City of Pompano Beach City Commission Meeting

Commission Chamber

100 West Atlantic Blvd. Pompano Beach, FL 33060



Agenda - Final

Tuesday, October 22, 2019

6:00 PM

City Commission

Rex Hardin, Mayor Barry Moss, Vice Mayor Rhonda Eaton, Commissioner Andrea McGee, Commissioner Tom McMahon, Commissioner Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager Mark Berman, City Attorney Asceleta Hammond, City Clerk

GOVERNMENT IN THE SUNSHINE

The State of Florida pioneered the concept of "Government in the Sunshine," and, accordingly, all meetings of the Pompano Beach City Commission - except those to discuss labor negotiations are public. The Commission welcomes the involvement and participation of the citizens.

PROCEDURE

The City Commission has adopted Robert's Rules of Order, Newly Revised.

CITY COMMISSION MEETING TIMES

The City Commission meets two (2) times a month:

Second Tuesday of the month: City Commission Meeting - 6:00 p.m. Fourth Tuesday of the month: City Commission Meeting - 6:00 p.m.

ADDRESSING THE CITY COMMISSION

"Audience To Be Heard" is scheduled for a thirty (30) minute period at the beginning of the 6:00 p.m. City Commission Meeting, and will be continued to the end of the meeting for those speakers who were not heard during the initial thirty-minute period. All persons interested in speaking during "Audience To Be Heard" must fill out and submit a request form to the City Clerk prior to the call of order of the meeting. Speakers will be limited to three minutes to speak on any matter, which is NOT on the Regular Agenda, or removed from the Consent Agenda, and are requested to approach the podium and state his/her name and address and, if appropriate, the organization they represent, for the record. A request form can be found on the last page of the Agenda program.

HEARING IMPAIRED

If you require the services of a Sign Interpreter, please notify the City Manager's Office 24 hours in advance.

NOTE: Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

The Honorable Rex Hardin Mayor, Presiding

ROLL CALL

Asceleta Hammond, City Clerk

INVOCATION

Rev. Dr. Greg Fitch Psychology and Hospital Chaplain

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

19-694 Regular City Commission Meeting Minutes of October 7, 2019

APPROVAL OF AGENDA

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.

A. SPECIAL PRESENTATION

20-12 <u>Presentation of the Stop the Trash.....TALK! Program</u>

A presentation will be made by Russell Ketchem, Solid Waste Manager for the City of Pompano Beach, to unveil the new illegal dumping program called *Stop the Trash.....TALK*!

Mayor Rex Hardin will present Janice Simmons, the first recipient of the program, with a check from the City for her efforts to combat illegal dumping in the City.

B. PROCLAMATIONS

20-15 Red Ribbon Week Observance

Mayor Rex Hardin will proclaim October 23rd through October 31st as Red Ribbon Week in the City of Pompano Beach. Melissa Sauer, representative for the PFC Bruce W. Carter Young Marines will accept the proclamation.

20-34 <u>National Hunger and Homelessness Awareness Week</u>

Mayor Rex Hardin will proclaim National Hunger and Homelessness Awareness Week in the City of Pompano Beach. Rebecca Mcguire, Broward County Human Services Administrator and Darrell Cunningham, Director of the Community Partnership Division will accept the proclamation.

C. AUDIENCE TO BE HEARD

All persons interested in speaking during "Audience To Be Heard" must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session". (Effective May 28, 2019)

D. CONSENT AGENDA

1. <u>19-736</u>

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 COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND TIMOTHY ROBERT SMITH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000.00)

Strategic Plan Initiative

(Staff Contact: Laura Atria/Phyllis Korab)

2. 20-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FORCE MAIN MAINTENANCE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND VANTAGE HOMEOWNERS ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

3. 20-11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE **FEDERAL** AND THE MANAGEMENT **AGENCY DEPARTMENT** HOMELAND SECURITY FOR THE PURPOSE OF PURCHASING SELF-CONTAINED BREATHING APPARATUS AND **EQUIPMENT** FOR RAPID INTERVENTION TEAM: CONFIRMING THE CONTRIBUTION; AND **AUTHORIZING** CITY'S THE **CITY** MANAGER TO ACCEPT THE GRANT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$40,181.82)

(Staff Contact: John Jurgle)

4. 20-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION AND RELEASE OF SPECIAL EXCEPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND 3400 ATLANTIC, LLC IN LIGHT OF DEVELOPMENT STANDARDS IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester-O'Mills/David Recor)

5. 19-649

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO DECLARATION OF RESTRICTIONS BETWEEN POMPANO BEACH LIVING, LLC AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 & OCTOBER 7, 2019

(Staff Contact: Scott Reale/David Recor)

6. <u>19-633</u>

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SEA TURTLE LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF POMPANO **BEACH** AND THE **DEPARTMENT** OF **ENVIRONMENTAL** PROTECTION; **PROVIDING** AN **EFFECTIVE** DATE.

(Fiscal Impact: N/A)

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

(Staff Contact: Horacio Danovich)

7. 20-71

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO SUPPORT THE MEMBER BUDGET REQUEST TO APPROVE FUNDING TO THE EDWARD L. MYRICK STATE FARMERS MARKET IN POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Berman/Suzette Sibble)

E. REGULAR AGENDA

8. 20-03

P.H. 2020-04: (PUBLIC HEARING 2ND READING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND **DESIGNATING** THE **REAL PROPERTY** LOCATED AT 801 NORTHEAST 33RD STREET, POMPANO BEACH, FLORIDA 33064 IDENTIFIED BY FOLIO NO. 4842-24-01-0090 AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUES FOR THE PURPOSE OF REHABILITATION AND **PROMOTING ECONOMIC** REDEVELOPMENT; **AUTHORIZING** THE **CITY** MANAGER **NOTIFY FLORIDA DEPARTMENT** TO THE OF **ENVIRONMENTAL PROTECTION** OF **SAID DESIGNATION**; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 7, 2019

(Staff Contact: Chris Clemens)

QUASI-JUDICIAL PROCEEDING

9. 19-745

P.H. 2020-02: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHWEST CORNER OF WEST MCNAB ROAD AND SOUTH DIXIE HIGHWAY FROM B-4 (HEAVY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 7, 2019

(Staff Contact: Jean Dolan/David Recor)

10. 20-46 P.H. 2020-06: (PUBLIC HEARING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF ONE HUNDRED (100) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED ON THE NORTH AND SOUTH SIDES OF NW 8TH STREET ON THE WEST SIDE OF DIXIE HWY.; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

11. <u>20-37</u> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE PARAMOUNT PARK PLAT LYING ON THE NORTHWEST CORNER OF NW 15TH AVENUE AND NW 18TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

END OF QUASI-JUDICIAL PROCEEDING

12. <u>19-703</u> APPROVAL TO ROLLOVER FUNDING FROM FISCAL YEAR 2019 TO FISCAL YEAR 2020, FOR CAPITAL OUTLAY AND OPERATING EXPENDITURES TOTALING \$1,598,575.

(Fiscal Impact: \$1,598,575)

(Staff Contact: Erjeta Diamanti)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT AMONG THE CITY OF POMPANO BEACH, POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AND POMPANO PIER ASSOCIATES, LLC REGARDING THE PIER PLAZA AND ARCH ENHANCEMENT PROJECT; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

(Staff Contact: Nguyen Tran)

14. 19-579

P.H. 2019-99: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN. FUTURE LAND USE ELEMENT TEXT TO MODIFY LAND USE CATEGORY INTENSITY POLICY 1.07.20 RELATED TO HEIGHT AND LOT COVERAGE STANDARDS FOR CERTAIN LAND USE CATEGORIES; PROVIDING FOR A DETERMINATION THAT LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 26. 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 23, 2019

Strategic Plan Initiative

(Staff Contact: David Recor/Jean E. Dolan)

15. 19-488

P.H. 2020-01: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH. FLORIDA. **AMENDING CHAPTER** "BUSINESS TAX RECEIPTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.28, "EXEMPTIONS," TO MODIFY PERSONS ENTITLED TO BUSINESS TAX RECEIPTS AND BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," TO MODIFY **FEES FOR SPECIAL EVENTS**; PROVIDING FOR SEVERABILITY; PROVIDING AN**EFFECTIVE** DATE.

(Fiscal Impact: Approximately \$1,000 less in BTR Fees collected / year)

FIRST READING: OCTOBER 7, 2019

(Staff Contact: Daniel Keester-O'Mills/David Recor)

16. 19-487

P.H. 2019-89: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH. FLORIDA. **AMENDING CHAPTER** "ZONING CODE." OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO CLARIFY LIMITATIONS OF **PRINCIPAL USES INVOLVING** SEXUALLY ORIENTED BUSINESSES: BY AMENDING SECTION 155.4224.. "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES." TO INCLUDE CUSTOMARY ACCESSORY USES; BY AMENDING SECTION 155.4302.. "GENERAL," TO **CLARIFY GENERAL** STANDARDS FOR ACCESSORY USES IN CONNECTION WITH **BUSINESSES: SEXUALLY ORIENTED PROVIDING FOR** SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM <u>JULY 23, 2019</u>, <u>JULY 9, 2019</u> & <u>SEPTEMBER 24, 2019</u>

FIRST READING: JUNE 25, 2019

(Staff Contact: Jennifer Gomez/David Recor)

17. **20-66**

P.H. 2020-05: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DIVITO ENTERPRISES LIMITED PARTNERSHIP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,000.00 per year)

(Staff Contact: Horacio Danovich/Jeff Lantz)

18. 19-651

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING______TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

APPLICANTS:

Willie Ruth Heath, Incumbent - District 4 Carmen Jones, Incumbent - District 4 Gary McLamore, *Incumbent* - District 4 Woodrow Poitier, Incumbent - District 4 Carolyn Rhone, *Incumbent* - District 5 Latoya T. Almonord, District 1 Lisa Ferreri, District 1 Michelle Rhoulhac, District 2 Charles H. Bechert, III, District 3 Monifa Aruwajoye, District 4 Marcus A McDougle, District 4 Mary S. Phillips, District 4 Shelton Pooler, District 4 Joseph Wells, District 4 Andy Cherenfant, District 5 Doreen L. Malcolm, District 5 Clovis B. Nelson, District 5 Wayne Vereen, District 5



(Staff Contact: Asceleta Hammond)

19. <u>19-652</u>

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING______TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)\

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.



(Staff Contact: Asceleta Hammond)

20. 19-653

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING______TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.



(Staff Contact: Asceleta Hammond)

21. <u>19-654</u>

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING______TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.



(Staff Contact: Asceleta Hammond)

22. 19-655

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING______TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

POSTPONED FROM <u>SEPTEMBER 10, 2019</u> & <u>SEPTEMBER 24, 2019</u>

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.



(Staff Contact: Asceleta Hammond)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF 23. 20-57 POMPANO BEACH. FLORIDA. APPOINTING TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2022; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A) **APPLICANTS**: Charles H. Bechert, III, *Incumbent* - District 3 Richard Leys, *Incumbent* - District 3 Russell T. Adams, *Incumbent* - District 5 Phyllis Smith, *Incumbent* - District 5 Velma Flowers - District 4 Veronica Thomas - District 4 Ricardo Collings - District 5 Daniel P. Diaz - District 5 (Staff Contact: Asceleta Hammond) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF 24. 20-58 **POMPANO** BEACH, FLORIDA, APPOINTING TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2022; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A) PLEASE REFER TO FILE ID NO 20-57 FOR APPLICANTS. (Staff Contact: Asceleta Hammond) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF 25. 20-59 POMPANO BEACH. FLORIDA, APPOINTING THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2022; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A) PLEASE REFER TO FILE ID NO 20-57 FOR APPLICANTS. (Staff Contact: Asceleta Hammond) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF 26. 20-60 FLORIDA, POMPANO BEACH, APPOINTING THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2022; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A) PLEASE REFER TO FILE ID NO 20-57 FOR APPLICANTS. (**Staff Contact:** Asceleta Hammond)

F. REPORTS

City Manager

City Attorney

City Clerk

City Commission

G. ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2019 Beginning Balance \$12,000.00

CITY OF POMPANO BEACH, FLORIDA AUDIENCE TO BE HEARD DECLIECT ECDM

	NAME:				_
	TITLE:				-
	COMPANY: _				_
	ADDRESS:		CITY	Y:	_
	STATE:	ZIP:	EMAIL:		_
	PHONE:		FAX:		_
beginning of be heard" s	each City Commession shall be c	nission meeting for ontinued at the e	r the "audience to b	is less, shall be set be heard" session. The n (Regular Agenda) n	audience to
SUBJECT YOU DESIRE TO SPEAK ON:					-
					- - -
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					_

NOTE: THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK PRIOR TO THE CALL TO ORDER OF THE MEETING. THE CITY CLERK WILL CALL RESIDENTS AND/OR TAXPAYERS, TO INCLUDE AUTHORIZED REPRESENTATIVES FOR PERSONS PERMITTED TO BE HEARD, AS WELL AS EMPLOYEES OF THE CITY TO SPEAK FIRST. OTHERS DESIRING TO SPEAK WILL THEREAFTER BE CALLED TO SPEAK, EXCEPT WHEN THE PERSON IS A USER OF THE CITY'S WATER OR SEWER SYSTEM AND WISHES TO BE HEARD ON A MATTER RELATED TO THE CITY'S WATER AND/OR SEWER SYSTEM.