

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, October 25, 2016

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

Mayor Lamar Fisher called the meeting to order at 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

Elder Robert Kintchen Jr. of Christ Fellowship Church of God in Christ offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

17-17 Regular City Commission Meeting Minutes of October 10, 2016

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

APPROVAL OF AGENDA

Mayor Fisher indicated that Item 14 would be stricken, and Item 16 would be tabled to the January 24, 2017 City Commission Meeting. Additionally, Items 18, 23, 24, 25 and 26 would be tabled to the December 13, 2016 City Commission meeting.

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

CONSENT AGENDA DISCUSSION

The Commission pulled items 2, 3, 4, 6, and 8 from the Consent Agenda for discussion. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

A. SPECIAL PRESENTATION**16-244 Broward Boating Improvement Program Grant**

Special presentation by Broward County Commissioner Chip LaMarca and Dan Yaffe, Broward County Marine Advisory Chair to present the City with a check from the Broward Boating Improvement Program Grant.

A special presentation was made by Dan Yaffe, Broward County Marine Advisory Chair who presented the City with an \$86,207.63 check from the Broward Boating Improvement Program Grant.

17-18 Recognition of Steven Kramer

Mayor Lamar Fisher and Major John Hale of the Broward Sheriff's Office will recognize Steven Kramer, Garden Isles resident, for his involvement in identifying and tracking a home burglary suspect which resulted in the apprehension of a habitual felony offender.

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17-19 Pompano Beach Explorers

Mayor Lamar Fisher and Major John Hale of the Broward Sheriff's Office will recognize Pompano Beach Explorers who attended the Florida Sheriff's Explorer Association September Delegation hosted by Manatee County.

1. Edwin Baxter - 1st Place Sharp Shooter in the 22 Cal. Division (He moved up from Marksman) and won "Match Winner" in the 22 Cal. Division
2. Daisy Richmond - 1st Place Marksman in the 22 Cal. Division (She moved up from Tyro)
3. Yarley Soliz - 3rd Place Tyro in the 22 Cal. Division
4. Joel Avila - 3rd Place in the Physical Agility Test

Pompano Beach Explorer Pistol Team won "High Team" in the 22 Cal. Division.

The Pompano Beach Explorers were not recognized at this time.

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.

Diane Shooster, Link up Pompano, Operations Director, Family United Entertainment - Pompano Cowboys - announced that they would be having an event Sunday, October 30, 2016, to link up Pompano families and residents. For all information please visit their website at Linkuppompano.com. Additionally, Ms. Shooster presented a video depicting why they are holding the event, as well as their mission that is to do something for the families of Pompano Beach from the inside out.

Thlema Jenkins, 1496 NW 6th Street, Pompano Beach, Seaboard Highlands Community, read a letter she distributed to the Commission regarding the Royal Palm Business Center Development requests that is before the Development Services Department. She stated the company is located at 601 NW 12th Avenue, Pompano Beach and urged the Commission not to consider this request because the company has created several unfortunate happenings since they have been attempting to expand their business at the expense and heartache of the families in the community. She provided a background of the Seaboard Highlands neighborhood existence, which was established with great pride over 70 years, as a family residential community. Therefore, it is the desire of the residents that the community remain a residential neighborhood. Consequently, the request to build a wall would only create division of the neighborhood. In fact, the east wall built ten (10) years ago has been an eyesore since construction.

Mayor Fisher requested that the Development Services Director, provide an update on the issues on which Ms. Jenkins spoke about.

Robin A. Bird, Development Services Director, indicated that approximately ten (10) years ago Royal Palm Business Center developed and purchased residential lots and demolished some houses. They had abandoned a portion of the southern half of the street and they are currently requesting to abandon the entire length from the northern section, which is from NW 6th Street down to NW 3rd. He indicated that 50% of the right-of-way would go to the east side of Seaboard Highlands and 50% to the current property owners. An application has been submitted and will appear as an item for discussion on the Planning and Zoning Board agenda for Wednesday, October 26, 2016. Because there is insufficient information on the utilities staff will recommend tabling the item. Therefore, Mr. Bird encouraged anyone wishing to speak on the item to attend the Planning and Zoning Board meeting on Wednesday night to provide their opinions to the Board members.

Finally, Mr. Bird indicated that the developer had indicated they had sent out notices to the community to hold a meeting to discuss the matter, but according to City staff, no one showed for the meeting. Nevertheless, Mr. Bird is checking into the list of people that were noticed for this meeting.

Mayor Fisher informed Ms. Jenkins that the Planning and Zoning Board will be hearing the item, but there will be a recommendation to table the item until the developer provides more information. Therefore, Ms. Jenkins could attend the meeting tomorrow night, at 6:00 p.m. in the Commission Chambers, to voice her opposition.

Comr. Phillips asked for the zoning status of the area.

Mr. Bird responded that the northern half is residential and to the south, there is a storage facility that was constructed approximately fifteen (15) years ago with a wall around it. However, there are several issues of land use changes that the developer must address.

Comr. Phillips indicated that he grew up in the area and he would be seriously concerned if the wishes of the residents in the neighborhood was not adhered to.

Mark E. Berman, City Attorney stated that this item maybe coming before the Commission as a Quasi-Judicial capacity at a later time, and cautioned the Commission to keep an open mind as to all procedures and avoid making up their mind prior to any such proceedings.

Valerie L. Fuller, 1496 NW 6th Street, Pompano Beach, FL, spoke on the same issue that the previous speaker spoke on regarding their industrial neighbor. She indicated that if necessary, the residents will acquire the services of an attorney to assist with this matter to disallow the applicant to take over the community. She reiterated Ms. Jenkins' request that the residents do not want to have another wall constructed in the residential neighborhood.

Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, distributed a copy of another one of his reports, which he read regarding child abuse at Pompano Beach Elementary.

Vice Mayor Burrie noted that the Commission has been volunteering their time to assist with the schools in Pompano Beach, which is now a "D" school not an "F" school as promoted by Mr. Jovanov. She reiterated that Mr. Jovanov cease his demeaning of the children and take up his matter with the School Board.

M. Ross Schulmeister, 560 SE 12th Street, Pompano Beach, stated that a resident complained to him that he was unable to hook up to the City's recycled water. Perhaps he resides in the Highlands area. Therefore, Mr. Schulmeister asked for a status on the reclaimed water hook up for the area.

Vice Mayor Burrie indicated that she understands the City has entered into a contract with Broward County to have the water available to the Highlands area.

A. Randolph Brown, Utilities Director, confirmed that a contract have been entered into with Broward County as a wholesale customer to the City. And they are currently developing their connection program.

Mr. Schulmeister asked whatever the City can do to expedite the process to get those residents hooked up would be appreciated.

Darlene Lumpkin, 404 NW 16th Avenue, Pompano Beach, stated that she and her neighbors do not want the wall being planned for her neighborhood in the Seaboard Highlands area.

Nicole Jackson, 336 NW 16th Avenue, Pompano Beach, indicated that she is an educator in the Pompano Beach Elementary School, which has been improving and invited Mr. Jovonov to come into the school to see the current status of the children in the year 2016.

Ms. Johnson indicated that she is a third generation resident of the Seaboard Highlands community. Currently, the first wall erected is at the back of her yard, which is very disruptive to the neighborhood. In fact, there are noises coming from behind the wall early in the mornings, which the residents should not be subjected to this type of noise so early in the morning. In sum Ms. Johnson is not in support for another wall to be built in the neighborhood, because it would force the children in the neighborhood to play on the streets which is quite dangerous with speeding vehicles passing through. Therefore, she urged the Commission to disapprove the request when it appears before them.

Ms. Johnson concluded by thanking the Commission for their efforts to work with children to change the Pompano Elementary School from an "F" to a "D" school.

Comr. Moss indicated that he had the opportunity to observe Ms. Jackson teaching her students and said that she is a "rock star" teacher.

Comr. Phillips indicated that the residents, as well as the churches put out cones to slow down the speeding vehicles in the area. Therefore, he inquired who could assist in getting some type of traffic calming for this neighborhood street being impacted by the speeding traffic.

Mayor Fisher responded that Captain Wayne Adkins, Broward Sheriff's Office could get the process started in this regard. In fact, Captain Adkins indicated that this is already in the works.

Dr. Richard J. Porraro, 2532 SE 13th Street, Pompano Beach, Chairman of the City's Golf Advisory Board, indicated he would like to address some misconceptions that the Pompano Beach golf course is for "rich" people. He indicated that they offer membership at the golf course, but they are not designed to operate the course in its tired financial episode. He then explained the purpose of the golf course and the way it serves the golfers. There are several programs for children. Also, the range balls are free during the summer months for the Special Olympic programs. Dr. Porraro described in detail the First Tee, which is one of the programs they have for children and how it is assisting to build character in the children who participate.

Mary A. Newton, 336 NW 16th Avenue, Pompano Beach, spoke against the request to erect a wall in the Seaboard Highlands neighborhood. She provided photographs of the area depicting how the developer has not been maintaining the property. As well as, the homes that are in the area, which shows the residents taking pride in their community and have been maintaining their properties. She complained that the stench of food and recycled oil coming from the developer's industry constantly fill the air throughout the community, which is obnoxious. Ms. Newton mentioned that a petition was done and approximately 2,000 names have signed to request that the Commission disapprove the request to place a wall in the community.

Mayor Fisher suggested that the Code Compliance Manager, Mario Sotolongo meet with those residents with the pictures to determine whether the developer has any current code violations. If so, in the meantime, he asked if Mr. Sotolongo would organize to have nuisance abatement clean up the area.

Mario Sotolongo, Code Compliance Manager confirmed that rhwy have open code violation cases. Nevertheless, he will organize to get the area cleaned up through nuisance abatement liens.

Xavier Frazier, 320 NW 14th Street, Pompano Beach, indicated that the police shot and killed his father on September 9, 2016. He stated that there was a domestic incident and the police was called in, and upon their arrival, his father was sitting in his back yard eating. Mr. Frazier stated that the two police officers who shot his father are still on administrative leave, and currently, there are no answers given to the family. The family feels that the City of Pompano Beach has pushed this as a Broward Sheriff's Office (BSO) problem instead of treating it as an incident in the City of Pompano Beach.

Additionally, Mr. Frazier inquired if the BSO contract will get renewed in 2020, or does the City plan to get its own police department again. He wanted to know what is the City's intent regarding the matter. He asked where is the support or even condolences offered by the City's elected officials. He has not seen or heard anything from the City officials. Finally, he asked what the City's intent will be for justice being served for his father's death.

Mayor Fisher asked Major Hale to provide comments on behalf of BSO, which is the City of Pompano Beach police agency. Also, Mayor Fisher indicated that he had personally given his condolences to Mr. Frazier and his family. As well as, he had ensured that he prayed and spoke with them on the Tuesday night after the incident took place, and he continues to provide his condolences as an elected official.

Mr. Frazier retracted his statement and said that they are looking for the continued support and concern to ensure justice is served.

John Hale, BSO Police Chief, stated that he understands the desire for more information in this matter. He views the event as a tragedy and does not know the pain that the family must be enduring. He is aware that Mr. Frazier and family is hurting, and they have the need and desire for information. Nevertheless, he knows that when the Sheriff put out the information that he had decided to go to an outside authority for all police involved shootings and deaths from that point forward and handed the case over to the State of Florida, the Florida Department of Law Enforcement (FDLE), which became the investigating entity. Therefore, he does not have any information to provide to Mr. Frazier at this time. Chief Hale stated that Michael Satz, Florida State Attorney, has recused himself because of an alleged voting conflict in his office. Moreover, he is unaware that Governor Scott has appointed a prosecuting authority to review the investigation of FDLE that is outside of the control of the Chief of Police of Pompano Beach.

Additionally, Chief Hale confirmed that the two (2) deputies would continue to be on administrative leave until Sheriff Israel decides otherwise.

Mr. Frazier responded that he understands the various levels involved, but wanted to focus on the matter on hand and for the City and BSO to take care of getting a resolution in a timely manner. He indicated that other cities with similar situation has brought in outside agencies to come in immediately to address the issue.

Chief Hale reiterated that he understands the position and that there were some timing issues involved and the decision was in the works because it was discussed by the Sheriff.

Mayor Fisher once again conveyed they will continue to send condolences and prayers to the Frazier family.

Pita Gaye Williams, 400 NW 16th Avenue, Pompano Beach, a mother of four (4) children spoke against the approval of erecting a wall in the Seaboard Highlands neighborhood. She stated that due to speeding traffic and the frequency of accidents in the area, she cannot send her children to the front of their house to play. Therefore, she sends them to the back where it is safer. However, if a wall is placed in that location there will be more traffic and it will be unsafe for the children to play.

Jim Morehead, 250 SE 1st Terrace, Pompano Beach, requested the Commission's support, which he stated he has received in the past. He feels safe and good to be living in Pompano Beach. Nevertheless, he said there is a well-known issue regarding a noisy airplane that belongs to an alphabet agency. He cannot get anyone to speak with him regarding eliminating the noise level, which last for approximately six hours every day. Therefore, he is asking the City Commission to look into this company to see if some resolution can be reached regarding the issue on hand.

C. CONSENT AGENDA

1. 16-96 ADOPTED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO AND OUR FATHER'S HOUSE SOUP KITCHEN, INC. TO PROVIDE A CLEAN AND SAFE FEEDING ENVIRONMENT FOR THE HOMELESS AND THE NEEDY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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

Enactment No: RES. No. 2017-29

2. 16-203 ADOPTED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2016-283, AND 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 HISTORIC PRESERVATION GRANT AND THE ACCOMPANYING SMALL MATCHING GRANT PRESERVATION AGREEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,000)

(Staff Contact: Robin Bird/Karen Santen)

Comr. Phillips pulled the item for discussion. He inquired if the \$50,000 is in addition to the \$452,000 in capital improvements that the Commission allocated.

Robin M. Bird, Development Services Director, responded that it is a matching grant; therefore, the City will be matching \$50,000, so it will be an addition to the \$452,000.

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. 2017-30

3. 16-211 ADOPTED

A RESOLUTION OF THE CITY OF POMPANO BEACH APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION FOR PRESERVE AMERICA COMMUNITY DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Gisla Bush/Robin Bird)

Comr. Phillips pulled the item for discussion. Comr. Phillips indicated that this is a good thing for the community and lends itself to the cultural components of the City. Therefore, he asked for an explanation of the Preserve America Community.

Robin M. Bird, Development Services Director, explained that Preserve America is a federal partnership program that recognizes communities to protect and celebrate their heritage. To use their historic and cultural assets for community revitalization, sustainable development, and encourage people to experience, appreciate, and support local heritage through tourism, education, recreation, and other cultural and social activities. In sum, the designation will allow the City to know when funds are available and to promote the activities involved.

Comr. Phillips pointed out that buildings such as the Ali and Ely Museum the City currently has will be eligible for some form of enhancements in the future because of these types of initiatives, to which Mr. Bird responded yes.

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. 2017-31

4. 16-230 ADOPTED

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 CARLOS GONZALEZ TO PAINT A MURAL ENTITLED "OLD TOWN," ON AN EXTERIOR WALL OF A BUILDING OWNED BY T E P M, INC., LOCATED AT 135 N.E. 1ST AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$6,400)

(Staff Contact: Robin Bird/Laura Atria)

Comr. Moss pulled the item for discussion. He indicated that he received a complaint that the mural is one of the ugliest thing ever seen and cannot imagine the person owning the building would want it painted that way. In sum, the painting is bizarre.

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
Phillips
Burrie
Fisher

No: Moss

Enactment No: RES. No. 2017-32

5. 16-232 ADOPTED

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 EXTERIOR WALL OF THE BUILDING LOCATED AT 135 NE 1ST AVENUE FOR THE PAINTING OF A MURAL ENTITLED, "OLD TOWN"; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robin Bird/Laura Atria)

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

Enactment No: RES. No. 2017-33

6. 16-242 ADOPTED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION IN THE AMOUNT UP TO \$200,000.00 TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR THE PURPOSE OF OBTAINING FUNDS TO ASSIST WITH THE APPROVED PROJECT FOR NORTH POMPANO HARDSCAPE AND LANDSCAPE; CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT UP TO \$200,000.00; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$200,000 in matching funds from CIP Funds and or other matching grant funds.)

(Staff Contact: Mark A. Beaudreau/Missy Kitts)

Vice Mayor Burrie indicated that this has caused generation of a number of emails with the Highlands Civic Association. Therefore, she stated everywhere in the City there are meetings held to tell people about what is happening in the City. Actually, the last one was the Sand and Spurs Park, which got resolved. However, when this issue came up a meeting was called at 3:00 p.m. in the afternoon at the Emma Lou Olson Community Center and perhaps someone could have contacted her, because the Highlands is a "working man's community." Therefore, the attendance to the meeting at that time of the day was not practical. Vice Mayor Burrie indicated that she desires to see the grant application move forward. However, she wanted a meeting planned with the residents for 6:00 or 7:00 p.m. at night so people could participate and get their concerns addressed especially regarding the baseball field.

Mark Beaudreau, Recreation Programs Administrator, indicated that is a lot of territory to cover. He explained that they are under a short time frame to submit the application. However, Mr. Beaudreau indicated that notices were published in several places to include the parks, the Pelican newspaper, and so forth.

Vice Mayor Burrie requested a meeting to be set up for the residents through the Highlands Civic Association meeting, which will meet November 1, 2016 at 7:00 p.m. at the Highlands Park.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, 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. 2017-34

7. 16-243 ADOPTED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND PROJECT AGREEMENT AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FLORIDA INLAND NAVIGATION DISTRICT RELATING TO THE ALSDORF PARK IMPROVEMENTS - PHASE II PROJECT; PROVIDING AN EFFECTIVE DATE.

(Staff Contact: Mark A. Beaudreau)

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

Enactment No: RES. No. 2017-35

8. 17-03 ADOPTED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S ANNUAL PUBLIC ART PLAN AND DIRECTING STAFF TO PROCEED WITH PROJECTS INCLUDED IN THE PLAN FOR FY 2017; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$251,860)

(Staff Contact: Robin Bird/Laura Atria)

Comr. Moss pulled the item for discussion. He indicated that this item was for over \$200,000 of which very little to none will be assigned to District 5. However, he questioned what the Collier City artists and residents program entailed.

Robin M. Bird, Development Services Director introduced Laura Atria, Public Arts Program Manager.

Ms. Atria explained that the Collier City artist and residency is going to be a one year program where an artist would move into the community to complete community engagement projects and perform public art lectures to teach the community about public art. The end result will be a piece of art created after learning what the community desires/needs and to work together to install the art work.

Comr. Moss inquired what other projects would be done in District 5.

Ms. Atria responded that the utility wraps will be included and possible locations for painted Pompano round 2. Also, they are looking into John Knox Village for consideration of the South Dixie Highway project. This is the second year since the annual plan has appeared before the City Commission. There are other art projects planned, which is not currently done in every designated area. The "Imagine Sculpture" that was located at the beach will be at temporary locations throughout the City and will be in the Palm Aire area by the end of next fiscal year.

Comr. Moss complained that the public art's focus should be diversified instead of focusing on just Districts 1, 2, and 4.

Vice Mayor Burrie indicated that nothing is planned for District 2, but they are waiting to put a mural on a wall of a building that has not yet been built. The wrapping project is underway and she wanted to know what plans are there to go past 10th Street and between Copans and Sample Roads.

Ms. Atria indicated that for the second phase of the wraps there are plans to put wraps in that area. Therefore, they were not indicated on the map as these must be voted on by the committee as to where they would be located.

Comr. Hardin noted that a mural was approved for District 2.

Comr. Dockswell offered kudos to the public art committee, who are doing a great job. He said the art is engaging the residents and brightening up the community.

Comr. Phillips welcomed Ms. Artia to the Commission Meetings. In addition, he asked for a list of the advisory boards so he can determine if anyone from District 4 is serving. He said they need to speak up about the needs in that district.

Comr. Phillips suggested that the property on NW 27th and NW 4th would be an excellent spot for someone to do cultural drawings (murals) on that property until the City determines what to do with it. **Comr. Phillips** indicated that he reviewed the backup material and the proposals and indicated that he likes the fish concept, but it has been overdone, so the idea of doing more fish should be reconsidered. The concern is that if the fish theme is overdone it would lose its popularity. Further, **Comr. Phillips** commended the public art committee for doing a great job. He concluded the art has its part to play in the City's development.

Ms. Atria will provide the list of advisory board members to **Comr. Phillips**.

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
Phillips
Burrie
Fisher

No: Moss

Enactment No: RES. No. 2017-36

9. 17-12 APPROVED

Approval to purchase sod and sod installation, as needed, for the Public Works Department, per the City of Boynton Beach cooperative bid #066-2730-16/JMA, from the primary and alternate vendors awarded per item, Mullings Engineering Services LLC, Odum's Sod Inc. and Sunset Sod Inc., in the estimated annual amount of \$60,000.

(Fiscal Impact: \$60,000)

(Staff Contact: Robert McCaughan)

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

10. 17-13 APPROVED

Approval of budget adjustment to appropriate and rollover funding totaling \$1,383,077 from Fiscal Year 2016 to Fiscal Year 2017 for capital outlay and operating expenditures.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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

11. 17-15 APPROVED

Approval to Piggyback the Florida Department of Transportation (FDOT) Contract #BDZ45 to relocate trees from the I-95 Corridor to City facilities, for the Public Works Department, by DeAngelo Brothers, LLC, at a total cost of \$179,935.00.

(Fiscal Impact: \$179,935.00)

(Staff Contact: Robert McCaughan)

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

12. 17-25 APPROVED

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING STATE FUNDING FOR THE BOYS & GIRLS CLUBS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

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

Enactment No: RES. No. 2017-37

D. 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.*

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

13. 16-199 ADOPTED

P.H. 2016-97: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE REZONING OF THE PROPERTY LYING SOUTH OF ATLANTIC BOULEVARD (S.R. 814) AND BOTH EAST AND WEST OF THE SOUTH TERMINUS OF NE 5TH AVENUE FROM RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO A MODIFIED RPUD; PROVIDING FOR CONFORMANCE TO AN APPROVED MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Jae Eun Kim/Robin Bird)

Robin M. Bird, Development Services Director, presented the item, which is the Koi development located at 450 East Atlantic Boulevard. The amendment affects only Phase II of the development. The project was reduced by a certain number of units, therefore, if approved they will obtain modifications to the setbacks and to the height of the towers.

Dodie Keith, Keith & Associates, 301 East Atlantic Boulevard, Pompano Beach, the property owner's representative, indicated that they made a presentation at the first reading of the item and unless residents or the Commission has questions the application stands as submitted.

Comr. Dockswell indicated that he will support the item, however, he did not hear any complaints from the surrounding property owners at the two public readings. If people were complaining about the additional heights being granted he would be sympathetic. Nevertheless, he hopes that in the future, the City will be able to manage better the height transitions.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-04

END OF QUASI-JUDICIAL PROCEEDING

14. 16-202 STRICKEN

P.H. 2016-98: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird.)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be STRICKEN. The motion carried unanimously.

15. 16-200 ADOPTED

P.H. 2016-100: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.2308, "POST DECISION ACTIONS AND LIMITATIONS," TO TOLL THE RUNNING OF THE EXPIRATION TIME PERIOD FOR ANY DEVELOPMENT ORDER DURING THE TIME PERIOD THE SUBJECT PROPERTY IS UTILIZED BY A GOVERNMENT ENTITY FOR A PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, presented the item, as the second reading for the Commission to approve extending the development order once governmental action has been taken. In addition, Mr. Bird indicated that the amendments requested by the Commission at first reading has been incorporated in the ordinance.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-05

16. 17-04 TABLED TO JANUARY 24, 2017 CITY COMMISSION MEETING**P.H. 2016-62: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

TABLED FROM APRIL 26, 2016

(Staff Contact: Karen Friedman/Robin Bird)

1) A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to REMOVE the item from the table. The motion carried unanimously by voice vote.

2) A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED to January 24, 2017 City Commission Meeting. The motion carried by the following vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

17. 16-224 APPROVED FIRST READING

P.H. 2017-01: (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 LABOR AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH, FOR THE PERIOD BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$970,584)

SECOND READING: OCTOBER 10, 2016

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, presented the item, which is a three (3) year labor agreement between the Pompano Beach Professional Firefighters Local 1549 of the IAFF and the City of Pompano Beach. A mutual agreement was reached between the two parties and on October 13, 2016 the City received written confirmation from the IAFF union that their membership had overwhelmingly ratified the proposed agreement subject to the City Commission's approval. He then expressed thanks to the Commission for their guidance over the past few months, members of the City's negotiating team - Assistant City Manager Phyllis Korab, Deputy City Manager Brian Donovan, Fire Chief John Jurgle, Human Resources Analyst Vincent Marchione, and Assistant City Attorney Tracy Lyons - for their work on the agreement. Special thanks to City Attorney Mark Berman for his guidance and assistance in keeping the City on track especially when Hurricane Matthew tried to slow down and interrupt the process. He also thanked the Fire Union and the Fire President Ted Martin for their professionalism during the negotiations.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-01

18. 16-225 TABLED TO DECEMBER 13, 2016 CITY COMMISSION MEETING

P.H. 2017-02: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY CREATING A NEW SECTION 34.0605, "SUPPLEMENTAL SHARE PLAN RETIREMENT BENEFIT FOR POLICE OFFICERS," PROVIDING FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR POLICE OFFICERS TO BE FUNDED SOLELY FROM PREMIUM TAX REVENUES RECEIVED BY THE CITY PURSUANT TO CHAPTER 185, FLORIDA STATUTES; BY AMENDING SECTION 34.061, "CONTRIBUTIONS," TO PROVIDE FOR THE USE OF PREMIUM TAX REVENUES RECEIVED BY THE CITY PURSUANT TO CHAPTER 185, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Ed Beecher)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be TABLED to the December 13, 2016 City Commission Meeting. The motion carried unanimously.

19. 16-226 APPROVED FIRST READING

P.H. 2017-03: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "LICENSES," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," TO EXTEND THE TIME PERIOD FOR A BUSINESS TAX RECEIPT FOR CHRISTMAS TEMPORARY HOLIDAY SALES VENDORS; BY AMENDING SECTION 113.40, "TEMPORARY HOLIDAY SALES VENDORS," TO PROVIDE ADDITIONAL TIME FOR THOSE CONDUCTING SALES UNDER A TEMPORARY HOLIDAY SALES VENDOR LICENSE FOR A SPECIFIC TIME PERIOD IN NOVEMBER THROUGH DECEMBER OF EACH YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Karen Friedman, Principal Planner, presented the item, which she indicated the Commission had voted to amend the language to allow sales to commence on the Saturday prior to Thanksgiving, which was amended and reflected in the ordinance.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. No. 2017-02

20. 17-01 APPROVED FIRST READING

P.H. 2017-04: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL 180-DAY TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 25, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Karen Friedman, Principal Planner, presented the item and stated that in June 2016, the Commission enacted Ordinance 2016-66 for a temporary moratorium involving all uses related to medical cannabis. Since that time, staff has prepared the initial recommendations. However, based on feedback from the Community Redevelopment Agency (CRA), as well as the Economic Development Council a request was made that the item be reconsidered after the November General Election. Therefore, staff requested an extension of 180 days of the temporary moratorium. Also, staff is expecting the adoption of the text amendments prior to expiration.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, inquired at what time staff would request input from the community regarding this issue.

Mayor Fisher mentioned that input from the Community would be received once the ordinances are provided in written form.

Comr. Moss commented that this is not an attempt by the City to restrict or prohibit these kinds of facilities from coming into the City, to which Ms. Friedman replied that is correct.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

21. 17-14 APPROVED FIRST READING

P.N. 2017-05: (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 IN THE NORTHEAST QUADRANT OF WEST ATLANTIC BOULEVARD AND THE FLORIDA TURNPIKE, IDENTIFIED BY FOLIO NO. 484232190020, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 25, 2016

(Staff Contact: Chris Clemens/Greg Harrison)

Chris Clemens, Economic Development Manager, presented the item as the first reading of the third Phase of the Palm Aire north golf course. He indicated that Home Dynamics Vantage LLC has met all five (5) criteria laid out in the State Statutes.

1) The subject property is owned by the applicant.

Economic productivity - total capital cost of the project is approximately \$39 million.

The applicant has met the State Statutes and no jobs will be generated from this as it is entirely a single-family area. Nevertheless, green space development is allowed. In addition, they have issued an affidavit and they will commit a donation to the City's local affordable housing trust fund.

Consistency with the local Comp Plan - the development order is included in the backup material. They have posted signs of the subject property, as well as advertised in the Sun Sentinel newspaper and Craig's List. They have held two (2) meetings with subcontractors, as well as the public. At the public meeting no one attended but for the subcontractor outreach there were approximately eight (8) pages of people in attendance.

Reasonable Financial Assurance - the applicant provided the City with a ending term sheet outlining the company's financing plan for the project, which was reviewed and approved by the Finance Department.

Comr. Moss indicated that the Commission approved Phases I and II and would desire to have Phase III approved. However, he questioned whether there were any timelines as to how long the mitigation process would take and when would construction of the dwellings commence.

Michael Goldstein, Goldstein Environmental Law Firm, 1 SE 3rd Avenue, Miami, responded that the developer is looking to proceed with all due haste and the construction timeline should be approximately eighteen (18) months and no later from the day that all approvals are obtained from the City. In fact, the environmental mitigation process will run concurrently with the development.

Finally, Mr. Goldstein commended staff for being efficient, responsive, and providing guidance to his team to allow the proposals to improve over time. He also thanked the Commission and the District Commissioner Phillips who encouraged them to increase their outreach to the local contractors and to residents residing in the direct and surrounding neighborhoods to ensure that they enjoy the economic benefits from this development.

Comr. Phillips indicated that it is commendable that they did the in-reach to the community, however, he is concerned as to the actual amount of persons that will get hired.

Mr. Goldstein promised to meet with the principals along with Comr. Phillips, as well as the other Commission members, to make representations individually regarding their commitment to include local workers for this Phase of the project.

Finally, Mr. Goldstein outlined the process involved with providing the affordable housing.

Dennis W. Beach, City Manager explained that there is an affordable trust fund but the total amount in it is undetermined at this time. Additionally, it is maintained and monitored by the City and used for affordable housing projects.

Comr. Phillips requested that the Commission be provided with the pertinent information regarding the affordable trust fund, to include the balance in the fund, where the funds came from and who contributed, as well as the plans for these funds.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

22. 16-217 ADOPTED

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 WEST CONSTRUCTION, INC. FOR DESIGN/BUILD SERVICES FOR FIRE STATION 24; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,191,010.03)

(Staff Contact: Horacio Danovich/John Jurgle)

Horacio Danovich, CIP Manager, presented the item, which would execute a contract to commence the reconstruction of fire station 24, located near the intersection of Federal Highway and Northeast 10th Street. It services the airpark area in the City of Pompano Beach. He then provided background information regarding the project and West Construction, Inc.

Mr. Danovich indicated that the Company has verbally committed that they will equal or exceed the City's requirement for 15% local participation for the project. He listed a number of additional add-ons and enhancements to the facility, which included a new county adopted alert system that is state of the art, cellular phone boosters, a 800 megahertz bidirectional antenna, an emergency code box, an integrated PA system, design provisions for a fourth bay, a battalion chief's office, a pharmacy, and three (3) officers bunkers.

Mr. Danovich indicated that the facility will be located in the same location and while the facility is under reconstruction there will be a temporary trailer in the parking lot to the east and south of Galluppi's. In addition, he indicated that the total project will cost \$4,996,010.03 and provided details of how this amount would be realized.

Comr. Dockswell wanted to be assured that the intent to reimburse the general fund from future fire assessment collections get memorialized.

Mr. Danovich indicated that staff discussed the matter and will provide to the Commission, a document that will memorialize this effort in another day or two.

Comr. Hardin inquired why not take some of the plans for the fire stations recently done and duplicate it.

Mr. Danovich explained the subject station has a different layout than some of the others, as well as dealing with local constraints within the project site. In fact from a

design standpoint, the cost is half of what the other designers requested. Also, there is a process involved, which he provided in detail. Notwithstanding, the plan is to be very aggressive in completing this station and they are targeting a completion date of one year from now.

Comr. Moss asked how different will this station be from the other two that was recently completed.

Mr. Danovich explained that in general terms the basic layout is similar except for some of those products that did not perform very well at the other two facilities. So, better products will be implemented that are much more efficient.

In response to Comr. Moss' questions Mr. Danovich replied that the design team is Currie Sowards Aguila Architects Inc. and that there will not be a construction manager for the project.

Comr. Phillips expressed that he would be concerned with the number of change orders that this company would present, since they were the lowest bidder. Therefore, he declared that it is the desire of the Commission to ensure that the change orders are minimized.

Comr. Phillips noted that the fire station in his district also need a makeover as it is quite old.

Mr. Danovich indicated that already they are platting and conducting an environmental analysis for fire station 61 and 52, which are located in District 4, and 5, and hopefully, they will be funded from the Penny at Work tax proposal.

Mayor Fisher asked why the add-ons were not included in the original bids, which Mr. Danovich explained that most of them were not recognized at the front end and staff wanted to make sure that at the very least, a fire station could be built with these elements.

Mayor Fisher mentioned that since West Construction is going to perform the work at a Guarantee Maximum Price (GMP), the Commission wants to ensure that West Construction has been vetted and that they have the financial capabilities.

In sum, Mayor Fisher indicated that he wants staff to properly vet the company to ensure they are financially capable, their track record is in place, so the City does not have any further issues with the fire stations in the future.

Comr. Moss asked about the pharmacy being located at this specific fire station and the reason why it would be the only one with this service.

John Jurgle, Fire Chief, explained that this is the only fire station with a pharmacy, which houses all the pharmaceuticals distributed on emergency calls, as well as narcotics. The battalion chief distributes these products and he is located at that station. In sum, this is the centralized pharmacy for the City of Pompano Beach.

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. 2017-38

23. 17-08 **TABLED TO DECEMBER 13, 2016 CITY COMMISSION MEETING**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
POMPAÑO BEACH, FLORIDA, APPOINTING _____
TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPAÑO
BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE
OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS: Charles H. Bechert, III, (Attorney) - District 3
Richard Leys (Business in sales and technical design)
- District 3
Corey Thompson (Forklift Operator) - District 4
Russell T. Adams (Property Management) - District 5

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be TABLED to the December 13, 2016 City Commission meeting. The motion carried unanimously.

24. **17-09 TABLED TO DECEMBER 13, 2016 CITY COMMISSION MEETING**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
POMPANO BEACH, FLORIDA, APPOINTING _____
TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPA
NO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE
OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-08 FOR APPLICANTS.

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be TABLED to the December 13, 2016 City Commission meeting. The motion carried unanimously.

25. **17-10 TABLED TO DECEMBER 13, 2016 CITY COMMISSION MEETING**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
POMPANO BEACH, FLORIDA, APPOINTING _____
TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPA
NO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE
OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-08 FOR APPLICANTS.

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be TABLED to the December 13, 2016 City Commission meeting. The motion carried unanimously.

26. **17-11 TABLED TO DECEMBER 13, 2016 CITY COMMISSION MEETING**
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
POMPANO BEACH, FLORIDA, APPOINTING _____
TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPA
NO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE
OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-08 FOR APPLICANTS.

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be TABLED to the December 13, 2016 City Commission meeting. The motion carried unanimously.

27. **17-07 ACCEPTED THE BID FOR \$2,500**
REVIEW OF SEALED WRITTEN BIDS FOR THE PURCHASE OF THE
PROPERTY DECLARED AS SURPLUS. THE SUBJECT PROPERTY IS
APPROXIMATELY 100 FEET EAST OF NE 12TH AVENUE AT THE
TERMINUS OF NE 9TH COURT, POMPA NO BEACH, FLORIDA.
(Fiscal Impact: N/A)
(Staff Contact: Daniel Keester/ Robin Bird)

Asceletha Hammond, City Clerk announced that one (1) bid was received on September 21, 2016, from Calvary Chapel Pompano Beach, Inc., 1220 NE 9th Court, Pompano Beach, FL 33060, for \$250.00, which she retracted that amount later and explained that the actual bid was for \$2,500 and the check for \$250.00 represented the 10% deposit submitted to the City of Pompano Beach.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the bid be ACCEPTED and to move forward to enter into contract for the sale and purchase of the property. The motion carried by the following vote:

Yes: Dockswell
Hardin
Phillips
Burrie
Fisher

No: Moss

E. REPORTS

City Manager, Dennis W. Beach - No Report

City Attorney, Mark E. Berman - No Report

City Clerk, Asceleta Hammond - No Report

Comr. Barry Dockswell - Comments and Thoughts on two City Policies - Comr. Dockswell indicated that since he will not be returning to the dais in December as a commissioner, he desired to share some of his thoughts on two of the City's policies. The first one, he indicated that the Commission need to consider residential and commercial uses and to get the right mix of each to have successful businesses and satisfied residents. In addition, to ensure that traffic and the parking considerations are accounted for, as well as to focus on working with the county to get a mass transit plan that is far more robust than what is currently in place.

Furthermore, Comr. Dockswell stated that he sees the City and the Community Redevelopment Agency (CRA) needing to manage the City's growth. And, the role of the property owners and developers would be to bring projects to the City to maximize their return on investments. Therefore, it is the tension between these two things that will take the City through the process and get to the results that everyone hopefully, will feel good about.

Additionally, Comr. Dockswell spoke on the two transit oriented corridors that the City has defined, which is the downtown and the east that will go a long way towards making any negotiations with the developers simpler and more straightforward since a clear direction will be set for the vision that the Commission is trying to realize.

Comr. Dockswell stated that he hopes the Commission would remember for the next ten years in Pompano Beach how the members of the Commission would deal with property owners and developers, to always be aware of when there is that magic moment of leverage discussed prior. He said it appears that what the developers want from the City is made known very early and the Commission is asked to respond, but sometimes what is needed from the developer is not known until much later. For example, traffic mitigation or different height transitioning or any other number of things that the neighborhood needs, but the Commission did not know at the time all the entitlements were granted.

Consequently, Comr. Dockswell urged the future commission to consider when there is a Land Use Plan Amendment, when there is a rezoning request, when there is a Planned Development request, which would be the time the entitlements are requested by a developer and too often the Commission is told that the things needed to know to protect the residents to ensure there is neighborhood compatibility, such as traffic and

parking type considerations, are told that is not appropriate to ask at the early stage of the development process. For that reason, when there is a site plan or other things further down the line the Commission would be able to deal with those concerns. And cautioned the Commission not to settle or accept that. Even though there are things done traditionally further along the development process, if someone is asking for millions of dollars of entitlements upfront that is when the Commission need to know if a site plan is needed, or commitments about what the site plan would look like or whatever it is would be the moment of leverage. If the Commission grant dwelling units and exceptions to heights and setbacks and so forth without a thoroughly vetted project within the community and elsewhere, there is the risk of giving away all leverages only to discover later of what is really needed. Comr. Dockswell reiterated that he hopes this will be remembered for the future.

The second policy Comr. Dockswell commented on was the election process as currently structured. He provided a brief background of how the City arrived at holding its election in November. He indicated that through the Charter Amendment Advisory Board the City is considering returning to its March election process, which will be unreasonable; therefore, he would strongly recommend against it. And outlined his reasons. In sum, for the overall good of the City it may be wise to extend the City Commissioner terms to four (4) years, which will be the same as the Mayor's term, which is currently four (4) years and stagger the terms of the Commission to deter the possibility of replacing an entire City Commission on the same date of an election year.

Comr. Rex Hardin - No Report.

Comr. Barry Moss - No Report.

Comr. Ed Phillips - Contract Manager - Comr. Phillips stated that he always paid attention to Comr. Dockswell's comments on the City's need for a contract manager, as often time a contract is developed it appears to be in favor of the contractor not necessarily the City. This is a good recommendation, which he will pay close attention.

Poster Taskforce Countywide - Comr. Phillips indicated that the County has advertised a meeting to create a Poster Taskforce with the hope to resolve the issues regarding posters going up throughout the County. One of the things that they will be checking into is the entity the advertisement is promoting and to penalize those violators/artists.

Voting Rights - Comr. Phillips reminded everyone to go out and vote as it is a serious matter, and "if you do not exercise your right, then you have no rights to complain."

Demise of David McMillon - Comr. Phillips regrettably announced that David McMillon of McMillon's Bar-B-Que passed away. Comr. Phillips said he was a great associate and friend that has always stayed involved in politics. Therefore, the Community, as well as he will miss Mr. McMillon.

Update on Gregory Frazier's Incident - Comr. Phillips commented on Gregory Frazier's son who spoke earlier. He said he has been hesitant to comment on the situation because it is in the legal realm. As a commissioner, there are somethings he cannot do. However, he wanted the community to know that he is paying attention to things that are done, which is not being publicized. This is a civil matter that is being addressed, and he will do anything in his reach to assist with this issue.

In addition, Comr. Phillips discovered that there are people who are suggesting that the City return to its own police force, which will not be for the best interest of the community to include the African-American community.

In sum, Comr. Phillips indicated that he stands with the family of Mr. Frazier and their concerns regarding his death, but as a commissioner and the Commission at large they are limited in what they can do. He said he supports the initiative of Mr. Frazier's family to have the ability to get attorneys to figure out what happened and whatever is the remuneration of the case, as they move forward.

Help for Haiti - Comr. Phillips announced that there will be an initiative for the Haitian population in Haiti that were extremely impacted by Hurricane Matthew. The City Manager will be coordinating a small effort for aiding the initiative for Haiti. For additional information Mayor Fisher could be contacted.

Mayor Fisher announced that on Saturday October 29, 2016 from 11:00 a.m. to 5:00 p.m. at the E. Pat Larkins Center, the Haitian Missionary Baptist Church will be facilitating an event for the Haitian movement, which he encouraged everyone to support.

Comr. Phillips indicated that the event may take place at the Gillis Park instead.

Vice Mayor Burrie - Closure of Park - Vice Mayor Burrie reported that she received another complaint that the small park in Cresthaven, up until 9:00 p.m., was not being closed.

Building Setback Issue - Vice Mayor Burrie indicated that in light of Ms. Jenkins' letter regarding the Seaboard Highlands wall issue, she would like to meet with Robin Bird, Development Service about the Brazilian church located at 441 NE 31st Court, which is near the former mushroom factory. She recalled some time ago a group came in and presented beautiful pictures of what they would build, which the current building

does not look like the pictures presented then. The main concern she has is with the setbacks. There are no setbacks on the building which is located almost at the property line of the church. Therefore, she would like to know what actions could be taken to resolve this issue.

Best Wishes - Vice Mayor Burrie indicated that it has been a pleasure working with Comr. Dockswell.

Completion of Election Process - Mayor Fisher indicated that he was looking forward to the night of November 9, 2016, at which time the election process would be completed.

F. ADJOURNMENT

The meeting was adjourned at 8:28 p.m.

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK