



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Meeting 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
Ascelela Hammond, City Clerk

Tuesday, July 26, 2016

6:00 PM

Commission Chambers

City Commission Meeting

ROLL CALL

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

SPECIAL ANNOUNCEMENT

Mayor Fisher announced the passing of James Santamassimo, a longtime resident.

Comr. Moss indicated that they were saddened and shocked to hear about the passing of Mr. Santamassimo, who was on a cruise with his wife when he suffered a massive stroke. He was very active in the Palm Aire community. In addition, he was president of the Palm Aire Men's Golf Association and several other civic associations in Palm Aire, as well as the chairman of the Pompano Beach Parks and Recreation Advisory Board. He was an architect and project manager and very involved in the world of construction and was very helpful to the City in recommending different projects and the way things needed to be done. Finally, Comr. Moss indicated that he will be sorely missed and invited everyone to join in offering condolences to his family.

INVOCATION

Offered by Rabbi Tzvi Dechter – Chabad of North Broward Beaches

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

16-46 City Commission Meeting Minutes of July 12, 2016

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, to approve the minutes. The motion carried by the following voice vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

APPROVAL OF AGENDA

Mayor Fisher noted that item 21 would be stricken and item 22 tabled to the September 13, 2016 City Commission meeting.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, to approve the agenda as AMENDED. The motion carried by the following voice vote:

Yes: Dockswell
Hardin Moss
Phillips
Burrie
Fisher

CONSENT AGENDA DISCUSSION

The Commission pulled from the Consent Agenda the following items:

Items 2, 5, 7, 12 and 15 were pulled for discussion.

A. SPECIAL PRESENTATION**2016 BLANCHE ELY SCHOLARSHIP PROGRAM**

Mayor Fisher and Mark Korman presented six (6) scholarships for the 2016 Blanche Ely Scholarship Program to the following individuals:

Two Year Scholarships

<u>Recipient</u>	<u>High School</u>	<u>College</u>	<u>Intended Major</u>
Sarah Clerjuste	Deerfield Beach	University of Florida	Nursing
Diana Constant	Blanche Ely	Florida Atlantic Univ.	Nursing
Takesha Duncan	Blanche Ely	Atlantic Technical College	Sociology
Elijah Layman	Deerfield Beach	Mississippi State Univ.	Political Science
Mar'keasha Peterson	Blanche Ely	Johnson & Wales Univ.	Undecided
Antonio Pickett	Blanche Ely	Broward College	Economics/Business

B. PROCLAMATIONS

Mayor Fisher presented a Proclamation to Ms. Sydney Blackburn in honor of her accomplishments in the sports arena.

C. 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 spoke under Audience to be heard.

Ralph Daniels, 3300 NE 10 Terrace, Pompano Beach, FL, was called to speak. He spoke on the homeless problems at the Save-A-Lot store located at 150 North Powerline Road, Pompano Beach. He indicated that they steal on a continuous basis and help to destroy and make a mess of the public restrooms at the store.

Mayor Fisher asked Chief John Hale, Broward Sheriff’s Office, to meet with Mr. Daniels and to get the homeless initiative task force in place to investigate and assist him with the problems being experienced.

Comr. Phillips indicated that the area is a “Hot spot” and that the BSO officers are not ignoring the problems.

Sarahca Peterson, The Round Table Project, 217 NW 8th Court, Pompano Beach, FL, was called to speak. She spoke on the struggles to inspire and initiate change in the “projects” from a “black woman in America” perspective. She reiterated her question as to what is being done to be proactive, preventive and progressive in reference to the \$38 million contract that the City of Pompano Beach has with the Broward Sheriff’s Office, which is currently up for renewal. Also, where do they stand on bias and diversity training, enacting the Cory Jones policy, as well as activating a citizen review board? She applauded Mayor Fisher’s leadership, which should echo throughout the dais. She maintained that there are some people in District 4 that are fearful and concerned regarding practices of law enforcement.

Dawne Richards, 3304 SE 4th Street, #6, Pompano Beach, FL, was called to speak. She spoke on the new iconic garage, which she appreciates but there appears to be some metaphorical tarnish performing in the public sector arena. She then provided details of her experience on July 4th and thereafter, this past Saturday, in which the payment mechanism in place appears to be contributing to delays exiting the garage. Therefore, she asked if anything is being done to address the payment mechanism problems as well as ensuring that the Denison employees project a “Florida Warmest Welcome” service at all times.

C. AUDIENCE TO BE HEARD - CONTINUED

Mayor Fisher thanked Ms. Richards for bringing the problem to the Commission's attention. Thereafter, he directed Assistant City Manager Phyllis Korab to follow-up on the complaint about Denison parking employees' attitude, as well as to fix the mechanism issues.

Daniel Diaz, 43 S. Powerline Road, #262, Pompano Beach, FL, was called to speak. He spoke on the passing of James Santamassimo, which was already mentioned by Comr. Moss. He learnt of his involvement and his services to the City and especially with the construction of the Brummer Park. Therefore, he inquired if the City would consider naming something in remembrance of Mr. Santamassimo and how well he served the City.

Mayor Fisher suggested that the Commission look into dedicating one of the benches, or something in the Brummer Park to memorialize James Santamassimo. Vice Mayor Burrie suggested a tennis court since he was an avid player. Comr. Moss agreed that is a good idea.

Douglas Matthes, 500 NE 6th Street, Pompano Beach, FL, was called to speak. He complained that there is a communications problem in the City. Therefore, he recommended that the Tradewinds magazine that is distributed throughout the City should carry on its back page all the critical telephone numbers, to include numbers such as 911, the Parks and Recreation Department, and so forth.

Additionally, he complained about the trash issues that remain unresolved after five months of the inception of the new contract. He indicated that he has a lot of trees in his yard and have no way of getting rid of the branches that fall to the ground. Moreover, he finds it difficult to bundle things, but he still sees piles of trash throughout the City that are not bundled. Therefore, he asked if the City intend to do anything about the trash situation.

Mayor Fisher stated that the palm fronds and other such vegetation do not have to be bundled. Instead, they could be placed in the swale and would be picked up by the bulk pickup truck. Furthermore, the City will look into amending the ordinance to allow for this action.

Darlene Brown Ponder, 611 NW 31st Avenue, Pompano Beach, FL, was called to speak. She spoke about the annual Collier City Family Fun Day, which will take place August 20, 2016, at the McNair Park. She thanked the Mayor, and Commissioners Phillips and Moss for their support of a successful event last year. Currently, they are working with the Pompano Beach Community Redevelopment Agency (CRA), which is among several organizations to make this a great event. She provided details of some of the activities to include health screenings, job fair, farm share with free food distribution, women empowerment workshop, and domestic violence. Thereafter, Ms. Brown Ponder requested the City's support to assist them in acquiring book bags, which they plan to distribute 2,500 this year.

Phyllis Smith, 2413 NW 4th Court, Pompano Beach, FL, was called to speak. She also spoke on the Collier City Family Fun Day. She indicated that a case of 24 backpacks cost \$100.

C. AUDIENCE TO BE HEARD - CONTINUED

Mayor Fisher indicated that this event along with another event will take place at the Apollo Park regarding the giveaway of backpacks, and suggested that the Commission donate \$500 from its Contingency Fund towards these backpacks.

A Motion was made by Comr. Moss and seconded by Comr. Phillips to donate \$500 from the Commission Contingency Fund, for Ms. Smith to purchase cases of backpacks, which carried unanimously by voice vote.

Comr. Moss congratulated both Mses. Brown Ponder and Smith for doing a wonderful job with this event last year and hopes it becomes an annual signature event for the Collier City residents.

Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, FL, was called to speak. He spoke on Child Abuse at Pompano Beach Elementary School and others. He then read from a distributed report to the Commission and the City Clerk.

Rhonda Eaton, 3400 NE 13th Terrace, Pompano Beach, FL, was called to speak. She spoke on the incredible job the great leadership is doing in the City. As a former serving member on the Community Redevelopment Agency (CRA), she is pleased to see all the work being accomplished to include new businesses and so forth. She indicated that there are people who address the commission on a continuous basis being quite critical of the various projects, yet they seek leadership, which she opined they are ill suited for the position. She indicated that the CRA is doing a great job with the input from the citizens throughout the City. Finally, she thanked the current leadership for their efforts to attract tourists to the City, as well as their vision and foresight throughout the years.

Stacey Robinson, 151 SE 6th Avenue, Pompano Beach, FL, was called to speak. She spoke on Pompano Beach residents and the community's requests. She indicated that sometimes when the City is being mentioned there appears to be two (2) different cities being talked about. Notwithstanding, on the Federal Highway side of the City to the beach there are many improvements happening, to include new businesses; however, on the other side of the tracks, west of Dixie Highway it is not the same. It looks and feels different and the opportunity may not be coming across to the people of that community as the same. Ms. Robinson indicated that one of her concerns along with others are asking and crying out in fear from the senseless ongoing murders of black lives by sworn police officers throughout the country. While this issue has not spread to the City of Pompano Beach, the community would like to get ahead of it and be proactive to put somethings in place or request that somethings be considered so that the community would benefit as a whole.

Ms. Robinson indicated that as a preventative measure the community is requesting that residents/business owners located in Pompano Beach implement the following action for safety and well-being of the community. 1) Create community policing to reflect the community being served, 2) establish a citizen review board; and 3) ensure biased and diversity training with cultural sensitivity training for all officers employed within the City

C. AUDIENCE TO BE HEARD - CONTINUED

of Pompano Beach. Finally, Ms. Robinson presented for the records, five (5) pages of signatures of a petition that has been circulated among the residents, which they will continue.

Andy Cherenfant, 2821 N. Course Drive, Pompano Beach, FL, was called to speak. He invited the Commission and the community to the 2nd Annual Save our Boys Meet and Greet event at the Blanche Ely High School and newly formed partner, Pompano Beach Elementary. This will take place on August 22nd at 7:00 a.m. they will meet at the main gate of the Ely High School and at 7:15 a.m. they will meet at the Pompano Beach Elementary School. He described the purpose of the event, which is primarily to provide a strong male presence on the first day of school. Community leaders, police officers, fire rescuers, and Pompano Beach residents and possible the local media is anticipated to join in this event.

Mr. Cherenfant thanked everyone for participating at their first event last year. As well as the support from Major Chief Hale, and Captain Nesbeth (BSO), Commissioner Phillips, Ric Green with the Chamber of Commerce, and a number of local leaders that were present. In addition, Mr. Cherenfant indicated this is an excellent opportunity for the community to send a strong positive message to each young black male that the community cares about his life. Mr. Cherenfant contact number is (754) 900-1066.

Comr. Phillips indicated that at last year's event the kids were impressed with the many males present at the event.

D. CONSENT AGENDA

1. **16-12** Approval to award Bid #L-43-16 Carbon Dioxide, Liquid, Bulk Delivery (Co-operative Bid) to the sole responsive, responsible bidder Airgas USA, LLC to establish an annual contract. The estimated annual cost to the City for carbon dioxide is \$112,250.00.

(Fiscal Impact: \$112,250.00)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

2. **16-13** Approval to award Bid #E-36-16, Repainting of Water Treatment Plant Storage Tanks to the lowest responsive, responsible bidder, J & J Inc. d/b/a Eagle Painting, in the amount of \$70,410.00.

(Fiscal Impact: 70,410.00)

(Staff Contact: A. Randolph Brown)

D. CONSENT AGENDA – CONTINUED

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, to APPROVE/ADOPT the item under Consent Agenda. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Comr. Hardin pulled the item for discussion, because of the cost submitted by the awarded company, which it appears they may have underbid on the cost.

A. Randolph Brown, Utility Director indicated that staff checked out the reference for the company awarded the bid. Moreover, the company have worked on other utilities, they have had great work and reports on their services.

Comr. Hardin asked about the time schedule to perform the job, which Mr. Brown indicated he could provide to the Commission after the meeting.

3. **16-14** Approve ranking order for RFP L-51-16 Repairs and Calibration of Flow Meters and Related Devices and authorize staff to negotiate a contract with the highest ranked firm P.C. Controls, Inc.
(Fiscal Impact: (No cost at this time.)
(**Staff Contact:** A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

4. **16-15** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FORMAL COMPETITIVE BIDS FOR THE PURCHASE OF MAINTENANCE IMPROVEMENTS FOR THE WELLS AND SCADA SYSTEM FROM DATA FLOW SYSTEMS, INC. IN THE SUM OF \$87,864.00; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$87,864.00.)
(**Staff Contact:** A. Randolph Brown)

D. CONSENT AGENDA – CONTINUED

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-258

5. **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.)
(Staff Contact: Suzette Sibble)

A motion was made by Vice Mayor Burrie, seconded by Commissioner Moss, that this Approval Request be TABLED to the September 13, 2016 City Commission Meeting. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Phillips
Burrie
Fisher

No: Dockswell

Comr. Moss pulled the item for discussion. He asked if any of the committee members served on this Audit Selection / Evaluation Committee prior.

Suzette Sibble, Finance Director, responded that she will need to check to determine how many of the members served prior.

Comr. Moss suggested that in the future each member of the evaluation committee provide their comments in writing in the backup material.

In response to Comr. Moss' question, Ms. Sibble indicated that RSM has been conducting the audit for the City for approximately ten (10) years. She then explained the process and the common practices of using the same firm over a period of time.

Comr. Moss expressed concern in awarding this company the contract for another five (5) years, which would allow the same set of eyes auditing the City for fifteen (15) years.

An extensive discussion followed thereafter among the Commission and Ms. Sibble on the process of ranking the firm, the pricing, and so forth, as well as expressed concerns of some commission members in the City utilizing the same auditing firm for so many years over a continuous basis.

D. CONSENT AGENDA – CONTINUED

Mayor Fisher recalled the last time this matter came before the Commission, it was agreed that the City would do a rotation on the firm and it would be the last year in which the firm could bid; therefore, they would be excluded from bidding the next round. Therefore, Mayor Fisher requested that City Clerk Hammond provide the minutes from the last meeting that this matter came before the Commission for discussion.

Ms. Sibble indicated that a delay in deciding on a firm and even using a new firm would bottleneck things. However, she suggested that the Commission could change the ranking, instead of rank RSM US LLP as number one to go ahead and rank the second ranked firm, Marcum LLP as number one.

The Commission did not agree to change the ranking. Therefore, a motion was made to table the item until the Commission reviewed the minutes from the last meeting regarding this matter.

Comr. Dockswell suggested making the contract for one year, and put it out for bid for “fresh eyes” one year from this time.

Mark E. Berman, City Attorney, advised that since the bid was for five (5) years, it would modify the entire process and would cause some difficulties. In sum, there was a bid for five (5) years and the bids were based on those criteria.

Eddy Castaneda, Moore Stephens Lovelace, PA, 2045 Shrad Street, Orlando, FL, the third ranked firm, explained the hours his firm included in their bid, approximately 750 hours is enough to provide the City with a quality audit of its finances.

Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, stated he was a former member of the Budget Review Committee that was eventually abolished. Therefore, residents have limited transparency as to the financial affairs of the City.

Mayor Fisher indicated that two workshops prior to the July workshops were held for discussion of the budget and the public was invited to participate. In addition, the City has its drafted budget posted on the website for review by anyone who could not have attended the workshops held for Commission discussion and public input. Therefore, everything was transparent.

6. **16-21** Approval to award Bid #E-39-16, Repainting of Sulfuric Acid Storage Tanks to the sole responsive, responsible bidder, Southland Painting, Corp., in the amount of \$130,410.00.
 (Fiscal Impact: \$130,410.00)
 (Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

D. CONSENT AGENDA – CONTINUED

7. **16-42** Approval to award Bid #E-34-16, Sample Road Beautification to the sole responsive, responsible bidder, Landscape Service Professionals, Inc., in the amount of \$381,365.71.

(Fiscal Impact: \$381,365.71)

(Staff Contact: Robert McCaughan)

A motion was made by Commissioner Phillips, seconded by Vice Mayor Burrie, that this Approval Request be STRICKEN. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Comr. Phillips pulled the item for discussion. He expressed concern that the item indicated that this was the sole responsive responsible bidder and that the solicitation was assigned a voluntary 10% local business participation and a 10% Small Business Enterprise (SBE) participation goal. However, the sole responsive bidder has indicated no local business or SBE (Small Business Enterprise) participation. Therefore, he does not agree with this company being awarded the bid because they would not hire at least 10% of anyone from the local area.

Robert McCaughan indicated he understood the company did reach out to the community and asked eight (8) other contractors to bid on the project but they did not receive any bid. Nevertheless, staff could confirm the subcontractors this company will be utilizing.

Jim Jankowski, 2025 Northwest 15th Avenue, Pompano Beach, FL, responded to Mayor Fisher's question indicating he was unable to respond to the RFP (Request for Proposal) as he was unaware of it. He also indicated his constant willingness to donate to the community in special events and activities to include give away of trees for Arbor Day, and backpacks for the back to school events.

Otis Thomas, General Services Director indicated that the department sent out the notification to all local companies, as well posted notice on the City's website. Nevertheless, he would check with Mr. Jankowski's business to ensure they are on the City's mailing list.

Mayor Fisher asked if the item could be stricken and sent back out for rebid, to which City Attorney Berman replied it could be sent back out for rebid.

8. **16-27** Approve ranking order for RFP E-22-16 Chemical Building Elevator Modernization, and authorize staff to negotiate and enter into a contract with the highest-ranked firm, Maverick United Elevator, Inc.

(Fiscal Impact: No cost at this time)

(Staff Contact: A. Randolph Brown)

D. CONSENT AGENDA – CONTINUED

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

9. 16-23 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY METEVIA TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER TO FILL THE UNEXPIRED TERM OF KENNETH KOCH; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-259

10. 16-04 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 BRIAN RENDA TO PAINT A MURAL ENTITLED WORLD PEACE, ON AN EXTERIOR WALL OF A BUILDING LOCATED AT 31 NE 1ST STREET IN THE ALLEY BEHIND THE BAILEY CONTEMPORARY ARTS BUILDING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$230)

(Staff Contact: Laura Atria/Robin Bird)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-260

11. 16-05 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND T E P M, INC. FOR THE USE OF THE BACK EXTERIOR WALL OF THE BUILDING LOCATED AT 31 NE 1ST STREET FOR THE PAINTING OF A MURAL ENTITLED, "WORLD PEACE"; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10)

(Staff Contact: Laura Atria/Robin Bird)

D. CONSENT AGENDA – CONTINUED

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to approve the Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-261

12. **16-07** A RESOLUTION OF THE CITY OF POMPANO BEACH AMENDING SECTION 2 OF POMPANO BEACH RESOLUTION NO. 96-130 REGARDING THE AUTHORITY OF THE CITY MANAGER TO TRANSFER FUNDS IN THE BUDGET OF THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. 2016-262

Comr. Moss pulled the item for discussion, and asked what was done in the past to determine the necessity of this item.

Brian Donovan, Deputy City Manager, indicated that the item is for housekeeping purposes. In addition, he stated that staff has been transferring funds between departments within the same fund and periodically review the resolutions. Therefore, in this instance, staff is seeking to clarify the language to allow this action and to move forward as long as it remains within the same fund.

D. CONSENT AGENDA – CONTINUED

13. **16-20** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEM AND FIRE DAMPERS AT THE PUBLIC SAFETY COMPLEX COMMUNICATION ROOM BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$48,636.48)

(**Staff Contact:** Horacio Danovich/Tammy Good)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-263

14. **16-25** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN ASSIGNMENT OF THE REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ALEXIS RHODE ISLAND, LLC TO FRANKIE & VIENNA, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Adriane Esteban/Robin Bird)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-264

D. CONSENT AGENDA – CONTINUED

15. **16-26** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE NORTH POMPANO STEELERS BOOSTER CLUB INC. TO OPERATE THE CONCESSION STAND AT NORTH POMPANO PARK DURING THE FOOTBALL SEASON; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

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

Yes: Dockswell

Hardin

Moss

Burrie

Fisher

Abstain: Phillips

Enactment No: RES. 2016-265

Comr. Phillips pulled the item to indicate that he is the insurance agent for the organization; therefore, he would abstain from voting on the item.

16. **16-39** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$57,895.00 RELATED TO THE IMPROVEMENTS TO DR. MARTIN LUTHER, KING, JR. BLVD., PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KEITH AND ASSOCIATES, INC. FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$57,895.00)

(Staff Contact: Horacio Danovich/Dennis W. Beach)

D. CONSENT AGENDA – CONTINUED

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-266

17. **16-40** 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 POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY RELATING TO THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF DR. MARTIN LUTHER KING, JR. BOULEVARD AND NW 27TH AVENUE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$90,000.00)
(Staff Contact: Horacio Danovich/Dennis W. Beach)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under Consent Agenda. The motion carried unanimously.

Enactment No: RES. 2016-267

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

***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.*

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

E. REGULAR AGENDA - CONTINUED

18. 16-18 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 ALPHA 250 NORTH PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. 2016-268

Robin M. Bird, Development Services Director, indicated the item is a request to amend the non-vehicular access for the Alpha 250 North Plat located at 1400 through 1442 South Powerline Road. The Planning and Zoning Board approved the site plan on April 27, 2016.

Ron Beasley, Sun-Tech Engineering, Inc., 1600 West Oakland Park Boulevard, FL, indicated he represents the project and that he is available to answer questions.

E. REGULAR AGENDA - CONTINUED

19. **16-30 P.H. 2016-77: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA,
ABANDONING TWO UTILITY EASEMENTS LYING ON A PARCEL
LOCATED ALONG DR. MARTIN LUTHER KING, JR. BOULEVARD EAST OF
NW 6TH AVENUE AND SOUTH OF NW 4TH STREET; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

(Staff Contact: Maggie Barszewski/Robin M. Bird)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-68

Robin M. Bird, Development Services Director, stated these two utility easements are located on a parcel along Dr. Martin Luther King Jr. Boulevard (MLK) between Northwest 4th Avenue and Northwest 5th Avenue. City Vista Associates, LLC purchased the property from the Community Redevelopment Agency (CRA) to build a mixed-use development project.

20. **16-31 P.H. 2016-78: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA,
ABANDONING A TWELVE FOOT UTILITY EASEMENT LYING EAST OF
NORTHWEST 31ST AVENUE AND NORTH OF NW 8TH STREET ALONG
THE SOUTHERN PERIMETER OF THE FLOWERS DISTRIBUTION CENTER
PLAT, TRACT "A", AND COMMONLY KNOWN AS 930 NW 31st AVENUE;
PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

(Staff Contact: Maggie Barszewski/Robin M. Bird)

E. REGULAR AGENDA - CONTINUED

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. 2016-69

Robin M. Bird, Development Services Director, stated that the twelve (12) foot utility easement abandonment request located along the southern boundary line of 930 Northwest 31st Avenue was received from the owner, John Glorieux who is constructing an indoor/outdoor kennel facility.

21. **16-43 P.H. 2016-37: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTHEAST OF THE I-95 NORTH-BOUND COPANS ROAD EXIT RAMP AND NORTH OF NW 21ST COURT, ADJACENT TO AND PART OF WHAT IS COMMONLY KNOWN AS 350 WEST COPANS ROAD FROM RS-4 (SINGLE-FAMILY RESIDENCE) AND B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: JANUARY 26, 2016

TABLED FROM MAY 10, 2016

(Staff Contact: Robin Bird/Maggie Barszewski)

Comr. Dockswell made a motion to remove the item from the table seconded by Vice Mayor Burrie - Unanimously voted on.

A motion was made by Commissioner Dockswell, seconded by Vice Mayor Burrie, that this Ordinance be STRICKEN. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

END OF QUASI-JUDICIAL PROCEEDING

E. REGULAR AGENDA - CONTINUED**22. 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)

(**Staff Contact:** Maggie Barszewski, Planner / Robin Bird, Development Services)

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that this Ordinance be TABLED to September 13, 2016 Commission Meeting. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

E. REGULAR AGENDA - CONTINUED

23. 16-44 Approval to award Bid L-24-16, Cured-In-Place Pipe Rehabilitation, Annual Contract to the responsive, responsible bidder Insituform Technologies LLC, at an estimated cost of \$3,715,647.80 over the (3) three year term of the contract.

TABLED FROM MAY 24, 2016

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, to remove this item from the table, which was unanimously approved. Finally, this Approval Request was APPROVED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Burrie

Fisher

No: Phillips

A. Randolph Brown, Utilities Director, indicated that the Commission directed staff to review the policy. Consequently, some clarifications have been made in the bidding, as well as staff met with the protest bidder, who acknowledged that the last two bids he missed the requirements to participate in a demonstration project. However, the City will be able to work with him on other projects in the future.

Comr. Hardin asked for an explanation as to why this would not be used in the Lyons Park area instead of replacing all the sewer lines, which Mr. Brown provided in details.

Comr. Phillips reiterated his concerns when the recommended bidders continue to indicate that they cannot find any Small Business Enterprise (SBE) for participation in the projects. He is convinced that there are people who want to participate in these ventures but it appears they are not easily identifiable.

Mr. Brown explained that even though the company is from another state they originally invented the technology, which is highly specialized in its process.

Vice Mayor Burrie indicated that she agrees with the concerns that Comr. Phillips expressed earlier.

Comr. Hardin noted that the City Commission does not have set asides for local preference and explained in details his decision not to support this action. In fact, this type of action can drive up the cost of a project, as well as it disenfranchise the City's businesses for doing business in other communities.

Comr. Phillips noted that set asides are different from local participation and explained his reasons.

E. REGULAR AGENDA - CONTINUED**24. 16-33 P.H. 2016-75: (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 FOR SCHOOL CROSSING GUARD SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$571,725)

(Staff Contact: Mark Beaudreau)

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. 2016-70

Mark Beaudreau, Recreation Programs Administrator, indicated that nothing changed since the first hearing

25. 16-34 P.H. 2016-79: (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 A FIRST AMENDMENT TO THE AGREEMENT FOR PARKING MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. TO EXTEND CURRENT SERVICES TO PROVIDE FOR MANAGEMENT OF THE PARKING GARAGE LOCATED AT 275 SEA BREEZE WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$420,510)

FIRST READING: JULY 12, 2016

(Staff Contact: Robert McCaughan/Suzette Sibble)

E. REGULAR AGENDA - CONTINUED

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that this Ordinance be ADOPTED AS AMENDED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-71

Robert McCaughan, Public Works Director, prior to response to the item indicated that he will check into the comments made earlier regarding the garage on what took place over the weekend and will provide a report to the City Manager and the Commission.

Mr. McCaughan outlined the terms of the agreement, which will be from August 1st to January 30th 2018, for a total impact of \$420,510. In addition, he indicated clarification was made to the language since the first reading, which is mentioned in Section 8.2.2, addressing the compensation for Denison Parking, Inc., with a monthly management fee, plus an operating expense statement referred as Exhibit C in the agreement. These amounts will be at the maximum, and they will vary from month to month.

Mark E. Berman, City Attorney provided a brief clarification on why the change was made. Consequently, the Commission will vote to amend the ordinance to include the new language.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL suggested if the Commission considered tabling the item to allow staff a better position to negotiate with Denison Parking, Inc.

Mr. Berman advised that the termination provision in the contract would serve the purpose.

Vice Mayor Burrie assumed the maximum amounts were discussed with Denison prior, which Mr. McCaughan responded that is correct.

In response to Mayor Fisher's questions, Mr. McCaughan responded that the contract commences August 1st and prior to this time they have been servicing the garage. Currently, there is a service agreement in place covering the management of the garage.

E. REGULAR AGENDA – CONTINUED

26. 16-35 **P.H. 2016-80: (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 A SECOND AMENDMENT TO THE AGREEMENT FOR UTILITY BILL PRINTING AND MAILING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MUNICIPAL CODE CORPORATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Approx. \$30,000 annually)

FIRST READING: JULY 12, 2016

(Staff Contact: Suzette Sibble)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-72

Suzette Sibble, Finance Director, stated this is a request for approval of an extension to the City's agreement with Municipal Code Corporation to provide bill printing and mailing services for the City's utility bills, which they have been providing this service to the City for approximately two (2) years. The relationship has been successful and staff recommends continuing for an additional year.

Comr. Hardin indicated that this is a great job.

E. REGULAR AGENDA - CONTINUED

27. 16-36 **P.H. 2016-81: (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 A THIRD AMENDMENT TO THE AGREEMENT FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$160,000 annually)

FIRST READING: JULY 12, 2016

(Staff Contact: Robert McCaughan)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-73

Robert McCaughan, Public Works Director, indicated that this is a revision of the Calvin, Giordano & Associates, Inc. contract to hire two inspectors for \$160,000 annually for the purpose of the enforcement and education of the solid waste ordinance.

Comr. Phillips reported he received a complaint from a resident, who reported that someone else besides her is placing trash on her swale and she is being cited for it. He was advised to pass along the correspondence to Assistant City Manager Korab.

Mayor Fisher indicated that there are discussions about putting up cameras to catch violators.

E. REGULAR AGENDA - CONTINUED**28. 16-37 P.H. 2016-82: (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 AMENDED AND RESTATED SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CRS MAX CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$23,000)

FIRST READING: JULY 12, 2016

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

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-74

Robin M. Bird, Development Services Director, noted the City currently participates in the National Flood Insurance Program (NFIP) community rating system, which recognizes and encourages community Floodplain Management activities that exceed minimum NFIP standards. Currently, the City's rating is a 7 which provides a 15% reduction in flood insurance premiums. This item will amend the agreement with CRS Max Consultants that monitors the program.

E. REGULAR AGENDA - CONTINUED**29. 16-38 P.H. 2016-76: (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 A CONSTRUCTION MANAGER-AT-RISK WITH A GMP CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR SERVICES RELATING TO THE CONSTRUCTION OF THE CITY OF POMPANO BEACH FISHING PIER PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

FIRST READING: JULY 12, 2016

(Staff Contact: Dennis W. Beach/Horacio Danovich)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. 2016-75

Horacio Danovich, CIP Manager, indicated that the item is a proposed agreement with the number 1 ranked firm, Whiting-Turner Contracting Company to provide services for the pier reconstruction project. He outlined the following three (3) items.

1. He assured the Commission he would work hard to ensure that the City acquires 15% or better local participation at the right price.
2. He has requested from the Whiting-Turner Company in their process of getting prices and working towards their GMP that they properly vet the intended companies.
3. He provided a presentation on existing piers and boardwalk railings, which were discussed previously at the CRA advisory meetings as to the pros and cons of the different types of railings with no particular recommendation agreed upon to be made to the commission.

It was the consensus of the Commission to accept the recommended railings.

Comr. Dockswell outlined in details the concerns discussed at a previous advisory board meetings as it relates to safety of the suggested railings. Nevertheless, he is in acceptance of the horizontal type railing.

Comr. Hardin suggested that staff separate items for the commission's consideration instead of co-mingling two items in one.

E. REGULAR AGENDA - CONTINUED

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, asked the Commission to reconsider wasting \$96,000, when there are at least two other companies, namely Shoreline Foundation and Murphy Construction, who have indicated that they are willing to provide the same services for free. In essence, competitive bidding could save the taxpayers some money on this project. Therefore, he urged the Commission to vote no on the item.

Comr. Hardin asked the paid professional staff if the City is wasting \$96,000, to which Mr. Danovich replied no. Further, he noted that the current Commission does consider the taxpayer dollars in their decision-making.

Mayor Fisher inquired if Shoreline Foundation will be asked to bid on the project to which Mr. Danovich responded yes and explained the process as well as the options available to the City to conduct its own Request For Proposal (RFP).

30. **16-09** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING AN EXEMPTION; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$13,047,175)

(Staff Contact: Brian Donovan)

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. 2016-269

Brian Donovan, Deputy City Manager, stated that the item is to establish an assessment rate for the next fiscal year 2017 and to set a public hearing for the item. The proposed public hearing will be held on September 12, 2016 at 5:15 p.m. in the Commission Chambers. Additionally, the recommended assessment rate will remain unchanged from the previous fiscal year.

Comr. Hardin noted that several places have been increasing their rates.

E. REGULAR AGENDA - CONTINUED

31. 16-11 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF COVENANTS REGARDING PROPERTY LOCATED AT 501 HAMMONDVILLE ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester/ Robin Bird)

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. 2016-270

Robin A, Bird, Development Services Director, indicated that this is a companion item to the earlier item regarding the utility easement on the property located on Hammondville Road, which is being transferred by the CRA. There is a deed restriction on one of the parcels regarding a parking lot, which the City is seeking to lift that restriction to allow the building of City Vistas.

32. 16-06 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CHRISTOPHER MULLON** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, to insert the name Christopher Mullon and that this Resolution be ADOPTED. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. 2016-271

E. REGULAR AGENDA - CONTINUED

33. **16-22** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WALTER HEAD** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Ascelela Hammond)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. 2016-272

34. **16-01** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Dennis W. Beach)

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. 2016-273

Phyllis Korab, Assistant City Manager indicated it is customary at this time of the year for the City Manager to request permission to carry out the items the commission authorized and budgeted during the August break, with the promise to return with those items for the commission's ratification.

E. REPORTS

City Manager – Annual Mayor’s Gala – Phyllis Korab, Assistant City Manager reported that they have received notice from the United Way of Broward County that the Mayor’s Gala will be held on Saturday, October 22, 2016, and asked if the Commission would be interested in purchasing a table in the amount of \$1,750 for this event.

Additionally, Ms. Korab indicated that United Way is requesting nominations of either families or individual families who have lost a loved one who served or a honoree that is a military veteran from any branch. Therefore, should the commission have any person that they desire to nominate to provide the information so that an application can be submitted for consideration.

Mayor Fisher indicated this is usually done each year so staff could move forward with this request.

Short Term Rentals – Phyllis Korab, Assistant City Manager indicated that the Development Services staff is requesting to hold a workshop, however, the administration is requesting to do a one on one with the Commission to discuss their approach to the short term rental issue. The consensus was to proceed to plan for a one on one meeting with the commission.

Mayor Fisher acknowledged and welcomed Ms. Korab to the dais for this meeting.

City Attorney – Discussion of Pending Matters – Mark E. Berman, City Attorney indicated that he will be contacting the Commission to discuss several pending matters prior to them leaving for their hiatus.

City Clerk – Paperless Agenda System – Asceleta Hammond, City Clerk thanked the Mayor, Vice Mayor and Commissioners for their encouragement and support to allow staff to explore the possibilities of automating the City’s Agenda Management process, to increase citizen awareness and participation, which has resulted in the City going live with this meeting, utilizing the Granicus Solution for a paperless agenda. She also thanked the City Manager and his office staff who partnered with the City Clerk’s Office to get this process up and running, the Departments who worked as a team, and Kervin Alfred, Deputy City Clerk who took the lead role in coordinating the activities with Granicus to meet the City’s requirements. To date the first live meeting has been successfully completed.

Comr. Barry Dockswell – Hidden Harbor Community Meetings – Comr. Dockswell noted that the commission tabled item 22 and requested to be included in the discussions, which will be set up with the Hidden Harbor community.

There were a number of second reading items on the agenda; however, there were some with amendments, which he was not aware of. Therefore, he requested that in the transition of switching from paper to paperless, if the coversheet indicates a second reading, it should indicate whether there are any changes since the first reading and highlight accordingly.

Mark E. Berman, City Attorney indicated that the Department made a change and a memo should have accompanied the item.

Comr. Dockswell wished everyone a great and safe August vacation and Labor Day.

F. REPORTS - CONTINUED

Comr. Rex Hardin – Amendments to Agenda Items – Comr. Hardin indicated that amendments made between the first and second readings have been brought up before and requested that all changes should be highlighted in the text.

Comr. Hardin wished everyone a good hiatus.

Comr. Barry Moss – Expression of Thanks – Comr. Moss congratulated and thanked Mario Sotolongo of code compliance for expeditiously executing certain complaints he had received from his constituents.

Comr. Moss wished everyone a “cool” August.

Comr. Ed Phillips – Abandoned Homes – Comr. Phillips indicated that the Commission discussed the Abandoned Homes and it appears staff tried to take care of the issue. However, it appears staff has a handle on the vacant land but not the buildings themselves. He indicated that because this is a continuous problem in the City, there is the need to get a full understanding of the problem. Kudos to the Commission for directing staff to explore the possibilities to get some resolution to this issue, which is of great concern to him.

Construction In Reach – Comr. Phillips indicated that there is a construction in reach to take place on Friday, July 29, 2016, between 5:00 p.m. and 8:00 p.m., with several state representatives, members of the economic development council, the young divas and others who are assisting to make this event successful. This is a great opportunity that will provide and assist those people who need assistance in this regard.

Nuisance Abatement Board – Comr. Phillips indicated that the nuisance abatement board will assist in a significant manner as it pertains to lottery and drug sales in various areas. Therefore, he would like to see this board take form.

Vice Mayor Charlotte Burrie – Vice Mayor Burrie wished everyone a safe, healthy and happy time off.

Mayor Lamar Fisher – Sinking of Lady Luck – Mayor Fisher offered kudos to the public/private partnership of the sinking of “Lady Luck” and special thanks to Greg Harrison Assistant City Manager for his work and efforts in this regard.

National Night Out Against Crime – Mayor Fisher reported that August 2, 2016 from 6:30 p.m. to 9:00 p.m. the City will have its 33rd National Night Out Against Crime, and encouraged everyone to join with Sheriff Scott Israel and the Broward Sheriff’s Team. This will be held at the Annie Gillis Park at 601 MLK Boulevard. The annual event is designed to strengthen the neighborhoods through police and community partnerships. It also aims to heighten the awareness of crime and drug prevention, build support and participation in local anti-crime programs and send a message to the criminals of an organized community. Activities will include a food drop at 7:00 p.m. Bobby Rubinos, PDQ, hot dogs, popcorn, snow cones, mobile stage, paint the fire truck, SWAT demo, and a kids zone. He urged everyone to join in this neighborhood activity.

Mayor Fisher wished everyone a happy August.

G. ADJOURNMENT

The meeting was adjourned at 8:21 p.m.



Lamar Fisher, Mayor

ATTEST:



Asceleta Hammond, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Phillips, Edward Warfield		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 384 Northwest 19th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach 33060		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Broward		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED July 26, 2016		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Edward Phillips, hereby disclose that on July 26, 20 16:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A
Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on July 26, 2016, I announced that I would abstain from voting on the following Agenda Item:

- Item 15 - A Resolution of the City Commission of the City of Pompano Beach, Florida, approving and authorizing the proper city officials to execute a license agreement between the City of Pompano Beach and the North Pompano Steelers Booster Club Inc. to operate the concession stand at North Pompano Park during the football season: providing an effective date.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that my company, P F Insurance, Inc., currently provides insurance services to the organization. Therefore, due to this vested interest I respectfully recused from voting on this item.

August 2, 2016

Date Filed

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.