHRUBS.

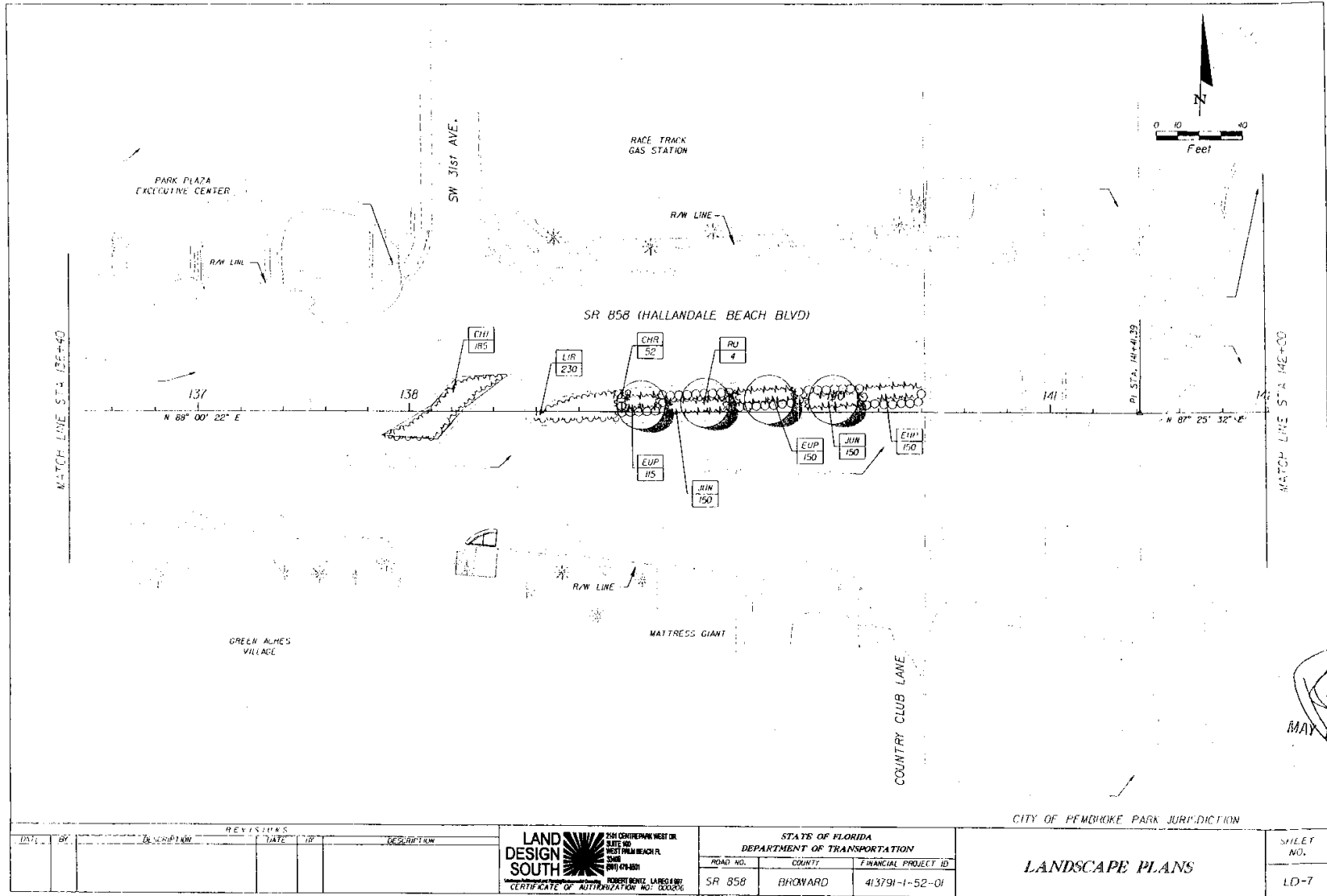
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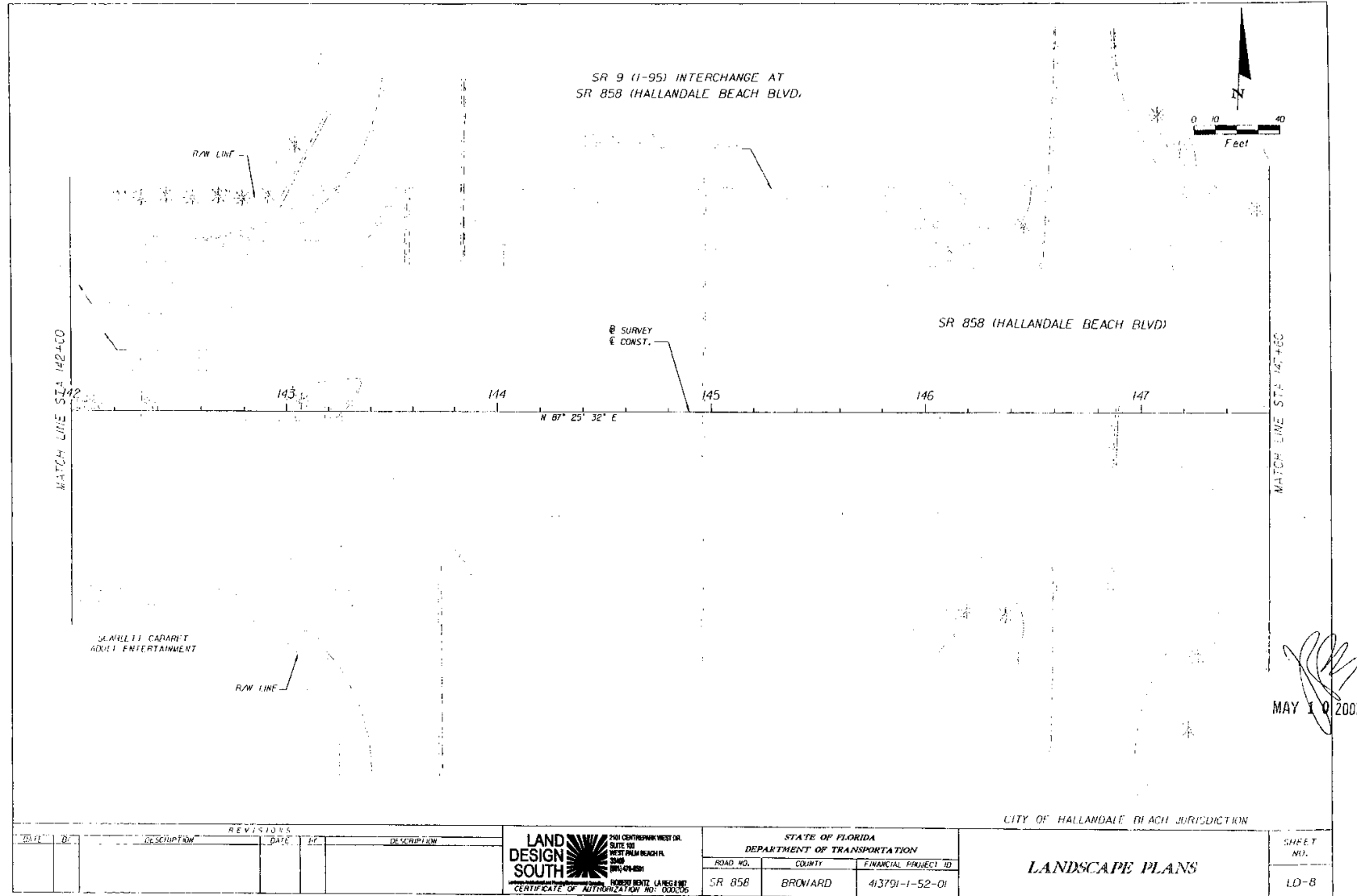
REVISIONS				LAND DESIGN SOUTH 2240 CENTENNIAL WEST DR. SUITE 100 WEST PALM BEACH, FL 33411 (561) 476-1801 HORNEST BENTZ, LICENSED P.E. CERTIFICATE OF AUTHORIZATION NO. 0000066	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION			GENERAL NOTES	SHEET NO. LD-1
DATE	BY	DESCRIPTION	DATE		TH	DESCRIPTION			
DATE	BY	DESCRIPTION	DATE		TH	DESCRIPTION			

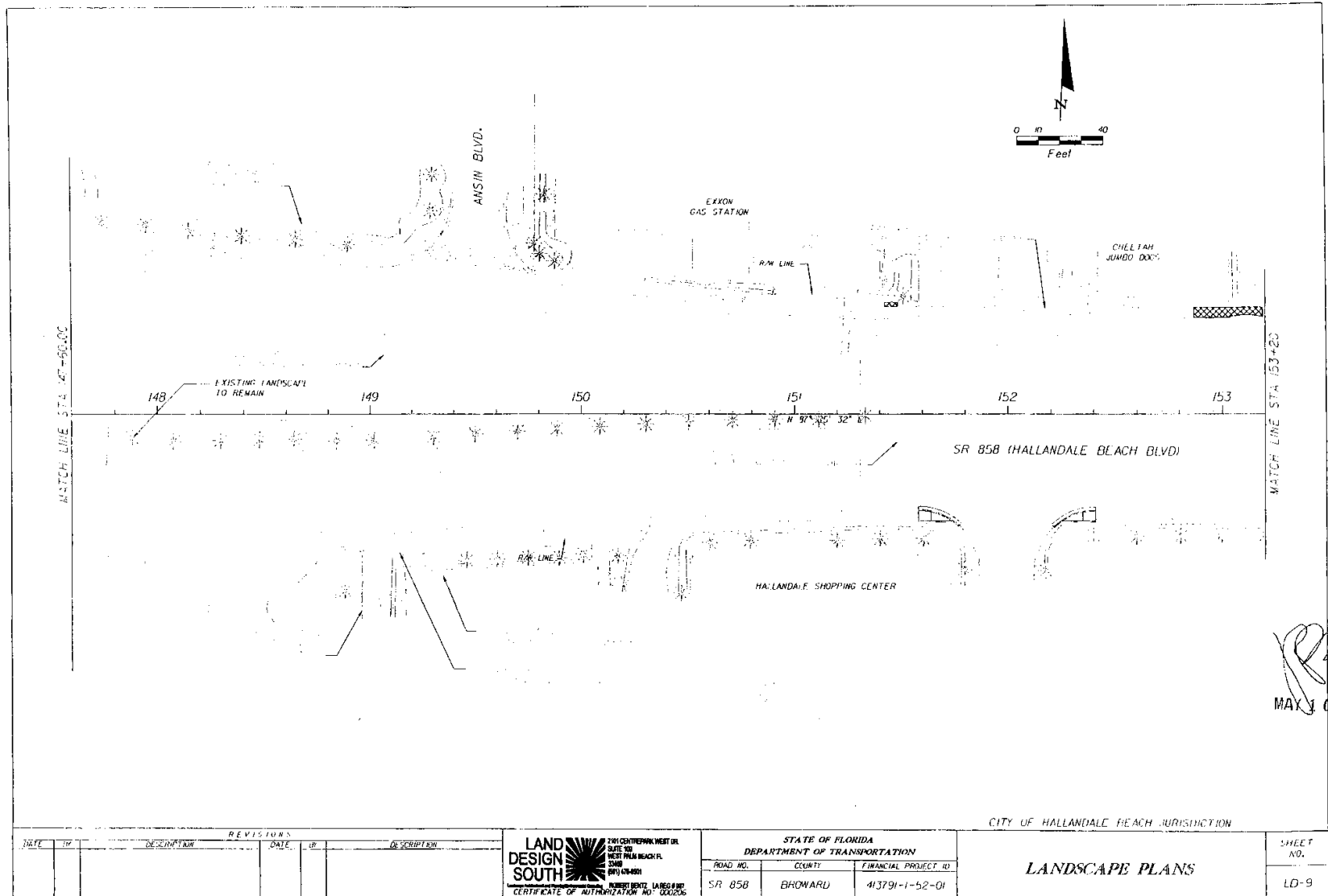




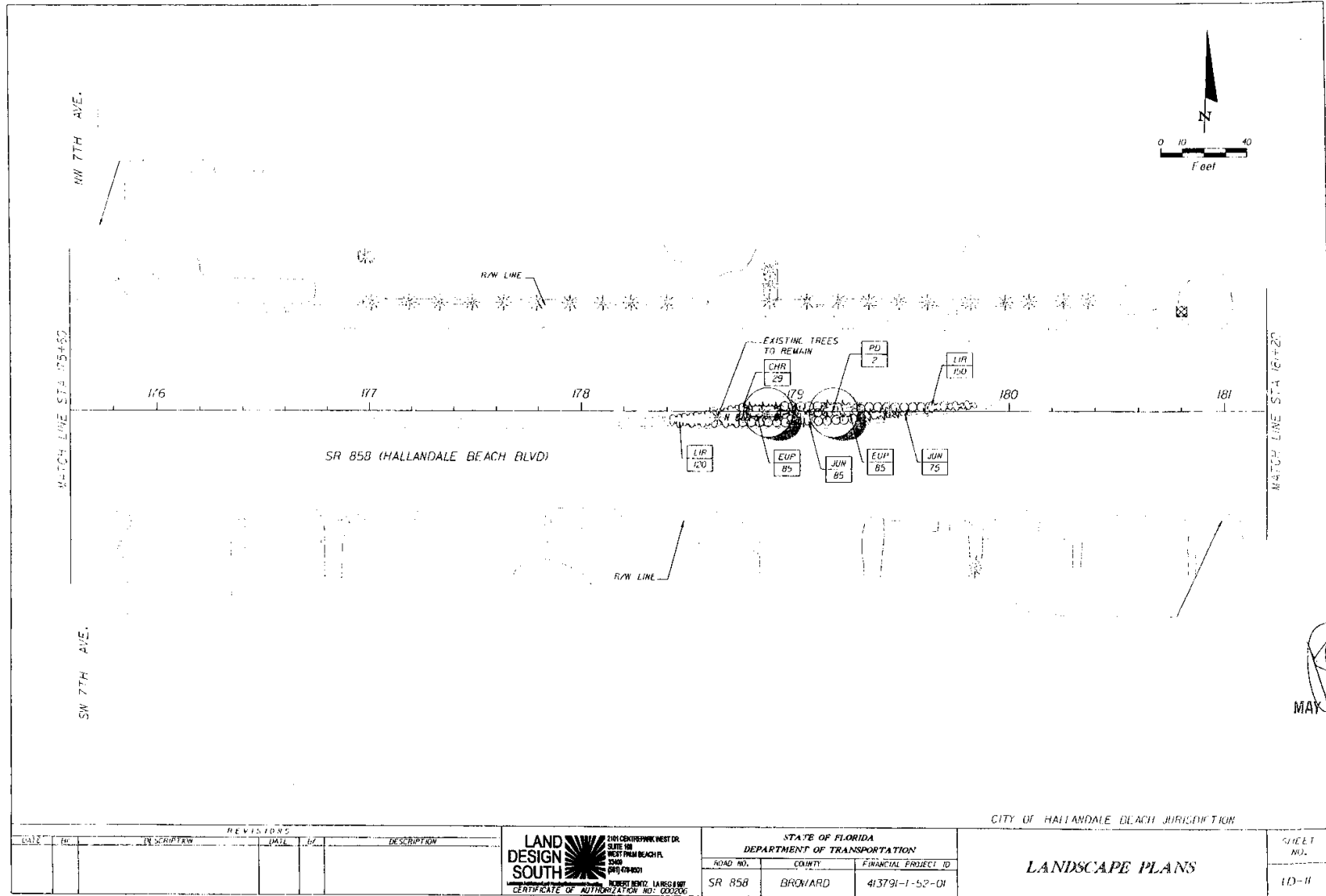


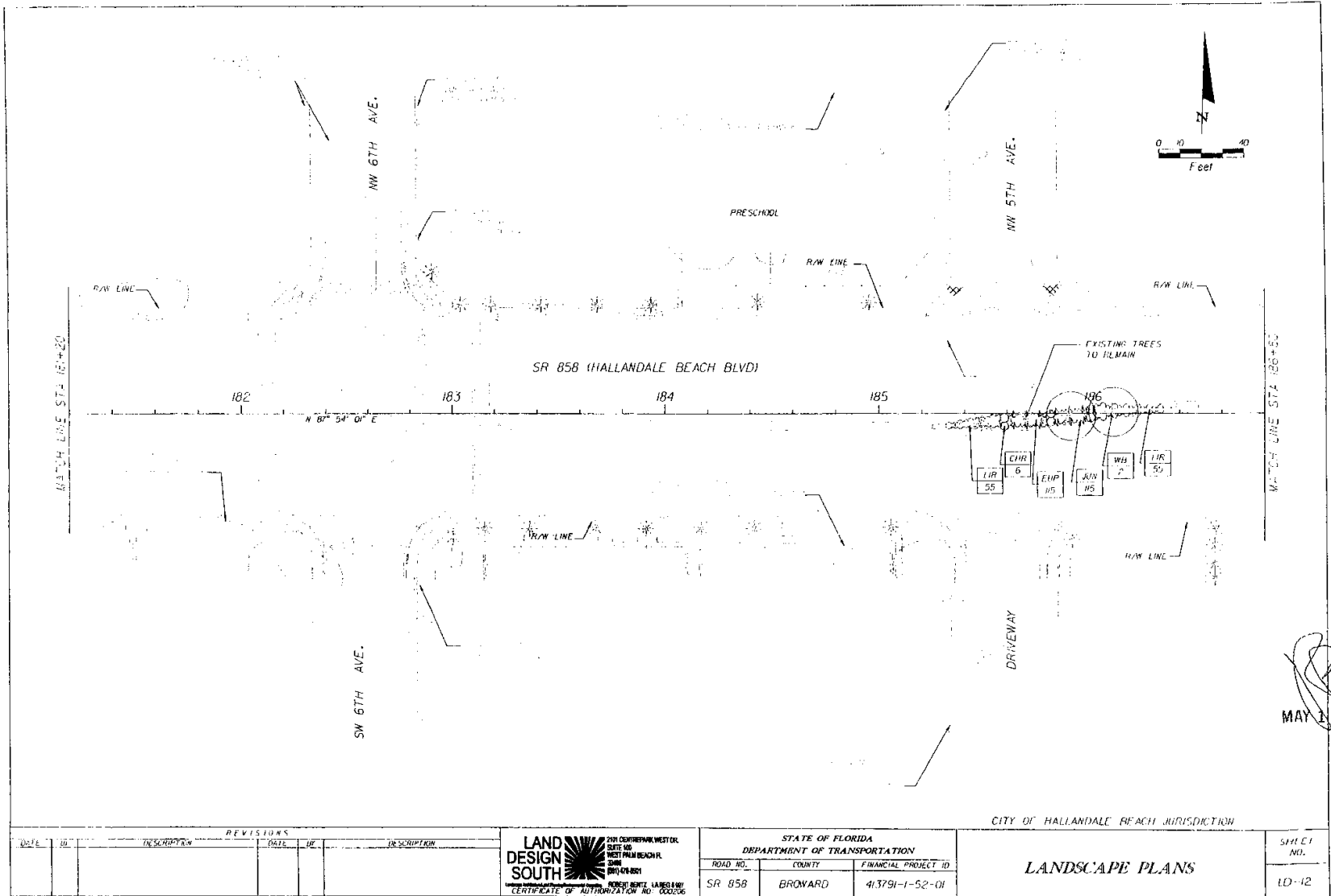


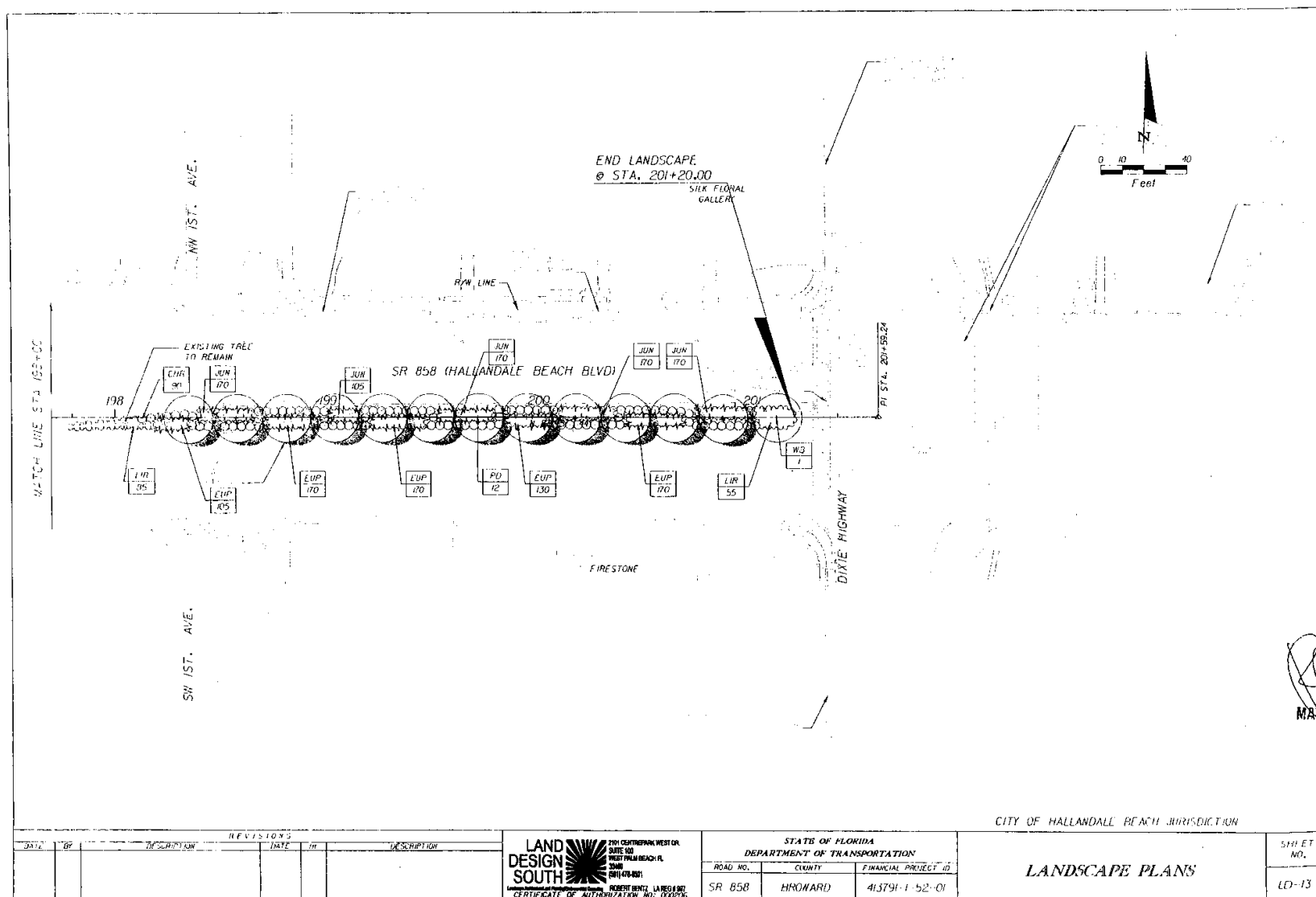


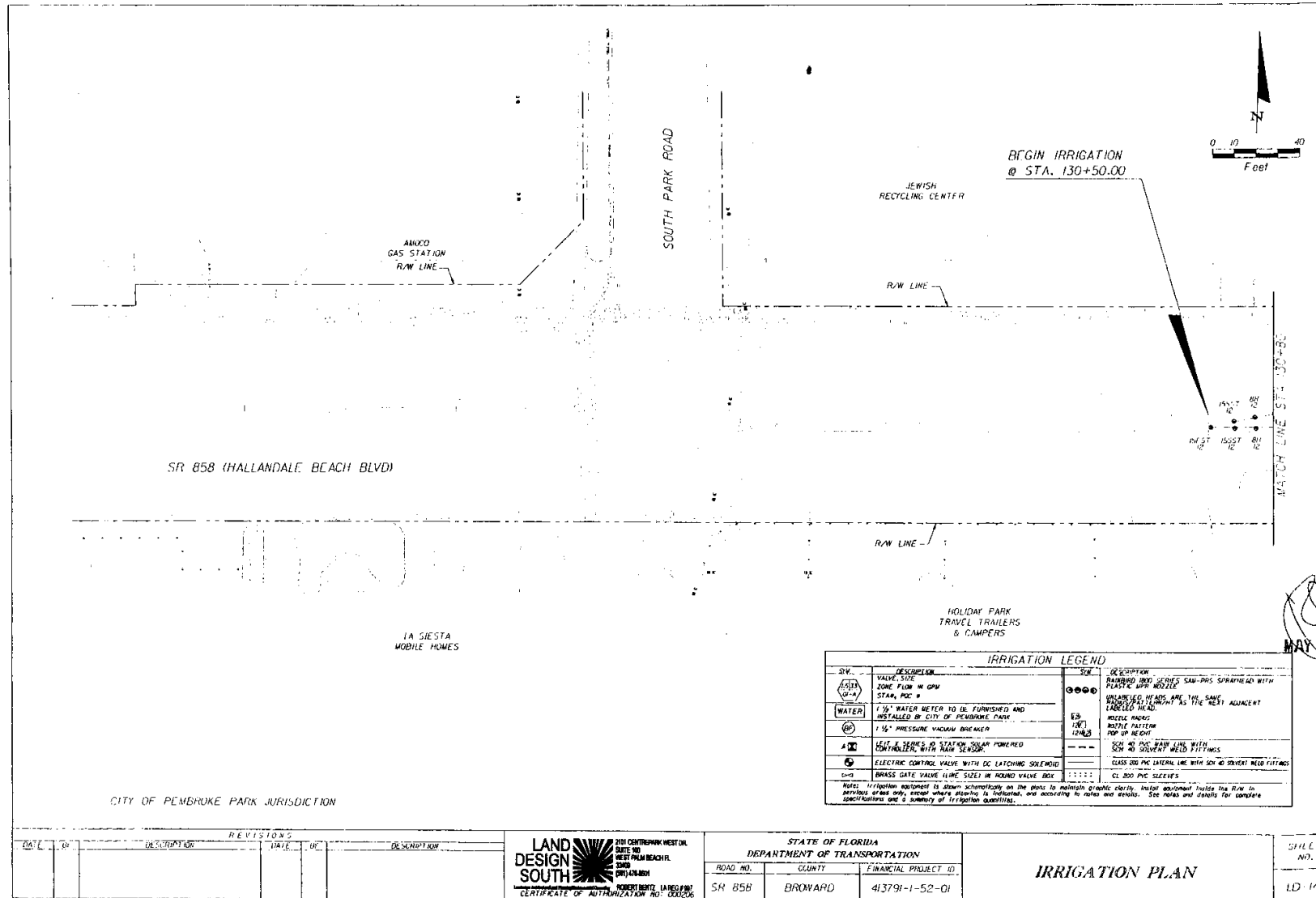


MAY 10 2007

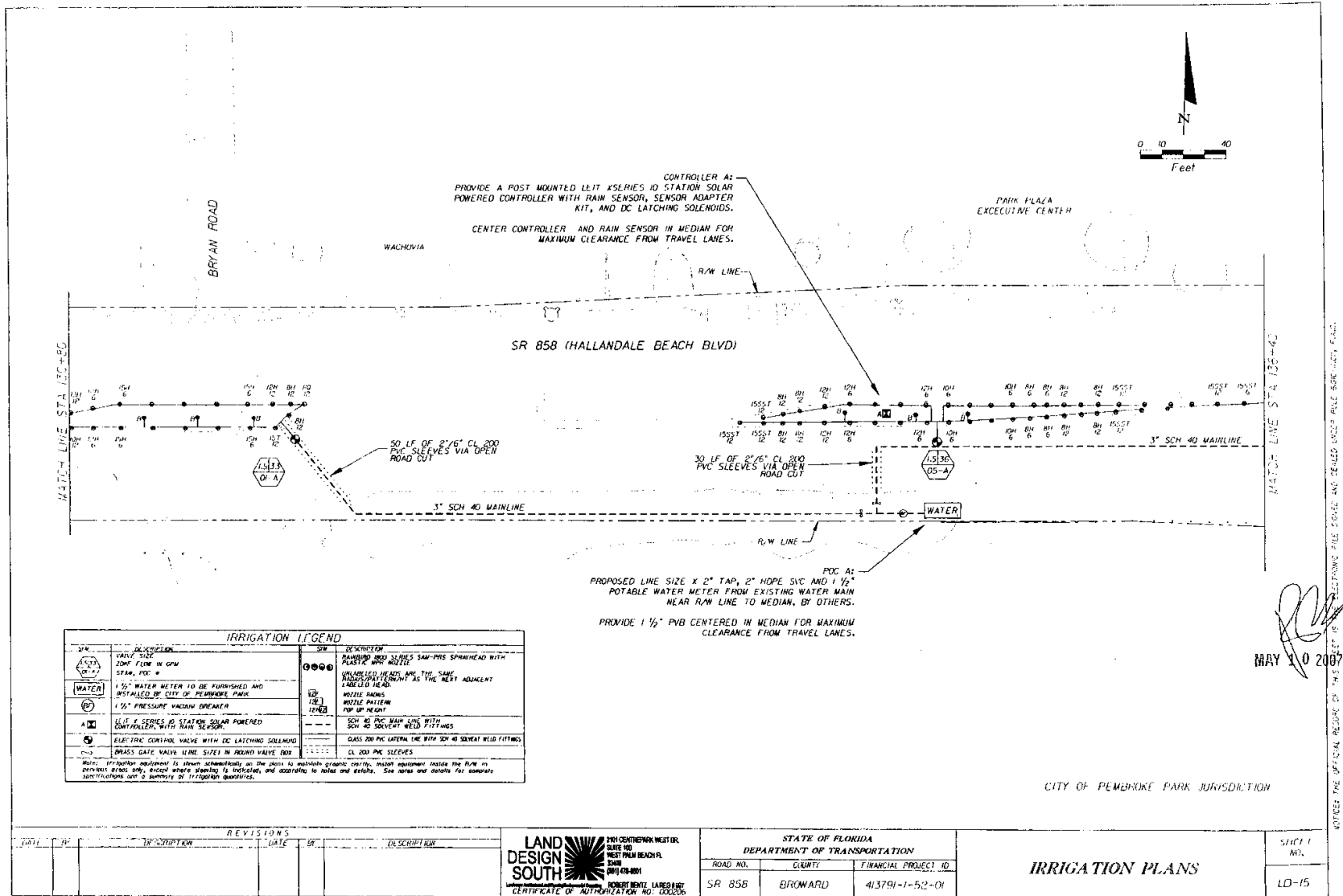


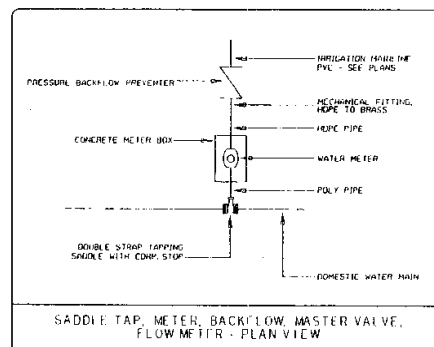
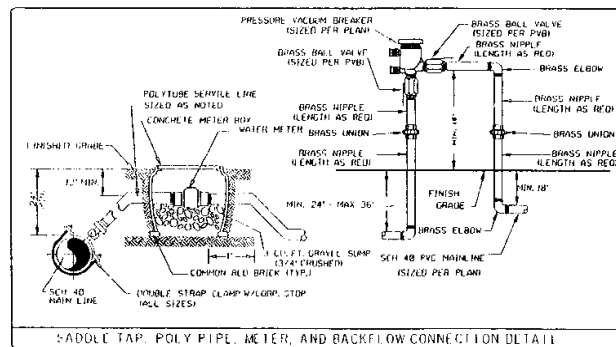
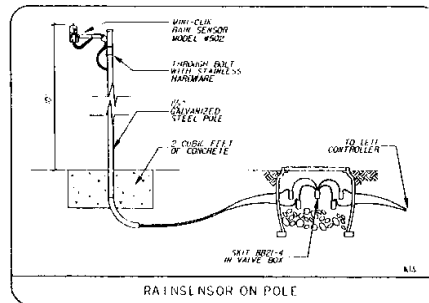
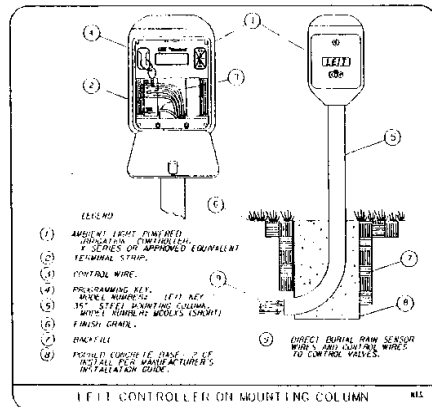






RECORD OF THIS CASE IS THE BEST FILE UNDER 60-100-100, P. 10.





SUMMARY OF IRRIGATION QUANTITIES			
PAY ITEM NO.	SYMBOL REF.	DESCRIPTION	TOTAL
590-70	1	VALVE SIZE / GALLOWS PER MINUTE IRRIGATION FLOW / VALVE NUMBER & CONTROLLER LETTER	
	2	1/2" WATER METER TO BE FURNISHED AND INSTALLED BY CITY OF PENSACOLA PARK	1
	3	1/2" PRESSURE VACUUM BREAKER - SIZED PER PLANS	1
	4	3" IRIGED T-83 GATE VALVES IN VALVE BOX	2
	5	IRRIGED 100 SERIES REMOTE CONTROL VALVE SIZED PER PLANS WITH 1/2" LATCHING SOLENOID WITH GATE VALVE ALL IN A SADDLE VALVE BOX W/ 1/2" BOLT DOWN LID	5
	6	LEFT 1 SERIES, 10 STATION POST MOUNTED SOLAR POWERED CONTROLLER WITH SENSOR REMOTE KIT AND RAIN SENSOR W/ 1/2" BOLT DOWN LID	1
	7	RAINBOW 1800 SERIES SAN-PTS POP-UP SPRAY HEAD, 6" OR 12" POP-UP HEIGHT PER PLANS, WITH RAINBOW PLASTIC W/PH NOZZLE	140
	8	3" SCH 40 PVC W/PH W/ 1/2" SCH 40 PVC SOLVENT WELD FITTINGS	500 LF
	9	8" x 20" CLASS 200 PVC LATERAL LINE W/ 1/2" SCH 40 PVC SOLVENT WELD FITTINGS	1000 LF
	10	2" - 6" CL 200 PVC SLEEVES SIZED PER PLANS VIA OPEN ROAD CUT	500 LF

PAY ITEM	LUMP SUM	COMPLETE IRRIGATION SYSTEM	TOTAL
590-70			1

GENERAL NOTES:

NOTE 1: Pay Item 590-70 does not include the cost of furnishing and installing well lines and meters. Well lines and meters will be furnished and installed by the City of Pensacola Park. Contractor is required to provide the City with a written request for meter installation per this T&B # 6 weeks before they are needed.

NOTE 2: Pay Item 590-70 includes the cost of furnishing and installing all pipe, pipe fittings, valves, pressure/vacuum breakers, gate valves, backflow preventers, backflow preventer valves, water meters, solenoid valves, solenoid heads and fittings, labor, permits, water use impact fees, permits, electrical connections, conduits, wiring, repair of curb & gutter & concrete traffic separator, etc. necessary for the complete installation of a fully functional irrigation system as described in the Irrigation plans, notes and details.

NOTE 3: The cost for working or removing any existing concrete pavement for the placement of the irrigation system is included in RD-4 Removal of Existing Concrete in the roadway plan set.

GENERAL NOTES:

NOTE 1: Quantities are approximate only and may vary due to field conditions. Contractor is responsible to verify exact quantities.

NOTE 2: Irrigation equipment is shown schematically on the plans to maintain graphic clarity. Install equipment inside the R/W in previous areas only, except where otherwise indicated, and according to notes and details.

NOTE 3: Contractor to coordinate irrigation installation and controller programming with the City of Pensacola Park maintenance personnel.

REVISIONS			
DATE	BY	DESCRIPTION	DATE

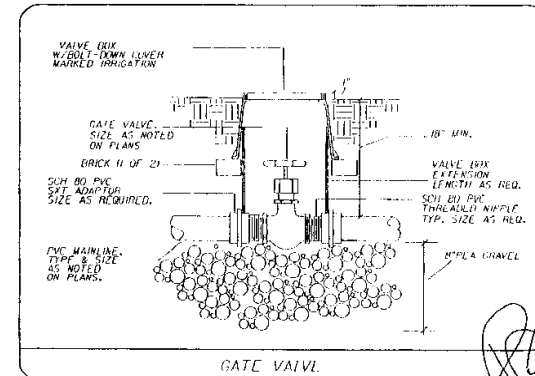
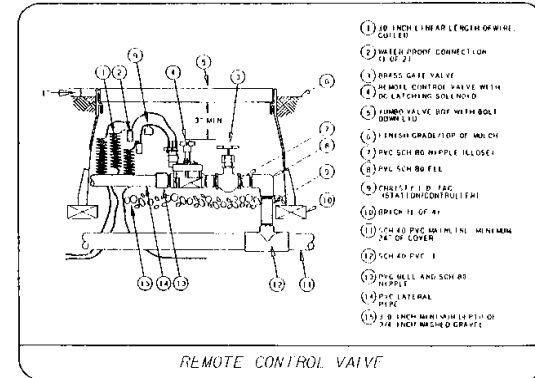
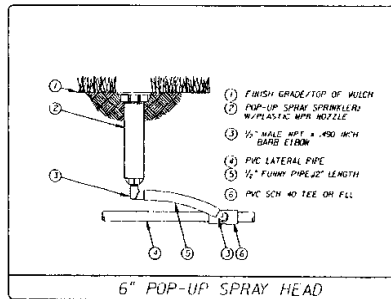
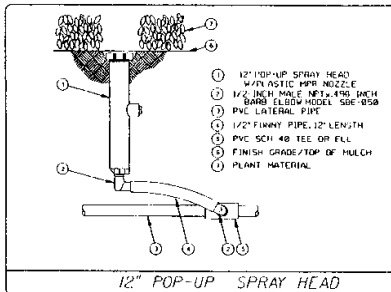
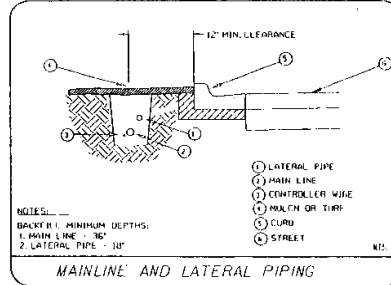
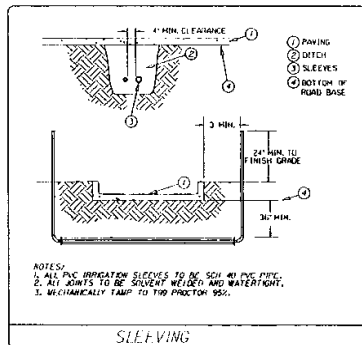
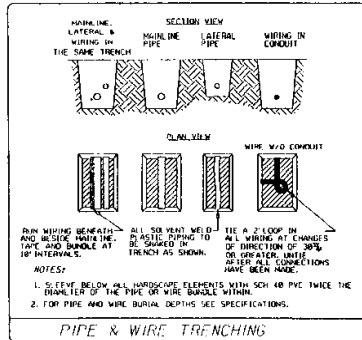


STATE OF FLORIDA		
DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 858	BROWARD	413791-1-52-01

IRRIGATION TABULATION OF QUANTITIES

SHEET NO.
LD-17

NOTES: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 6D00-10.0, F.A.C.



MAY 10 2006

NOTICE: THE PHYSICAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 600-10.0, F.A.C.

REVISIONS			
DATE	BY	DESCRIPTION	DATE

LAND DESIGN SOUTH
2001 CENTREMARK DR.
SUITE 400
WEST PALM BEACH, FL 33411
TEL: 561-833-1111
WWW.LANDDESIGNSOUTH.COM
CERTIFICATE OF AUTHORIZATION NO. 000206

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION		
ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 858	BROWARD	413791-1-52-01

IRRIGATION DETAILS

SHEET NO.
LD-18

IRRIGATION NOTES & SPECIFICATIONS

Irrigation design based on Land Design South's Landscape Plan dated 5/07. Contractor shall refer to these plans to coordinate sprinkler and pipe locations.

The system has been designed to conform with the requirements of all applicable codes. Should any conflict exist, the requirements of the codes shall prevail. It is the responsibility of the owner/installation contractor to insure the entire system is installed according to all applicable laws, rules, regulations and conventions. Irrigation contractor responsible for obtaining all required permits according to federal, state and local laws.

The scope of work is shown on the plans, notes and details. The Irrigation Contractor shall be certified as a **CERTIFIED IRRIGATION CONTRACTOR** by the Irrigation Association. The certification shall be current and in good standing.

THE WORK

The work specified in this section consists of furnishing all components necessary for the installation, testing, and delivery of a complete, fully functional automatic landscape irrigation system that completely complies with the irrigation plans, specifications, notes, details and all applicable laws, regulations, codes and ordinances. This work shall include, but not be limited to, the providing of all required material (pipe, valves, fittings, controllers, wire, primer, glue, etc.), layout, protection to the public, excavation, assembly, installation, back filling, compacting, repair of road surfaces, controller and low voltage leads to valves, cleanup, maintenance, guarantee and as-built plans.

All irrigated areas shall provide 100% head-to-head coverage from a fully automatic irrigation system with a rain sensor. The rain sensor shall be installed to prevent activation of rain sensor by adjacent heads. All watering procedures shall conform to local codes, as well as this project's regional Water Management District restrictions and regulations. Zones are prioritized first by public safety and then by hydraulic concerns. This sequencing will be a mandatory punch list item. These plans have been designed to satisfy/exceed the Florida Building Code (FBC) Appendix F and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems, fourth edition.

Contractor shall verify all underground utilities 72 hours prior to commencement of work.

It is the responsibility of the irrigation contractor to familiarize themselves with all grade differences, location of walls, retaining walls, structures and utilities. Do not willfully install the sprinkler system as shown on the drawings when it is obvious in the field that unknown obstruction, grade differences or differences in the area dimensions exist that might not have been considered in the engineering. Such obstructions, or differences, should be brought to the attention of the owner's authorized representative. In the event this notification is not performed, the irrigation contractor shall assume full responsibility for any revisions necessary.

Irrigation contractor shall repair or replace all items damaged by their work. Irrigation contractor shall coordinate their work with other contractors for the location and installation of pipe sleeves and laterals through walls, under roadways and paving, etc.

The contractor shall take immediate steps to repair, replace, or restore all services to any utilities which are disrupted due to their operations. All costs involved in disruption of service and repairs due to negligence on the part of the contractor shall be their responsibility.

POINT OF CONNECTION (P.O.C.)

The P.O.C. on this project is a proposed line size x 2" top, 2" HDPE service line and 1 1/2" potable water meter in the City of Pembroke Park. The P.O.C. must be capable of delivering a minimum of 50 GPM at 50 psi.

Contractor to verify these minimum conditions can be met prior to the beginning of installation. If the conditions can not be met, the contractor must notify the designer prior to proceeding with the work. If the contractor does not do so, the contractor proceeds at their own risk and becomes responsible for any future work required to make the system perform as required.

THE PIPE

Pipe locations shown on the plan are schematic and shall be adjusted in the field. When laying out mainlines place a maximum of 18" away from either the back of curb, front of walk, back of walk, or other hardscape to allow for ease in locating and protection from physical damage. Install all lateral pipe near edges of pavement or against buildings whenever possible to allow space for plant root balls. Always install piping inside project properties boundary.

All pipes are to always be placed in planting beds. If it is necessary to have piping under hardscapes, such as roads, walks, and patios, the pipes must be sleeved using Class 200 PVC with the sleeve diameter being twice the size of the pipe it is carrying with a minimum sleeve size of 2".

Pipe sizes shall conform to those shown on the drawings. No substitutions of smaller pipe sizes shall be permitted, but substitutions of larger sizes may be approved. All damaged and rejected pipe shall be removed from the site at the time of said rejection.

Mainline shall be Sch 40 PVC with Sch 40 solvent weld fittings (sized per plans).

Contractor to ensure all mainline piping is properly restrained using mechanical joint fittings, restraining collars, threaded rods, thrust blocks, etc., as and where required. Contractor shall refer to pipe manufacturers' recommended installation practices for further direction.

The PVC cement shall be Weld-On 2711 grey and the primer shall be Weld-On P70 purple primer, or approved equals.

ELECTRICAL POWER SUPPLY

Electrical supply for controllers to be provided by irrigation contractor. Contractor to coordinate with local utilities for the installation of, and connection to, site available power supply's for required electrical components as set forth in the irrigation plans.

All electrical to comply with the National Electrical Code and any, and all, other applicable electrical codes, laws and regulations. A licensed electrician shall perform all electrical hook-ups. Power for the controller shall be 120 volt, 20 amp.

WIRING

Irrigation control wire shall be thermoplastic solid copper, single conductor, low voltage irrigation controller wire, suitable for direct burial and continuous operation at rated voltages.

Tap and bundle control wires every 10' and run alongside the mainline. At all turns in direction make a 2' coil of wire. At all valve boxes coil wire around a 3/4" piece of PVC pipe to make a coil using 30 linear inches of wire. Make electrical connections with 3M-DBYDBR connectors.

Number all wires, using an electrical book of numbers, according to the plans. Number wires in all valve boxes, junction boxes and at the controller.

Wire sized, numbered and colored as follows:

- #14 white for common
- #14 spare black common
- #14 red for hot wires
- #14 spare yellow hot wire

Spare wires

Run spare wires into every RCV valve box. Install a minimum of 2 common and 4 hot wires, in all directions, to every RCV connected to its respective controller.

Controller grounding - Contractor to utilize 4"XB'X5/8" copper grounding plates, 5/8"X10" copper clad grounding rods, "One Strike" CAD walls at all connection points, #6 bare copper wire, and earth contact material. Install these and other required components as outlined in the detail. Contractor to verify that the earth to ground resistance does not exceed 10 ohms. Contractor shall provide a written certification, on a licensed electrical contractor's letter head, showing the date of the test, controller location, and test results. Each controller shall be so grounded and tested.

LAYOUT

Lay out irrigation system mainlines and lateral lines. Make the necessary adjustments as required to take into account all site obstructions and limitations prior to excavating trenches.

Stake all sprinkler head locations. Adjust location and make the necessary modifications to nozzle types, etc. required to insure 100% head to head coverage. Refer to the Edge of Pavement Detail on the Irrigation Detail Sheet.

Spray heads shall be installed 4" from sidewalks or curbed roadways and 12" from uncurbed roadways and building foundations. Rotors shall be installed 4" from sidewalks or curbed roadways, 12" from building foundations, and 36" from uncurbed roadways.

Shrub heads shall be installed on 3/4" Sch 40 PVC risers. The risers shall be set at a minimum of 18" off sidewalks, roadway curbing, building foundations, and/or any other hardscaped areas. Shrub heads shall be installed to a standard height of 4" below maintained height of plants and shall be installed within planted masses to be less visible and offer protection. Paint all shrub risers with flat black or forest green paint, unless irrigation system will be installed from a reuse water system with purple PVC risers.

Locate valves prior to excavation. Insure that their location provides for easy access and that there is no interference with physical structures, plants, trees, poles, etc. Valve boxes must be placed a minimum of 12" and a maximum of 15" from the edge of pavement, curbs, etc. and the top of the box must be 2" above finish grade. No valve boxes shall be installed in turf areas without approval by the irrigation designer - only in shrub beds. Never install in sport field areas.

VALVES

Sequence all valves so that the farthest valve from the P.O.C. operates first and the closest to the P.O.C. operates last. The closest valve to the P.O.C. should be the last valve in the programmed sequence.

Adjust the flow control on each RCV to ensure shut off in 10 seconds after deactivation by the irrigation controller.

Using 3" high number stencils paint the valve number in white on the lid of each valve box.

MAX 10 2007

DATE		BY		REVISIONS		DESCRIPTION	



LAND DESIGN SOUTH
CERTIFICATE OF AUTHORIZATION NO. 000006

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

ROAD NO.	COUNTY	FINANCIAL PROJECT ID
SR 858	BROWARD	413791-1-52-01

IRRIGATION NOTES

SHEET NO.
LD-19

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 600-10.04, F.A.C.

EQUIPMENT

Bubblers shall be installed using Sch 80 nipples and shall be placed at the base of trees for low level watering.

All pop-up heads and shrub risers shall be pressure compensating. All pop-up heads shall be mounted on flex-type swing joints.

All sprinkler equipment not otherwise detailed or specified shall be installed as per manufacturer's recommendations and specifications, and according to local and state laws.

TRENCHING

Excavate straight and vertical trenches with smooth, flat or sloping bottoms. Trench width and depth should be sufficient to allow for the proper vertical and horizontal separation between piping as shown in the pipe installation detail on the detail sheet.

Protect existing landscaped areas. Remove and replant any damaged plant material upon job completion. The replacement material shall be of the same genus and species, and of the size of the material it is replacing. The final determination as to what needs to be replaced and the acceptability of the replacement material shall be solely up to the owner or owner's representative.

INSTALLATION

Cut all pipe square and deburr. Clean pipe and fittings of foreign material; then apply a small amount of primer while ensuring that any excess is wiped off immediately. Primer should not puddle or drip from pipe or fittings. Next apply a thin coat of PVC cement; first apply a thin layer to the pipe, next a thin layer inside the fitting, and finally another very thin layer on the pipe. Insert the pipe into the fitting, insure that the pipe is inserted to the bottom of the fitting, then turn the pipe a 1/4 turn and hold for 10 seconds. Make sure that the pipe doesn't recede from the fitting. If the pipe isn't at the bottom of the fitting upon completion, the glue joint is unacceptable and must be discarded.

Pipes must cure a minimum of 30 minutes prior to handling and placing into trenches. A longer curing time may be required; refer to the manufacturer's specifications. The pipe must cure a minimum of 24 hours prior to filling with water.

BACK FILL

The Back fill 6" below and 6" above all piping shall be of clean sand and anything beyond that in the trench can be of native material but including nothing larger than 2" in diameter.

Main line pipe depth measured to the top of pipe shall be 36" minimum, including at vehicular crossings.

Lateral line depths measured to top of pipe shall be:

18" minimum for 3/4"-3" PVC with a 30" minimum at vehicular crossings;

24" minimum for 4" PVC and above with a 30" minimum at vehicular crossings.

Contractor shall backfill all piping, both mainline and laterals, prior to performing any pressure tests. The pipe shall be backfilled with the exception of 2' on each side of every joint (bell fittings, 90's, tees, 45's, etc.). These joints shall not be backfilled until all piping has satisfactorily passed its appropriate pressure test as outlined below.

FLUSHING

Prior to the placement of heads, flush all lines for a minimum of 10 minutes or until lines are completely clean of debris, whichever is longer.

Use screens in heads and adjust heads for proper coverage avoiding excess water on walls, walks and paving.

TESTING

Remove all remote control valves and cap using a threaded cap. Fill mainline with water and pressurize the system to 125 PSI. Monitor the system pressure at two gauge locations, the gauge locations must be at opposite ends of the mainline. With the same respective pressures, monitor the gauges for two hours. There can be no loss in pressure at either gauge for solvent-welded pipe. Gasketed piping shall lose no more water than allowed per the Florida State Building Code, Volume II Plumbing, Part V, Appendix "F". Refer to this section for the formula to be used to calculate the maximum allowable water loss during the testing time. If these parameters are exceeded, locate the problem; repair it; wait 24 hours and retest the test. This procedure must be followed until the mainline passes the test.

The lateral lines must be filled and visually checked for leaks. Any leaks detected must be repaired. No pressure test of the lateral lines is required.

Once the mainline and lateral lines have passed their respective tests, and the system is completely operational, a coverage test and demonstration of the system is required. The irrigation contractor must demonstrate to the owner, or his/her representative that proper coverage is obtained and that the system works automatically from the controller. This demonstration requires that each zone is turned on, in the proper sequence as shown on the plans, from the controller. Each zone will be inspected for proper coverage and function. The determination of proper coverage and function is at the sole discretion of the owner or owner's representative.

Operational Testing - Upon completion of back filling, finish grading and contouring, test the entire system for proper operation, including electrically actuating the remote control valves. Run each zone until water begins to puddle or run off. This will allow you to determine the number of irrigation start times necessary to meet the weekly evapotranspiration requirements of the planting material in each zone. In sandy soils no puddling will occur, instead, calculate the required run times.

SUBMITTALS

The contractor must submit for approval, prior to installation, copies of the manufacturer's cut sheets/specifications for all components to be used in the irrigation system.

After project completion, and as a condition of final acceptance, the irrigation contractor shall provide the owner with a high quality, accurate, and legible set of as-built drawings. The as-builts must identify all remote control valves, gate valves, ball valves, splice boxes, controllers, mainline, steewing, and low voltage wiring. Each of these items is to be located using a submeter GPS system. The irrigation contractor must also provide accurate, informative, and easy to follow and understand operation and maintenance manuals for all components of the irrigation system.

Controller charts - Upon completion of "as-built" prepare controller charts; one per controller. Indicate on each chart the area controlled by a remote control valve (using a different color for each zone). This chart shall be reduced to a size that will fit inside of the controller door. The reduction shall be hermetically sealed inside two 2nd pieces of clear plastic.

FINAL ACCEPTANCE

Final acceptance of the irrigation system will be given after the following documents and conditions have been completed and approved. Contractor is required to schedule and coordinate the final inspection meeting with the City at least 2 weeks prior to the date that the final inspection is desired.

1. Final walk-thru and correction of all punch list items.
2. Completion and acceptance of 'as-built' drawings.
3. Acceptance of required controller charts and placement inside of controllers.
4. Turn over of all required parts and tools as outlined in the project specifications.

[Signature]
MAY 10 2007

REVISIONS					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

LAND SOUTH THE CENTRAL FLORIDA DISTRICT SOUTH DISTRICT CERTIFICATE OF AUTHORIZATION NO. 000206		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. COUNTY FINANCIAL PROJECT ID SR 858 BROWARD 413791-1-52-01		SHEET NO. LD-20
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IRRIGATION NOTES

NOTICE: THE OFFICIAL RECORD OF THIS SHEET IS THE ELECTRONIC FILE SIGNED AND SEALED UNDER RULE 600-10.01, F.A.C.

SECTION: 86200000
PERMIT: 2021-L-491-00014
COUNTY: BROWARD
STATE RD: 858

FLORIDA DEPARTMENT OF TRANSPORTATION
DISTRICT FOUR
LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the **FLORIDA DEPARTMENT OF TRANSPORTATION**, a component agency of the State of Florida, hereinafter called the **DEPARTMENT** and the **TOWN OF PEMBROKE PARK**, a municipal corporation, existing under the Laws of Florida, hereinafter called the **AGENCY**.

WITNESSETH:

WHEREAS, the DEPARTMENT has jurisdiction over **SR 858 (Hallandale Beach Boulevard)** as part of the State Highway System; and

WHEREAS, as part of the continual updating of the State Highway System, the DEPARTMENT, for the purpose of safety, protection of the investment and other reasons, has constructed and does maintain the highway facility as described in **Exhibit "A"**, within the corporate limits of the AGENCY; and

WHEREAS, the DEPARTMENT and the AGENCY entered into previous agreements on June 12, 1997 and October 16, 2008 for the purpose of the AGENCY maintaining landscape improvements to the medians on **SR 858 (Hallandale Beach Boulevard)**; and

WHEREAS, the AGENCY seeks to install by permit and maintain certain additional landscape improvements within the right of way on the south side of **SR 858 (Hallandale Beach Boulevard)** as described in **Exhibit "B"**; and

WHEREAS, the AGENCY is agreeable to maintaining those landscape improvements within the AGENCY'S limits, including plant materials, irrigation systems and/or hardscape (such as specialty surfacing, site furnishings, or other nonstandard items (if applicable), but excluding standard concrete sidewalk). The AGENCY agrees that such improvements shall be maintained by periodic mowing, fertilizing, weeding, litter pick-up, pruning, necessary replanting, irrigation repair and/or repair/replacement of the specialty surfacing, as needed; and

WHEREAS, the parties hereto mutually recognize the need for entering into an Agreement designating and setting forth the responsibilities of each party; and

WHEREAS, the AGENCY, by Resolution No. _____, dated _____, 20____, attached hereto as **Exhibit "D"** and by this reference made a part hereof, desires to enter into this Agreement and authorizes its officers to do so.

S:\Transportation Development\Design\In-House Design\Landscape Architecture\2 - MMOAs\Pembroke Park\2021-L-491-00014
Excellente\Others Build BP - Excellente.docx

NOW THEREFORE, for and in consideration of the mutual benefits to flow each to the other, the parties covenant and agree as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein.
2. INSTALLATION OF FACILITIES

The AGENCY shall install and agrees to maintain the *landscape improvements* described herein as: plant materials, irrigation and/or hardscape on the highway facilities substantially as specified in plans and specifications hereinafter referred to as the Project(s) and incorporated herein as **Exhibit "B"**. *Hardscape* shall mean, but not be limited to, any site amenities such as landscape accent lighting, bike racks, fountains, tree grates, decorative free-standing walls, and/or sidewalk, median and/or roadway specialty surfacing such as concrete pavers, stamped colored concrete and/or stamped colored asphalt (also known as patterned pavement).

- (a) All plant materials shall be installed and maintained in strict accordance with sound nursery practice prescribed by the International Society of Arboriculture (ISA). All plant materials installed shall be Florida #1 or better according to the most current edition of Florida Department of Agriculture, *Florida Grades and Standards for Nursery Stock*; and all trees shall meet Florida Power & Light, *Right Tree, Right Place, South Florida*.
- (b) Trees and palms within the right of way shall be installed and pruned to prevent encroachment to roadways, lateral offsets, and sidewalks. Definition of these criteria is included in the most current editions of FDOT standards for design, construction, maintenance, and utility operations on the state highway system and **Exhibit "C"**, the Maintenance Plan.
- (c) Tree and palm pruning shall be supervised by properly trained personnel trained in tree pruning techniques and shall meet the most current standards set forth by the International Society of Arboriculture (ISA) and the American National Standard Institute (ANSI), Part A-300.
- (d) Irrigation installation and maintenance activities shall conform to the standards set forth by the Florida Irrigation Society (FIS) latest edition of FIS, *Standards and Specifications for Turf and Landscape Irrigation Systems*.
- (e) The AGENCY shall provide the FDOT Local Operation Center accurate as-built plans of the irrigation system so if in the future there is a need for the DEPARTMENT to perform work in the area, the system can be accommodated as much as possible. (See paragraph (g) for contact information.)
- (f) If it becomes necessary to provide utilities (water/electricity) to the median or side areas, it shall be the AGENCY'S responsibility to obtain a permit for such work through the local Operations Center (see paragraph (g) below) and the AGENCY shall be responsible for all associated fees for the installation and maintenance of these utilities.

- (g) The AGENCY shall provide the local FDOT Operation Center, located at Broward Operations, 5548 NW 9th Avenue, Ft. Lauderdale, FL 33309 (954) 776-4300), a twenty-four (24) hour telephone number and the name of a responsible person that the DEPARTMENT may contact. The AGENCY shall notify the local maintenance office forty-eight (48) hours prior to the start of the landscape improvements.
- (h) All specialty surfacing shall be installed and maintained in strict accordance with the most current edition of the *Florida Accessibility Code for Building Construction* and the *Interlocking Concrete Pavement Institute (ICPI)*.
- (i) All activities, including landscape improvements installation and future maintenance operations performed on State highway right of way, must be in conformity with the most current edition of the *Manual on Uniform Traffic Control (MUTCD)* and *FDOT Standard Plans for Road Construction, 102-XXX series, Maintenance of Traffic*.
- (j) The most current edition of *FDOT Design Manual, Section 212.11 and Exhibits 212.4 through 212.7 regarding clear sight triangles at intersections* must be adhered to.
- (k) Clear Zone Lateral Offset and as specified in the *FDOT Design Manual, Chapter 215* must be adhered to.
- (l) Landscape improvements shall not obstruct roadside signs or permitted outdoor advertising signs, (see Florida Administrative Code [F.A.C.] Rule Chapter 14-10.)
- (m) If there is a need to restrict the normal flow of traffic, it shall be done on non-holiday, weekday, off-peak hours (9 AM to 3 PM), and the party performing such work shall give notice to the local law enforcement agency within whose jurisdiction such road is located prior to commencing work on the landscape improvements. The DEPARTMENT'S Public Information Officer (see telephone number in paragraph (g) for Operation Center) shall also be notified.
- (n) The AGENCY shall be responsible for ensuring no impacts to utilities will occur within the landscape improvement limits before construction commences.
- (o) The AGENCY shall follow the minimum level of maintenance guidelines as set forth in FDOT'S Rule Chapter 14-40 *Highway Beautification and Landscape Management*, in the *FDOT Guide to Roadside Mowing and Maintenance Management System*, and **Exhibit "C"**, the *Maintenance Plan* for maintenance activities for landscape improvements.

3. MAINTENANCE OF FACILITIES

- A. The AGENCY agrees to maintain the landscape improvements, as existing and those to be installed, within the physical limits described in **Exhibit "A"** and as further described in **Exhibit "B"**. The non-standard improvements within and outside the traveled way shall be maintained by the AGENCY regardless if the said improvement was made by the DEPARTMENT, the AGENCY, or others authorized pursuant to Section 7, by periodic mowing, pruning, fertilizing, weeding, curb and sidewalk edging, litter pickup, necessary replanting, irrigation system repair and/ or repair of any median concrete replacement associated with specialty surfacing (if applicable) following the DEPARTMENT'S landscape safety and maintenance guidelines, **Exhibit "C"**, the

Maintenance Plan. The AGENCY'S responsibility for maintenance shall include all landscaped, turfed and hardscape areas on the sidewalk or within the medians and areas outside the traveled way to the right of way and/or areas within the traveled way containing specialty surfacing. The AGENCY shall be responsible for all maintenance and repairs to FDOT sidewalks directly attributable to tree roots or other AGENCY maintained improvements. It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway caused by the differential characteristics of non-standard traveled way surfacing (if applicable) on DEPARTMENT right of way within the limits of this Agreement.

- B. Such maintenance to be provided by the AGENCY is specifically set out as follows: to maintain, which means to properly water and fertilize all plant materials; to keep them as free as practicable from disease and harmful insects; to properly mulch the planting beds; to keep the premises free of weeds; to mow the turf to the proper height; to properly prune all plants which at a minimum includes: (1) removing dead or diseased parts of plants, (2) pruning such parts thereof to provide clear visibility to signage, permitted outdoor advertising signs per Florida Statute 479.106 and for those using the roadway and/or sidewalk; (3) preventing any other potential roadway hazards. *Plant materials* shall be those items which would be scientifically classified as plants and including trees, palms, shrubs, groundcover and turf. To maintain also means to remove or replace dead or diseased plant materials in their entirety, or to remove or replace those that fall below original project standards. Palms shall be kept fruit free year-round. To maintain also means to keep the header curbs that contain the specialty surfacing treatment in optimum condition. To maintain also means to keep the nonstandard hardscape areas clean, free from weeds and to repair said hardscape as is necessary to prevent a safety hazard. To maintain also means to keep litter removed from the median and areas outside the travel way to the right of way line. All plants removed for whatever reason shall be replaced by plants of the same species type, size, and grade as specified in the original plans and specifications. Any changes to the original plans shall be submitted by permit application to the DEPARTMENT for review and approval.
- C. If it becomes necessary to provide utilities (water/electricity) to the medians or areas outside the traveled way to maintain these improvements, all costs associated with such utilities are the maintaining AGENCY'S responsibility.

The AGENCY shall be directly responsible for:

- 1) impact and connection fees;
 - 2) the on-going cost of utility usage for water and electricity.
- D. The maintenance functions to be performed by the AGENCY may be subject to periodic inspections by the DEPARTMENT at the discretion of the DEPARTMENT. Such inspection findings will be shared with the AGENCY and shall be the basis of all decisions regarding repayment, reworking or agreement termination. The AGENCY shall not change or deviate from said plans without written approval of the DEPARTMENT.

4. DEPARTMENT ACCESS TO FACILITIES

The DEPARTMENT will periodically need access to various features within the limits of this Agreement. Upon request of the DEPARTMENT, the AGENCY will have 14 calendar days to provide access to the items noted by the DEPARTMENT. This may require temporary or permanent removal of improvements such as hardscape, landscape or other items conflicting with the items to which the Department needs access.

Should the AGENCY fail to remove or relocate items as requested, the Department may:

- (a) Remove conflicting improvements or any portion thereof.
- (b) Restore the area with any material meeting Department standards.
- (c) Restore the improvements at the request and funding of the AGENCY.

5. NOTICE OF MAINTENANCE DEFICIENCIES

If at any time after the AGENCY has undertaken the landscape improvements installation and/or maintenance responsibility for the landscape improvements it shall come to the attention of the DEPARTMENT'S District Secretary that the limits, or a part thereof, are not properly maintained pursuant to the terms of this Agreement, said District Secretary, may at his/her option, issue a written notice that a deficiency or deficiencies exist(s), by sending a certified letter to the AGENCY, to place said AGENCY on notice thereof. Thereafter, the AGENCY shall have a period of thirty (30) calendar days in which to correct the cited deficiencies. If said deficiencies are not corrected within this time-period, the DEPARTMENT may, at its option, proceed as follows:

- (a) Maintain the landscape improvements or any part thereof, with the DEPARTMENT or Contractor's personnel and invoice the AGENCY for expenses incurred; and/or
- (b) At the discretion of the DEPARTMENT, terminate the Agreement in accordance with Paragraph 9 of this Agreement and remove, by the DEPARTMENT or Contractor's personnel, all of the landscape improvements installed under this Agreement or any preceding Agreements, except as to trees and palms, and charge the AGENCY the reasonable cost of such removal.

6. FUTURE DEPARTMENT IMPROVEMENTS

It is understood between the parties hereto that the landscape improvements covered by this Agreement may be removed, relocated, or adjusted at any time in the future, as determined to be necessary by the DEPARTMENT, in order that the adjacent state road be widened, altered, or otherwise changed to meet future criteria or planning needs of the DEPARTMENT.

The AGENCY shall be given sixty (60) calendar days' notice to remove said landscape improvements at the AGENCY'S expense after which time the DEPARTMENT may remove same. All permits (including tree permits), fees, and any mitigation associated with the removal, relocation or adjustments of these improvements are the AGENCY'S responsibility.

7. FUTURE AGENCY IMPROVEMENTS

The AGENCY may construct additional landscape improvements within the limits of this Agreement, identified in **Exhibit "A"**, subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT. The AGENCY shall not change or deviate from said plans without written approval by the DEPARTMENT.
- (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
- (c) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements it chooses to have installed and there will be no cost to the DEPARTMENT.

8. ADJACENT PROPERTY OWNER IMPROVEMENTS

The DEPARTMENT may allow an adjacent property owner to construct additional landscape improvements within the limits of the right of way identified in **Exhibit "A"** that the AGENCY shall be responsible for maintaining under this Agreement, subject to the following conditions:

- (a) Plans for any new landscape improvements shall be subject to approval by the DEPARTMENT and shall require a valid permit attached with a letter of consent to said plans by the AGENCY. The plans shall not be changed or deviated from without written approval by the DEPARTMENT and the AGENCY.
- (b) All landscape improvements shall be developed and implemented in accordance with appropriate state safety and roadway design standards.
- (c) The AGENCY agrees to comply with the requirements of this Agreement with regard to any additional landscape improvements installed by an adjacent owner.

9. AGREEMENT TERMINATION

In addition to those conditions otherwise contained herein, this Agreement may be terminated under any one (1) of the following conditions:

- (a) By the DEPARTMENT, if the AGENCY fails to perform its duties under this Agreement, following ten (10) days written notice.
- (b) By the DEPARTMENT, for refusal by the AGENCY to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the AGENCY in conjunction with this Agreement.

10. AGREEMENT TERM

The term of this Agreement commences upon execution by all parties and shall remain in effect as long as the improvements shall exist, or until this Agreement is terminated by either party in accordance with Paragraph 9.

11. LIABILITY AND INSURANCE REQUIREMENTS

- A. With respect to any of the AGENCY'S agents, consultants, sub-consultants, contractors and/or sub-contractors, such party in any contract for the landscape improvements shall agree to indemnify, defend, save and hold harmless the DEPARTMENT from all claims, demands, liabilities, and suits of any nature arising out of, because of or due to any intentional and/or negligent act or occurrence, omission or commission of such agents, consultants, subconsultants, contractors and/or subcontractors. The AGENCY shall provide the DEPARTMENT with written evidence of the foregoing upon the request of the DEPARTMENT. It is specifically understood and agreed that this indemnification clause does not cover or indemnify the DEPARTMENT for its own negligence.
- B. In the event that AGENCY contracts with a third party to provide the services set forth herein, any contract with such third party shall include the following provisions:
 - (1) AGENCY'S contractor shall at all times during the term of this Agreement keep and maintain in full force and effect, at contractor's sole cost and expense, Comprehensive General Liability with minimum limits of \$1,000,000.00 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability and Worker's Compensation insurance with minimum limits of \$500,000.00 per Liability. Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability and Worker's Compensation policy without restrictive endorsements, as filed by the Insurance Services Office. The AGENCY and DEPARTMENT shall be named as additional insured on such policies.
 - (2) AGENCY'S contractor shall furnish AGENCY with Certificates of Insurance of Endorsements evidencing the insurance coverage specified herein prior to the beginning performance of work under this Agreement.
 - (3) Coverage is not to cease and is to remain in full force and effect (subject to cancellation notice) until all performance required of AGENCY'S contractor is completed. All policies must be endorsed to provide the DEPARTMENT with at least thirty (30) day notice of cancellation and/or restriction. If any of the insurance coverage will expire prior to the completion of work, copies of renewal policies shall be furnished at least (30) days prior to the date of expiration.

12. E-VERIFY REQUIREMENTS

The AGENCY shall:

- (a) Utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the AGENCY during the term of the contract; and
- (b) Expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

13. SUPERSEDED AGREEMENTS

This writing embodies the entire Agreement and understanding between the parties hereto and there are no other Agreements and understanding, oral or written, with reference to the subject matter hereof that are not merged herein and superseded hereby.

14. FISCAL TERMS

The DEPARTMENT, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money will/may be paid on such contract. The DEPARTMENT shall require a statement from the Comptroller of the DEPARTMENT that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the DEPARTMENT which are for an amount in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) and which have a term for a period of more than one year.

15. DISPUTES

The DEPARTMENT'S District Secretary shall decide all questions, difficulties, and disputes of any nature whatsoever that may arise under or by reason of this Agreement, the prosecution or fulfillment of the service hereunder and the character, quality, amount, and value thereof; and his decision upon all claims, questions, and disputes shall be final and conclusive upon the parties hereto.

16. ASSIGNMENT

This Agreement may not be assigned or transferred by the AGENCY, in whole or in part, without the prior written consent of the DEPARTMENT.

17. LAWS GOVERNING

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida. In the event of a conflict between any portion of the contract and Florida law, the laws of Florida shall prevail. The AGENCY agrees to waive forum and jurisdictional venue. The DEPARTMENT shall determine the forum and venue in which any dispute under this Agreement is decided.

18. NOTICES

Any and all notices given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledgement or sent by certified mail, return receipt requested. All notices shall be sent to the following addresses:

If to the DEPARTMENT:

Florida Dept. of Transportation
3400 West Commercial Blvd.
Ft. Lauderdale, FL 33309-3421
Attn: Kaylee Kildare
District IV Landscape Manager

If to the AGENCY:

Town of Pembroke Park
3150 SW 52nd Avenue
Pembroke Park, FL 33023
Attn: Town Manager

19. LIST OF EXHIBITS

Exhibit A: Landscape Improvements Maintenance Boundaries
Exhibit B: Landscape Improvement Plans
Exhibit C: Maintenance Plan for Landscape Improvements
Exhibit D: Resolution

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first written above.

TOWN OF PEMBROKE PARK

By: _____
Chairperson / Mayor / Manager

Date: _____

Attest: _____
City Clerk

(SEAL)

Legal Approval: _____

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

By: _____
Transportation Development Director

Date: _____

Attest: _____
Executive Secretary

(SEAL)

Legal Review: _____
Office of the District General Counsel

SECTION: 86200000
PERMIT: 2021-L-491-00014
COUNTY: BROWARD
STATE RD: 858

EXHIBIT A

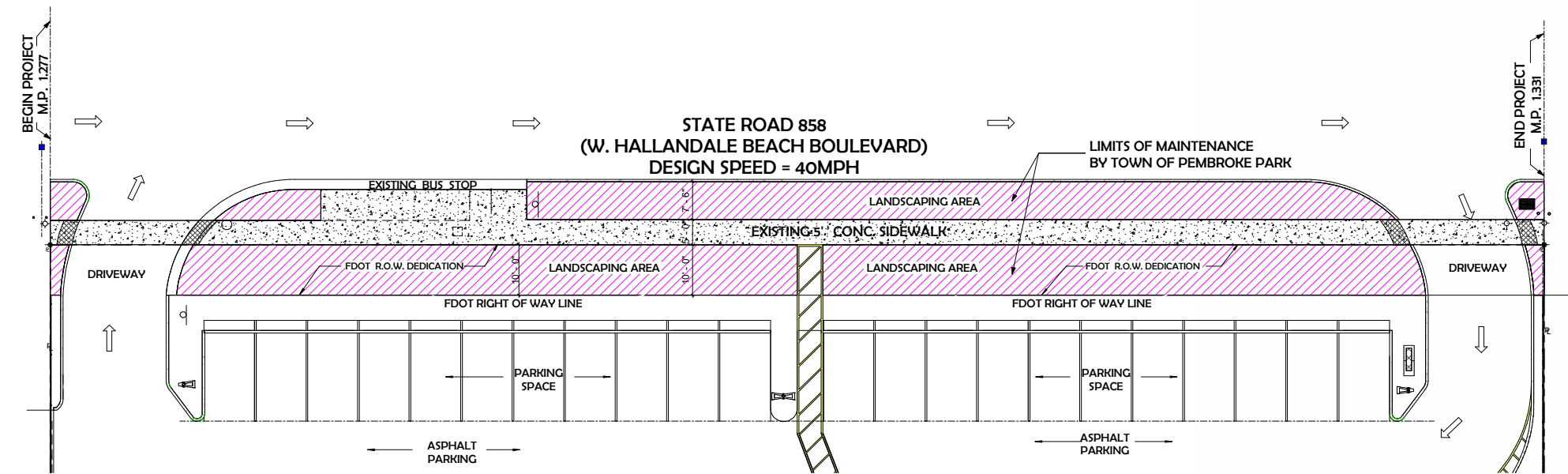
LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES

I. LIMITS OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS:

State Road 858 (Hallandale Beach Boulevard) from M.P. 1.277 to M.P. 1.331, south side

II. LANDSCAPE IMPROVEMENTS MAINTENANCE BOUNDARIES:

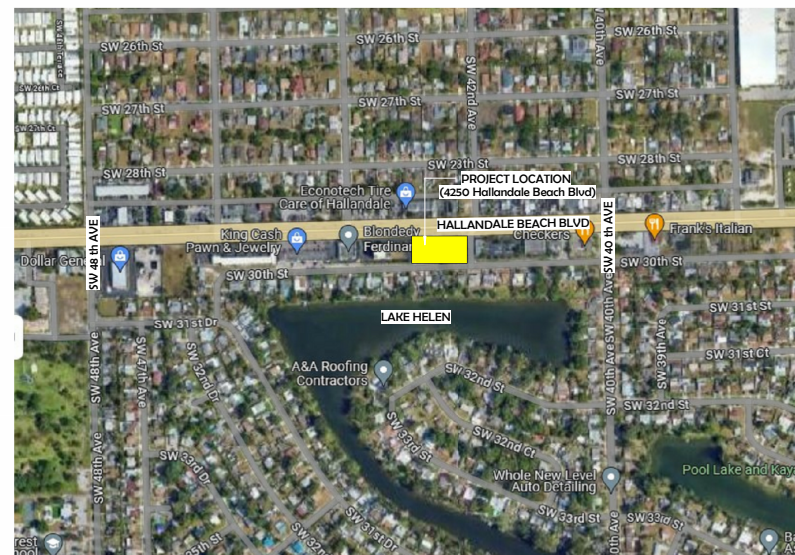
See attached map



LANDSCAPE IMPROVEMENT - MAINTENANCE
BOUNDARY MAP
3/32" = 1'-0"

LEGEND - FDOT

LIMITS OF MAINTENANCE BY TOWN OF PEMBROKE PARK



SITE LOCATION MAP
1" = 200'-0"

SKLARchitecture
2310 HOLLYWOOD BLVD.
HOLLYWOOD, FL 33020
TEL - (954) 925-9292
FAX - (954) 925-6292
www.SKLARchitect.com
AA 0002849
IB 0000894
NCARB CERTIFIED

SEAL
ARI L. SKLAR
LICENSE #AR14173

REVISIONS

3	City Comments and Int.Coor.	01/16/20
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PEMBROKE PARK
EXCELENTE LLC.
4250 WEST HALLANDALE BLVD,
PEMBROKE PARK, FL 33160

- ☐ REVIEW SET
☐ COMMISSION SUBMITTAL
☐ NOT FOR CONSTRUCTION
☐ DRY RUN PERMIT SET
☐ PERMIT SET
☐ BID SET
☐ CONSTRUCTION SET
- 01-17-2020

DRAWN BY:
Author
CHECKED BY:
ARI SKLAR

	LAND/CPAE IMPROVEMENT / MAINTENANCE BOUNDARY MAP
--	---

A9.4

PROJECT #: 18-012

DATE: 03-29-2024

01/16/20

SECTION: 86200000
PERMIT: 2021-L-491-00014
COUNTY: BROWARD
STATE RD: 858

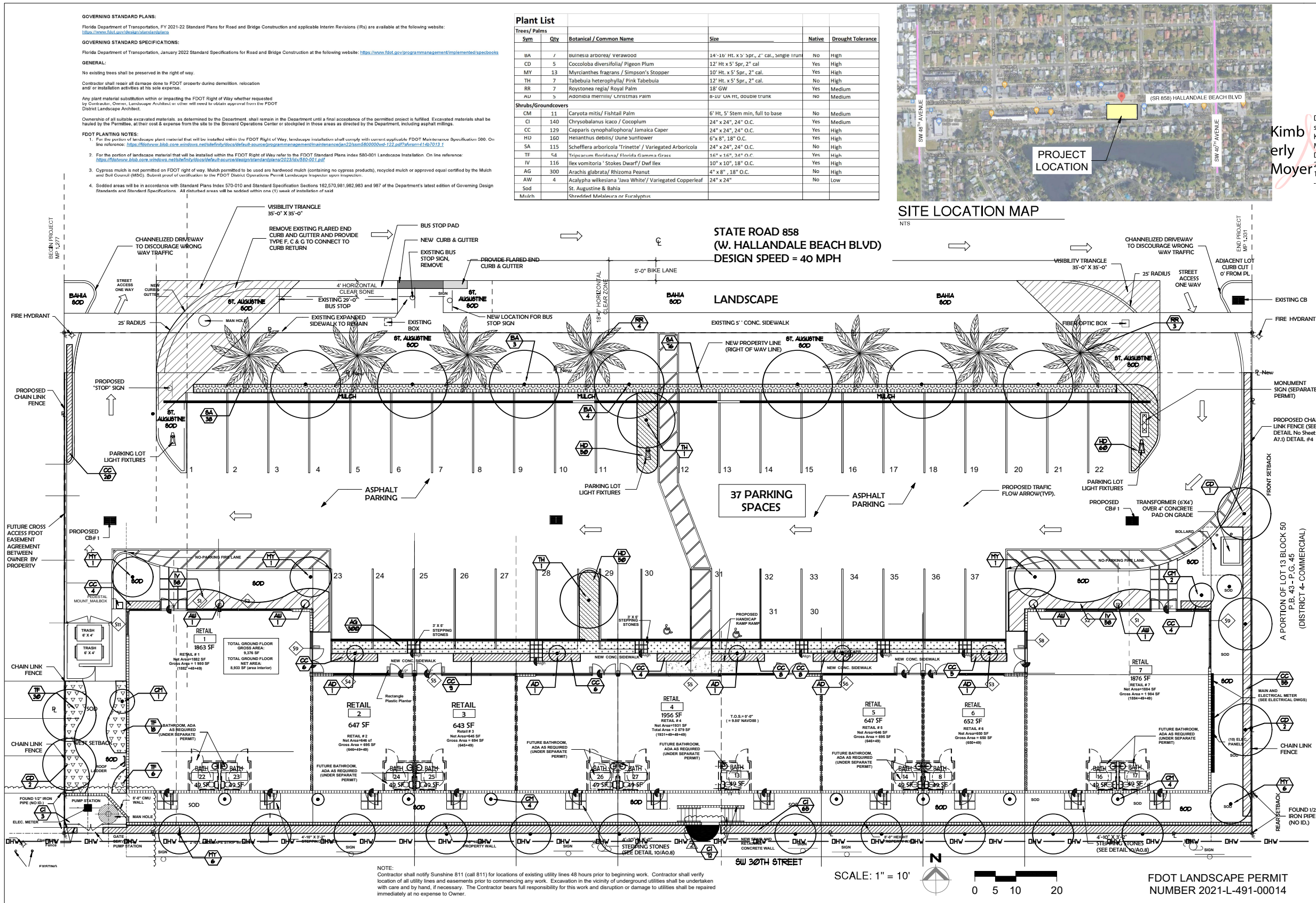
EXHIBIT B

LANDSCAPE IMPROVEMENT PLANS

The AGENCY agrees to install the landscape improvements in accordance with the plans and specifications attached hereto and incorporated herein.

Please see attached plans prepared by: Kimley Moyer, RLA
SKLARchitecture

Date: October 4, 2022



SKLARchitecture
2810 HOLLYWOOD BLVD.
HOLLYWOOD, FL 33020
TEL - (954) 925-9292
FAX - (954) 925-9292
www.sklararchitect.com
AA 0002849
IB 0000894
NCARB CERTIFIED

SEAL
ARI L. SKLAR
LICENSE #A14173

Digitally signed by Kimberly Moyer, RLA
Moyer Date: 2022.10.04 15:28:06 -0400

Kimberly Moyer, RLA
Landscape Architecture
(954) 592-3695
k.moyerla@gmail.com
Lic. No. #LA0000952

REVISIONS	
1. City Comments	10/19/19
2. City Comments	11/19/19
3. FDOT Comments	09/23/22

EXCELENTE LLC.
4350 WEST HALLANDALE BLVD.
PEMBROKE PARK, FL 33660

PEMBROKE PARK:

☐ REVIEW SET
☐ COMMISSION SUBMITTAL
☐ NOT FOR CONSTRUCTION
☐ DRY RUN PERMIT SET
☐ PERMIT SET
☐ BID SET
☐ CONSTRUCTION SET
08-16-2019

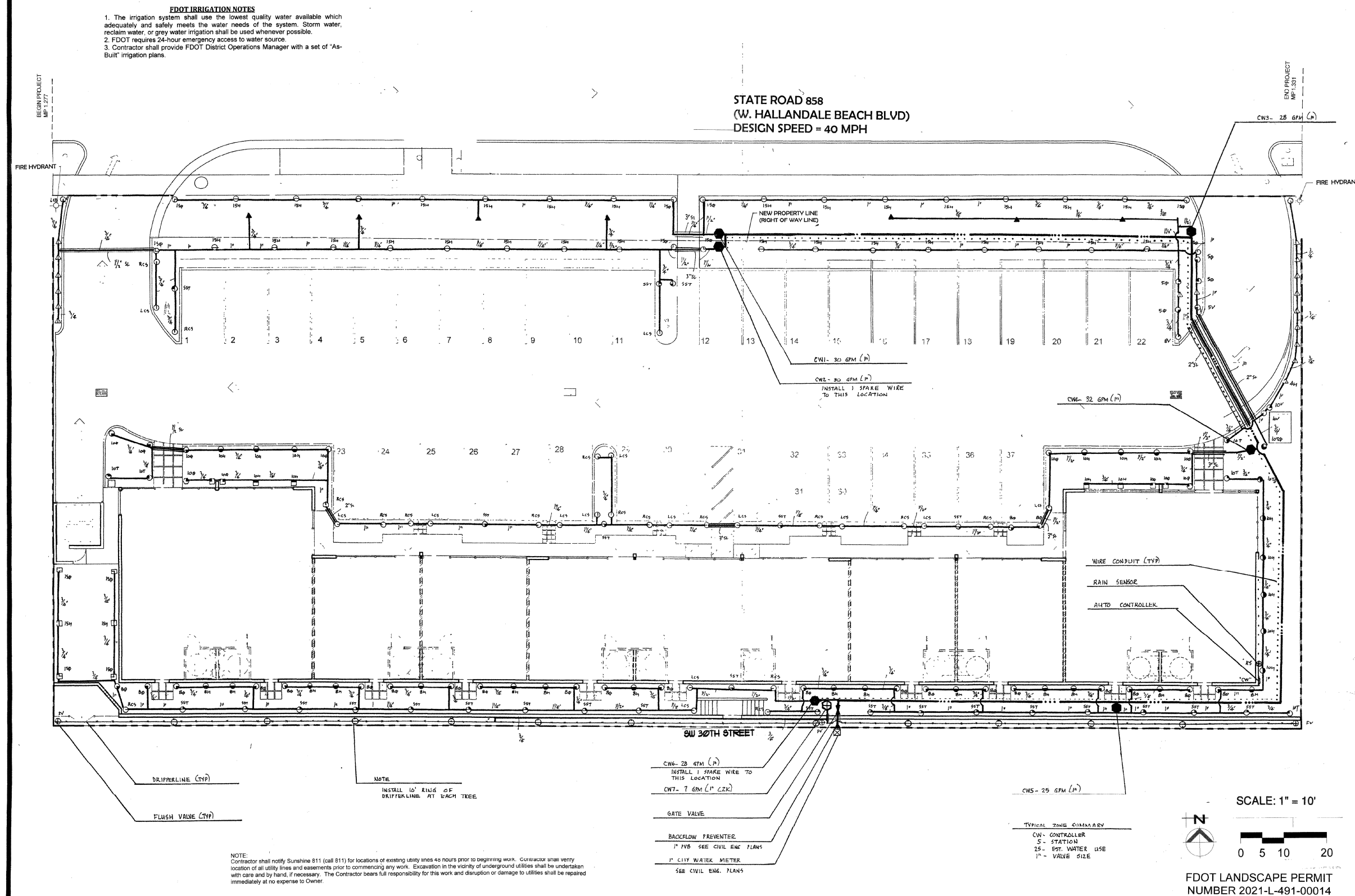
DRAWN BY:
PW
CHECKED BY:
KM

FDOT LANDSCAPE PLAN

L-1.0

PROJECT #: 18-012

DATE: 03-07-2022



Kenneth DiDonato, P.E.

KD

CONSULTING ENGINEER
GOLF COURSE & COMMERCIAL IRRIGATION DESIGN
2210 HOLLYWOOD BLVD., HOLLYWOOD, FLORIDA 33020
(954) 932-2555

PROJECT TITLE : EXCELENTE LLC,
PEMBROKE PARK, FLORIDA
IRRIGATION PLAN



PROJECT NO. 2019-113
DRAWN BY KMD
DESIGNED BY KMD
SCALE: 1"=10'-0"
DATE : DECEMBER 2011
DWG. NO. IR-1
SHT. NO. of
REVISIONS :

LEGEND

SYMBOL	MODEL NO.	DESCRIPTION	* EST. QUANTITY
▲	533	IRRITROL A.D. FLOOD BUBBLER	07
△	PABS-5CST-B	RAIN BIRD STREAM BUBBLER	16
△	PABS-5H	RAIN BIRD SPRAY BUBBLER	01
■	PABS-10Q	RAIN BIRD SHRUB SPRAY	04
■	PABS-10H	RAIN BIRD SHRUB SPRAY	04
■	PABS-15Q	RAIN BIRD SHRUB SPRAY	04
■	PABS-15H	RAIN BIRD SHRUB SPRAY	02
○	1804-5V	RAIN BIRD 4" POP-UP SPRAY	01
○	1804-5Q	RAIN BIRD 4" POP-UP SPRAY	04
○	1804-8V	RAIN BIRD 4" POP-UP SPRAY	01
○	1804-8Q	RAIN BIRD 4" POP-UP SPRAY	21
○	1804-8H	RAIN BIRD 4" POP-UP SPRAY	14
○	1804-10V	RAIN BIRD 4" POP-UP SPRAY	01
○	1804-10Q	RAIN BIRD 4" POP-UP SPRAY	07
○	1804-10H	RAIN BIRD 4" POP-UP SPRAY	05
○	1804-10TQ	RAIN BIRD 4" POP-UP SPRAY	02
○	1804-15RCS	RAIN BIRD 4" POP-UP SPRAY	17
○	1804-15LCS	RAIN BIRD 4" POP-UP SPRAY	12
○	1804-15SST	RAIN BIRD 4" POP-UP SPRAY	25
○	1804-15Q	RAIN BIRD 4" POP-UP SPRAY	07
○	1804-15H	RAIN BIRD 4" POP-UP SPRAY	30
○	1812-10V	RAIN BIRD 12" POP-UP SPRAY	02
○	1812-15RCS	RAIN BIRD 12" POP-UP SPRAY	01
○	1812-15LCS	RAIN BIRD 12" POP-UP SPRAY	01
○	1812-15Q	RAIN BIRD 12" POP-UP SPRAY	01
—+—	TL-CV-9-12	NETAFIM TECHLINE DRIPPERLINE	450LF
⊕	TLFV	NETAFIM TECHLINE FLUSH VALVE	03
NOT SHOWN	TL6	NETAFIM TECHLINE SOIL STAPLES AS REQUIRED	
NOT SHOWN	TLACC	NETAFIM TECHLINE ACCESSORIES AS REQUIRED	
●	100 PEB	RAIN BIRD 1" SOLENOID VALVE	06
⊕	XCZ-100-PRF	RAIN BIRD CONTROL ZONE KIT	01
⊕	ESP-4ME	RAIN BIRD AUTO. CONTROLLER	01
NOT SHOWN	ESP-SM6	RAIN BIRD EXPANSION MODULE	01
NOT SHOWN		PAIGE THHN WIRE	
		#12 AVG COMMON	360LF
		#14 AVG CONTROL	1500 LF
NOT SHOWN		SCH 40 GALVANIZED STEEL	AS REQUIRED
		SCH 40 PVC	
—+—		MAIN LINE	360LF
—+—		SLEEVES	AS REQUIRED
NOT SHOWN		SPRINKLER RISER	AS REQUIRED
NOT SHOWN		PVC FITTINGS	AS REQUIRED
• • • • •		WIRE CONDUIT	360LF
—+—		TYPE 1120 PVC LATERALS	AS REQUIRED
		SDR 26, CLASS 160 (1" LARGER)	
		SDR 21, CLASS 200 (3/4")	
—+—		GATE VALVE (TO LINE SIZE)	01
● ⊕ ⊕ ⊕	FV	VALVE BOX	09
⊕		GROUNDING LOCATION	01
▲		1" PVB BACKFLOW PREVENTER	BY OTHERS
⊠		1" CITY WATER METER	BY OTHERS

NOTES: ABOVE QUANTITIES ARE FOR COMPARISON ONLY. CONTRACTOR SHALL VERIFY PRIOR TO SUBMITTING BID.

ZONE SUMMARY CHART

STA NO.	VALVE	SPRINKLER VALVE	WATER DEMAND	RUN TIME	WEEKLY USAGE
1	CV1	SPRAY	1" 30 GPM	40 MIN/WK	1,200 GAL/WK
2	CW2	SPRAY	1" 30 GPM	40 MIN/WK	1,200 GAL/WK
3	CW3	SPRAY	1" 28 GPM	40 MIN/WK	1,120 GAL/WK
4	CW4	SPRAY	1" 33 GPM	40 MIN/WK	1,320 GAL/WK
5	CW5	SPRAY	1" 24 GPM	40 MIN/WK	960 GAL/WK
6	CW6	SPRAY	1" 28 GPM	40 MIN/WK	1,120 GAL/WK
7	CW7	DRIP	1" CZK 07 GPM	100 MIN/WK	700 GAL/WK
8-10	SPARE				
					340 MIN/WK 7,620 GAL/WK

*APPROXIMATE RUN TIME TO APPLY 1.0 IN./WK.

IRRIGATION NOTES & SPECIFICATIONS

AUTOMATIC IRRIGATION SYSTEM
WATER DEMAND / ZONE
SOURCE
PRESSURE REQUIRED
GENERAL

REFER TO PLAN
1" CITY WATER METER
50 PSI

IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES, CONTRACT DRAWINGS, CONTRACT SPECIFICATIONS, AND APPENDIX "F" OF THE FLORIDA BUILDING CODE.

IRRIGATION DESIGN BASED ON KIM MOYER "LANDSCAPE PLAN" DATED OCTOBER 16, 2019. CONTRACTOR SHALL REFER TO THIS PLAN TO COORDINATE SPRINKLER LOCATIONS AND PIPE ROUTING WITH NEW AND EXISTING PLANT LOCATIONS.

THIS IRRIGATION PLAN SHALL BE USED AS A GUIDE ONLY. IRRIGATION SHALL BE INSTALL TO MATCH ON SITE CONDITIONS AND TO OVERCOME THE INHERENT INACCURACIES THAT RESULT WHEN DESIGNING FROM BASE PLANS SCALED AT 1" = 10'.

THE WATER SOURCE SHALL BE A 1" CITY WATER METER DESIGNATED FOR IRRIGATION USE.

BACKFLOW PREVENTION SHALL BE INSTALLED TO MEET LOCAL CODE REQUIREMENTS FOR CROSS CONNECTION CONTROL. A PRESSURE VACUUM BREAKER HAS BEEN SPECIFIED BY THE CIVIL ENGINEER AND SHALL BE INSTALLED BY THE PLUMBING CONTRACTOR.

IRRIGATION HAS BEEN DESIGNED AS A TYPICAL BLOCK VALVE TYPE USING NETAFIM DRIP EQUIPMENT AND RAINBIRD SPRAY SPRINKLERS. IN-LINE VALVES, AND A CONTRL SYSTEM. A RAIN SENSOR SHALL BE INSTALLED TO CONSERVE WATER.

CONTRACTOR IS ADVISED TO STUDY THE PLANS FOR ADDITIONAL INFORMATION AND VISIT THE SITE TO BECOME FAMILIAR WITH EXISTING CONDITIONS.

TO ENSURE PROPER OPERATION, PRESSURE REQUIRED, SOURCE SIZE, VALVE SIZES, ZONE CAPACITIES, SPRINKLER AND DRIPPER LINE SPACING, PIPE AND WIRE SIZES, INSTALLATION NOTES AND DETAILS, AND SPECIFICATIONS SHALL BE FOLLOWED AS SHOWN.

PIPING

PIPE ROUTING IS SCHEMATIC ONLY AND SHALL BE ADJUSTED FOR ON SITE CONDITIONS. PIPE SHALL BE INSTALLED TO MINIMIZE DAMAGE TO THE ROOT SYSTEMS OF EXISTING TREES.

PIPE SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES AND PIPE MANUFACTURER'S INSTRUCTIONS.

PIPE ROUTED UNDER LANDSCAPED AREAS SHALL BE SLEEVED IN SCH 40 PVC. EACH SLEEVE SHALL BE (1) BURIED TO A MINIMUM DEPTH OF 18", (2) TWO PIPE SIZES LARGER THAN CARRIER PIPE, AND (3) EXTENDED 3" BEYOND LANDSCAPED AREA. CONTRACTOR SHALL VERIFY THE SIZE, DEPTH AND LOCATION OF ALL EXISTING SLEEVES.

PIPE INSTALLED ABOVE GRADE FOR THE BACKFLOW PREVENTER SHALL BE SCH 40 GALVANIZED STEEL. MAIN LINE PIPE AND FITTINGS SHALL BE SCH 40 TYPE 1120 PVC. LATERALS SIZED 1" AND LARGER SHALL BE SDR 26, CLASS 160. LATERALS SIZED 3/4" SHALL BE SDR 21, CLASS 200.

PIPE SIZED TO LIMIT FLOW VELOCITIES TO 5 FEET/SECOND AND TO LIMIT FRICTION LOSS IN THE PIPING NETWORK.

PIPE SHALL BE INSTALLED AT SUFFICIENT DEPTH BELOW GROUND TO PROTECT IT FROM HAZARD SUCH AS VEHICULAR TRAFFIC OR ROUTINE OCCURRENCES WHICH OCCUR IN THE NORMAL USE AND MAINTENANCE OF THE PROPERTY. DEPTHS OF COVER SHALL MEET OR EXCEED SCS CODE 430-DD. REFER TO THE APPLICABLE DETAIL FOR ADDITIONAL INFORMATION.

BACKFILL SHALL BE OF SUITABLE MATERIAL, FREE OF ROCKS, STONES, AND OTHER DEBRIS THAT WOULD DAMAGE IRRIGATION SYSTEM COMPONENTS.

THE BACKFLOW PREVENTER SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES AND SHALL BE LOCATED TO BE CONCEALED FROM VIEW.

A GATE VALVE SHALL BE INSTALLED FOR ISOLATION. THIS VALVE SHALL BE TO LINE SIZE AND INSTALLED IN A VALVE BOX. POROUS MATERIAL SHALL BE INSTALLED PER BOX TO PROMOTE DRAINAGE.

SPRINKLERS

SPRINKLER LOCATIONS ARE SCHEMATIC ONLY AND SHALL BE ADJUSTED FOR LANDSCAPING, SITE LIGHTING, PREVAILING WIND, MOUNDING, ETC., TO ENSURE PROPER COVERAGE WITH MINIMAL UNDESIRABLE OVERTHROW. A PRIME OBJECTIVE SHALL BE TO ELIMINATE OVERTHROW ONTO PAVEMENT, SIDEWALKS, AND BUILDINGS.

SPRAY HEADS SHALL BE RAIN BIRD 1800 SERIES. FOUR INCH POP-UP TYPE SHALL BE INSTALLED IN AREAS LANDSCAPED WITH SOD AND MULCH. 12" POP-UP TYPE SHALL BE INSTALLED IN AREA LANDSCAPED WITH GRASS COVERS, AND BUBBLERS SHALL BE INSTALLED AT SELECTED PALMS.

POP-UP TYPE LOCATED IN SOD AND GROUND COVER SHALL BE INSTALLED ON FLEXIBLE SWING JOINTS CONSISTING OF THICKWALLED POLY PIPE AND INSERT ELBOWS.

BUBBLERS SHALL BE INSTALLED ON 1/2" SCH 40 PVC RISERS AT THE BASE OF PLANTS FOR LOW LEVEL WATERING. RISERS SHALL BE PAINTED FLAT BLACK TO BE LESS VISIBLE.

EACH SPRAY HEAD SHALL BE EQUIPPED WITH THE APPROPRIATE SPRAY NOZZLE.

ADJUSTMENT FEATURES OF SPRINKLERS SPECIFIED SHALL BE UTILIZED TO ENSURE PROPER COVERAGE WITH MINIMAL UNDESIRABLE OVERTHROW. LOW ANGLE FLAT SPRAY AND ADJUSTABLE ARC NOZZLES SHALL BE USED TO MINIMIZE OVERTHROW.

SPRINKLERS LOCATED ADJACENT TO LANDSCAPED AREAS SHALL BE INSTALLED AWAY FROM LANDSCAPED AREAS TO MINIMIZE OVERTHROW AND THE CHANCE OF DAMAGE BY VEHICLES, PEDESTRIANS, AND LAWN MAINTENANCE PERSONNEL. AS A GENERAL RULE, POP-UP SPRAY HEADS SHALL BE INSTALLED IN 4" AND 12" POP-UP SPRAYS SHALL BE INSTALLED IN 12".

DRIP IRRIGATION

DRIP IRRIGATION SHALL BE INSTALLED TO IRRIGATE CERTAIN AREAS LANDSCAPED WITH SHRUBS.

DRIP IRRIGATION SHALL CONSIST OF TECHLINE, NETAFIM DRIPPERLINE AND ACCESSORIES. FLUSH VALVES SHALL BE INSTALLED AS RECOMMENDED BY NETAFIM FOR ROUTINE MAINTENANCE.

DRIPPERLINE WITH EMITTERS SPACED 12" ON CENTER WITH AN APPLICATION RATE OF 0.9 GPH SHALL BE SPACED A MAXIMUM OF 24" BETWEEN ROWS. DRIPPERLINE SHALL ALSO BE INSTALLED TO MATCH PLANTING PATTERNS.

DRIP IRRIGATION SHALL BE CONTROLLED VIA RAIN BIRD CONTROL ZONE KIT.

DRIP IRRIGATION SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS, THE DETAILS INCLUDED IN THE PLANS, AND UNDER THE SUPERVISION OF THE LANDSCAPE ARCHITECT.

CONTROL SYSTEM

A RAIN BIRD ESP SERIES ELECTRIC CONTROL SYSTEM SHALL BE INSTALLED. ONE TO STATION CONTROLLER SHALL ACTIVATE 7 AUTOMATIC VALVES. A RAIN SENSOR SHALL BE INSTALLED TO CONSERVE WATER.

CONTROLLER SHALL BE INSTALLED IN ACCORDANCE WITH LOCAL CODES AND MANUFACTURER'S INSTRUCTIONS. PROPER GROUNDING EQUIPMENT SHALL BE PROVIDED.

CONTROLLER LOCATION SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE. A 120 VAC ELECTRIC SOURCE IS REQUIRED.

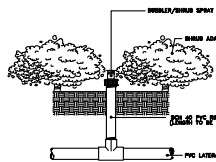
CONTROL LINES FROM AUTOMATIC CONTROLLER TO IN-LINE AUTOMATIC VALVES SHALL BE #14 AWG THHN TYPE, WHICH SHALL BE (1) INSTALLED IN WIRE CONDUIT, (2) BURIED TO A MINIMUM DEPTH OF 15", SPLICES SHALL BE MADE WATERPROOF USING APPROVED METHODS. SPARE VALVES SHALL BE INSTALLED AS NOTED ON THE PLAN.

AUTOMATIC VALVE LOCATIONS ARE SCHEMATIC ONLY AND SHALL BE ADJUSTED FOR ON SITE CONDITIONS. EACH VALVE SHALL BE INSTALLED IN A VALVE BOX. A MINIMUM OF ONE CUBIC FOOT OF GRAVEL SHALL BE PROVIDED PER BOX TO PROMOTE DRAINAGE.

WATER CONSERVATION EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. THE RAIN SENSOR SHALL BE INSTALLED ON A STATIONARY STRUCTURE, MINIMUM OF 5' CLEARANCE FROM OTHER OUTDOOR EQUIPMENT, FREE AND CLEAR OF ANY TREE CANOPY OR OTHER OVERHEAD OBSTRUCTION, AND ABOVE THE HEIGHT OF SPRINKLER COVERAGE.

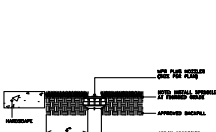
TIMING AND PRECIPITATION

TIMING OF EACH STATION SHALL BE SET IN THE FIELD TO MATCH LOCAL REQUIREMENTS. REFER TO ZONE SUMMARY CHART FOR APPROXIMATE RUN TIMES TO APPLY 1.0 INCHES/WEEK.



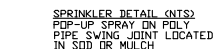
SPRINKLER DETAIL (NTS)

BUBBLER/SHRUB SPRAY
INSTALLED AT THE BASE OF
PLANTS FOR LOW LEVEL
WATERING



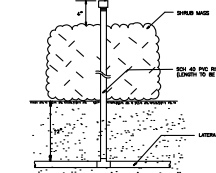
SPRINKLER DETAIL (NTS)

12" POP-UP SPRAY ON POLY PIPE SWING
JOINT LOCATED IN PLANTS MAINTAINED TO
A MAXIMUM HEIGHT OF 8'.



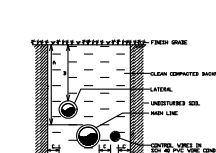
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12" POP-UP SPRAY ON POLY PIPE SWING
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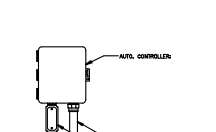
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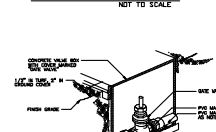
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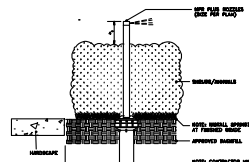
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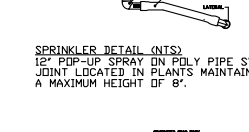
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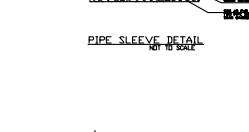
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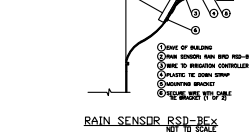
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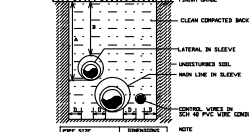
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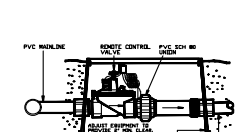
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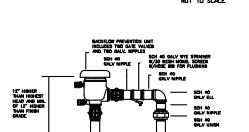
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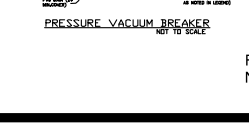
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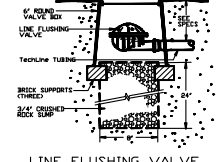
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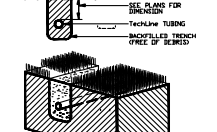
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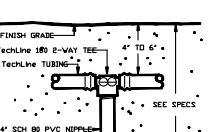
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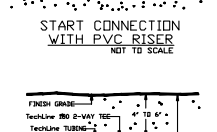
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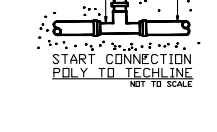
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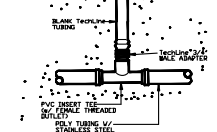
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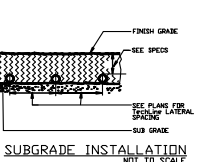
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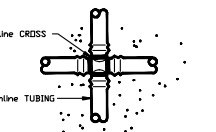
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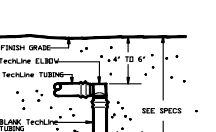
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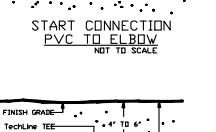
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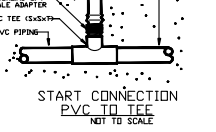
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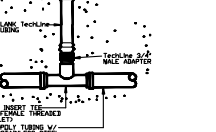
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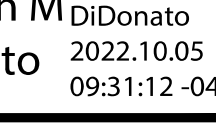
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Kenneth DiDonato, P.E.
CONSULTING ENGINEER
GOLF COURSE & COMMERCIAL IRRIGATION DESIGN
2210 HOLLYWOOD BLVD., HOLLYWOOD, FLORIDA 33020
(954) 923-2555

KD

PROJECT TITLE :
EXCELENTE LLC.
PEMBROKE PARK, FLORIDA

IRRIGATION LEGEND, NOTES,
AND INSTALLATION DETAILS

SEAL
Kenneth DiDonato
P.E. Lic. #20892

PROJECT NO. 2019-113
DRAWN BY KMD
DESIGNED BY KMD
SCALE: N.T.S
DATE : DECEMBER 2019
DWG. NO. IR-2
SHT. NO. of
REVISIONS :
CPL:

Kenneth M DiDonato
2022.10.05
09:31:12 -04'00'

FDOT LANDSCAPE PERMIT
NUM.BER 2021-L491-00014

SECTION: 86200000
PERMIT: 2021-L-491-00014
COUNTY: BROWARD
STATE RD: 858

EXHIBIT C

MAINTENANCE PLAN FOR LANDSCAPE IMPROVEMENTS

This Exhibit forms an integral part of the LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the Florida Department of Transportation and the AGENCY.

Please see attached

MAINTENANCE PLAN Landscape Improvements

Project State Road No(s): SR 858 from M.P. 1.277 to M.P. 1.331, south side
(4250 W. Hallandale Beach Blvd)
Permit or FM No(s): 2021-L-491-00014
RLA of Record: Kimberly Moyer, RLA
Maintaining Agency: TOWN OF PEMBROKE PARK
Date: April 3, 2024

The purpose of a plan for the landscape improvements maintenance practices is to allow the plant material on your project to thrive in a safe and vigorous manner while fulfilling their intended purpose and conserving our natural resources. Plantings and all other landscape improvements within FDOT right of way shall be maintained to avoid potential roadway hazards and to provide required clear visibility, accessibility, clearance, and setbacks as set forth by Florida Department of Transportation (FDOT) governing standards and specifications: FDOT Standard Plans, FDOT Plans Design Manual and FDOT Standard Specifications for Road and Bridge Construction, as amended by contract documents, and all other requirements set forth by the District 4 Operations Maintenance Engineer.

Part I of the Maintenance Plan describes general maintenance requirements and recommendations that are standard for all projects. Part II provides recommendations prepared by the Registered Landscape Architect of Record specific to the attached approved plans.

PART I. GENERAL MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS:

WATERING REQUIREMENTS

Watering is a critical concern for not only the maintenance of healthy plant material but also for observing water conservation practices. The amount of water to apply at any one time varies with the weather, drainage conditions and water holding capacity of the soil. For plant materials that have been established, it is imperative that any mandated water restrictions be fully conformed to on FDOT roadways.

Proper watering techniques should provide even and thorough water dispersal to wet the entire root zone, but not saturate the soil or over-spray onto travel lanes.

IRRIGATION SYSTEM

The Agency shall ensure there are no roadway overspray or irrigation activities during daytime hours (most notably "rush hour" traffic periods). It is imperative the irrigation controller is properly set to run early enough that the watering process will be entirely completed before high traffic periods, while adhering to mandated water restrictions. To ensure water conservation, the Agency shall monitor the system for water leaks and the rain sensors to ensure they are functioning properly so that the system shuts down when there is sufficient rainfall.

MULCHING

Mulch planting beds to prevent weed growth, retain moisture to the plants, protect against soil erosion and nutrient loss, maintain a more uniform soil temperature, and improve the appearance of the planting beds. Do not mound mulch against the trunks of trees, palms, and the base of shrubs to allow air movement which aids in lowering disease susceptibility. Cypress mulch is prohibited on state right of way.

S:\Transportation Development\Design\In-House Design\Landscape Architecture\2 - MMOAs\Pembroke Park\2021-L-491-00014
Excellente\Others Build BP - Excellente.docx

INTEGRATED PLANT MANAGEMENT

An assessment of each planting area's soil is recommended to periodically determine the nutrient levels needed to sustain healthy, vigorous plant growth.

Palms, shrubs, trees, and turf areas shall be fertilized in such a manner and frequency to ensure that the plant material remains healthy and vigorously growing. Please be alert to changes in fertilization types per University of Florida, Institute of Food and Agricultural Services (I.F.A.S.) recommendations. Establishment of an integrated pest management program is encouraged to ensure healthy plants, which are free of disease and pests.

PRUNING

All pruning, and the associated safety criteria, shall be performed according to American National Standard Institute (ANSI) A300 standards and shall be supervised by an International Society of Arboriculture (ISA) Certified Arborist. Pruning shall be carried out with the health and natural growth of plant materials in mind, to achieve the FDOT requirements for maintaining clear visibility for motorists, and provide vertical clearance for pedestrian, bicyclist, and truck traffic where applicable. Visibility windows must be maintained free of view obstructions, and all trees and palms must be maintained to prevent potential roadway and pedestrian hazards. All palms are to be kept fruit free. The understory plant materials selected for use within the restricted planting areas (Limits of Clear Sight) are to be mature height in compliance with the *FDOT Window Detail*. Vertical clear zones for vegetation heights over roadways and sidewalks must meet the requirements of the *FDOT Maintenance Rating Program* (MRP) standards. See Reference pages. The R.L.A. of Record will provide the specific pruning heights for mature or maintained height and spread of all plant material to achieve the design intent shall be noted in Part II., Specific Project Site Maintenance Requirements and Recommendations.

STAKING AND GUYING

All staking materials are to be removed after one year or as directed by the RLA of Record.). Any subsequent staking and guying activities by the Agency must adhere to *FDOT Standard Plans* guidelines (See Index 580-001). The Agency shall closely monitor staking and guying attachment materials so that they are securely fastened to avoid potential roadway hazards.

TURF MOWING

All grassed areas are to be mowed and trimmed with sufficient frequency to maintain a deep, healthy root system while providing a neat and clean appearance to the urban landscape. All turf efforts, mowing, curb/sidewalk edging and turf condition, must at a minimum, meet *FDOT Maintenance Rating Program* (MRP).

LITTER CONTROL

The project site shall remain as litter free as practicable. It is recommended to recycle this litter to avoid unnecessary waste by its reuse. Litter removal efforts must meet *FDOT Maintenance Rating Program* (MRP) standards.

WEEDING/HERBICIDE

All planting areas shall be maintained as weed free as practicable by enlisting integrated pest management practices in areas specified on the plans and maintaining proper mulch levels. Extreme care is recommended when using a chemical herbicide to avoid overspray onto plant materials. It is the applicator's responsibility to restore any damage resulting from overspray to the plantings, per the approved plans.

PLANT REPLACEMENT

Plant replacement shall be the same species and specification as the approved plan. Move and replace all plant materials that may conflict with utility relocations and service. Only plants graded Florida #1 or better, per the *Florida Department of Agriculture and Consumer Services, Grades and Standards for Nursery Plants* are permitted on FDOT roadways. Should it become necessary to change the species, a permit is required from FDOT for approval by the FDOT District Landscape Architect.

TREE CELL STRUCTURES

Underground tree cells shall be maintained in such a manner as to prolong the life of the structure and prevent potential safety hazards. If the structures fail or become damaged, they shall be replaced with the same type and specification as the approved plan.

LANDSCAPE ACCENT LIGHTING

Landscape accent lighting shall be maintained in such a manner as to prolong the life of the lighting fixture and prevent potential safety hazards. If the lighting fixtures and their system become damaged, they shall be replaced with the same type and specification as the approved plan. Landscape lighting shall meet requirements for the sea turtle nesting and hatching.

HARDSCAPE (SPECIALTY SURFACING)

All tree grates and specialty surfacing (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the surfacing and tree grates. Final surface tolerance from grade elevations shall, at a minimum, meet the most current FDOT Maintenance Rating Program Handbook for a sidewalk; ADA accessible sidewalk; and FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on The State Highway System. If the specialty surfacing or tree grates become damaged, they shall be replaced with the same type and specification as the approved plan.

HARDSCAPE (CONCRETE PAVERS)

All concrete pavers (if applicable) shall be maintained in such a manner as to prevent any potential tripping hazards and protect damage to the pavers. Final surface tolerance from grade elevations shall, at a minimum, meet the most current *Interlocking Concrete Pavement Institute (ICPI), Guide Specifications for Pavers on an Aggregate Base, Section 23 14 13 Interlocking Concrete Pavers*, Part 3.05. If the concrete pavers become damaged, they shall be replaced with the same type and specification as the approved plan.

It shall be the responsibility of the AGENCY to maintain all signs located within a non-standard surfacing area. Such maintenance to be provided by the AGENCY shall include repair and replacement of the sign panel, post, and base.

HARDSCAPE (NON-STANDARD TRAVELED WAY SURFACING)

It shall be the responsibility of the AGENCY to restore an unacceptable ride condition of the roadway, including asphalt pavement (if applicable), caused, or contributed by the installation or failure of non-standard surfacing, and/or the header curb, on the Department of Transportation right of way within the limits of this Agreement. Pavement restoration areas or "patches" will have a minimum length of 10-ft, measured from the edge of the header curb, and a width to cover full lanes for each lane affected by the restoration.

Pavement restoration will be performed in accordance with the most current edition of the *FDOT Standard Specifications for Road and Bridge Construction*, and the *FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*.

SITE FURNISHINGS

Site furnishing such as Trash Receptacles, Benches, Bollards and Bicycle Racks shall be maintained in such a manner as to prolong the life of the fixture and prevent potential safety hazards. If the fixtures and their overall function and mounting systems become damaged, they shall be replaced with the same type and specification as the approved plan.

MAINTENANCE OF TRAFFIC CONTROL

Reference the FDOT website regarding the selection of the proper traffic control requirements to be provided during routine maintenance and / or new installations of this DOT roadway.

VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING (ODA) (IF APPLICABLE)

To avoid conflicts with permitted outdoor advertising, please reference the State of Florida website regarding the vegetation management of outdoor advertising. This website provides a portal to search the FDOT Outdoor Advertising Inventory Management System Database. The database contains an inventory of outdoor advertising structures, permits and other related information maintained by the Department.

Also, reference the *Florida Highway Beautification Program* website link for *Vegetation Management at ODA signs* Florida Statutes and Florida Administrative Code related to vegetation management at outdoor advertising sign, permit applications for vegetation management and determining mitigation value of roadside vegetation.

PART II.

SPECIFIC PROJECT SITE MAINTENANCE REQUIREMENTS AND RECOMMENDATIONS

1. Royal Palms, sod, and irrigation are located within the public right-of-way.
2. Do not remove fronds from self-cleaning palms, unless damaged. Palms with persistent fronds shall only have dead fronds removed, do not remove any green fronds. If it is deemed necessary to prune a palm's fronds, no fronds shall be trimmed above 3 o'clock and 9 o'clock on the horizontal plain.
3. Inspect the irrigation system performance monthly to ensure the system is providing 100% coverage, does not have sections of low pressure, heads and valves are clean and clear of debris and any damaged irrigation components (i.e., spray nozzles, spray heads, valve boxes, etc.) are repaired or replaced.

REFERENCES (4-27-20)

This reference list is provided as a courtesy. The list may not contain the most current websites. The most current references must be accessed for up-to-date information.

Accessible Sidewalk (ADA) <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks>

Americans with Disabilities Act (ADA) (ADAAG) http://www.ada.gov/2010ADAstandards_index.htm

American National Standard Institute, *ANSI A300, (Part 1) for Tree Care Operations – Trees, Shrub, and Other Woody Plant Maintenance – Standard Practices (Pruning)*, available for purchase
<http://webstore.ansi.org>

Florida Department of Agriculture and Consumer Services, Division of Plant Industry, *Florida Grades and Standards for Nursery Plants 2015* <http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry/Bureaus-and-Services/Bureau-of-Plant-and-Apary-Inspection>

Florida Department of Community Affairs (DCA), *Florida Board of Building Codes & Standards, 2017 Florida Building Code, Chapter 11 Florida Accessibility Code for Building Construction Part A*
http://www.floridabuilding.org/fbc/workgroups/Accessibility_Code_Workgroup/Documentation/CHAPT_ER_11_w fla_specifics.htm

Florida Department of Transportation, *Program Management, Maintenance Specifications Workbook Supplemental Specifications, Section 580 Landscape Installation*
<http://www.fdot.gov/programmanagement/Maintenance/2019Jan/default.shtm>

Florida Department of Transportation, *FDOT Standard Plans for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index 580-001 Landscape Installation*
<http://www.fdot.gov/design/standardplans/current/IDx/580-001.pdf>

Florida Department of Transportation, *FDOT Design Manual for Design, Construction, Maintenance and Utility Operations on the State Highway System, Chapter 212.11 Clear Sight Triangles*
<http://www.fdot.gov/roadway/FDM/current/2018FDM212Intersections.pdf>

Florida Department of Transportation, *FDOT Design Manual for Design, Construction, Maintenance and Utility Operations on the State Highway System, Chapter 215.2.3 Clear Zone Criteria and 215.2.4 Lateral Offset, Table 215.2.1 Clear Zone Width Requirements, Table 215.2.2 Lateral Offset Criteria (for Trees)*
<http://www.fdot.gov/roadway/FDM/current/2018FDM215RoadsideSafety.pdf>

Florida Department of Transportation, *FDOT Standard Plans for Design, Construction, Maintenance and Utility Operations on the State Highway System, Index Series 102-600 Traffic Control through Work Zones* <http://www.fdot.gov/design/standardplans/current/IDx/102-600.pdf>

Department of Transportation, Landscape Architecture Website www.MyFloridaBeautiful.com

Florida Department of Transportation, *Maintenance Rating Program Handbook*
<http://www.dot.state.fl.us/statemaintenanceoffice/MaintRatingProgram.shtm>

Florida Department of Transportation Outdoor Advertising Database
<http://www2.dot.state.fl.us/rightofway/>

Florida Exotic Pest Plant Council Invasive Plant Lists <http://www.fleppc.org/list/list.htm>

Florida Irrigation Society <http://www.fisstate.org>

Florida Power and Light (FPL), *Plant the Right Tree in the Right Place*
http://www.fpl.com/residential/trees/right_tree_right_place.shtm

S:\Transportation Development\Design\In-House Design\Landscape Architecture\2 - MMOAs\Pembroke Park\2021-L-491-00014
Excellente\Others Build BP - Excellente.docx

SECTION: 86200000
PERMIT: 2021-L-491-00014
COUNTY: BROWARD
STATE RD: 858

EXHIBIT D

RESOLUTION

This Exhibit forms an integral part of the LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT between the Florida Department of Transportation and the AGENCY.

Please see attached

(To be provided by Town)



Town of Pembroke Park
3150 SW 52 Avenue
Pembroke Park, FL 33023

Agenda Request

Meeting Date:	August 28, 2024
Subject:	Amendment Chapter 21 Signage to allow LED lighting
Initiated by:	☐ Town Commission ☐ Town Attorney ☒ Town Manager / Staff
Prepared by:	Name & Title: Michael Vonder Meulen, AICP, Consultant Town Planner, KEITH
Reviewed by:	Name & Title: Jacob G. Horowitz, Town Attorney
Approved by Town Manager:	Signature:
Approved by Town Attorney:	Signature:
Attachments:	Staff Report and Ordinance
Fiscal Impact:	NA
Policy Question(s) for Commission Considerations:	Consideration to allow LED lighting around street facing windows and doors at commercial establishments.
Summary:	See Memo
Background:	See Memo
Discussion/Analysis:	See Memo
Options:	Approved, denied or tabled for more information the proposed ordinance
Advantages:	Allow businesses to install LED lighting around street facing windows and doors which assist local businesses in attract clients.
Disadvantages:	None
Possible action:	Approval
Advantages:	See Memo
Disadvantages:	None
Staff Recommendations:	Approval
Additional Action Needed:	Planning and Zoning Board recommended approval on May 30th

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

954.966.4600 • www.tppfl.gov



August 13, 2024

To: Town Commission

Thru: Chandler Williamson, Town Manager

From: Mike Vonder Meulen, AICP, Consultant Town Planner, KEITH

RE: Proposed Code Amendment to Chapter 21– Signage – To Allow LED Lighting

Recommendation:

The Planning and Zoning Board unanimously recommended approval of this code text amendment on May 30, 2024. The Consultant Town Planner also recommends approval of the text amendment

Background:

Attached for the Town Commission review, discussion and approval are text amendments to the Town's Sign Code including Secs 21-17, 21-19 and 21-20 to allow LED lights to outline windows and doors of local businesses.

In 2023 when processing the previous sign code amendment, the Mayor and Town Commission requested to amend the sign code to include LED lighting which would outline windows and doors which face the street. Many of the local businesses have tinted windows and doors which make the businesses appear closed, especially during the winter months when the sunset early. It was recommended by the commission that staff draft a code amendment to address the business owner's concerns. Rotating, animated moving flashing and/or strobe lighting is not permitted.

Consistency with the Comprehensive Plan:

The Consultant Town Planner finds that the proposed text amendments are consistent and compatible with the Following Goals, Objectives and Policies of the Town of Pembroke Park Comprehensive Plan including:

GOAL I: Encourage the private and public sectors to adhere to the patterns of planned development in the Town which shall promote environmental protection, strive to meet the Town's social and economic needs and contribute to the health, welfare, and safety of its residents.

POLICY #1.1.2: The Town shall periodically review its current Land Development Regulations to:

e) Regulates signage

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA AMENDING CHAPTER 21 OF THE TOWN'S CODE OF ORDINANCES, ENTITLED "SIGNS AND ADVERTISING;" AMENDING ARTICLE II, ENTITLED "SIGNS" BY AMENDING DIVISION 1, ENTITLED "COMPREHENSIVE REGULATIONS AND REQUIREMENTS"; AMENDING SECTION 21-17 ENTITLED "DEFINITIONS"; SECTION 21-19 ENTITLED "PROHIBITED SIGNS;" PROVIDING AN EXCEPTION TO THE PROHIBITION OF LED LIGHTING; AMENDING SECTION 21-20, ENTITLED "PERMANENT SIGNS," TO ALLOW LED LIGHTING ON WINDOWS AND DOORS ON PROPERTIES ENGAGING IN NONRESIDENTIAL USES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Code of Ordinances presently prohibits local businesses from displaying Led outlines of windows and doors; and

WHEREAS, the Town has received numerous requests from local business owners to amend the Town's Code of Ordinances to permit local businesses to display LED lighting indicating that the business is open; and

WHEREAS, the City Commission has determined that amending the Town's Code of Ordinances to allow local businesses to display an illuminated window sign is in the best interest of the residents of Pembroke Park because such changes can cause a positive economic impact to the Town's economy by helping ensure that local businesses stay open and more residents remain employed; and

WHEREAS, the Town's Planning and Zoning Board recommended approval of the proposed amendments to the Town's Code at its May 30, 2024, meeting; and

WHEREAS, the Town Commission finds the amending the Town's sign code, as detailed

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herein, is in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-17 entitled "Definitions", under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec.21-17. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them below:

Window sign means a sign located on a window or within a building or other enclosed structure which is visible from the exterior through a window or other openings. [window signs are] not permitted to be illuminated except as permitted in Section 21-20(3)(c).

Section 3. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-19 entitled "Prohibited Signs," under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec.21-19 Prohibited signs

The following are those signs which shall not be permitted within the municipal limits of the Town:

(o) window signs, when illuminated; except for as permitted in Sec.21-20(3)(c).

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Section 4. Chapter 21 of the Town's Code of Ordinances, entitled "Signs and Advertising," is amended by specifically amending Section 21-20 entitled "Permanent Signs," under Article II entitled "Signs", Division 1 entitled "Comprehensive Regulations and Requirements" as follows:

Sec. 21-20 Permanent signs

Only such permanent signs as are listed in this section shall be permitted to be erected or maintained upon any building lot, plot or parcel of land for the following types of land uses:

(c) All nonresidential uses:

3. Window/door signs

- c. Window/door signs, when illuminated with LED lights that border the window/door with the following criteria:
(a) Must face a major street;
(b) Rotating, animated, moving, flashing, strobe lighting are prohibited.

Section 5. It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 7. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional

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or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 8. This Ordinance shall become effective upon passage and adoption.

THE REST OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

{00578454.1 3399-0000000 }

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF
PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2024.**

**PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE
PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF
_____, 2024.**

ATTEST:

MAYOR ASHIRA MOHAMMED

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency:

Jacob G. Horowitz
Interim Town Attorney

VOTE

ASHIRA MOHAMMED	_____
GEOFFREY JACOBS	_____
MUSFIKA KASHEM	_____
WILLIAM R. HODGKINS	_____
ERIK MORRISSETTE	_____



Town of Pembroke Park
3150 SW 52 Avenue
Pembroke Park, FL 33023

Agenda Request

Meeting Date:	August 28, 2024
Subject:	Code Text Amendment – Quasi-Judicial Proceeding
Initiated by:	☐ Town Commission ☐ Town Attorney ☒ Town Manager / Staff
Prepared by:	Name & Title: Michael Vonder Meulen, Consultant Town Planner, KEITH
Reviewed by:	Name & Title: Jacob G. Horowitz, Town Attorney
Approved by Town Manager:	Signature:
Approved by Town Attorney:	Signature:
Attachments:	Staff Report and Ordinance
Fiscal Impact:	NA
Policy Question(s) for Commission Considerations:	The proposed Town Ordinance intends to formalize and codify the quasi-judicial process
Summary:	The proposed text amendment will formalize the quasi-judicial proceedings for the Town.
Background:	See Memo
Discussion/Analysis:	See Memo
Options:	Approve, deny or tabled for more information the proposed text amendment.
Advantages:	See Memo
Disadvantages:	None
Possible action:	Approval
Advantages:	See Memo
Disadvantages:	None
Staff Recommendations:	Approval
Additional Action Needed:	Planning and Zoning Board recommended approval on May 30 th .

Town of Pembroke Park

3150 SW 52nd Avenue • Pembroke Park, Florida 33023

954.966.4600 • www.tppfl.gov



August 13, 2024

TO: Town Commission

THRU: Chandler Williamson, Town Manager

FROM: Mike Vonder Meulen, AICP, Consultant Town Planner, KEITH

MEETING DATE: August 28, 2024

RE: Proposed Text Amendment to Chapter 13 – Quasi-Judicial Proceedings

Recommendation: The Planning and Zoning Board unanimously recommended approval of the text amendment on May 30, 2024. The Consultant Town Planner also recommends approval.

Background: Attached for the Town Commission review, discussion and approval are text amendments to the Town's Land Development Code creating Secs 13.5-80 through, 13.5-83 formalizing and establishing Quasi-Judicial proceedings for certain site-specific applications before the Town.

The Florida Supreme Court has determined that certain applications which effect specific individuals, interests, or activities, based on testimony presented at a hearing is quasi-judicial in nature and the Florida Legislature have established a process to disclose ex parte communications in quasi-judicial proceedings with local government officials so that such communications will not be presumed to be prejudicial to the proceeding. The proposed Town Ordinance intends to formalize and codify the quasi-judicial process.

The Code amendment provides:

- Intent of the ordinance;
- Definitions;
- Identifies the applications which are quasi-judicial in nature;
- Establishes procedures including ex parte communications;
- Formalizes the notification process;
- Establishes Quasi-Judicial procedures; and
- Clarifies Final Orders, Continuance, Deferral and Appeals.

Consistency with the Comprehensive Plan: The Consultant Town Planner finds that the proposed text amendments are consistent and compatible with the Following Goals, Objectives and Policies of the Town of Pembroke Park Comprehensive Plan including:

GOAL I: Encourage the private and public sectors to adhere to the patterns of planned development in the Town which shall promote environmental protection, strive to meet the Town's social and economic needs and contribute to the health, welfare, and safety of its residents.

POLICY #1.1.2: The Town shall periodically review its current Land Development Regulations.

ORDINANCE NO. 2024 - _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA; AMENDING CHAPTER 13.5 “LAND DEVELOPMENT”, OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES, BY CREATING ARTICLE VIII, TO BE ENTITLED “QUASI-JUDICIAL PROCEEDINGS”; CREATING SECTIONS 13.5-80 THROUGH 13.5-83 OF THE TOWN OF PEMBROKE PARK CODE OF ORDINANCES; ESTABLISHING QUASI-JUDICIAL PROCEDURES FOR PEMBROKE PARK; PROVIDING FOR THE INTENT; PROVIDING FOR DEFINITIONS; IDENTIFYING QUASI-JUDICIAL MATTERS; PROVIDING PROCEDURES FOR QUASI-JUDICIAL PROCEEDINGS, INCLUDING, BUT NOT LIMITED TO, EX PARTE COMMUNICATIONS, NOTIFICATION, PRESENTATION OF EVIDENCE AND PREPARATION OF THE ORDER; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Supreme Court has determined that the application of a general rule or policy to specific individuals, interests, or activities, based on testimony presented at a hearing, that does not affect a large portion of the public is quasi-judicial in nature; and

WHEREAS, the State Legislature has adopted a process to disclose ex parte communications in quasi-judicial proceedings with local government officials so that such communications will not be presumed to be prejudicial to the proceeding; and

WHEREAS, the Town Commission of the Town of Pembroke Park has determined it to be in the best interests of the citizens and residents of the Town to adopt procedures related to quasi-judicial proceedings, including a process whereby ex parte communications may be disclosed in an effort to avoid a prejudicial impact on quasi-judicial proceedings.

CODING: Words in ~~strike-through~~ type are deletions from the existing law;
Words in underscore type are additions

WHEREAS, the Town of Pembroke Park Planning and Zoning Board acting as the Local Planning Agency held a public hearing on May 30, 2024 and recommended approval/denial of the code amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA THAT:

SECTION 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2: The Town Commission of the Town of Pembroke Park hereby amends Chapter 13.5, entitled "Land Development", of the Town of Pembroke Park Code of Ordinances by creating Article VIII, to be entitled "Quasi-Judicial Proceedings", as follows:

Article VIII. Quasi-Judicial Proceedings

Sec. 13.5-80 Intent

It is the intent of the Town to provide an equitable and efficient manner for the Town to hear matters which are considered quasi-judicial in nature. Notwithstanding other provisions of the Town's Code of Ordinances, Sections 13.5-80 through 13.5-83 set forth the Town's procedures to be utilized for quasi-judicial proceedings. These procedures shall be utilized by the Town Commission in regards to hearings on quasi-judicial matters in which their body is the final authority.

Sec. 13.5-81 Definitions.

As used in this Article, the terms listed below shall be defined as follows:

(1) Affected Person means a person (or persons), natural or corporate, who is the owners of the subject property or who owns property within

Page 2

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Words in underscore type are additions

three hundred (300) feet of the subject property as listed in the records of the County property appraiser, or who resides in or operates a business within three hundred (300) feet of the subject property.

(2) Town or Town Commission means the Town Commission of the Town of Pembroke Park, Florida.

(3) Local Public Official means any public official holding a Town office who considers quasi-judicial action as a member of a Board or Commission.

(4) Party or Parties means the petitioner, Town, and any Affected Person who has requested to be heard at the proceeding.

(5) Quasi-Judicial in Nature means the application of a general rule or policy to specific individuals, interests, or activities.

(6) Quasi-Judicial Proceeding means hearing held by the Town Commission to adjudicate private rights of a particular person after a hearing which comports with due process requirements, and makes findings of fact and conclusions of law on the issue.

(7) Site Specific means an individual piece of real estate which can be clearly defined by street address, legal description or similar means at a single identifiable location.

Sec. 13.5-82 Quasi-Judicial Matters

(1) For the purpose of this article, the following matters, regardless of whether the final determination is made by the Town Commission, shall be considered to be quasi-judicial:

- (a) Site specific rezonings and site plans;
- (b) Site specific land use amendments;
- (c) Variances, including, but not limited to, trees, signs, setbacks, distance requirements between buildings or other variances permitted by the Town Code.
- (d) Plat approvals, Plat Note Amendments, or Non-Vehicular Access Line Amendments;
- (e) Special Exceptions which relate to the use of land and business;
- (f) Parking Waivers.

Sec. 13.5-83 Procedures for Quasi-Judicial Proceedings

(1) Ex parte (oral) communications.

Ex parte communications are not presumed prejudicial provided any disclosure required in subsections (a), (b), or (c) below is made before or during the public meeting at which a vote is taken on the matter.

(a) The substance of any ex parte communication with a local public official that relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group or entity with whom the communication took place is disclosed and made a part of the record.

(b) A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action and such written communication shall be made a part of the record before final action on the matter.

(c) Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activity shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made apart of the record before final action on the matter.

(d) Notwithstanding the provisions of this section above, in quasi-judicial proceedings on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communications prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body must be supported by substantial, competent evidence in the record pertinent to the proceedings, irrespective of such communications.

(2) Notification.

(a) At least seven (7) calendar days prior to the proceeding, Town shall provide a legal advertisement to be published in a newspaper of general paid circulation in Broward County and of general interest and readership in the community, not one of limited subject matter. Said notice shall state the name of the petitioner for the requested action, the date, time and location of the proceeding, and the location and times where and when the petition and any back-up information may be reviewed. In addition, the notice shall inform all affected persons that they will be allowed to present evidence at the hearing, bring forth witnesses, and cross-examine witnesses provided they notify and file the required forms provided by the Town clerk's office, the substance of which is described in subsection (d), below, at least seven (7) calendar days prior to the proceeding.

(b) Applications for site specific zoning amendments shall adhere to the notification requirements in Sec. 28-37.

(3) Presentation of evidence.

(a) All persons testifying before the Town Commission must be sworn in. The petitioner, members of the Town Commission and any affected person who has provided notice that it intends to appear at the proceeding shall be given the opportunity to present evidence, bring forth witnesses, and cross-examine any witnesses.

(b) All evidence relied upon by reasonably prudent persons in the conduct of their business shall be admissible, whether or not such evidence would be admissible in a court of law. However, immaterial or unduly repetitious evidence shall be excluded.

(c) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding.

(d) Documentary evidence may be presented in the form of a copy or the original, if available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(e) A party shall be entitled to conduct cross-examination when testimony is provided or documents are made a part of the record.

(f) The office of the Town attorney shall represent the Town Commission. Any questions as to the propriety and admissibility of evidence shall be presented to the Town Attorney's Office in a timely fashion.

(4) Quasi-Judicial Proceeding Procedure

The proceedings shall be conducted in an informal manner. Each party shall have the right to do the following:

(a) To call and examine witnesses;

(b) To introduce exhibits;

(c) To cross-examine opposing witnesses on any relevant matter; and

(d) To rebut evidence.

(5) Conduct of Quasi-Judicial Proceedings

To the extent possible, the following shall be the order of the proceedings:

(a) Call the proceeding to order and announce the beginning of the proceeding. A majority of the Town Commission members must be continuously present during the proceeding.

(b) The matter to be heard and the rules concerning the admissibility of evidence should be announced.

(c) Statements of counsel shall only be considered as argument and not be considered as testimony. Counsel for parties shall not be subject to cross-examination. The Town Commission shall have the authority to refuse to hear any testimony which is irrelevant or repetitive.

(d) The Mayor shall have the option of determining the order of presentation of the parties in order to expedite the proceeding.

During its presentation the Town shall present any staff, board or other reports on the matter as well as any comments. These reports shall include, but not be limited to, a description of the request of the petitioner; an analysis which includes the consistency with the Town's Comprehensive Plan, if applicable, and whether the petition does or does not meet the requirements of the Town Code; a listing of the exhibits to be presented; a listing of potential witnesses; a summary of the issues; and the staff and board(s) recommendations. These reports shall include specific findings in support of justifying a recommendation for approval or denial of the petition.

(e) Petitioner or his or her representative may make a presentation. If the petitioner chooses to make a presentation it should include a description of the nature of the petition if there is additional information that has not been previously provided to or by the Town. In addition, the petitioner shall introduce any exhibits and witnesses.

(f) Parties who are in support of the petition shall make their presentation. The parties shall introduce any exhibits and witnesses.

(g) Parties who are in opposition to the petition shall make their presentation. The party shall introduce any exhibits and witnesses.

(h) Town personnel in attendance shall provide responses to any party to the proceeding.

(i) After each witness testifies or documents are made a part of the record, a party shall be permitted to question the witness. The questioning party is not permitted to make any statements, only to ask questions which are directly related to the testimony presented.

(j) Final presentation by the petitioner in response to any testimony from other parties.

(k) Final presentation by the Town in response to any testimony from other parties.

(l) The Town Commission shall deliberate on the petition. No further testimony shall be taken and the members of the Town Commission shall not ask further questions of persons presenting testimony. The Town Commission shall discuss the evidence that was presented at the proceeding and vote on the petition.

(6) Final Determination by the Town Commission.

In reaching a determination as whether to grant or deny the petition, the Town Commission shall:

(a) Consider whether the petitioner's request is consistent with the Town's Comprehensive Plan, if applicable, and

(b) State with specificity the reasons for the approval or denial of the petition. Said approval or denial may by reference incorporate the staff, or other reports.

(c) State whether or not the order is to be recorded in the public records of Broward County, and if applicable, that the cost of recording shall be paid by the petitioner.

(7) Preparation of the Order

The Town Attorney's Office shall prepare the final order of the Town Commission based upon the determination. The final order shall include, but not be limited to, the finding of facts, any conditions, requirements or limitations on the approval of the petition. The order shall be recorded in the Broward County Public Records. If a resolution or ordinance is required to be adopted upon approval of an action by the Town Commission, a final order will not be needed unless the petition is denied.

(8) Continuances and Deferrals.

If, in the opinion of the Town Commission, any testimony or documentary evidence or information presented at the proceeding justifies providing additional time to allow additional research or review in order to properly determine the issue presented, the Town Commission shall continue the case to a designated time to allow for the additional research or review. After the decision is made to continue, the date to which the proceeding shall be continued shall be announced at

the proceeding. All funds expended by the Town Clerk's Office pursuant to this section and reimbursed by the Petitioner shall be directed by to the Town Clerk's Office.

(9) Transcription of Quasi-Judicial Proceedings

The official transcript of a proceeding shall be preserved by tape recording or other device by the Town clerk's office. Nothing precludes any party from providing a court reporter for the proceeding.

(10) Maintenance of Evidence and Other Documents.

The office of the Town clerk shall retain all of the evidence and documents presented at the proceeding, except for large scale exhibits which shall be retained by the Town Manager or his or her designee, all which become a part of the public record of the proceeding.

(11) Appeal of Final Determination by Town Commission.

The final determination of the Town Commission is subject to judicial review in a court of competent jurisdiction. An appeal of the final determination of the Town Commission must be filed within thirty (30) days of the Town Commission decision.

SECTION 3: It is the intention of the Town Commission of the Town of Pembroke Park that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Pembroke Park, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or such other word or phrase in order to accomplish such intention.

SECTION 4: All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications

of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this ordinance are to be severable.

SECTION 6: This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED on First Reading this _____ day of _____, 2024.

PASSED AND FINAL ADOPTION on Second Reading this __ day of _____, 2024.

ASHIRA MOHAMMED
Mayor

ATTEST:

MARLEN MARTELL
Town Clerk

ROLL CALL

Mayor _____
Vice Mayor _____
Clerk Commissioner _____
Commissioner _____
Commissioner _____

APPROVED AS TO LEGAL FORM:

JACOB G. HOROWITZ
Town Attorney

Page 10

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Words in underscore type are additions



Agenda Request

Subject:	Self-Storage Moratorium
Meeting Date:	9/11/2024 Regular Commission Meeting
Prepared For:	☒ Town Commission ☐ Town Attorney ☐ Town Manager / Staff
Staff Contact:	Name & Title: Mayor Ashira Mohammed
Dept/Group:	Name & Title:
Recommendation:	To implement a ban on additional public storage in the Town
Background Information:	See attached.
Financial Implications:	
Policy Implications:	
Alternatives:	

Suzi Reutlinger

From: ashira mohammed <ashira.ann@gmail.com>
Sent: Wednesday, September 11, 2024 9:51 AM
To: Suzi Reutlinger
Subject: Fwd: Palm Bay, Florida, to Consider Ban on Self-Storage Facilities, Car Washes

Sent from my iPhone

Begin forwarded message:

From: ashira mohammed <ashira.ann@gmail.com>
Date: August 26, 2024 at 10:32:51 AM EDT
To: Jacob Horowitz <jhorowitz@gorencherof.com>, Michael Meulen <mvondermeulen@keithteam.com>
Subject: Fwd: Palm Bay, Florida, to Consider Ban on Self-Storage Facilities, Car Washes

Reminder
Here is another one I sent you

From: ashira mohammed <ashira.ann@gmail.com>
Date: July 15, 2024 at 9:09:05 AM EDT
To: Chandler Williamson <cwilliamson@tppl.gov>, Jacob Horowitz <jhorowitz@gorencherof.com>
Subject: Palm Bay, Florida, to Consider Ban on Self-Storage Facilities, Car Washes

<https://www.insideselfstorage.com/zoning/palm-bay-florida-to-consider-ban-on-self-storage-facilities-car-washes>

Sent from my iPhone

WARNING: This email originated from outside of the Town of Pembroke Park Organization. Do not click links/images or open attachments unless you recognize the sender and know the content is safe.



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Palm Bay, Florida, to Consider Ban on Self-Storage Facilities, Car Washes

May 7, 2024

1 Min Read



Officials in Palm Bay, Florida, are considering a six-month ban on the development of self-storage facilities and car washes. The council discussed the recommendation from the city's growth-management department at its May 2 meeting, according to the source.

Council members heard the first reading for Ordinances 2024-08 and 2024-24, which would create a moratorium on self-storage developments and car washes, respectively. If the former is approved, self-storage will be prohibited west of and adjacent to Robert J. Conlan Boulevard. The 26.5-acre zone south of Commerce Park Drive will be changed from commercial use to neighborhood center use.

In late April, officials in Cape Coral, Florida, [passed a similar moratorium](#) that's now in effect until April 17, 2025. In the meantime, city staff will conduct studies to determine what regulations are needed to prevent overdevelopment in the area. While many council members said they support property rights, they determined the pause on these business types is needed to protect the city's planned growth.

Source: [Palm Bay Could Ban Building New Car Washes, Self-Storages for 6 Months](#)



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(<https://www.gulfshorebusiness.com>)



Cape Coral sets public hearing for moratorium on self-storage facilities (https://www.gulfshorebusiness.com/gb_daily/cape-coral-sets-public-hearing-for-moratorium-on-self-storage-facilities/)

BY KATIUSKA
CARRILLO

MARCH 21, 2024

([HTTPS://WWW.GULFSHOREBUSINESS.COM/AUTHOR/KATIUSKA-CARRILLO/](https://www.gulfshorebusiness.com/author/katiuska-carrillo/))

PHOTO CREDIT: WINK NEWS



PLAY ARTICLE

Image

Cape Coral City Council unanimously approved setting a public hearing for an ordinance relating to a moratorium on the acceptance of applications for and the issuance of permits for the development of self-storage facilities within all zoning districts in the city. The city has an estimated 1.5 million square feet of existing self-

storage space, with an additional 1.6 million square feet of self-storage in the permitting process or under construction. The city is currently over the industry standard for the supply of self-storage facilities per capita, according to the ordinance. The city is proposing a 12-month moratorium on self-storage facilities for staff to conduct a study for possible revision of the land development code and determine what actions are necessary to address the issue. The first public hearing will be April 3.

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Marco Island City Council reduces taxes for eighth straight year

(<https://www.gulfshorebusiness.com/marco-island-city-council-reduces-taxes-for-eighth-straight-year/>)



(<https://www.gulfshorebusiness.com/marco-island-city-council-reduces-taxes-for-eighth-straight-year/>)

Suzi Reutlinger

From: Ashira Mohammed
Sent: Wednesday, September 11, 2024 9:54 AM
To: Suzi Reutlinger
Subject: Fwd: Item 12.1 Self-Storage Moratorium

Sent from my iPhone

Begin forwarded message:

From: Ashira Mohammed <amohammed@tppfl.gov>
Date: September 6, 2024 at 11:15:21 AM EDT
To: Town Clerk <townclerk@tppfl.gov>
Subject: Fwd: Item 12.1 Self-Storage Moratorium

Sent from my iPhone

Begin forwarded message:

From: "Jacob G. Horowitz" <JHorowitz@gorencherof.com>
Date: August 28, 2024 at 12:54:13 PM EDT
To: Michael Vonder Meulen <MVonderMeulen@keithteam.com>, Ashira Mohammed <amohammed@tppfl.gov>, Chandler Williamson <cwilliamson@tppfl.gov>
Cc: Andrea Harper <aharper@keithteam.com>
Subject: RE: Item 12.1 Self-Storage Moratorium

Thanks, Mike. This is helpful.

See you this evening.

Jacob G. Horowitz



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone: (954) 771-4500 x 5055 | (561) 276-9400 x 5055 | Fax: (954) 771-4923
Email: JHorowitz@gorencherof.com | www.GorenCherof.com

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From: Michael Vonder Meulen <MVonderMeulen@keithteam.com>
Sent: Wednesday, August 28, 2024 12:01 PM
To: Ashira Mohammed <amohammed@tppfl.gov>; Chandler Williamson <cwilliamson@tppfl.gov>; Jacob G. Horowitz <JHorowitz@gorencherof.com>
Cc: Andrea Harper <aharper@keithteam.com>
Subject: Item 12.1 Self-Storage Moratorium

Good Afternoon Mayor,

To assist with the discussion of the above referenced moratorium scheduled for Town Commission Workshop tonight, our office has the following information for your review.

There are currently 7 self-storage facilities in the Town of Pembroke Park.

1. Value Store Itself Storage - 2801 John Lyons Lane
2. Extra Space Storage - 1781 S Park Rd
3. Armadillo Mini Storage - 2701 Bryna Rd
4. Smart Safe Storage- 2575 SW 32 Ave
5. 1800 Warehouse- 2401 John P Lyons
6. Public Storage - 3080 W Pembroke Rd, Hallandale Beach
7. Seneca Self-Storage (Extra Storage) - 3187 W Hallandale Beach Blvd

Self-storage facilities are only permitted in the M-1 zoning district. The recently constructed Seneca Self-Storage (Extra Storage) received special approval from the Town Commission to locate in B-1.

There is one (1) active application pending with the Town. Public Storage located at 3080 W Pembroke Road is proposing to redevelop their existing site. They are receiving their second round of DRC comments and could be scheduled for Planning and Zoning Board hearing as soon as October.

If you have any questions or require any additional information, please contact me.

Thank you.



Michael Vonder Meulen, AICP

Vice President of Planning

Office: 954 788 3400 | Mobile: 954 612 3203

Email: MVonderMeulen@keithteam.com

www.KEITHteam.com

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Suzi Reutlinger

From: ashira mohammed <ashira.ann@gmail.com>
Sent: Wednesday, September 11, 2024 9:51 AM
To: Suzi Reutlinger
Subject: Fwd: Cape Coral sets public hearing for moratorium on self-storage facilities - Gulfshore Business

Sent from my iPhone

Begin forwarded message:

From: ashira mohammed <ashira.ann@gmail.com>
Date: August 26, 2024 at 11:36:31 AM EDT
To: Marlén martell <townclerk@tppfl.gov>
Subject: **Fwd: Cape Coral sets public hearing for moratorium on self-storage facilities - Gulfshore Business**

Sent from my iPhone

Begin forwarded message:

From: "Jacob G. Horowitz" <JHorowitz@gorencherof.com>
Date: August 26, 2024 at 10:35:55 AM EDT
To: ashira mohammed <ashira.ann@gmail.com>, Michael Meulen <mvondermeulen@keithteam.com>
Cc: Chandler Williamson <cwilliamson@tppfl.gov>
Subject: **RE: Cape Coral sets public hearing for moratorium on self-storage facilities - Gulfshore Business**

Good morning, Mayor.

I would recommend placing a discussion item on an agenda to raise this issue with your colleagues. If a majority of the commission is in agreement, we will work with the Town Manager and Planning Consultant to bring back an ordinance establishing a moratorium on such uses.

Thank you.

Jacob G. Horowitz



**GOREN CHEROF
DOODY & EZROL P.A.**
ATTORNEYS AT LAW

3099 East Commercial Boulevard, Suite 200

Fort Lauderdale, Florida 33308

Telephone: (954) 771-4500 x 5055 | (561) 276-9400 x 5055 | Fax: (954) 771-4923

Email: JHorowitz@gorencherof.com | www.GorenCherof.com

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From: ashira mohammed <ashira.ann@gmail.com>

Sent: Monday, August 26, 2024 10:31 AM

To: Jacob G. Horowitz <JHorowitz@gorencherof.com>; Michael Meulen
<mvondermeulen@keithteam.com>

Subject: Fwd: Cape Coral sets public hearing for moratorium on self-storage facilities -
Gulfshore Business

Hi,

Do I need to address this at the commission meeting? We need to put something
in the books?

Sent from my iPhone

Begin forwarded message:

From: ashira mohammed <ashira.ann@gmail.com>

Date: July 15, 2024 at 9:08:13 AM EDT

To: Chandler Williamson <cwilliamson@tppfl.gov>, Jacob
Horowitz <jhorowitz@gorencherof.com>

Subject: Cape Coral sets public hearing for moratorium on
self-storage facilities - Gulfshore Business

https://www.gulfshorebusiness.com/gb_daily/cape-coral-sets-public-hearing-for-moratorium-on-self-storage-facilities/

Sent from my iPhone

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To: Michael Vonder Meulen <MVonderMeulen@keithteam.com>, Ashira Mohammed <amohammed@tppfl.gov>, Chandler Williamson <cwilliamson@tppfl.gov>
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Subject: RE: Item 12.1 Self-Storage Moratorium

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See you this evening.

Jacob G. Horowitz



**GOREN CHEROF
DOODY & EZROL P.A.**
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Telephone: (954) 771-4500 x 5055 | (561) 276-9400 x 5055 | Fax: (954) 771-4923

Email: JHorowitz@gorencherof.com | www.GorenCherof.com

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Sent: Wednesday, August 28, 2024 12:01 PM
To: Ashira Mohammed <amohammed@tppl.gov>; Chandler Williamson <cwilliamson@tppl.gov>; Jacob G. Horowitz <JHorowitz@gorencherof.com>
Cc: Andrea Harper <aharper@keithteam.com>
Subject: Item 12.1 Self-Storage Moratorium

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If you have any questions or require any additional information, please contact me.

Thank you.



Michael Vonder Meulen, AICP
Vice President of Planning
Office: 954.788.3400 | Mobile: 954.612.3203
Email: MVonderMeulen@keithteam.com
www.KEITHteam.com

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ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF PEMBROKE PARK, FLORIDA, AMENDING CHAPTER 13.5, ENTITLED “LAND DEVELOPMENT;”AMENDING ARTICLE IV, ENTITLED “LAND USE REQUIREMENT / IMPLEMENTATION” BY CREATING SECTION 13.5-43, TO BE ENTITLED “ZONING IN PROGRESS;” ESTABLISHING AN ADMINISTRATIVE AND LEGISLATIVE PROCEDURE WHEREBY THE TOWN MAY PLACE A TEMPORARY HOLD ON THE ISSUANCE OF DEVELOPMENT PERMITS AND APPROVALS; PROVIDING FOR APPLICABILITY; PROVIDING FOR ZONING IN PROGRESS PROCEDURES; PROVIDING FOR TOWN COMMISSION REVIEW; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, Florida Constitution, grants municipalities the power to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, the Town Commission seeks to establish a process whereby the Town may temporarily halt the acceptance or approval of any development applications for certain uses in the Town when the Town is studying such uses or considering amendments to the Town’s regulations related to such uses; and

WHEREAS, the Town Commission finds that establishing a zoning in progress process is essential to ensuring smart and controlled development for the Town; and

WHEREAS, the Town’s professional staff and consultants have reviewed the proposed zoning in progress procedures and recommend approval thereof; and

WHEREAS, the Town Commission finds it to be in the best interests of the citizens and residents of the Town to establish comprehensive procedures for zoning in progress, as set forth

in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF
THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1: That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto are incorporated herein and made a part hereof.

Section 2: Chapter 13.5 entitled “Land Development” of the Code of Ordinances of the Town of Pembroke Park, Florida is hereby amended, by amending Article IV, entitled “Land Use Requirement / Implementation” by creating Section 13.5-43, to be entitled “Zoning in Progress” to read as follows:

Sec. 13.5-43 Zoning in Progress

- (1) Purpose. The purpose of this section is to provide an administrative and legislative procedure whereby the Town can place a temporary hold on development permits and approvals if there are pending active efforts underway to study or amend this Code in a way that would preclude such permits and approvals should the pending amendment be adopted.
- (2) Applicability
 - (a) From the time that the Town Manager determines that:
 - (i) The Town is actively developing and processing a proposal to amend this Code in a way that would preclude permits and approvals of certain uses and development; and
 - (ii) Authorization or approval of such uses and development before the proposed amendment is decided would be detrimental to the public interest, the Town shall not grant any develop permit or approval or accept any application for a development permit or approval, that authorizes or proposes development that would not be allowed under the proposed amendment to this Code.
 - (b) The determination of when a proposal to amend this Code is being actively developed and processed may be based on when the Town Commission first directed or requested the Town Manager to prepare the amendment in sufficiently

specific terms to understand the proposed amendment's impact on certain uses or forms of development, or when the Town Manager first recommended the amendment to the Planning and Zoning Board or the Town Commission in sufficiently specific terms to understand the proposed amendment's impact on certain uses or forms of development.

(3) Procedure

(a) Town Manager's Determination and Administrative Order

- (i) On making a zoning in progress determination in accordance with this section, the Town Manager shall immediately issue an administrative order that delineates a specific area affected by the proposed amendment and that:
 - (A) Prohibits the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment;
 - (B) Revokes any already issued development permits or granting of development approvals that would be precluded by the proposed amendment where no construction or substantial land development has started for the authorized development; and
 - (C) Prohibits the acceptance of any applications for development permits and approvals that would be precluded by the proposed amendment.
- (ii) The administrative order shall also revoke any development permits or approvals.
- (iii) All Town personnel shall comply with any such administrative order, which shall be effective until reversed or modified by resolution of the Town Commission or until the adoption of a Text Amendment or Rezoning implementing the proposed amendment.
- (iv) Notwithstanding the administrative order, the Town's Chief Building Official may authorize the issuance of building permits for non-deleterious items, - including, but not limited to, fences, repairs, utilities, maintenance, and like matters that are not directly affected by the proposed amendment.
- (v) On issuing the administrative order, the Town Manager shall schedule consideration of a resolution confirming the administrative order for the next available Town Commission meeting.

(b) Town Commission Confirmation of Town Manager's Determination

- (i) The Town Commission shall review the Town Manager's zoning in progress determination and decide whether to confirm or reject it.
- (ii) If the Town Commission decides to confirm the Town Manager's zoning in progress determination, it shall adopt a resolution affirming the administrative order and prohibiting the issuance of any development permits or granting of development approvals that would be precluded by the proposed amendment, as well as the acceptance of any applications for such development permits and approvals. If the proposed amendment would be limited to a defined area (e.g. a rezoning), the Commission's resolution shall also identify the area to which the prohibition applies.
- (iii) The Town Commission's resolution may fix a time within which the Town Manager shall report back to the commission with specific recommendations relating to the proposed amendment. The said time limitation shall be the minimum reasonable time based on the time needed for a comprehensive analysis of the need for an impacts of the proposed amendment. If the Town Manager is unable to complete the recommendations and report back to the Town commission within the prescribed time period, the Town Commission may adopt a resolution reasonably extended the time period.

(c) Scheduling and Public Notice of Hearing. When preparing to submit recommendations relating to the proposed amendment to the Town Commission, the Town Manager shall schedule and provide required public notices for a Town Commission hearing on the recommendations in accordance with Sec. 286.011, F.S. and this Code.

(d) Town Commission Review and Action

- (i) The Town Commission shall review the Town Manager's recommendation, hold a public hearing, and decide whether to refer the proposed amendment to the Town Manager to initiate a text amendment or rezoning pursuant to this Code.
- (ii) In making its decision, the Town Commission shall consider the propriety of the Town Manager's recommendations, the reasonable necessity for the amendment, and the proposed amendment's potential impact on affected area(s) and the probability of detriment to the character of those areas by the continued application of the existing regulations. The commission's consideration shall be based on criteria that include, but are not limited to,

the following:

- (A) Promotion of redevelopment and elimination of the causes of physical and economic blight;
 - (B) Enrichment of the visual and functional quality of the streetscape for all user groups;
 - (C) Creation of housing/affordable housing opportunities and choices by presenting innovative mixed land-use proposals;
 - (D) Creation of an environment which fosters economic development through commercial redevelopment/revitalization investment and job creation;
 - (E) Creation of opportunities and incentives that facilitate redevelopment of private property;
 - (F) Improvement of circulation for pedestrians, bicyclists and motorists;
 - (G) Maintenance of the Town's demographic make-up and enhancement of the community's competitive position within Broward County;
 - (H) Improper land use distribution; or
 - (I) Any other factor that has a deleterious effect on the quality of life of the residents of affected areas, economic viability; and overall environment.
- (e) Termination of Zoning in Progress; Determination and Orders. The zoning in progress determination and resulting prohibitions in a confirmed administrative order shall continue for six (6) months or until adoption of the amendment to the text of the Town Code or rezoning implementation of the proposed amendment, whichever is sooner.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: It is the intention of the Town Commission of the Town of Pembroke Park that the provisions in this ordinance shall become and be made a part of the Code of Ordinances of the town of Pembroke Park, Florida, and that the Sections of this ordinance may be

renumbered, re-lettered, and the word “ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 5: If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

Section 6: This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF _____, 2024.

PASSED ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, ON THE SECOND AND FINAL READING, THIS ____ DAY OF _____, 2024.

ATTEST:

ASHIRA MOHAMMED
Mayor Commissioner

Town Clerk

Approved as to form and legal sufficiency

Jacob G. Horowitz
Town Attorney



Agenda Request

Subject:	Service Recognition (Bridging)
Meeting Date:	
Prepared For:	Mayor Mohammed
Staff Contact:	Kristen Biazar, HR Director
Dept/Group:	
Recommendation for Counsel to consider:	Language drafted for bridging former employees service when rehired. Policy attached.
Background Information:	
Staff Recommendations:	
Financial Implications:	
Alternatives:	

ATTACHMENTS:

[Service Recognition Policy](#)



Service Recognition Policy

Purpose

The purpose of this policy is to recognize a former employee's previous service when returning to work for the Town of Pembroke Park by bridging their years of service.

Service Recognition (Bridging Service) Rules for Eligible Employees

1. If a former employee with less than one year's prior service is rehired, the employee will be considered a new employee and will not be eligible for prior service recognition for seniority or benefit plan participation purposes.
2. If a former employee with more than one year's prior service is rehired, the employee's seniority and eligibility to participate in the Town's benefits plans will be bridged if the employee is rehired and the period of prior company service exceeded the duration of the period of absence. Service recognition will include prior service recognition for accrued leave plans.
3. If a former employee with more than one year's prior service is rehired and the duration of the period of absence exceeded the period of prior company service, the employee will be considered a new employee and will not be eligible for prior service recognition.

Service Date Adjustment

When recognition of prior service is granted, a rehired employee's company service date will be adjusted in accordance with the service restoration rule.

Example: An employee is rehired on October 15, 2018, and is credited with seven years and six months of prior service. The employee's adjusted hire date is May 15, 2011.



Agenda Request

Subject:	Town Manager Recruitment Update
Meeting Date:	
Prepared For:	Commission
Staff Contact:	Kristen Biazar, HR Director
Dept/Group:	
Recommendation for Counsel to consider:	Clarification on background check process - commission's intent Review where HR is in the conditional offer process
Background Information:	Previous Town Manager's salary was approximately \$156,000. There was a tentative/drafted contract for \$175,00, but never approved.
Staff Recommendations:	
Financial Implications:	
Alternatives:	

RESOLUTION NO. 2024-014

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF PEMBROKE PARK, FLORIDA, PROVIDING FOR THE AMNESTY PROGRAM GUIDELINES FOR COMMERCIAL PROPERTY OWNERS WHO PERFORMED WORK WITHOUT PERMITS TO FACILITATE BRINGING PROPERTY INTO COMPLIANCE THROUGH JANUARY 31, 2026; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 15, 2021, the Town Commission adopted Resolution No. 2021-061, thereby establishing an amnesty program for certain residential code enforcement matters and adopting Amnesty Program Guidelines (the “Program”); and

WHEREAS, the Program commenced on January 1, 2022 and remained in effect for one (1) year; and

WHEREAS, on or about December 14, 2022, and on May 8, 2024, the Town Commission authorized the extension of the Program; and

WHEREAS, the Town Commission desires to expand the Program to include commercial property owners and violations as provided in **Exhibit “A,”** attached hereto and incorporated herein; and

WHEREAS, the Town Commission now seeks to include commercial property owners and violations within the Program, which runs through January 31, 2026 for residential properties; and

WHEREAS, the Program for both commercial and residential properties terminates on Sunday, February 1, 2026.

WHEREAS, the Town Commission of the Town of Pembroke Park, Florida, finds that expanding the Town’s code enforcement amnesty Program to include certain commercial property owners and violations, as provided by **Exhibit “A,”** attached

{00608592.1 3399-0000000 }

Town of Pembroke Park
Resolution 2024-014
Commercial Amnesty Program Guidelines

hereto and incorporated herein, is in the best interests of the citizens and residents of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION
OF THE TOWN OF PEMBROKE PARK, FLORIDA, THAT:**

Section 1. The aforementioned "Whereas" clause is hereby ratified and confirmed as being true and correct and is incorporated herein.

Section 2. The Town Commission of the Town of Pembroke Park, Florida, hereby approves and authorizes the expansion of the Amnesty Program Guidelines to include certain commercial property owners and violations, as provided within **Exhibit "A,"** attached hereto and incorporated herein who performed work without permits to facilitate bringing property into compliance through January 31, 2026. The Amnesty Program terminates on Sunday, February 1, 2026.

Section 3. All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 4. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

(SIGNATURE PAGE TO FOLLOW)

Town of Pembroke Park
Resolution 2024-014
Commercial Amnesty Program Guidelines

PASSED AND ADOPTED this ____ day of _____, 2024.

ASHIRA MOHAMMED
Mayor

ATTEST:

MARLEN D. MARTELL
Town Clerk

Approved as to form and legal sufficiency

JACOB G. HOROWITZ
Town Attorney

{00608592.1 3399-0000000 }



TOWN OF PEMBROKE PARK

3150 SW 52ND Avenue
Pembroke Park, FL 33023

COMMERCIAL AMNESTY PROGRAM GUIDELINES

Exhibit "A"

Effective until January 31, 2026, and terminates on Sunday, February 1, 2026.

The purpose of the Amnesty Program is to give the commercial property owners a window of opportunity to disclose work performed without permits and apply for appropriate permits that would bring the improvements up to code standards. The Amnesty Program is applicable to all types of work performed without permits such as additions, remodeling, repairs, and replacement. In certain cases, the approval of a variance may be necessary to remedy the violation. Such disclosure would benefit from the amnesty provisions listed below.

Amnesty Provisions:

1. Pay reduced permit fees.
2. Stay any Code Compliance running fines on existing code cases upon permit application. Fines will resume if the permit application or issued permit expires and there is no further activity to remedy the violation.
3. Suspend any opened code compliance case or otherwise postpone the code compliance process.
4. Obtain the necessary variance(s), prior to issuance of building permit.

Conditions:

1. Effective period: one year from resolution adoption to apply for permit and necessary variance.
2. Program only applies to commercially zoned properties lawfully operating or otherwise conducting appropriate business consistent with the allowable uses for that zoning district. All business shall obtain a business tax receipt as a prerequisite to for any application for amnesty. Business tax receipt violations shall otherwise qualify for the amnesty program.
3. Comply with the latest edition of the Florida Building Code and the Town' zoning codes, subject to any exceptions for legally existing structures or uses.
4. Provide professional as-built plans and certification for all completed work prepared, signed, and sealed by a State of Florida Registered Architect or Licensed Engineer, or any additional information or plans the building department may require.

{00608591.1 3399-0000000 }

LAW OFFICE OF MICHAEL A. PIZZI, JR., P.A.

6625 Miami Lakes Dr E, Suite 316

Miami Lakes, FL 33014

E-mail: mpizzi@pizzilaw.com

Tel: 786-594-3948

September 9th, 2024

Sent via email and certified mail

Town Manager Chandler Williamson

Town Attorney Sam Goren

Town Attorney Jacob Horowitz

Town of Pembroke Park

3150 SW 52 Avenue

Pembroke Park, FL 33023-5413

RE: State of Florida vs. Jacobs, Geoffrey

Case #24001035MM40A

Request For Payment on Legal Fees

Dear Counsel,

Pursuant to the Florida Supreme Courts decision in the *Thornber v. City of Ft. Walton Beach* 568 So.2d 914 (1990) and the overwhelming subsequent case law, as well as applicable Florida Statutes and Town Code provisions and policies, please provide payment within 15 days of the attached invoice. Commissioner Jacobs was charged and the case has now be dismissed.

Entitlement is clear and undisputable under Florida Law.

Very Truly Yours,

s/Michael A. Pizzi, Jr.

MICHAEL A. PIZZI, JR., ESQ.

LAW OFFICES OF MICHAEL A. PIZZI, JR., P.A.

6625 Miami Lakes Drive, Suite #316

Miami Lakes, Florida 33014

Tel: (786) 594-3948

Cell: (305) 986-2277

Fax: (305) 777-3802

Email: MPizzi@pizzilaw.com

BILLING INVOICE

INVOICE #: 720

Date: September 9th, 2024

To: Town of Pembroke Park

JOB DESCRIPTION

	Case No.: 24001035MM40A	
	State of Florida vs. Jacobs, Geoffrey	
9 Hrs.	Review Discovery/City Charter/Videos and Minutes of all meetings/entire history	\$4,500.00
5 Hrs.	Meet with client to prepare for Motions	\$2,500.00
3 Hrs.	Prepare and File Motion to Dismiss on 911 Allegations	\$1,500.00
2 Hrs.	Meet with Jacobs, Prepare and Attend Court Appearance 04/04/24	\$1,000.00
2 Hrs.	Meet with Jacobs Prepare and Attend Court Appearance 05/23/04	\$1,000.00
2 Hrs.	Prepare and attend Court Appearance 07/25/24 and Phone confer with State Attorney	\$1,000.00
2 Hrs.	Prepare and Attend Court Appearance 08/01/24	\$1,000.00
2 Hrs.	Meet with client, work on second MTD and Prepare and Attend Court Appearance 09/05/24	\$1,000.00
3 Hrs.	Prepare and take depo on Officer Eva Rimmer	\$1,500.00
3 Hrs.	Meeting with Jacobs and review new discovery	\$1,500.00
4 Hrs.	Listen to and analyze tapes and video of meetings/Conf with State Att	\$2,000
3 Hrs.	Prepare and take depo on Aleem Ghany	\$1,500.00
3 Hrs.	Review docs, meet client and Prepare and take depo on Jacob Horowitz	\$1,500.00
4 Hrs.	Review Amended Information and Research Statutes	\$2,000.00
3 Hrs.	Prepare for, review all docs and take depo on Ashira Mohammed	\$1,500.00
3 Hrs.	Read initial information and research 911 statutes	\$1,500.00
53 Hrs.	Total	\$26,500.00

Please remit payment to: Michael A. Pizzi, Jr. P.A.

6625 Miami Lakes Drive, Suite 316

Miami Lakes, FL 33014

We accept the following
forms of payment:



LAW OFFICES OF MICHAEL A. PIZZI, JR, P.A.

6625 Miami Lakes Drive, Suite #316

Miami Lakes, Florida 33014

Tel: (786) 594-3948

Cell: (305) 986-2277

Fax: (305) 777-3802

Email: MPizzi@pizzilaw.com

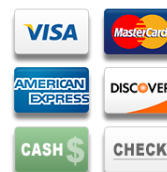
	AMOUNT DUE	\$26,500.00

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6625 Miami Lakes Drive, Suite 316

Miami Lakes, FL 33014

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TOWN OF PEMBROKE PARK

MEMORANDUM NO. 2024-001

TO: Mayor Ashira Mohammed
Members of the Town Commission

CC: Aleem Ghany, Acting Town Manager
Marlen D. Martell, Town Clerk
Chris Stearns, Special Counsel

FROM: Jacob G. Horowitz, Interim Town Attorney *JGH*

DATE: February 6, 2024

RE: Town of Pembroke Park (the “Town”) / Entitlement to Attorney’s Fees

On January 31, 2024, the Interim Town Attorney’s Office received a correspondence from attorney Michael Pizzi, legal counsel for Commissioner Geoffrey Jacobs, seeking confirmation that the Town will be paying Mr. Pizzi’s legal fees related to his representation of the commissioner in the lawsuit referenced as *Babette Friedman v. Town of Pembroke Park, et al.* (Case No. CACE 23022413) (the “Lawsuit”). Commissioner Jacobs has been named, individually, as a co-defendant in the Lawsuit along with the Town. The Town is represented in this matter by Chris Stearns of Johnson Anselmo, the Town’s insurance defense counsel.

I. Legal Right to Attorney’s Fees

A. Common Law Entitlement

A Florida municipal corporation is generally obligated to furnish or pay fees for an attorney to defend a public official in a civil or criminal proceeding. The purpose of this doctrine “is to avoid the chilling effect that a denial of representation might have on public officials in performing their duties properly and diligently.” *Nuzum v. Valdes*, 407 So.2d 277 (Fla. 3d DCA 1981). A municipality will only be obligated, however, if 1) the underlying conduct arises out of the performance of the official’s duties and 2) the official is serving a public purpose. *See Maloy v. Bd. Of Commr’s of Leon County*, 946 So. 2d 1260 (Fla. 1st DCA 2007); *Chavez v. Tampa*, 560 So. 2d 1214 (Fla. 2d DCA 1990); *Thornber v. Fort Walton Beach*, 568 So. 2d 914 (Fla. 1990); *Ferrera v. Caves*, 475 So. 2d 1295 (Fla. 4th DCA 1985); *Lomelo v. Sunrise*, 423 So. 2d 974 (Fla. 4th DCA 1982).

It is the Town Commission which determines, under the common law, whether a public official’s alleged conduct arose out of the performance of their official duties and was in furtherance of a public purpose. In the instant case, the allegations against Commissioner Jacobs relate to bullying, harassment and retaliation as it pertains to an alleged violation of Ms. Friedman’s First Amendment rights.

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For reference, several instances in which courts have found a public purpose to be lacking are factually distinguishable from the circumstances here. *See Maloy*, 946 So. 2d at 1266 (holding that an official's sexual conduct did not serve a public purpose); *Chavez*, 560 So. 2d at 1218 (finding lack of public purpose where official's conduct directly advanced her own private pecuniary interest).

B. Statutory Entitlement to Defense of Civil Claim

Section 111.07, F.S., also provides for the defense of civil actions against public officers, employees or agents. This section expressly states, in relevant part, as follows:

Any...municipality...**is authorized** to provide an attorney to defend any civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents for an act or omission arising out of and in the scope of his or her employment or function...Defense of such civil action includes, but is not limited to, any civil rights lawsuit seeking relief personally against the officer, employee, or agent for an act or omission under color of state law, custom, or usage, wherein it is alleged that such officer, employee, or agent has deprived another person of rights secured under the Federal Constitution or laws....However, any attorney's fees paid from public funds for any officer... who is found to be **personally liable** by virtue of acting **outside the scope** of his or her employment, or was acting in **bad faith**, with **malicious purpose**, or in a manner exhibiting **wanton** and **willful** disregard of human rights, safety, or property, **may be recovered** by the...municipality...against such officer, employee, or agent.

(emphasis added). This statutory right to defense of a civil action does not replace the common law duty defined by the case law cited above. However, as noted below, both the common law and statutory rights of officials to reimbursement or payment of attorney's fee in defending civil claims are subject to the public official **prevailing** in the litigation.

C. Town Reimbursement and Indemnification Policy

The entitlement to reasonable attorney's fees is further embraced in the Town's Reimbursement and Indemnification Policy (the "Policy"), which is codified as Section 2-277 in the Town's Code of Ordinances. The Policy provides, in relevant part, as follows:

(a) Officials who have defended against **and prevailed** in civil actions filed against them personally **shall be reimbursed** for court costs and reasonable attorney's fees incurred in successfully defending against such actions if authorized pursuant to F.S. § 111.07.

...

(e) Officials may also **request** approval to retain an outside attorney to be paid on a monthly basis relating to the matters contained in this section. Pursuant to F.S. § 111.07, however, any attorney's fees paid from public funds for any official who is found to be personally liable by virtue of acting outside the scope of his or her official capacity, or

was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, may be **recovered by the Town in a civil action** against such official after one hundred eighty (180) days from the conclusion of the civil action.

Further, Sec. 2-278 of the Town's Code of Ordinances establishes certain procedures for officials seeking reimbursement of attorney's fees pursuant to the Policy. This section states, in relevant part, as follows:

(a) It **shall be the responsibility of the official** to whom this policy applies to petition the Town Commission for reimbursement of reasonable private legal expenses and provide a copy of the petition to the Town Clerk. Upon receipt of the petition, the Town Clerk shall schedule the petition on the agenda of a meeting of the Town Commission. The Town Commission shall then review the petition and determine if the petitioner shall be reimbursed and, if so, in what amount.

(b) It **shall be the responsibility of the official** who desires to retain an outside attorney to be paid on a monthly basis to **request approval by the Town Commission prior to retaining the outside attorney**. Upon receipt of a request to retain an outside attorney, the Town Clerk shall schedule the request on the agenda of a meeting of the Town Commission. The Town Commission shall then review the request, and shall determine if the petitioner may retain an outside attorney, and if so, determine the amount that will be paid for the outside attorney's services.

(c) It **shall be the responsibility** of the individual to pursue and exhaust all avenues for reimbursement prior to filing the above-referenced petition.

D. Conclusion as to Legal Right to Attorney's Fees

As noted, Sec. 111.07, F.S., "authorizes" the Town to provide for an attorney to defend its public officials in civil actions. The Town has expressly embraced this opportunity through the adoption and codification of the Policy, which was adopted on October 10, 2018.

The Policy, as detailed above, sets forth a specific procedure for the engagement of counsel by members of the Town commission. In the event that Commissioner Jacobs is seeking a **reimbursement** of reasonable attorney's fees, the commissioner is required to petition the commission for such reimbursement consistent with the requirements of Sec. 2-278(a). Alternatively, if Commissioner Jacobs is seeking to have the Town pay his attorney's fees on a **monthly basis**, the commissioner has the responsibility of making such a request **prior to obtaining outside counsel**. In either instance, the request is to be considered by the Town Commission for a determination; provided that the Town Policy expressly requires that a request to retain outside counsel and for payment of monthly invoices must be made by the official **prior** to retaining outside counsel.

Additionally, consistent with the Policy and Florida Law, Commissioner Jacobs' entitlement to having the Town pay his reasonable attorney's fees is contingent upon the commissioner

prevailing in the Lawsuit. If Commissioner Jacobs is found to be **personally liable** for the damages claimed, or it is determined that the conduct resulting in the allegations set forth in the Lawsuit fell **outside the scope** of his public office, **then there would be no entitlement to attorney's fees**. In the event that the commissioner's fees were paid prior to the conclusion of the Lawsuit and it is determined that Commissioner Jacobs is personally liable; or that he was acting outside the scope of his official position or with wanton and willful disregard of human rights, safety, or property, then the Town may pursue a separate action against the commissioner to **recover** any fees paid pursuant to the Policy and Sec. 111.07, F.S.

II. Calculation of Attorney's Fees

Should the Town Commission publicly determine that Commissioner Jacobs is entitled to reasonable attorney's fees, we are also providing an opinion herein as to how the reasonableness of those fees shall be determined. In the context of any litigation, be it civil or criminal, attorney's fees must be **reasonable**. Under the Rules Regulating the Florida Bar 4-1.5, factors to be considered in determining reasonable fees and costs include:

- (A) The time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (B) The likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
- (C) The fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature;
- (D) the significance of, or amount involved in, the subject matter of the representation, the responsibility involved in the representation, and the results obtained;
- (E) The time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client;
- (F) The nature and length of the professional relationship with the client;
- (G) The experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services; and
- (H) Whether the fee is fixed or contingent, and, if fixed as to amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.

As the interim Town Attorney's Office and advocates for the Town, our office **cannot** ethically provide an independent evaluation to the Commission as to the reasonableness of any fees charged by Commissioner Jacobs' legal counsel. If necessary and at the appropriate time, we would recommend the Town Commission authorize **an independent, third party opinion** be obtained

from an expert(s) in the evaluation of the reasonableness of attorney's fees. This practice is not uncommon when determining the reasonableness of attorney's fees to be paid by a public agency.

Please contact our office if there is any additional information that we can provide.