

Detailed Minutes - Final

City Commission

Lamar Fisher, Mayor
Charlotte J. Burrie, Vice Mayor
Barry Dockswell, Commissioner
Rex Hardin, Commissioner
Ed Phillips, Commissioner
Barry Moss, Commissioner

Dennis W. Beach, City Manager
Mark Berman, City Attorney
Asceleta Hammond, City Clerk

Tuesday, September 13, 2016

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

Mayor Fisher called the meeting to order at approximately 6:00 p.m.

ROLL CALL

Present: Commissioner Barry Dockswell
Commissioner Rex Hardin
Commissioner Barry Moss
Commissioner Ed Phillips
Vice Mayor Charlotte Burrie
Mayor Lamar Fisher

INVOCATION

Dr. Greg Fitch, Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

16-157 Regular City Commission Meeting Minutes of July 26, 2016

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.

16-158 City Commission Budget Workshop Minutes of July 18, 2016

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.

16-159 Special City Commission Meeting Minutes of June 23, 2016

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.

APPROVAL OF AGENDA

Mayor Fisher indicated that Item 31 would be tabled until the 2nd meeting in November (i.e. November 22, 2016); Item 32 would be tabled for 30 days (October 10, 2016); and Items 39, 40 and 41 would be stricken from the Agenda.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

Mayor Fisher declared that Items 10, 21 and 25 would be pulled for Commission discussion.

A. PROCLAMATIONS

16-110 Pompano Beach Make A Difference Day proclamation presentation to Roger and Susan Gingerich, local business owners and creators of this special day.
Read and Presented

Mayor Fisher on behalf of the City Commission thanked the Gingerich's for making this day a reality and for the continuous giving of their time to the community.

Susan Gingerich encouraged everyone to take the time to give back or give something to somebody else. She indicated that there is an online contact, "PompanobeachMakeADifferenceDay.com" which lists projects that are available to serve the community to include reading to children at Pompano Beach Elementary, collecting can goods, cleaning out closets to donate items such as prom dresses, etc. All non-profit or charitable organizations will be posted on the site.

16-111 Proclamation presentation to Dahnaz Tigner, Pompano Beach resident, who recently walked to Washington D.C. to bring awareness to childhood obesity.

Read and Presented.

Mayor Fisher invited Comr. Phillips to join in for the presentation. Additionally, Mayor Fisher commended Mr. Tigner for his accomplishments and his effort to bring awareness to childhood obesity.

Dahnaz Tigner thanked the City and all who supported his efforts. He also offered his condolences to Gregory Frazier's family. He noted that Mr. Frazier was an inspiration to people in the neighborhood. However, he encouraged everyone to unite, and although this is a very "bad" time, he mentioned that Mr. Frazier would teach that they should lean on each other during difficult times. He said violence and hate is not a good thing but the black community should focus and stand together. He indicated that Colonel Pollock, Broward Sheriff's Office (BSO) called to check on him while he was on the road to ensure he was safe. Therefore, not all police officers are bad, but there are some that need to be weeded out. He reiterated that everyone needed to work together for one common good.

State Representative Gwyndolen Clarke-Reed also presented a tribute from the State of Florida as well as to recognize the accomplishments of Dahnaz Tigner, and thanked him for being involved with the community and being a spokesperson. She then read the tribute and presented a Certificate of Recognition to Dahnaz Tigner and his younger brother Aris Knight.

16-116 A proclamation recognizing September as “National Preparedness Month” as well as acknowledging Pompano Beach Fire Rescue CERT volunteers for their dedication and commitment. Fire Chief John Jurgle accepting proclamation.

Read and Presented.

Mayor Fisher recognized the CERT members in the audience.

John Jurgle, Fire Chief, emphasized that disaster can occur anytime and is not just limited to Hurricanes or national disasters. However, through the efforts of the City and CERT they prepare the Fire Department for disasters every day. Finally, Chief Jurgle recognized former Fire Chief Harry Small, “the father of CERT”, who has successfully engineered the program which was one of the first acclaimed nationally. In fact, the Pompano Beach CERT team is one of the first teams established in the State of Florida. Additionally, Chief Small worked with quite a number of other cities to develop their CERT teams. He also thanked Robin Burns, “mother of CERT”, who has worked tirelessly to mobilize the CERT members to action.

B. AUDIENCE TO BE HEARD

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.

The following persons were called to speak:

- **Beverly Perkins, 1516 NW 6th Ave., related in details her involvement with the shooting death of Gregory Frazier. She credited the Antioch Baptist Church and Jesus Supernatural Life Church for bringing calm and support for the family. Nonetheless, she expressed concern with the period of time that it took the police department to remove Mr. Frazier's body, which was left at the scene for approximately five hours. She questioned what can be done to make this type of situation better, as well as keep the community informed.**

Comr. Phillips responded that he agreed that the body of Mr. Frazier should not have lain out for five hours and expressed his personal concern of how this situation was handled procedural wise. Therefore, he agreed that the residents need to know about the procedures for resolving at best this type of situation.

Mayor Fisher announced that after the speakers are heard he would invite Colonel Pollock, from the police department to address this particular question.

- **Daniel Diaz, 43 S. Powerline Road, #262, Pompano Beach, expressed his condolences to the Frazier family regarding the tragedy that happened on Friday, which he said was uncalled for. Nevertheless, he is assured that the City Commission, BSO and the community will seek justice served regarding the incident surrounding the death of Mr. Frazier.**

In addition, he indicated that in his efforts to find ways to assist the City to find income to assist the City's budget and with the assistance of an Asset firm, they found approximately \$45,000 of the City's money in the unclaimed property of the State of Florida. He presented the documents supporting his claim to the City Clerk.

- **Debresia Lesane, Pompano Beach, complained that the City has "plenty resources" and requested some response regarding funds that are being hidden from her district. In addition, she indicated that she has asked about the pier with no response, and that there is a list of questions that she is still awaiting answers.**

Mayor Fisher responded that he personally spoke with Ms. Lesane and believed that the City Manager provided several emails to her in answer to her question. In addition, he was very cautious to forward her email sent to him to ensure that the Administration was made aware of Ms. Lesane's questions.

- **Yoa, Pompano Beach, indicated that on several occasions he has met with Mayor Fisher and Comr. Phillips. He complained that he has lost faith in the**

authorities due to the incident that took place just next door to his residence, where a man was murdered. In sum, he indicated that he feels unsafe and urged the Commission to address this issue and come up with solutions.

- Sarahca, indicated that there are a number of dates she would like to remember namely, August 30, 1990, July 12, 2016, and September 9, 2016, which are significant dates of happenings. She indicated that on July 12th she spoke at a Commission meeting requesting that the Community be provided with proactive and preventative measures to be put in place to ensure that “this does not happen in Pompano” and only two members from the Commission responded. In addition, Ms. Peterson noted that in “August 30, 1990, there was an article printed in the Sun Sentinel newspaper about the police department “beat up this Commissioner where he said, when police officers come into our community they treat it as a war zone” So, here we are in September 9, 2016 someone, a black man, was murdered. She asked what changed from a commissioner being beat up by the police and killing this man on Friday. In sum, she requested a change in the ratio of the composition of black police officers canvassing the predominantly black neighborhoods. Finally, she appealed to the community to make a change.

Comr. Phillips indicated that he is pleased of the interest of the Commission to ensure that justice be done. He then explained the incident Ms. Peterson referred to in 1990, where he rose from the beating and in 2003 became a city commissioner. He did not accept the idea that the system could not be changed, rather he committed to doing the best he could do to change the system. He then related his and Mayor Fisher’s involvement, upon learning about the incident that took place on Friday night, to meet with the Sheriff to call a meeting at the earliest possible time to assist in moving the incident forward. Therefore, he continues to facilitate action rather than complacency.

Vice Mayor Burrie in response to Ms. Peterson accusation of her silence at the July meeting, noted that she did offer to sit with her on a one on one meeting to try and find a solution, but Ms. Peterson was unable to meet with her.

- Tiffany, Pine Tree Park, Pompano Beach, read an excerpt from the declaration of independence, which related to, “...All men are created equal... That among these are life, liberty and the pursuit of happiness. That to secure these rights governments are instituted among men deriving their just powers from the consent of the governed...”. She understood that of the 88 police officers that patrol the northwest district only 15 are of African-American descent. In sum, she questioned what will be done to move forward and to ensure that this incident does not get repeated. As well as, inquired if any of the measures mentioned by Ms. Peterson at the July meeting has been put in place.

- Willie Jones, 7124 Crescent Creek Lane, Coconut Creek, FL, spoke on behalf

of the Frazier family. He indicated that the family has deep concerns, they are hurt and confused, they are frustrated, bewildered and do not understand why this incident happened in their home at this time. He urged the Commission, the Broward Sheriff's Office and anyone else from the public to understand the family's hurting emotions and do not take it as anger or hatred. In sum, there is a need to listen to the family and others in the community that there needs to be some corrections and to incorporate some preventative measures. He urged the leaders of the community and the leaders of the BSO to stop holding meetings to discuss this and provide the community with action. Finally, Mr. Jones indicated that the people of the City of Pompano Beach have more in common than differences. Therefore, he encouraged everyone to celebrate the commonality and work on the differences.

- Dr. NQuavah Valesquez, 371 Mohawak Lane, Boca Raton, offered her condolences to Gregory Frazier's family and friends. She indicated that she has been an educator for over twenty years and she cares about education especially for the early learners. She explained how vital it is for children to learn at an early age. She mentioned that there is a program under a non-profit organization, Achievement Heights Academy, which has an early learning segment and encouraged the City to maximize the opportunity to meet the needs of the children in the community.
- Thomas Terwilliger, 3160 NW 1st Avenue, Pompano Beach, offered his condolences to the Frazier family and the community. He indicated that at the July 26, 2016 Commission meeting Mr. Danovich had mentioned that Whiting-Turner Contracting Company, within a week and for an amount of \$96,000, would have final drawings to construct the Pompano pier. Upon learning of the failure to provide the documents in a timely manner, he placed a formal records request on August 9, 2016, to Mr. Danovich to provide the documents. In sum, Mr. Terwilliger requested that the City Commission reconsider to stop the payment of the \$96,000, because the work was not completed either in a timely manner or was never done. Notwithstanding, he indicated that the same documents could have been provided by the Shoreline Foundation at no cost. Finally, he asked for a copy of the specifications and drawings requested by the Mayor to be forwarded to Shoreline Foundation since he had already paid for them.

Mayor Fisher indicated that he had requested that the documents be sent to Shoreline Foundation and asked for an update on his request.

Horacio Danovich, Project Manager, responded that the work that Whiting-Turner is doing is not to put together the plans. The plans are being created by Bridge Design. Therefore, the plans provided to Mr. Terwilliger were those completed and available at the time.

In response to Mayor Fisher's question on the provision of the plans to Shoreline and Mr. Terwilliger, Mr. Danovich indicated the most up to date version was provided. He confirmed that as the plans are updated the most current will be provided.

- Asa Shaw, Parkway, indicated that he would be speaking on behalf of the black people of Pompano Beach. He provided statistics on the lives of black people and people in general that were killed in Florida by the police. In sum, he indicated that he represents justice, and urged the Commission to put in place those measures Ms. Peterson requested and especially the request to halt the renewal of the BSO contract until the Commission and the Community meet to discuss what policing is like in the City of Pompano Beach.
- Jasmen, 3532 NW 33 Court Lauderdale Lakes, indicated that although she may not be a constituent of the City of Pompano Beach, the Dream Defenders along with several organizations have been trying proactively to build a community and offer solutions so that what happened to Gregory Frazier would not have happened. She indicated that the Commission had a community meeting with the law enforcement team, ministers, and other community leaders but did not include on the panel anyone from the family or community leaders from the City to represent the side of the "real community." In sum, she indicated that the Dream Defenders and the Black Lives Matters Alliance of Broward stands with the Frazier family in demanding a halt to the renewal or conversation around the renewal of the BSO contract. She indicated, that presently, there is a distrust of the BSO officers. Therefore, while there were earnest cries for peace, condolences given, prayers and promises, she said if the people "do not get any justice there will be no peace".
- St. James Valsin, 1515 West Dixie Highway, Hollywood, indicated he represents Black Lives Matters Alliance of Broward and the Dream Defenders, and that he resided in Pompano Beach several years ago. In sum, he reiterated that the people do not trust the BSO and that they want to "sweep this incident under the rug". The consensus is that the people do not believe that their leaders care, so that is the reason for the marches and their screaming. Therefore, he supports the former speakers request to put an halt to the discussion regarding renewal of the BSO contract.
- Cortavia Westbrook, 1300 NW 3rd Avenue, Apt. 9, Pompano Beach, indicated that she knows Gregory Frazier and cannot understand why he had to be shot. She tearfully requested not to shoot her brothers, sisters and friends, her, and her two uncles, and stepfather.
- Patrick 411 NE 18th Avenue, Pompano Beach, distributed a copy of his presentation, which he read in its entirety regarding child abuse at the

Pompano Beach Elementary School.

- **Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach indicated that he agrees with most of what the other speakers talked about. He indicated that something must be done about the education system and suggested setting up Charter schools. In sum, he suggested that changes in leadership is necessary at this time.**
- **Sharonda Chery, 220 NE 7th Street, Pompano Beach, indicated that as a native of the City of Pompano Beach, she is proud to see the coming together of the community. In sum, she wanted to know if Pompano Beach could return to its own police department, because prior to BSO contract, the police officers in the police department were accountable to the residents of the City and actually knew people by names. Therefore, if there is little connection between the people of the community and the police it is difficult to do a job of protecting and serving, rather than just policing, as well as to gain trust from the community. Finally, she indicated that she supports the united efforts of getting things done in correcting the inequity of black officers serving within the communities.**
- **Kevin Dorval, 445 SW 2nd Court, Pompano Beach, offered his condolences to the Frazier family. He indicated that they host the annual black on black crimes solutions family. At their event on July 16th most of the people in the audience attended to include Mayor Fisher and Comr. Phillips. He indicated that they have a chess program that offer mentoring to the children in elementary, middle and high schools, which is held every Wednesday at the Collier City Library. However, the program will end in October 2016, but they would like to continue as it has a positive impact on the children. The goal is to create more responsible and productive members of the society. In sum, Mr. Dorval requested the City assistance to sponsor the program or the field trip they are planning to the Kennedy Space Center. He promised to provide Mayor Fisher and the other Commissioners the packages that he provided to Comr. Moss prior. He indicated that the "gold package" is for \$3,000, which will cover the field trip costs in its entirety. Finally, he provided his contact information to include a website address: thecouragetobelieve.com**

Mayor Fisher indicated that he was able to attend the event mentioned and found it to be very well performed and informational. Therefore, he encouraged Mr. Dorval to do this every year in the City of Pompano Beach.

- **Dawne Richards, 3304 SE 4th Street, Pompano Beach, expressed sadness regarding the recent events, as well as to the many fine first responders. She also expressed condolences to the Frazier family. In sum, she suggested the Commission establish a Citizen Community Advisory board that would work**

with BSO, consisting of residents of the community from all five districts. This is something that could be done quickly and in the meantime, it would maintain a continual dialog, which would allow for progress.

Mayor Fisher invited Colonel Pollock of the Broward Sheriff's Office to address the audience. Furthermore, Mayor Fisher indicated that the Commission cannot control what the policing agency does and that they were hired to do a job for the City of Pompano Beach. Nevertheless, he has heard the anger and the people's expressions of being upset, which is "rightly so." The Community is outraged by the recent action, as well as the need to know what is being done to put measures in place. He understands there are measures in place, but this cannot be happening in the community. Since the Commission cannot control the hiring of deputies and the operation of the deputies; however, they expect the BSO to hear and understand the frustration being expressed by members of the community within the City.

Colonel Pollock offered his condolences and prayers to the Frazier family and friends, as well as to the residents of the City of Pompano Beach. He provided a report on how deputies responded to an incident where a life was lost. He is unaware of the facts of what took place in the yard on the night of the incident. Nevertheless, he has heard the frustrations from the residents. However, he assured everyone that there will be change coming to the BSO and to the City of Pompano Beach. The investigation will be handled by the Florida Department of Law Enforcement, because the Sheriff has agreed to have an outside entity to handle this particular incident and all future shootings involving BSO deputies. As well as the State Attorney Michael Satz will have an outside prosecutor to review the incident.

Colonel Pollock stated there are some procedures he cannot discuss because they have not yet gone to the grand jury. Unfortunately, a life was lost and any life lost is tragic to all persons. He assured the residents continue to speak out and change will come. It is a fact that they need more African-American deputies, which he is aware and is working to change. Finally, Colonel Pollock stated that he understands the people's frustration, but asked them to allow the time for BSO to make a change in the City of Pompano Beach.

Comr. Phillips asked that one of the changes that they could consider is the length of time a body is allowed to be on the ground after a shooting. He, as well as the audience, does not accept the practice that was exercised in this incident. He appreciated the number of people who attended the meeting on Monday night in an effort to take a path to resolve this issue. Finally, he thanked retired Sergeant Willie Jones for doing an outstanding job in providing the position of the family.

Mayor Fisher indicated that he was speaking with Sheriff Israel and he suggested the very same idea. Therefore, Mayor Fisher directed Chief Hale, BSO, to follow-up on this to get the Sheriff's vision on that and to incorporate what the citizens of Pompano

Beach want to see as well. Perhaps, it would mean coming together at least once a quarter or sooner to get to the Sheriff to inform him of the issues being experienced in the City.

C. CONSENT AGENDA

1. [16-45](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NORTHWEST 26TH AVENUE BETWEEN WEST ATLANTIC BOULEVARD AND NORTHWEST 2ND STREET TO A DUAL DESIGNATION OF NORTHWEST 26TH AVENUE AND J. MOHORN, JR. AVENUE WITH NORTHWEST 26TH AVENUE TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided to City)

(Staff Contact: Robert McCaughan)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-275

2. [16-47](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC. FOR SINGLE PROJECT CONTRACT FOR CONSTRUCTION, ENGINEERING & INSPECTION SERVICES FOR SW 36TH AVENUE SIDEWALK PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$109,970.61)

(Staff Contact: Horacio Danovich/ Anthony Alhashemi)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-276

3. [16-51](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CRAVEN, THOMPSON & ASSOCIATES, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR UNDERGROUND UTILITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-277

4. [16-68](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A CORRECTIVE QUIT CLAIM DEED FOR THE CONVEYANCE OF REAL PROPERTY FROM SWOPE PROPERTIES, LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-278

5. [16-73](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICES AGREEMENT AND SERVICE TERMS AND CONDITIONS BETWEEN THE CITY OF POMPANO BEACH AND MOTOROLA SOLUTIONS, INC. FOR THE CITY'S PORTABLE AND MOBILE RADIO COMMUNICATIONS EQUIPMENT; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$35,923.20)

(Staff Contact: Gene R. Zamoski)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-279

6. [16-82](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PAYLESS SWIM LLC FOR THE AQUATIC CENTER PRO SHOP; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$100 per month will be paid by Payless Swim LLC)

(Staff Contact: Mark Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-280

7. [16-86](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM ROD THOMPSON TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Paola A. West/ Robin M. Bird)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-281

8. [16-106](#) Approve ranking order for RLI L-41-16 Continuing Contract for Transportation Engineering Services for Various City Projects, and authorize staff to negotiate contracts with the three highest ranked firms: Kimley-Horn and Associates, Inc., RS&H, Inc. and Calvin, Giordano and Associates, Inc.

(Fiscal Impact: No cost at this time)

(Staff Contact: John Sfiropoulos)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Approval Request be APPROVED. The motion carried unanimously.

9. [16-114](#) Request of ratification by City Commission for Emergency Procurement for repairs to Lift Station 37 discharge pumps from Sole Source vendor F.J. Nugent & Associates, Inc. in the amount of \$22,521.00.

(Fiscal Impact: \$22,521.00)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Approval Request be APPROVED. The motion carried unanimously.

10. 16-115 Approve ranking order for RLI L-54-16 Continuing Contract for Professional Engineering and Consulting Services for the Municipal Air Park, and authorize staff to negotiate a contract with the highest ranked firm Kimley-Horn and Associates, Inc.

(Fiscal Impact: No cost at this time)

(Staff Contact: John Sfiroopoulos/ Steve Rocco)

Vice Mayor Burrie noted that there are multiple engineers and consulting companies throughout the city however, with the Air Park there is only one Consulting Services and asked if there is a special reason for this.

Mr. Danovich, CIP Manager, who is filling in for the staff contact on this item indicated that the Air Park backlog is not as large as the rest of the City; therefore, there is no need to have more than one company pre-qualified to do the work. Nevertheless, he will find out from staff and report back to the Commission.

Mayor Fisher indicated that he had the same question for staff but he did not receive an answer.

John Neff, 913 NE 23rd Terrace, Harbor Village, Pompano Beach, indicated he is the senior project manager for HDR Engineering the second ranked firm. He indicated that he has over 40 years' experience in this business; however, this type of contract, for the first time, was decided without presentation. In sum, he asked if the Commission could look at the possibility of allowing both firms to advance or at least give his firm an opportunity to do a presentation.

Mayor Fisher noted that Keith & Associates is a Pompano Beach firm, there is also a City resident who works for HDR Engineering; therefore, he and wanted to know why they were not on the list of continuing contract services as well. It was the consensus of the Commission to move forward with the contract; however, for the next agenda there should be a contract for HDR to be approved as a continuing contract as well. Therefore, the Commission directed that staff, through the City Manager, move forward with the action.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Approval Request be APPROVED. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

11. 16-118 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT APPLICATION FOR THE FY2017 NATIONAL ENDOWMENT FOR THE ARTS OUR TOWN GRANT AND TO PROVIDE MATCHING FUNDS IN THE AMOUNT OF UP TO \$175,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$175,000)

(Staff Contact: Robin Bird/Karen Santen)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-282

12. 16-122 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES FOR THE 2016 SMALL MATCHING GRANT; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$50,000)

(Fiscal Impact: \$50,000)

(Staff Contact: Robin Bird/Karen Santen.)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-283

13. [16-127](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND W.D. THOMPSON, INC. D/B/A BEACH RAKER, RELATING TO THE BEACH CLEANING AND DEBRIS REMOVAL SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$67,213)

(Staff Contact: Robert McCaughan)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-284

14. [16-132](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPROVING SUPPLEMENTAL CRITERIA ADOPTED BY THE ARCHITECTURAL APPEARANCE COMMITTEE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman / Robin Bird)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-285

15. [16-137](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARK LEASE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF THE FLORIDA INLAND NAVIGATION DISTRICT AND THE CITY OF POMPANO BEACH RELATING TO EXCHANGE CLUB PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$100 per year as rent to FIND for the park property.)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-286

16. [16-138](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT PROVIDING FOR JOINT OPERATION AND MAINTENANCE OF A PUBLIC PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-287

17. 16-139 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER TO EXECUTE LICENSE AGREEMENTS AND TERM RENEWALS THERETO FOR VARIOUS CITY RECREATIONAL PROGRAMS ON BEHALF OF THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-288

18. 16-140 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR LOCATING AND MARKING UNDERGROUND UTILITIES SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALTROP CORPORATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$55,000)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-289

19. 16-141 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND P.C. CONTROLS, INC. PROVIDING FOR REPAIRS, CALIBRATION AND/OR REPLACEMENT OF FLOW METERS AND RELATED PLANT DEVICES AT THE WATER TREATMENT PLANTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: No cost at this time.)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-290

20. 16-146 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez / Robin Bird)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-291

21. 16-147 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST EXTENSION AND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO CHIEFS FOOTBALL TEAM, INC. TO OPERATE THE CONCESSION STAND AT MITCHELL/MOORE PARK DURING THE FOOTBALL SEASON; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Phillips indicated that he has been contacted by several people who wanted to get an update on the renovation of the concession stand and the turf in that area.

Mark A. Beaudreau, Recreation Programs Administrator, stated that Ron Upshaw, the site supervisor has a good relationship with the community and believed he was presenting the updates on a regular basis.

Comr. Phillips indicated that he pulled it for discussion because the community members were asking for an official request and explained the reasons.

Mr. Beaudreau indicated that he was not aware of any issues and would check into the turf issue and report to the Commission.

Comr. Phillips requested that the update on the concession stand be provided to him.

Comr. Moss asked for the status on the renovation at the McNair Park.

Mr. Beaudreau reported that it is underway. It is not finished, however, they are using the concession area but not the frying area. The hood will be installed to complete the project. The renovation of the restrooms is 90% complete.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-292

22. 16-148 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST EXTENSION AND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO COWBOYS BOOSTER CLUB, INC. TO OPERATE THE CONCESSION STAND AT MCNAIR PARK DURING THE FOOTBALL SEASON; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-293

23. 16-149 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST EXTENSION AND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH EAGLES, INC. TO OPERATE THE CONCESSION STAND AT KESTER PARK DURING THE FOOTBALL SEASON; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-294

24. [16-150](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SUE FORD PATRICK TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS TO FILL THE UNEXPIRED TERM OF JEANNIE WILSON; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2016-295

25. 16-151 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH, FLORIDA, RENAMING THE TENNIS COURTS AT GEORGE BRUMMER PARK VINCENT "JIM" SANTOMASSIMO COURTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$400)

(Staff Contact: Rob McCaughan)

Mayor Fisher pulled the item for discussion, because there are several individuals who wanted to speak about the item. Mr. Santomassimo's son Vincent, along with the Knights of Columbus and the tennis club representative from Palm Aire were in attendance.

Daniel Diaz, 43 South Powerline Road, #262, Pompano Beach, on behalf of the Knights of Columbus and as a grand knight, the Santomassimo family and the Palm Aire community thanked the Commission for passing the resolution to change the tennis courts at the Brummer Park to James Santomassimo tennis courts. He thanked the Commission for their suggestion and for making it happen, as well as the Utilities Department, the City Attorney and the City for putting this forward.

Vincent Santomassimo, son of James Santomassimo thanked the City for the commemoration to his father who played many days of tennis at the Brummer Park.

Art Scholinski, 804 Cypress Grove Lane, Pompano Beach, stated that James Santomassimo worked fervently for Pompano Beach and especially with the parks department activities. On behalf of the group he represents, he thanked the Commission for this hallowed gesture for Mr. Santomassimo.

Michael Churup, 680 West Palm Aire Drive, Pompano Beach, added a request that the Commission consider naming the bocce courts after Mr. Santomassimo.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-296

26. 16-154 Approval to piggyback Osceola County Schools Contract #SDOC-16-B-087-LH for the furnishing and installation of bleacher shading, for the Engineering Department, by Shading Systems Inc., at a total cost of \$84,468.75.
(Fiscal Impact: \$84,468.75)

(Staff Contact: Horacio Danovich, CIP Manager/Anthony Alhashemi, Project Manager I)

**A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Approval Request be APPROVED.
The motion carried unanimously.**

D. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

27. 16-119 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE FLOWER'S DISTRIBUTION CENTER PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

***NOTE:** Mark E. Berman, City Attorney, advised that items 18-21 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.*

Ascleeta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

Robin M. Bird, Development Services Director introduced the item as a request to amend the plat note to increase the square footage and added use. The property is located at 920 NW 31st Avenue. The existing note limits the plat to 9,475 square feet of commercial use with no restaurants and 28,000 square feet of warehouse use. Commercial retail uses are not permitted when in warehouse uses. The proposed note would permit 35,000 square feet of industrial showroom use and one duplex for caretakers of the animals being kept.

Laigh Kerr, Planning Consultant for the applicant, 808 East Las Olas Boulevard, Fort Lauderdale, concurs with staff's recommendation.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that this Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-297

28. 16-129 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE STIMPSON PLAT LOCATED ON A PARCEL OF LAND LYING NORTH OF SW 13TH COURT AND EAST OF SW 11TH TERRACE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin M. Bird, Development Services Director introduced the item as a proposed plat of a 28,514 acre property located at 1550 SW 13th Court. The Edward B Stimpson Company desires to plat the property to facilitate options to sell off portions of the property currently vacant. The plat will restrict development to 600,000 square feet of industrial use, 284,000 square feet of existing, and 315,164 square feet proposed. Industrial uses may have up to 30%-50% ancillary office or up to 30% ancillary commercial office use per bay or a single tenant building upon satisfaction of transportation concurrency fees. No free standing office, free standing banks or drive through facilities will be permitted without the approval of the Board of County Commissioners which shall review and address these for increased impacts. The P&Z Board unanimously approved the request at its April 27th meeting.

Mike Vonder Meulen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, introduced Jenny Marcoft with the Stimpson Company, the world largest grommet maker, located in the City of Pompano Beach since 1960. Currently, they employ 227 employees.

Comr. Moss noted a minor correction on Page 7 under Review and Summary, the project is listed to be in the Community Redevelopment Agency (CRA), but it is not.

Mr. Bird confirmed he will correct this.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-298

29. 16-145 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE OCEAN LAND POMPANO BEACH RESORT PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin M. Bird, Development Services Director introduced the item as a site located at 1333 South Ocean Boulevard. Currently the property is vacant. However, the proposed change in the two access points is to accommodate the new residential use and were the result of meetings with the residents and Florida Department of Transportation (FDOT). FDOT approval letter was added to the backup.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-299

END OF QUASI-JUDICIAL PROCEEDING

30. 16-17 Approve ranking order for RFP L-50-16 Independent Auditing Services, and authorize staff to negotiate a contract with the highest ranked firm RSM US LLP.

(Fiscal Impact: No cost at this time.)

TABLED FROM JULY 26, 2016

(Staff Contact: Suzette Sibble)

Motion to remove the item from the table was made by Comr. Hardin seconded by Vice Mayor Burrie.

Suzette Sibble, Finance Director, introduced the item that was tabled by the Commission to request the City Clerk to provide the transcript of the minutes from the July commission meetings. This would determine at that point the Commission's direction to staff to institute an auditor rotation policy that would preclude the incumbent firm from bidding on this particular Request for Proposal (RFP). Upon review of the minutes, nothing had indicated the specific direction; therefore, the City Attorney would provide additional direction to the Commission as to the options of the ranking process.

Mark E. Berman, City Attorney mentioned that the process is governed by Florida Statute 218.391 and it provides that when compensation is one of the factors established, and it is in this process, that the governing body shall select the highest ranked or qualified firm or document in the public record the reason(s) for not selecting the highest ranked firm. Pursuant to the City's policy, the Commission can accept the rankings as presented to them or they can indicate or determine the ranking is not in the best interest of the city and instruct staff to reissue the RFP. Otherwise, the Commission could review the responses and request oral presentations. However, the Commission can determine the ranking order preferred should they not accept for any reason. There was some discussion to formulate a policy, which at the time was not done.

Finally, Mr. Berman indicated that the Commission must go with the highest ranked firm based on the audit per the statute, unless they find other reasons that are not in the best interest of the City.

Bernie Friedman, Becker & Poliakoff, 1 East Broward Boulevard, stated that it is important for the Commission to listen to the City Attorney. Nevertheless, he noted that their firm played by the rules, they followed the procedures as provided. The City evaluated each firm which was a fair process. In the City's code there is a bid protest procedure for an aggrieved party or if there are issues that need to be addressed that vendor should follow the procedures in the code. There was no objections or bid

protest, therefore, he urged the Commission to follow the City's procedure and if there is a need to change moving forward when the contract has expired that is within the Commission's purview. He provided some of the measures his company will put in place to accommodate some of the concerns of the City and Commission.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, believes the proposed firm is a good one but unfortunately longevity sometimes leads to complacency. Therefore, he proposed that change can be good and that an outside auditor needs to have independence and sometimes longevity can reduce independence.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated that in the past the Commission discussed a rotation process, but since that has not taken place at this time would the Commission be making a motion to put such a process in place, because it appears this is the reason for a debate on the item.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, believes the proposed firm is a good one but unfortunately, longevity sometimes leads to complacency. Therefore, he said change can be good and that an outside auditor needs to have independence, but sometimes longevity can reduce independence.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated that in the past the Commission discussed a rotation process, but since that has not taken place at this time asked if the Commission would be making a motion to put such a process in place, because it appears this is the reason for a debate on the item.

Mayor Fisher indicated that he thought that the process was put in place, but the City did not follow through with it, which is a shame. He then provided the various discussion levels and actions that evolved throughout the years regarding the matter. Nevertheless, the action is to move the item forward one way or the other.

Mike Gossman, 610 West Las Olas Boulevard, Fort Lauderdale, spoke on behalf of MSL one of the three firms that ranked during the evaluation process. He noted that they are not protesting the bid. However, they are available if the Commission decides the rotation is in the best interest of the City. He then provided background information on their firm.

Bob Feldman, RSM, US (RSM) 2734 Hopebrook Drive, Western Florida, indicated he represents RSM and provided background information on their firm. He committed to providing a whole new set of personnel that has never worked on the City's documents prior.

Comr. Phillips indicated that he would support the rotation component and in the interest of fairness, business should be passed around to other firms. He concluded that it is difficult to bid against a company that has prior knowledge of that

organization's operations.

Vice Mayor Burrie reiterated that the auditors do work under the privilege of the City Commission, and as elected bodies, there is the "appearance of impropriety" to be avoided even though there is nothing wrong with the company currently in place. However, it could be perceived as an appearance of impropriety, because year after year the same firm is selected. In sum, she would support the rotation of firms to avoid the "appearance of impropriety."

Comr. Dockswell inquired when does the existing contract with RSM expires.

Ms. Sibble responded that it has expired as of Fiscal Year 2015 audit. Therefore, the next major deliverable from the external auditor would be March 2017.

Comr. Dockswell asked when would staff ordinarily get a contract in place to get the auditing team working on the City's behalf.

Ms. Sibble responded by providing a timeline that various activities would have to take place, which could last within a ten week period and at this stage there will be a delay in the preliminary activities of the external auditor. If possible, the Commission's decision made at this meeting on the firm to award the contract to would not add to the delay in timeline of the various activities that needs to be in place.

Comr. Dockswell indicated that he is looking for a way not to break the process but to avoid having another five-year agreement with a firm that has already been the City's auditors for ten years.

Additionally, Comr. Dockswell's understanding is that the Commission, after reviewing the backup information, has the right to change the order of the ranking.

Mark Berman, City Attorney replied that is correct. However, as per State Statute if the Commission does not accept the highest ranked firm they would have to disclose the clear reason for not selecting that firm.

Comr. Dockswell provided the reason that rotation is a good thing, especially after ten years of service with the same firm. Therefore, if it comports with the City's requirements of the process, he would make a motion that the Commission, having reviewed the responses in the backup and believing that rotation of auditing firm is a good thing that the Commission change the ranking to have the 2nd ranked firm ordered as the No. 1 ranked firm. If there is a consensus of agreement among the Commission then a five (5) year contract could be entered into with the No. 2 ranked firm, if the Commission decide to rank them as the No. 1 firm.

Mr. Berman responded this could be done; however he would want the records to

reflect some of the reasons in terms of independence, quality of audit, public appearances and those types of things so that the record is clear of Comr. Dockswell's reasons and the lack of comfort to go ahead with the No. 1 ranked.

Comr. Dockswell recapped that it was pointed out earlier that the top two ranked firms in the original ranking were within 6 points of each other, one was 377 and one was 371, which was very closely ranked. Someone suggested that the small difference may be partly attributable to the fact that RSM has been working with the City and has more experience with the City. Therefore, he thinks that they are ranked by the committee and he thinks it is in the purview of the commission to look at it from a higher perspective and avoid the appearance of impropriety and use this as the beginning of establishing a policy of rotation of perhaps every five years.

Mayor Fisher summarized Comr. Dockswell's motion for the reasons stated to re-rank the firms; therefore, No. 2 will become No. 1.

Comr. Moss indicated that he is against employing the services of the same company. He would not be able to explain to his constituents why he voted to have the same set of eyes looking at the city's book for 15 years. Therefore, he would support Comr. Dockswell's motion that the Commission change the ranking.

Mayor Fisher noted that for the record Marcum LLP is the second ranked firm.

Mr. Berman affirmed that the Commission has reviewed the backup and the presentations prior to their vote to change the rankings. The motion is also tied into the criteria of the policy and that the Commission's concerns which are resulting in re-ranking are related specifically to all of the following criteria:

- The firms past experience, performance, quality of the firm's professionals, the personnel assigned to the engagement, adequacy of their proposed staffing plan, adequacy of the overall plan, location, accessibility, and price. All of these are the basis for the Commission's concern, and wanting to change the policy. He asked if that is correct.

Comr. Dockswell replied yes.

Mr. Berman advised that perhaps the commission should make a motion to move forward and to come back and formalize a rotation policy.

Vice Mayor Burrie made a motion, seconded by Comr. Dockswell to move forward to create the policy to rotate every five years. On roll call, the motion passed unanimously.

The Commission APPROVED the item as AMENDED to change the ranking order to rank Marcum LLP, the second ranked firm to be the highest (No.1) ranked firm.

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

To create a rotation policy.

A motion was made by Vice Mayor Burrie, seconded by Commissioner Dockswell, to APPROVE the action. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

31. 16-32 P.H. 2016-84: (PUBLIC HEARING 1ST READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JULY 26, 2016

(Staff Contact: Maggie Barszewski/ Robin Bird)

Comr. Hardin made a motion seconded by Comr. Phillips to move the item off the table.

Mayor Fisher announced that the applicant has requested that the item be tabled to the second meeting in November. However, Comr. Dockswell wanted to make a comment prior to the Commission making the motion.

Comr. Dockswell stated that he will he will not be serving when the item returns for second meeting in November. Therefore, he wanted to leave a record of his thoughts. He emphasized that he has no “beef” in developing the Hidden Harbor site, but he thinks it is important that the Commission become attuned when there is leverage and when there is none. Furthermore, this is a Land Use Plan Amendment request to change the authorized residential units on the parcels that make up the Hidden Harbor site. It would change the authorized units from 85 to 343, which when conservatively estimated the value equals \$13 million.

Comr. Dockswell concluded that if a site plan is not seen prior then the Commission would not know what they will be getting. He then explained the common practice regarding this process. He indicated the Commission would need the evidence that any concessions that may be needed in the future are already made or the “cake is baking.” This is not the proposition that is being offered in this case. If it were the same lack of specificity being offered when it comes back to the Commission, then he would urge the Commission not to grant all these extra entitlements unless they know what they are getting and whether it comports with the City’s vision and is compatible with the residents’ needs.

Comr. Hardin inquired if there is a way the City can do what Comr. Dockswell indicated in his comments. In other words is there a way to flip flop the process. Comr. Hardin indicated that although he did not need an answer now because the item was tabled; however, staff could provide that in a Memorandum form to the Commission.

Comr. Phillips indicated that he is paying attention to Comr. Dockswell's comments.

Upon the advice from the City Attorney, the item was tabled to a time certain of November 22, 2016.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be TABLED until November 22, 2016. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

32. 16-64 P.H. 2016-86: (PUBLIC HEARING 1ST READING)
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES" TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES", TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/ Robin Bird)

Since the item was tabled for the next 30 days, it will be heard at the next scheduled Commission Meeting of October 10, 2016.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED for thirty (30) days. The motion carried by a unanimous voice vote.

33. 16-123 P.H. 2016-87: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INTERCOUNTY ENGINEERING INC. FOR THE REHABILITATION OF SANITARY SEWER MANHOLES THROUGHOUT THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$223,440.00 annually)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)

Alessandra Delfico, Utility Engineer, standing in for A. Randolph Brown, Utilities Director, indicated that at the July City Commission meeting, the Commission approved awarding the contract for the proposed ordinance, which will allow for the automatic renewal of the contract for three (3) years.

Comr. Phillips asked if there are any local or small business participation.

Ms. Delfico responded that it is a local business firm located in Pompano Beach.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

34. 16-124 P.H. 2016-88: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INSITUFORM TECHNOLOGIES, LLC FOR CURED IN PLACE PIPE REHABILITATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$3,715,647.80 over the (3) three year term of the contract)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)

Alessandra Delfico, Utility Engineer, standing in for A. Randolph Brown, Utilities Director, indicated that this item is similar in nature to the previous item. In July, the City Commission awarded the bid; therefore, this is for the automatic renewal of the contract.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated that the previous item 33 was with a local firm; however, he inquired why the same company was not being utilized for this item. He also inquired about the difference in dollar amounts provided by the various bidders.

Ms. Delfico mentioned that staff met with the local firm and explained the process which includes a testing of the materials, which they have agreed to get done, but to date they have not done so. There is a trial period within a year or two to ensure the material will hold up. Therefore, if this goes bad, the City would have to replace the entire sewer line, which a similar situation occurred in Lyons Park. In fact, the product was not up to durability, so, this is one of the reasons staff is replacing some of the sewer lines in the back.

Mr. Thrower mentioned it appears the same product the local company has used in other cities, such as Hollywood, Fort Lauderdale and Lighthouse Point is good enough, yet, he does not understand why it would not be good enough for the City of Pompano Beach.

Dennis W. Beach, City Manager, stated that part of the process is requirement that this product be proven, which has not occurred. The first discussion took place in 2013 encouraging the local firm to have that product tested to go through the process to qualify to bid on the product. However, it did not happen and to date it has not been done. Once the City puts a process in motion that is what the City is committed to, which is the mechanism to award the bid.

Comr. Hardin indicated that the process of sole source is frustrating and it does raise red flags, but the local firm was invited to get certified in order to qualify for the bid, yet, they have not done so to date.

In response to Mr. Thrower's question as to why this is different, Mayor Fisher explained that the City had met with the firm in 2013 to go through the process of testing their product. Unfortunately, they did not do it. Additionally, one of the reasons this product is preferred for this project, is that the City has found it to be reliable in the past.

Mr. Thrower suggested that the Commission request that the City Manager look into the cost savings for this.

Mayor Fisher directed the City Manager to contact the local firm to see if they would go through the process of acquiring the necessary approvals for the next time this item comes up for bidding.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

35. 16-125 P.H. 2016-89: (PUBLIC HEARING 2ND READING)
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO CLARIFY REQUIREMENTS FOR PULL CART STORAGE; BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

Comr. Moss was temporarily absent for the roll call.

Robert McCaughan, Public Works Director, stated that the contract with Waste Management requires the City to adjust the rates annually based on the National Consumer Price Index. The contract is codified in Chapter 96. He explained the two elements affecting the rates to include disposal and hauling. In sum, the total increase will be seventeen (17) cents per month for a single-family residence, with similar impact to the commercial and multi-family units. The rate will be effective as of October 1, 2016.

Mayor Fisher mentioned that the proposed ordinance would also address changes to the storage of the carts where it has to be located away from public view, to which Mr. McCaughan respond that is correct.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, inquired if this increase would be on an annual basis.

Mr. McCaughan responded that there will be an annual review of the rates, which goes by the National Consumer Index rate. If the index increase or decrease then it will impact the rate.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, stated that he understands that the original waste management contract was executed within the year 2000, for a twenty-year term. He asked at what time the contract would end, as well as what are the plans to put a bid out for other contractors to bid, besides having Waste Management as the primary hauler.

Mr. McCaughan responded that the City established the hauling contract to expire when the disposal contract expires, which will be approximately 2022, so both contracts expire together. Approximately two years prior, a bid will be put out for both disposal and hauling together.

Mr. Terwilliger inquired if the City could incorporate hazardous waste hauling into this contract.

Mayor Fisher noted that over the years hazardous material was never included in the contract.

Mr. McCaughan confirmed the Mayor's statement and indicated that Waste Management does not specialize in this material. However, the City can establish a separate contract to increase the frequency, which is currently once per month within various cities.

Comr. Phillips stated that hauling and disposal are two different categories; however, in the mind of his constituents it is all Waste Management. Therefore, it appears that the City just paid Waste Management for a contract only to run around and increase the rates, which disturbs him even though it is legally correct to do this.

Mr. McCaughan indicated that the City could structure the contract not to have an index, ask for a flat rate, and have that flat rate for the eight years of the contract, which would result in a higher bid, because the contractor will be at risk.

Comr. Phillips indicated for some time now it appears the contractors, not necessarily just this one, but others throughout the City, appear to be at the advantage rather than the City, which is concerning to him. Therefore, somehow a middle ground needs to be determined.

Mayor Fisher agreed with the philosophy of Comr. Phillips in having some kind of consistency rather than the tendency to fluctuate.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Burrie
Fisher

No: Phillips

Absent: Moss

36. 16-128 P.H. 2016-90: (PUBLIC HEARING 2ND READING)
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPAÑO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO ADD A DEFINITION FOR DISASTER DEBRIS; AND BY CREATING A NEW SECTION 96.38, "DISASTER DEBRIS REMOVAL FROM GATED COMMUNITIES", FINDING THAT SAID DEBRIS CONSTITUTES A PUBLIC NUISANCE AND PROVIDING REQUIREMENTS FOR ITS REMOVAL FROM PRIVATE ROADS AND GATED COMMUNITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

Meeting went into Recess.

Meeting Reconvened.

Robert McCaughan, Public Works Director, stated that the item is a revision to Chapter 96, regarding debris removal in the instances of a hurricane and the impact to gated communities. Therefore, staff is expecting direction from the Commission to clear the streets in those areas so it is not a hazard or public nuisance. Thereafter he explained the reasons to create the new section.

Comr. Hardin inquired what would happen in the event some private community refuse to allow the City's assigned haulers to clean up their streets because they already contracted with some other company,

Mr. McCaughan responded that they will be on their own and the costs would not be submitted to FEMA for reimbursement.

Mark E. Berman, City Attorney, noted that the City would be seeking to enter into agreements with these communities prior to going in for such clean up. One of the main concerns was with FEMA not compensating the City for going into those areas. Therefore, written authorization would be solicited from the various gated communities.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

37. 16-143 P.H. 2016-91: (PUBLIC HEARING 2ND READING)
AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.036, "PARK ACQUISITION AND IMPROVEMENT FUND," TO UPDATE REFERENCES TO CORRECT CODE SECTIONS DUE TO CODE CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, reported that there is no net change with the proposed ordinance. Rather, it is correcting cross references and updating code sections. In sum, it is a housekeeping matter.

Comr. Phillips inquired about the Park acquisition and improvement fund and if it had anything to do with impact fees, to which Mr. Bird replied it does.

Mr. Bird explained that impact fees are for direct related purposes. It is collected for new and improved facilities relative to the development that has come in. For example, expanding the bleachers, or building a new park and so forth.

Dennis W. Beach, City Manager, clarified that the ordinance does not make any amendments to the park impact fees, to which Mr. Bird replied it did not.

Comr. Phillips indicated that he understands this does not make any changes to the impact fees but wanted it noted that there is a need to reassess how the City can spend, if possible, impact fees for improvements of the parks.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

38. 16-152 P.H. 2016-92: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ADVANCED DATA PROCESSING, INC., A SUBSIDIARY OF INTERMEDIX CORPORATION, FOR AMBULANCE BILLING AND RELATED PROFESSIONAL CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Estimated reimbursements of 600K-700K)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: John Jurgle)

John Jurgle, Fire Chief, stated the ordinance would allow for the execution of a service agreement with Intermedix to continue to do the City's ambulance billing, to utilize their proprietary software for billing and EMS report writing, as well as additional services. In fact, it will generate a lot more fees, which will be pursued through Medicaid.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

39. 16-75 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A QUIT CLAIM DEED FOR RIGHT-OF-WAY EXTENDING NE 47TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JULY 12, 2016

(Staff Contact: Robin Bird/ Jae Eun Kim)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Resolution be STRICKEN. The motion carried by a unanimous voice vote.

40. 16-103 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE CITY OF POMPANO BEACH TO THE CITY OF POMPANO BEACH FOR RIGHT-OF-WAY PURPOSES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JULY 12, 2016

(Staff Contact: Robin Bird/ Jae Eun Kim)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be STRICKEN. The motion carried by a unanimous voice vote.

41. 16-104 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF UNITY OF TITLE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JULY 12, 2016

(Staff Contact: Robin Bird/ Jae Eun Kim.)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be STRICKEN. The motion carried by a unanimous voice vote.

42. 16-108 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL A CERTAIN PARCEL OF REAL PROPERTY APPROXIMATELY 5,837 SQUARE FEET IN SIZE LOCATED AT THE TERMINUS OF NE 9TH COURT AND APPROXIMATELY 100 FEET EAST OF NE 12TH AVENUE, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester/ Robin Bird)

Robin M. Bird, Development Services Director, stated this is a small piece of property the City acquired through the abandonment of a right-of-way. Prior, the City tried to surplus it; however, the bids received were not relevant. Therefore, the Commission has approved a resolution to bring the item back for consideration.

Mayor Fisher noted that in the backup document there were two changes. The due date for the bid was changed from September 13, 2016 to October 14, 2016 at 4:00 p.m. In addition, the item was changed regarding affordable housing required to be built on the property, which is incorrect and has been changed accordingly.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-300

43. 16-135 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPLY FOR THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN PROGRAM FOR POINT SOURCE WATER POLLUTION CONTROL; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF STORMWATER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,282,269 (\$3,465,528 principal and estimated \$816,741 in interest), with Stormwater Utility Fees)

(Staff Contact: A. Randolph Brown)

Alessandra Delfico, Utility Engineer, stated that this would permit staff to complete the loan application for the state revolving loan fund. The City was approved for the funding amount of \$3,465,528. The City will complete the application process to go out for bidding for the construction of the Avondale stormwater project.

Comr. Phillips inquired about the significant amount of money in the account of the stormwater utility fund.

Suzette Sibble, Finance Director responded that the City has some reserve funds in the stormwater fund, which staff has been systematically programming those reserve funds for the design phase of the projects in the stormwater plan starting with the Avondale project.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2016-301

44. 16-80 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY OF POMPANO BEACH CHARTER AMENDMENT ADVISORY BOARD BY-LAWS 2016; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Asceleta Hammond, City Clerk indicated that the Resolution before the Commission is for approval and acceptance of the Charter Amendment Advisory Board 2016 By-laws, which the members adopted at their June 8, 2016 meeting.

Comr. Moss indicated that on Page 2, under Terms of Membership, Section 2 b., it states that the term shall be for three (3) years and the term of office of each member shall coincide with the term of the appointing city official. He asked if each commissioner has an appointment on this Board.

Ms. Hammond replied yes.

Comr. Hardin suggested that the three (3) year term should be amended to a two (2) year term to coincide with the appointing city official, since there are no three (3) year terms for the city officials.

A voice vote was taken to amend the By-laws accordingly. The motion passed unanimously.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED AS AMENDED. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2016-302

E. REPORTS

Rescheduling of Commission Meeting Date - Dennis W. Beach, City Manager stated that currently there is a Commission meeting scheduled for October 11, 2016, which falls on Yom Kippur, typically this date is moved back. Therefore, he recommended moving the date to Monday, October 10, 2016 for the Commission meeting.

Executive Session - Mark E. Berman, City Attorney, indicated that he is seeking advice concerning litigation in the case of Rocket Outdoor Advertising, LLC v. City of Pompano Beach, Case No. 15-CV-62292, US District Court. There has been a continuance of the case. Therefore, he would present the Commission with a formal memorandum for review. In addition, he is seeking a brief overview with the Commission to be advised as to the litigation in that case to be on the next Commission meeting of September 27, 2016 at a time certain to be determined.

City Clerk - No Report.

Other Government Agencies and Utilities Working in Neighborhoods without current notification - Comr. Dockswell stated that it appears when a property owner desires to develop a project on a parcel the City has a process in place with design reviews, architectural reviews, planning and zoning, and so forth and a notice is sent out to the neighboring property owners. However, he along with some commissioners "got burnt" a few months ago and provided details regarding the conflicting process. For instance, when it relates to a property owner who wants to develop on a parcel versus development by the FP&L, FDOT or MPO government agencies and utilities with the right to do projects in the city, it appears the residents in the neighborhoods do not get sufficient notification time. This would involve the roads being torn up and how the traffic is being handled.

Comr. Dockswell suggested that perhaps the Commission could consider how to treat projects that are coming in from these agencies and utility companies to ensure that they get the right level of visibility and review by the residents, the commissioners, the HOA presidents, and so forth that those types of activities will be taking place. In other words, there needs to be a more thorough and formal review process to flush out the "gremlins" earlier than what is currently being practiced.

Mayor Fisher agreed with Comr. Dockswell comments and referred to the McNab Road project, in that the residents were not notified of the FP&L issue. The bike path issue was not spot lighted for the City. Moreover, there needs to be more "bullet points" when these items are moved forward by the MPO, FP&L, etcetera, to determine the issues. The Commission is unsure who would get these type of issues resolved. Therefore, Mayor Fisher suggested that the City Manager could find out and ensure that when the items do come forward to ensure it is in the summary of what will occur.

Dennis W. Beach, City Manager, stated that they would give some thought to determine where in the process things are broken down. He is aware that when the FDOT has a project that they are designing and working on, they typically go out for public notices and set up public hearings to invite residents of the City, as well as they send out flyers and things of that nature. In sum, the process does break down and the City officials, as well as residents do get surprised with the commencement of these projects.

Mayor Fisher indicated that the City Manager should ensure that the City Commission gets those early notices so they can communicate to their constituents the meeting time and agenda.

Comr. Hardin noted that sometimes these meetings are called three (3) years in advance of the commencement of the project and the notice goes out, which is all within the legal confines. However, approximately three (3) years later someone pulls up and starts working on the streets.

Mayor Fisher suggested that when the notices are made available to the City perhaps it could be posted on the City's website to get the word out to those residents in the affected areas.

Comr. Dockswell suggested that if there is an experienced staff person that is made aware of those notices he/she could ensure that the respective persons review it, based on the content, which would be helpful.

Expiration of Contracts - Comr. Hardin referred to an item that was on the agenda earlier for the renewal of a contract that had already expired, which should not happen. He suggested that the City ought to have a mechanism in place to notify staff at least three (3) months prior to the contract's expiration date.

BSO Communicating with the Residents - Comr. Hardin stated that a number of people attended tonight's meeting and it appears most have angst in the community for some activities that have been taking place to include the tragic shooting death by the BSO deputies. While this is a tragic event and people, as well as BSO had their say indicating that things will change, which is fine, but some of the matters people were talking about has been done previously at prayer meetings, and he has personally spoken to Chief Hale who assured him that those matters have already been done. Notwithstanding, BSO is a great agency, but they are terrible at public information. Perhaps BSO could do a better job at communicating with the residents some of the issues they have taken care of.

John Hale, Police Chief, BSO, stated that it was at the July 12, 2016 City Commission meeting, which was the same meeting that the Commission passed the LATF funding

of the body worn cameras, that Ms. Peterson comments were made. She came to the meeting for the first time and brought up some of the different programs that were recommended in the President's task force for 21st Century policing. There was a subsequent conversation with Ms. Peterson, the Mayor and he after the meeting, where he had explained to her that they were already on board with many of those recommendations from the task force. In fact, he provided the Commission with an email soon after the meeting, providing a list of what the task force recommended and what the BSO had in place, which they are already meeting those standards.

Congratulations for Fun Day Success - Comr. Moss congratulated Ms. Ponder and her group for a very successful Collier City Fun Day in August. They worked hard to put this event together and he encouraged them to continue with their efforts.

Opening of New Restaurants - Comr. Moss announced that District 5 is becoming a culinary destination. A new Lebanese restaurant has opened at the location of the former Rolston's, called La Vie. He said the food is great and reasonably priced. Therefore, he encouraged everyone to try it.

Additionally, Comr. Moss announced that there is a new coffee shop is in the works called Aroma Joe, which is based in Maine, New Hampshire, but will be expanding their business into the Planet Fitness Shopping Center, in Palm Aire. It appears to be an upscale establishment similar to a Starbucks.

Tragic Shooting of Gregory Frazier - Comr. Phillips reiterated the Friday night tragic situation that took place in his District and thanked the Mayor for coming out in support. He noted that after the incident happened, at approximately 2:30 a.m., Mayor Fisher, Sheriff Israel and he were in a huddle to determine what next to do. There was a form of fear for the residents in the community to understand and that there is a need to remain calm, as well as to locate a place for the people to come to hear what was happening. Subsequently, it was agreed that a meeting would be held on Monday at 6:00 p.m. at the AME Bethel Baptist Church. Moreover, he had the opportunity to visit with Ms. Debra Frazier and his heart was very heavy to see her continuous tears. She shared some things, which he cannot share at this time, but it has re-strengthened his resolve to do the best he can to ensure that the community is being taken care of. The meeting held at AME Bethel had quite a number of state officials attending to include representatives from the justice department, the NAACP, state senators, clergy, FDLE, the state attorney and the public defender's office. Consequently, there are enough professional eyes on the matter so that the community is ensured that there would be no funny business and the investigation would go forward with all eyes on the matter on hand.

Additionally, Comr. Phillips stated that one of the pressing issues is to ensure that the family that is hurt is not taken advantage of through their pain as people would seek political gain. Therefore, he hopes the family will be allowed to proceed with some

dignity.

Furthermore, Comr. Phillips commended Willie Jones for his stance on people having an understanding of the family's pain. He mentioned that the City would need to determine how the BSO deputies approach a situation to deescalate the seriousness of the situation where it appears the last act becomes the first act. In other words, the last thing a person wants to do is to pull a gun, which in the minds of the residents it appears to be the first act. Therefore, a deescalating training needs to be in place for deputies entering into a domestic situation.

In sum, Comr. Phillips stated that the entire City is alarmed about this incident and it is evident that the meeting that took place on Monday night after the incident took place is an indication that the City is serious about resolving the issue. In fact, Attorney Crump indicated that he was pleased that the City of Pompano Beach acted so quickly to have a meeting. Therefore, Comr. Phillips assured the community that the Commission will be vigilant with the help of friends and God to ensure that there is some positive flow for the Frazier family.

Mayor Fisher noted that on Monday night, the panel was great and that it was not just law enforcement personnel present but NAACP representative, multiple attorneys, the son of Gregory Frazier had an opportunity to speak and ask questions to the panel.

Comr. Phillips stressed that it is important to continue these types of meetings so that misinformation does not become factual.

Mayor Fisher indicated that he hopes the investigation will be swift but thorough so that the City can move on and that justice will be served.

Condolences to the Frazier Family - Vice Mayor Burrie stated that her heart and prayers go out to the family, the community and the City so that the hurt will eventually go away and there would be healing, as well as unified. The City is doing everything in its power to get justice to be done, and as the Mayor stated earlier, the swifter the better.

Historical Society Event - Mayor Fisher announced that the historical society will be having their annual event on October 1, 2016 at the Bailey Contemporary Arts Building to showcase the City's downtown. Subsequently, they are asking the City to be one of the sponsors for \$1,000. It was the consensus of the commission to take this out of the Contingency Fund and directed City Manager Beach to respond to this request.


Process for Development in the City - Mayor Fisher stated that the Commission has been discussing how to improve in the process of handling proposed developments of areas, which at time appear to be in conflict with the studies being conducted, and the

final decision on what to do in that area. Therefore, something needs to be done in the near future to correct these. In fact, the issue is there is a corridor study the Commission wants to pass but it is a direct conflict of what was already decided upon to do in that area. Staff needs to take note as this is a major corridor study and to ensure it is properly vetted.

F. ADJOURNMENT

The meeting adjourned at 9:48 p.m.



Lamar Fisher, Mayor

Asceleta Hammond, City Clerk