

Detailed Minutes - Final

City Commission

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

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

Tuesday, September 27, 2016

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

Mayor 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

Apostle S. Constancia Daley, Rhema Word Ministries International offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

16-196 Regular City Commission Meeting Minutes of September 13, 2016

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

APPROVAL OF AGENDA

Mayor Fisher indicated that Item 24 would be stricken from the Agenda.

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

CONSENT AGENDA DISCUSSION

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

Mayor Fisher declared that Items 2 and 5 would be pulled for Commission discussion.

A. 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.

Michael Sobel, 704 North Ocean Boulevard, Pompano Beach, asked, “Why would anyone pay millions more to a general contractor that has never built a fishing pier.” Therefore, he requested that the Commission to rebid the project through comparative bids to the most qualified builders. In sum, Mr. Sobel complained about the execution of the Community Redevelopment Agency (CRA) pier construction contract, and the impending settlement of the CRA-City lawsuit against the County. Mr. Sobel asked the Commission not to approve any settlement of the CRA County lawsuit unless a forensic audit is included of the Northwest CRA funding from 2009. In addition, prior to the City requesting the passing of the penny tax, to show where the tax has been spent because anything the residents, as a failure and breach of the Commission’s fiduciary responsibility, will perceive less.

Dexter Carswell, Red Eye Entertainment, 611 NW 31st Avenue, Pompano Beach, thanked the City Commission for assisting with the Family Fun Day Event, which he reported they gave away over 1,400 backpacks. In addition, Mr. Carswell noted the current construction of the Cultural Arts Center and wondered how he could become more involved with the numerous events taking place within the City. In sum, he indicated that he has a proposal on the Cultural Arts Center opening and requested information on the procedure for grand openings in the City.

Mayor Fisher instructed Mr. Carswell to provide the information to the City Clerk. Furthermore, he could meet with the vendor who is contracted to handle those events, which is the Creative City Collaborative (CCC) and that representatives were attending the meeting.

Comr. Dockswell in response to the previous speaker’s comments expressed the desire to clarify the pier contract issue. In addition, he noted that sometimes during the political season, it appears no matter what you do it will cause trouble, so it is, “damned if we do and damned if we don’t.” He then explained the previous construction of the Brummer Park that the City “got a lot of flak” for not having proper management of the contract. Currently, in the case of the construction of the pier project the City decided to utilize a construction manager for the project to handle the complex sequence of events to include the garage, the roads, and the pads for the new development at the pier, as well as the pier construction itself. Yet, the

Commission is accused of wasting the taxpayer's money, which he hopes the team will continue to execute the way they have been doing, and the result with the pier will be just as good as the redevelopment of the beach area. With regard to the CRA lawsuit, he is at a loss for words that a candidate for City Commission would take the side of the County against the City, which perhaps he does not understand the issues. Finally, Comr. Dockswell indicated that he felt compelled to correct the distortions, and untruths.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, indicated that he agreed with the position of the potential candidate, Mr. Sobel, who spoke earlier. He spoke on the Commission's approval of expenditures of \$96,000 to Whiting-Turner Construction Company to create final pre-construction documents for the rebuilding of the Pompano Pier. In sum, Mr. Terwilliger indicated that the issues at hand are; he has not received those final drawings that he has already paid for, he is unaware of anyone receiving a copy of Whiting-Turner's documents, which they have had over 64 days to work with, and Whiting-Turner charged \$96,000, while Shoreline Foundation offered to provide the drawings for free.

Finally, Mr. Terwilliger indicated that on September 16th Mr. Danovich sent a letter, which is in opposition to the responses that the Commission used as the foundation to pay the \$96,000, and he then provided details on Mr. Danovich's letter. He concluded that Pompano Beach should get the best pier for the best price. Additionally, Shoreline Foundation offered to build the pier for approximately \$7.6 million while Whiting-Turner and Mr. Danovich is talking about \$13 million to do the job. This is an over-reaching and stalling by Messrs. Danovich and Beach, which could result in the taxpayers losing \$5 million. He urged the Commission to reiterate that the Commission is the final selector of the qualified bidder and instruct the City staff to provide final drawings and work product to both he and Shoreline Foundation.

Mayor Fisher indicated that he has a copy of the September 16th letter and asked if the drawings are complete as in the letter it mentioned that they are incomplete. Obviously, the plans must be made available to everyone that requests them.

Horacio Danovich, CIP Manager stated that as of today, he has not received the final permit. As a result, the plans cannot be considered as completed. He then explained the process to include the US Corps of Engineers delivering approvals by the end of August. However, he was notified that he would not be getting an answer prior to the end of October. Therefore, it is not the fault of Whiting-Turner or City staff.

Moreover, Mr. Danovich indicated that Whiting-Turner was not hired to prepare

the plans, rather, they were hired to assist the City create a Guarantee Maximum Price (GMP) that would allow the City to build the pier the way it needs to be built. The design team is Bridge Design Incorporated.

Mayor Fisher indicated that the issue is to ensure that Whiting-Turner has the opportunity to speak with Shoreline Foundation to offer them the opportunity to participate in the bidding process similar to any other company that wants to participate.

Mr. Danovich confirmed that in response to Mayor Fisher's instruction, he forwarded a CD with the current plans to Shoreline Foundation, which is the same one Mr. Terwilliger received.

Mr. Terwilliger asked if the drawings submitted to the Army Corp of Engineers the same as was submitted to him as well as Shoreline Foundation.

Mr. Danovich responded that the drawings are the same all around.

In response to Comr. Dockswell's question Mr. Danovich responded that the drawings have been with the Army Corp of Engineers for review for approximately one (1) year. Therefore, once those plans are received by the City there are other processes involved to include the Building Department.

Mayor Fisher asked if Acting City Manager Korab could get some of the high level legislative bodies to assist with getting the Army Corps of Engineers to push this request along the process would be greatly appreciated.

Bob Johnson, 831 SE 5th Avenue, Pompano Beach, manager and player of the senior softball team, Pompano Beach Bums, provided a background on their accomplishments to date, which included winning gold medals in the senior Olympics. However, they are planning to go to the World Series Tournament in Fort Myers Florida in November and they are requesting assistance to pay their entry fee of \$550.00. He committed to bringing back the trophy to the City Chambers.

A motion was made by Commissioner Hardin, seconded by Commissioner Phlllips to pay the registration fee of \$550 for the World Series of the Pompano Beach Bums Softball team.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, stated that he met and accused Comr. Hardin and complained about his political sign being taken down. Therefore, he wanted to apologize to Comr. Hardin who had nothing to do with the removal. However, it was the business owner who did not want anything on his property.

Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, distributed another one of his complaint reports regarding the abuse of children in Pompano Beach.

Comr. Phillips noted that month after month Mr. Jovanov comes before the Commission with the same accusations regarding the schools, and what he alleges is taking place there, which is distasteful and alarming. Therefore, Comr. Phillips asked what does Mr. Jovanov requires from the Commission.

Mr. Jovanov indicated that his children were subjected to the indignities he is referring to, which was approximately five (5) years ago.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, indicated that the Human Resources Director recently left, but the position was filled through a promotion. However, there are other areas in the City where positions are not allowed to be filled through similar promotional action. He complained that there should not be two different standards. He inquired if the City Manager could appoint someone to a position without advertising the position.

Mayor Fisher reiterated that the Commission cannot get involved in the hiring activities of the City.

Mark E. Berman, City Attorney, responded that the City Manager appointed the position as he saw fit and would have checked on the qualifications prior.

Mr. Thrower inquired of the Broward Sheriff's Office (BSO) how many deputies have ballistic shields and beanbag shot guns.

John Hale, Chief of Police, BSO, indicated that he does not have the numbers to provide at this time but will get those for Mr. Thrower.

Kevin Dorival - 445 SW 2nd Court, Pompano Beach, requested financial assistance, for his non-profit firm, Courage to Believe International. He indicated he sent an email regarding a planned trip for the fifteen (15) students to go to the Kennedy Space Center on November 4th and is requesting assistance.

Phyllis A. Korab, Acting City Manager indicated that Mr. Dorival sent a letter received this morning requesting sponsorship, which the total cost of the trip for November 4th would be \$4,064.15.

Mayor Fisher inquired if the Commission could assist with a particular category and concentrate on doing a sponsorship on that.

Mr. Dorival explained that the main category would be for transportation.

Mayor Fisher deferred this request to be discussed under the agenda Reports.

B. CONSENT AGENDA

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that Items 1, 3, 4, and 6-12 be APPROVED. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

- 1. 16-155** Approval of two requests from municipal cemetery plot owners who desire to transfer ownership back to the City of Pompano Beach.
(Fiscal Impact: \$3,950)

(Staff Contact: (Robert A. McCaughan)

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

2. **16-161** 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. 2 FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$129,885 RELATED TO WATER TREATMENT PLANT FILTER & HIGH SERVICE PUMPS 1-4 BUILDING HURRICANE HARDENING DESIGN SERVICES PURSUANT TO THE CONTRACT FOR CONSULTING/ PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$129,885)

(Staff Contact: A. Randolph Brown)

Comr. Hardin pulled the item for discussion and noted that in the backup the total cost mentioned was for \$803,000 but the item states \$129,000.

A. Randolph Brown, Utilities Director, responded that staff is performing the tasks in phases, and this is the first part. There are three other buildings to be strengthened.

Phyllis A. Korab, Acting City Manager, indicated that the request is for professional engineering services for the design. Thereafter, the construction component will be addressed.

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

Enactment No: RES. No. 2016-307

3. **16-175** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FIRST PRESBYTERIAN CHURCH OF POMPANO BEACH, FLORIDA, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2016-308

4. **16-177** 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 EMBRACING TEAM, INC. TO PROVIDE FREE CULTURALLY BASED PROGRAMMING AT MITCHELL MOORE PARK ANNEX BUILDING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

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

Enactment No: RES. No. 2016-309

5. **16-182** Approval to award Bid #E-56-16, Sample Road Beautification/FDOT (Rebid) to the lowest responsive, responsible bidder, VisualScape, Inc., in the amount of \$ 398,950.00.
(Fiscal Impact: \$398,950.00)

(Staff Contact: Robert McCaughan)

Comr. Phillips pulled the item for discussion and asked for clarification on the scope of work being done. He mentioned that on the first bid it read, "Sample Road Beautification" but on the second rebid it read, "Sample Road Beautification FDOT", which would mean it has to be FDOT certified. However, the first group of people did not have to be FDOT certified; therefore, he asked one of the local contractors to put a bid in.

In sum, there appears to be some inconsistencies in requirements when a job is being bid out and he wanted to make a point that the Commission is paying attention to details of the bids.

Robert A. McCaughan, Public Works Director, indicated that the requirement did not change and explained what happened in the first bid where staff omitted to make it clear that FDOT certification was needed.

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

6. **16-183** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ATC GROUP SERVICES LLC TO INSTALL, OPERATE AND MAINTAIN A GROUNDWATER MONITORING WELL LOCATED IN THE RIGHT-OF-WAY OF NE 23RD STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2016-310

7. **16-184** Request of ratification by City Commission for Emergency Procurement for purchase of Bi-Directional Antenna (BDA) Systems at Fire Stations 11 and 103 from vendor Signal Communications, LLC in the amount of \$93,566.96.
(Fiscal Impact: \$93,566.96)

(Staff Contact: John Jurgle)

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

8. **16-185** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO RELOCATE TREES FROM THE 1-95 CORRIDOR TO CITY FACILITIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$14,665 paid to City)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2016-311

9. **16-190** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PREFERRED PATIENT CARE AND HMO APPLICATION WITH BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC. AND HEALTH OPTIONS, INC. PROVIDING FOR HEALTH CARE SERVICES AND SUPPLIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$596,743 is the approximate project increase.)

(Staff Contact: Ed Beecher)

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

Enactment No: RES. No. 2016-312

10. **16-192** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ANNUAL ACCOUNTING AND RETENTION AGREEMENT (PROSHARE) AMONG BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., HEALTH OPTIONS, INC. AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$596,743 is the approximate project increase.)

(Staff Contact: Ed Beecher)

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

Enactment No: RES. No. 2016-313

11. **16-193** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A ROTATION POLICY FOR INDEPENDENT AUDITING SERVICES FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

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

Enactment No: RES. No. 2016-314

12. **16-197** Authorize staff to negotiate a contract with the second highest ranked firm HDR Engineering, Inc. pursuant to RLI L-54-16 Continuing Contract for Professional Engineering and Consulting Services for the Municipal Air Park. (Fiscal Impact: (No cost at this time.)

(Staff Contact: John Sfiropoulos/Steve Rocco)

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

C. 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.

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

13. **16-165** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HABITAT COLLIER PLAT LYING AT THE NORTHWEST CORNER OF NW 6 STREET AND NW 27 AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin M. Bird, Development Services Director, introduced the item as a request from Habitat for Humanity for Broward to build four (4) single family detached units as required by the proposed plat. At the May 25th Planning and Zoning Board meeting the item was unanimously recommended approval with three (3) conditions to be met prior to the Commission meeting, which have been met.

Comr. Moss inquired if Lots 1 and 4 will have a 6th Street frontage or 6th Court frontage, while Lots 2 and 3 would front 27th Street, and what would the address be for Lots 2 and 3.

Mr. Bird responded that he has not seen the designs, and addresses have not been assigned for any of these lots. They are eligible to get an address on either frontage but it depends on where the door will be placed.

Comr. Moss indicated that unless Lots 2 and 3 face 27th Street, the side of a building will be on 27th Street, which would not be aesthetically pleasing.

Donna West, HSQ Group, 1489 West Palmetto Park Road, Boca Raton, explained that the two (2) south lots would be facing the south street and the two (2) north lots would be facing the north street; therefore none would be facing 27th Avenue.

Comr. Moss indicated that he is pleased that something will be going up in the location; however, he is not too pleased with how the building will be positioned from an aesthetic standpoint. Subsequently, he asked to see the plans being drawn for that project, as well as to make them available for the Collier City Civic Association.

Mr. Bird will set up a meeting between Habitat for Humanity and Comr. Moss and the constituents of that area.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2016-315

END OF QUASI-JUDICIAL PROCEEDING

14. **16-121** P.H. 2016-93: (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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$39,042)

FIRST READING: SEPTEMBER 27, 2016

(Staff Contact: Robin Bird/Karen Santen)

Robin M. Bird, Development Services Director, introduced the item as Resolution 2014-304 amended by Resolution 2016-149 for a renewed contract. This contract will be valid until the subscription period of 10/8/2019, at which time it could be renegotiated. The three (3) year subscription is at a rate of \$13,014 per year, which allows access to grants management research, software, and technical assistance to enable the grants manager to identify more funding.

In response to Comr. Phillips question, Mr. Bird explained that it is a software product that will organize and locate data to assist the grants manager to identify and apply for several federal and state grants.

Mr. Bird indicated that since inception the grants manager has already pulled in funds of approximately \$2 million per year.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

15. 16-123 P.H. 2016-87: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INTERCOUNTY ENGINEERING INC. FOR THE REHABILITATION OF SANITARY SEWER MANHOLES THROUGHOUT THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$223,440.00 annually)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, introduced the item as a second reading of a contract for lining sanitary manholes in the waste collection system to prevent I and I.

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. No. 2016-76

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

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

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

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, introduced the item as a second reading of a contract for a cured in place pipe lining for the lining of the waste bar collection system to prevent leaks and infiltration of water into the wastewater system.

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. No. 2016-77

17. 16-125 P.H. 2016-89: (PUBLIC HEARING 2ND READING)

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

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, introduced the item as a second reading that revises the ordinance of the City's contract with Waste Management. The contract requires that annually, the rates are reviewed based on a national Consumer Price Index (CPI). Therefore, based on the index there is a 1% increase on the disposal rate and 81 cents per ton increase in the disposal, which equates to an increase. For a single-family residence it would be 17 cents per month, and similarly a small increase for condos.

Comr. Phillips expressed concern of the rate increase being a hardship for seniors.

Mr. McCaughan explained the increase is mandatory and in accordance with the index, which can fluctuate up or down. In fact, the economy is what would drive the increase; nonetheless, there is a 7% cap in place as some type of protection.

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
Burrie
Fisher

Abstain: Phillips

Enactment No: ORD. No. 2016-78

18. 16-128 P.H. 2016-90: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO ADD A DEFINITION FOR DISASTER DEBRIS; AND BY CREATING A NEW SECTION 96.38, "DISASTER DEBRIS REMOVAL FROM GATED COMMUNITIES", FINDING THAT SAID DEBRIS CONSTITUTES A PUBLIC NUISANCE AND PROVIDING REQUIREMENTS FOR ITS REMOVAL FROM PRIVATE ROADS AND GATED COMMUNITIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, introduced the item, which he indicated will ensure that in the light of a disaster, the City will likely receive disaster funding from FEMA. Therefore, staff would need to support the gated communities as a matter of public health and safety to clear the debris from the streets. FEMA is requiring that this activity be predefined prior to a disaster.

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. No. 2016-79

19. 16-143 P.H. 2016-91: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.036, "PARK ACQUISITION AND IMPROVEMENT FUND," TO UPDATE REFERENCES TO CORRECT CODE SECTIONS DUE TO CODE CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, introduced the item as a housekeeping action to correct certain numbers to correspond with the references in the City's Code of Ordinances.

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. No. 2016-80

20. 16-152 P.H. 2016-92: (PUBLIC HEARING 2ND READING)

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

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

FIRST READING: SEPTEMBER 13, 2016

(Staff Contact: John Jurgle)

John Jurgle, Fire Chief, introduced the item as a second reading of an ordinance to allow an execution of a service agreement with Intermedix for ambulance billing, as well as to utilize their proprietary software for the EMS report writing and their consulting services.

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. No. 2016-81

21. 16-187 P.H. 2016-95: (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 AN AGREEMENT FOR INDEPENDENT AUDITING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MARCUM LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$630,042 Maximum for Five Years)

SECOND READING: SEPTEMBER 27, 2016

(Staff Contact: Suzette Sibble)

FIRST READING WILL BE HEARD ON OCTOBER 10, 2016.

Suzette Sibble, Finance Director, introduced the item to request approval of a five (5) year agreement with Marcum LLP to provide independent audit services to the City of Pompano Beach financial statements. The firm was selected after a formal solicitation process.

Comr. Hardin asked if they will audit the Community Redevelopment Agency (CRA) funds.

Ms. Sibble responded that is correct for both the East and Northwest CRA.

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. No. 2016-82

22. **16-174** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE REVOCATION OF A PORTION OF A DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, introduced the item after providing a brief background history of the City entering into an agreement with Florida Department of Transportation (FDOT) for two projects as part of a countywide bicycle mobility plan, for Cypress and East McNab Roads. In sum, the residents of the McNab area overwhelmingly opposed the project; therefore, this is to revoke the McNab portion of the project.

Mayor Fisher and Comr. Dockswell thanked Mr. Sfiropoulos for working with the community in resolving the issues involved with this project. Comr. Dockswell also thanked a number of residents that contributed to the resolution to include Messrs. Shulmeister, O'Brien, McNeil and other residents.

Additionally, Comr. Dockswell indicated that this was one item that spurred him to bring up under reports, at a previous meeting, the need to improve the processes to get on top of projects proposed by other utilities and governmental agencies. He suggested that when city staff receives plans of projects to be done, if those plans could be sent to the presidents of the Homeowners' Association (HOA) or the Condo Board presidents it would contribute to a better understanding of the residents' concerns and needs.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2016-316

23. **16-189** A RESOLUTION 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 PROFESSIONAL SERVICE AND LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CREATIVE CITY COLLABORATIVE OF POMPANO BEACH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$563,188.00)

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, introduced the item that will extend additional time to refine negotiations of the current agreement, which will be brought back to the Commission in December for consideration.

Comr. Phillips commended the current group representing Creative City Collaboration (CCC), the contractor that continues to push the City's agenda forward, and they practice the spirit of inclusion, as well as they have done a great job with the programming of events at the Amphitheater. Finally, he mentioned that perhaps consideration should be given to put a dome like structure over the Amphitheater and Ali buildings.

Mayor Fisher indicated that for the dome the cost could run up to \$3 million.

Dexter Carswell, Red Eye Entertainment, indicated that he organizes a number of events and asked how he could partner with the current contractor and staff to include local people in their programs.

Mayor Fisher identified representatives from CCC in the audience and suggested Mr. Carswell meet with them for further discussions.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2016-317

24. **16-173** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KENNETH KOCH; SAID TERM TO EXPIRE ON OCTOBER 26, 2016; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ascelela Hammond)

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

25. **16-181** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 27, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ascelela Hammond)

Commissioner Moss moved to insert the name Angela Curtin.

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, that the Resolution be ADOPTED and to insert the name Angela Curtin. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2016-318

D. EXECUTIVE SESSION

26. **16-195** Advice concerning litigation in relation to settlement matters and/or strategy sessions.
(Fiscal Impact: N/A)

(**Staff Contact:** Mark E. Berman)

Mayor Fisher announced that they would take Reports prior to breaking for the Executive Session. Thereafter, the Commission heard item 26 after which the Mayor adjourned for the Executive Session.

E. REPORTS**Acting City Manager, Phyllis A. Korab - No Report**

City Attorney, Mark E. Berman - Mr. Berman announced a Closed Door Attorney-Client Session for the City Commission to be held on October 7, 2016 at 9:00 a.m. or soon thereafter practicable, at the City Commission Chamber Conference Room, 100 West Atlantic Boulevard. The case involves City of Pompano Beach and Pompano Beach Community Development Agency (CRA) versus Broward County - Case #14-009654 (18) Broward County -Circuit Court Case pursuant to Section 286.011(8) Florida Statutes. The Attorney-Client Session will be private with the following persons in attendance: Mayor Lamar Fisher; Vice Mayor Charlotte Burrie; Commissioners Barry Dockswell; Rex Hardin; Barry Moss; Ed Phillips; Kim Briesmeister, Executive Director, Chris Brown, Co-Executive Director of CRA; Dennis Beach City Manager; Mark Berman City Attorney; Claudia McKenna, CRA Attorney; Jamie Cole, Daniel Abbott, and Kelly Rains Jesson Attorneys for the CRA.

Mr. Berman extended best Birthday wishes to Mrs. Mary Phillips.

City Clerk, Asceletha Hammond - No Report

Comr. Barry Dockswell - Christmas Trees - Comr. Dockswell indicated that last year he received a complaint that the City was not allowing the purchase of Christmas Trees from outdoor lots until after Thanksgiving Day. Therefore, due to the bustle of the season to include Halloween, Thanksgiving, and Christmas, perhaps, it would be wise to allow people to purchase these trees prior to Thanksgiving Day and suggested allowing sale on November 15. After discussions among the Commission, the consensus of the Commission was to change the rule to allow for a five (5) day window prior to Thanksgiving for the sale of Christmas Trees.

City Transitioning to a Paperless Agenda - Comr. Dockswell announced the City moving into a paperless agenda process and that he kept his paper agenda packet on the shelf for this Agenda meeting. However, he has a few design suggestions for the software being used. Nevertheless, it has a lot of potential to be a great system once the quirks are taken out.

Comr. Rex Hardin - Pavilion Rental Fees - Comr. Hardin indicated that the City currently charges \$105 for rental fee of a pavilion in the parks plus a charge for garbage deposit. However, he believes the rental fee is a bit excessive.

Mark Beaudreau, Recreation Programs Administrator, explained the process of renting out the facility and the maintenance of it. He said the new price structure allows a person to rent for an entire day versus being limited for three (3) hours for the day.

Comr. Hardin stated that he is not opposed to making the rental process simpler and easier; however, he recommended that the fees be reduced to approximately \$35.

Comr. Phillips agreed with Comr. Hardin's comments and indicated that the fees are priced out of the residents' range.

Comr. Moss expressed concern that if the fee is too low, it would create a long waiting list, and the facility would be heavily utilized.

Vice Mayor Burrie also agreed with Comr. Hardin's comments.

The Commission directed Mark Beaudreau to bring back a recommendation of a possible adjustment in the fee schedules.

Comr. Moss recommended that perhaps a security deposit could be configured in the recommendation.

On a separate note, Mayor Fisher asked about the replacement of the roofs of the Community Park facility.

Robert McCaughan stated that the contractor has been hired and the permits are now being pursued for the footings for the shelters. Therefore, in October, plans are to commence construction of the three replacements of those shelters.

Comr. Barry Moss - Item 24 Appointment to Architectural Appearance Committee - Comr. Moss referred to item 25 that was stricken and indicated that two of the applicants on the Architectural Appearance Committee list, do not have the required professional qualifications to serve on this Committee. Therefore, he suggested that perhaps the City Clerk could check and omit those applications that do not have the required professional qualification.

Ascleta Hammond, City Clerk explained that all applications are placed on file and whenever there is a vacancy those applications are submitted for consideration, with a special note made on the agenda coversheet as to the professional requirements necessary for that particular Board.

Comr. Moss provided his reasons why he believes the Commission should carefully consider the applicants recommended for appointment to serve, especially those committees that require special professional talents.

Most of the Commission responded that they do peruse the qualifications of the applicants presented. They also understand that there will be applicants on the list that do not meet the qualifications of serving on certain Boards.

Comr. Ed Phillips - Mothers of the Movement Event - Comr. Phillips commended the organizers of the Mothers of the Movement Event held at the E. Pat Larkins Center on September 27th. He mentioned that these mothers were women who had children or young adults that were killed across the country for various reasons.

Police Shield - Comr. Phillips indicated that a comment was made earlier about a police shield, which would have a number of questions following the use of the shield; for example, when to evoke it, when to bring it out, how it looks when it is being utilized and under what conditions. In sum, Comr. Phillips indicated that if a shield exists, based on the current climate of the country, extra precaution would have to be exercised on how to evoke this shield. However, for the purpose of prevention, the City could consider and determine at what point a shield of this nature could be utilized.

MLK Boulevard Deplorable Roads - Comr. Phillips understands that the Public Works Department is discussing the area between I-95 and Dixie Highway. Nevertheless, his car along with others are being “banged up” on MLK Boulevard; therefore, he requested that this area be done with all due speed.

Control of Temperament during a Hurtful Situation - Comr. Phillips commended the Mayor, the Commission and the residents in the neighborhoods that have been doing an excellent job with temperament control as well as paying attention on what is happening, and acting in a manner to allow the City to heal and move on. In sum, the community is moving forward and will not step back until as many of the problems that face the City are resolved. He concluded that there are a number of good people in the City of Pompano Beach and that the job will get done.

Vice Mayor Charlotte Burrie - Update on Water Fountain and Construction Phase at Sands and Spurs Park - Vice Mayor Burrie asked if the water fountain at Sands and Spurs Park has been installed. In addition, she inquired as to what phase is being constructed at the Sands and Spurs Park.

Robert A. McCaughan, Public Works Director, responded that first he will check on the water fountain, because there was an order placed for it. Second, he noted that he had received confirmation scope from Tammy Good, Engineering Projects Manager. Currently, they are in the review process for the facility. In fact, it is under design and inputs are sought from the community.

Vice Mayor Burrie indicated that for public input the Association meets the first Tuesday of the month at 7:00 p.m. at the Highlands Park.

Mayor Lamar Fisher - Kennedy Space Center Trip Request by Kevin Dorival - Mayor Fisher indicated that perhaps the Commission could donate \$500 towards the

sponsorship in getting the children to the Kennedy Space Center. Vice Mayor Burrie made a motion to move forward with the recommendation to donate \$500, seconded by Comr. Hardin. The motion carried unanimously by voice vote.

Pier Residence Project - Mayor Fisher indicated that the Commission is called upon to work on certain projects to be developed within the City. Therefore, he was called upon to work on the Pier Residence project, located at 3300 Southeast 1st Street. He met with Robin Bird, Development Services Director and his staff, and it had gone through the Advisory Boards review and had reached at the point of making some changes recommended by the Architectural Appearance Committee (AAC), but during the meeting they had to address an issue of stucco on the side of a building.

Apparently, this is an overlay district where tile or veneer covering of the concrete is required. However, looking back at experiences using tiles, similar to the Public Safety Building, the tiles pop off and leaks are created. Nevertheless, staff appears to be “hardnosed” about requiring tiles/veneer and not stucco. Yet, the WCI building was built with stucco finish, as well as other buildings in the area. In fact, along the coastline and as far down as South Beach in Miami the buildings are done with stucco finish. Therefore, he is at a loss as to the position staff is taking to insist that this building be done with tile/veneer finish.

In sum, Mayor mentioned that a multi-million project, which will generate tax revenues and new residents to the community, is being held up due to stucco finish requirement. Therefore, he hopes the department can get pass the stucco finish and get this project moving forward, even if it means make changes in the requirements for the Atlantic Overlay District (AOD).

Mayor Fisher wished Mary Phillips a Happy Birthday.

Meeting was then recessed for the Executive Session.

F. ADJOURNMENT

The meeting was adjourned at 8:17 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk