



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-21

Date: July 12, 2016

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-21

Date: July 12, 2016

Commission Meeting Room

The Mayor called the meeting to order at 6:00 p.m. and presided as the chairman.

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

Lamar Fisher
Charlotte Burrie
Barry Dockswell
Rex Hardin
Barry Moss
Edward Phillips

and

City Manager
City Attorney
City Clerk

Dennis Beach
Mark Berman
Ascelela Hammond

INVOCATION BY:

Apostle S. Constancia Daley
Rhema Word Ministries International

PLEDGE OF ALLEGIANCE LED BY: *Ascelela Hammond, City Clerk*

		Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES						
July 12, 2016						
PAGE 1						
<u>APPROVAL OF MINUTES</u>						
MOTION: To approve the Regular City Commission Meeting minutes of June 28, 2016, as submitted.		<u>VOICE VOTE</u>				
		Dockswell			X	
		Hardin	X		X	
		Moss			X	
		Phillips			X	
		Burrie		X	X	
		Fisher			X	
There were no revisions to the minutes.						
<u>APPROVAL OF THE AGENDA</u>						
MOTION: To approve the City Commission Meeting Agenda of July 12, 2016, as submitted.		<u>VOICE VOTE</u>				
		Dockswell			X	
		Hardin	X		X	
		Moss			X	
		Phillips			X	
		Burrie		X	X	
		Fisher			X	
<u>CONSENT AGENDA DISCUSSION</u>						
Mayor Fisher stated the Commission would pull Items 7, 8, 10, 13, 14, and 15 from the Consent Agenda for discussion. During Audience to be Heard Item 1 was pulled for discussion.						
<u>AUDIENCE TO BE HEARD</u>						
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.						

		Names of Comms.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES						
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<u>AUDIENCE TO BE HEARD – CONTINUED</u>						
<u>Pompano Baseball Support Funding to Nationals in Louisiana</u> – Jim Green, Head Coach Pompano Baseball, Pompano Mustang All Star's Coach and Team, 2118 E. Atlantic Boulevard, Pompano Beach, FL 33062.						
Connor Phillips, Pompano Beach All Star's Team, thanked the City for last year's donation, and reported that last year they went to Texas and almost won the World Series. However, this year they will be going to Louisiana for the World Series.						
Mayor Fisher thanked the team for their hard work and efforts.						
Mr. Green reported that they will be going to Louisiana at the end of the month to participate in the zone tournament, upon winning at this level they will move on to the World Series. Consequently, they are requesting any financial support the City can provide this year.						
Comr. Hardin indicated that perhaps last year the City had donated \$2,000 and made a motion to provide the same amount this year. He mentioned that the kids represent the Pompano Beach Recreation Baseball.						
MOTION: To support the team with \$2,000 to be taken from the City' General Fund.						
		<u>ROLL CALL</u>				
		Dockswell			X	
		Hardin	X		X	
		Moss			X	
		Phillips			X	
		Burrie		X	X	
		Fisher			X	
<u>Community Participation</u> – Delores Bullard, Owner, Cal's For Hair, 212 North Flagler Avenue, Pompano Beach, FL, mentioned that she manages the plaza where her business is located. She complained that she had a confrontation with a child's parent because the child was pulling weeds and flowers out of the landscaping the City provided, which is located in the front of her shop, and throwing them on the sidewalk. Upon her confrontation with the male parent, who pushed her in the chest, she called the Broward Sheriff's						

V	V	S	M	Names of Commrs.

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Office (BSO) and Officer Riviera was one of the officers dispatched to the scene who refused to take a report from her and spoke to her in an unprofessional manner. She indicated that he treated her like "dirt." She is unsure why the BSO personnel continue to treat her disrespectfully and whenever she tries to give a report to them, they ignore her side of the story as well as they falsify reports on incidents she tries to report on from time to time.

Mayor Fisher indicated that type of behavior deeply concerns the Commission. Therefore, he asked Chief Hale to meet with Ms. Bullard and find out what happened, as the City Commission will not tolerate such actions against Ms. Bullard or any other citizen.

Increase in BSO Deputies – Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach, piggybacked on the previous speakers complaint and indicated that the City needs more deputies.

Cancellation of Tree Project – Mr. Ryan complained about the tree project the City has in place and suggested that it be cancelled, as it is another “make work” that the City has in place.

Commission Replacement – Mr. Ryan complained that the form of government in place makes it impossible to replace the Commissioners, which has been going on for a long time. He indicated that some major projects have failed. Finally, he alleged that the Commission is leading the City, which is considered political corruption.

Election Schedule – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, reminded the citizens that there would be a Primary Election held August 30th. He indicated there are no criteria of being a democrat or republican to vote in this election. As well as there are a number of positions that independents and NPA's can vote in. He then named the different positions that will be on the ballot.

Mr. Terwilliger reminded the citizens that on November 8th there will be an election for the President on the ballot, as well as there will be candidates from Pompano Beach that will compete for the five (5) districts and the mayor's positions. He thanked those members who have put their time and effort to run for the various positions to make the City a better and greater place to live in.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

McNab Road Complete Streets Project – Dan O’Brien, 721 E. McNab Road, Pompano Beach, FL 33060, stated that the neighborhood is concerned that this project was presumed to be a bicycle path going down McNab Road, but the information, literature and details provided to the residents were late and sparse so many people did not receive any information. However, they have discovered that two (2) 5’ bike paths were going to parallel East McNab Road from Federal Highway to Cypress Road. This would mean over 40 native trees, gumbo-limbos, live oaks, and Florida mahogany, will be destroyed.

In sum, there will be pavement from sidewalk to sidewalk and all of the green space will be asphalted. Furthermore, in the manual for the Complete Streets the policy states, “It is the intent to contribute to a walkable, livable neighborhood which aids in building a sense of community, pride, and improved quality of life.” Therefore, Mr. O’Brien asked how could 10 feet of asphalt with no trees and with little or no stormwater drainage for a neighborhood road contribute to quality of life.

Finally, Mr. O'Brien urged the Commission to pause the efforts for the project to allow the public a chance to digest the information. If the project should move forward, it will be detrimental to the neighborhood.

Vice Mayor Burrie indicated that she is the City's appointee to the Metropolitan Planning Organization (MPO), and she appreciates the pictures presented to her and the Commission. In addition, Mr. Schulmister provided a Memorandum, which she will be presenting to the MPO to see what can be done and provide the residents with an update.

McNab Road Complete Streets Project – Mike McNeal, 960 Southeast 7th Avenue, Pompano Beach, FL 33060, stated that he was part of a volunteer group that put the trees on McNab Road 15 years ago. Currently, they are enjoying them due to the shade they provide and safety from cars that travel along the road. Therefore, he is not in favor of any trees being cut down at this time.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Additionally, Mr. McNeal indicated that he understands those who desire to use a bicycle and need a little extra wider road for a bicycle lane, however, he cannot understand the chopping down of the trees. Therefore, he urged the Commission to consider not taking the trees out. He cited there are other ways to have the trees as well as the bicycle path similar to what is done in the City of Fort Lauderdale.

McNab Road Complete Streets Project – M. Ross Schulmister, 560 Southeast 12th Street, Pompano Beach, FL indicated that the McNab Elementary School kids ride their bikes to and from school using the sidewalk on the north side of McNab. In fact, many of the kids walk to and from school using the sidewalk. Notwithstanding, in the area, the residents co-habit the sidewalk peacefully and cooperatively between bicycle riders and pedestrians. However, the residents are concerned about the proposed improvements. The primary concern is with safety, which he explained. One other objection is that the proposed bike lanes along McNab Road where the distance from the roadway to the sidewalk has landscape, the residents are not supportive of it being replaced by asphalt.

Mr. Schulmister indicated there are three (3) basic scenarios evolving from this, one is that the bike lanes would go away; the next best solution is to put in the path as planned. The worst scenario is to put a single bike lane on the south side. Therefore, the next best thing that could happen is to stop McNab Road for now and try to get FDOT to take the money planned for McNab Road and give it to the City. So, the residents could work with the City for whatever improvements that may be necessary.

Comr. Dockswell stated that the construction on the project is scheduled to begin on Monday, July 18th; therefore, information about this was late coming into the City. Subsequently, he suggested that the City discuss the issue separately, regarding the process and improvements for how this is done, relating to FDOT and MPO projects so that the right visibility is received.

Therefore, Comr. Dockswell suggested that staff spearhead interfacing with FDOT and the MPO as necessary, to arrange for whatever construction is to begin on Monday. This would start on the non-controversial areas, which

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

would be the Cypress Road part of the project, to provide time for staff to set up the right meeting with key people from the neighborhood, as well as City staff and FDOT to look at the McNab side of the project. On one hand to see if the residents' concerns could be allayed by getting better information and on the other hand if the concerns are real then they need to look for some accommodations that could be made with the bike lane. The bike lane is a good objective, but usually the Complete Streets projects tend to be narrowing the roadway and adding landscaping and greenery.

Finally, Comr. Dockswell indicated that it would be taking away trees, swales and widening the roadway with 10 more feet of asphalt. Therefore, he suggested that some accommodations be made for block by block where it would take away some of the vegetation protection that the low density residential units would be experiencing.

It was the consensus of the Commission to support Comr. Dockswell's comments to get staff to arrange for the meeting with representatives of FDOT and MPO as well as to coordinate with Dan O'Brien and M. Ross Schulmister from the neighborhood who will be the spokesperson for the two issues.

Child Abuse at Pompano Elementary School – Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL, distributed another one of his reports on his opinion of Child Abuse in the Pompano Beach Elementary School, of which a copy is available in the City Clerk's office.

CONSENT ITEMS

RES. NO. 2016-239:

TIME 00:00:00

ITEM 1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING AN EXPENDITURE FROM THE CITY OF POMPANO BEACH LAW ENFORCEMENT TRUST FUND (LETF) FOR IMPLEMENTATION OF A BODY WORN CAMERA PROGRAM; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$138,000 from Law Enforcement Trust Fund)

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

Sarahca Peterson, 217 Northwest 8th Court, Pompano Beach, FL, The Round Table project, indicated that she owns a business in Pompano Beach. Ms. Peterson commended the Commission for approving the body cams. However, she stated that there are a number of community meetings taking place, where black Americans are meeting to find out where they stand and how do their Mayors and Commissioners feel about protecting their lives proactively and preventively from policing abuse. She mentioned there are activities they have been engaged in researching task force policing and have identified some key things that they would like to see put into the \$38 million contract the City has with Broward Sheriff's Office (BSO), which is coming up for renewal.

Additionally, Ms. Peterson inquired about the Commission's stand on diverse and biased training for officers, and the Cory Jones policy that strengthens plain clothing for assignments, which are those officers in plain clothes that cannot make traffic stops for civilians. As well as, consider establishing a citizen review board with the mindset that the Afro-American citizens are being heard.

Ms. Peterson indicated that the public has seen quite a few murders lately with no justice happening, therefore, they would like to see the City get behind productive citizens, who are adding their tax dollars for development of the City at large. She indicated that people have contacted her expressing their concerns and fears that their children may be treated with injustice prior to reaching the age of 12 years. She inquired what is being done to protect the Afro-American community against the possibility of severe policing activities and the measures being put in place to ensure that every aspect of policing move to the twenty first century within the City.

Mayor Fisher indicated that the City of Pompano Beach has been blessed not to have those incidents that are happening across the country. “It is shameful and disgusting and should not be tolerated whether a person is black, white, yellow, red, or green. All lives matter.” Most importantly, the City’s leadership has zero tolerance of discrimination, of bringing hurtfulness to whatever race, color, or creed. Therefore, the leadership, as well as BSO do understand and are here to protect all citizens to ensure no one experiences what is happening in the country today.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

Finally, Mayor Fisher stated that while he cannot understand why this is happening, the Commission would do whatever is within their powers to ensure that this does not happen in the City of Pompano Beach.

Ms. Peterson reiterated that there are community meetings where the feelings of fear and concern are being communicated. As well as people are scared and intimidated that nothing will be done in the City to prevent some of these activities from happening.

Mayor Fisher indicated that he was not made aware of these community meetings and would attend any of these meetings upon provision of details of when, where and what time these meetings are held.

Mayor Fisher indicated that the leadership of the BSO would provide the Commission and Ms. Peterson with whatever programs they have in place and the measures to be implemented to regain the community's trust.

Comr. Phillips commended Ms. Peterson on some of her comments. However, he indicated that the Commission works hard to have a relationship with BSO and to ensure there is no repeat incidents that are taking place throughout the country. In fact, he has gone throughout the community to allay whatever fears the residents may have and that the City does not experience the same incidents some other cities are having throughout the country.

Further, Comr. Phillips indicated that it is not right for unarmed African-Americans to be shot by the police or for the police to be killed by African-Americans. Since the Commission is working hard to connect with the various people in the neighborhoods. He stated that for someone to make statements that the Commission is not doing anything and that the population is scared of the police is an incorrect statement. It is a fact that there are concerned residents, but the police are responding to the concerns of the citizens. While there are those not so good police officers, the majority of the City's BSO officers are working to keep the neighborhoods safe.

Ms. Peterson indicated that she is bringing facts and ideas that could assist with the communication between the neighborhood people and the police.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

RES. NO. 2016-240:

TIME 00:00:00

ITEM 2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE SECOND AMENDED AND RESTATED INTERLOCAL AGREEMENT EXECUTED BY THE TOWNS OF LANTANA AND MANGONIA PARK WHICH FURTHER UPDATES THE BOARD OF SUPERVISORS' STRUCTURE FOR THE FLORIDA GREEN FINANCE AUTHORITY; PROVIDES FOR MORE FLEXIBILITY IN OBTAINING A QUORUM OF THE BOARD; CHANGES THE PROGRAM NAME; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

RES. NO. 2016-241:

TIME 00:00:00

ITEM 3

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TERMINATING A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MOTIVATED UNIFIED SOUND IMPACTING COMMUNITIES, INC. WHICH PROVIDED FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE (Fiscal impact: \$5,000 in CDBG funds)

RES. NO. 2016-242:

TIME 00:00:00

ITEM 4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA HOUSING FINANCE CORPORATION FOR HHF ADVISOR SERVICES FOR THE HFA HARDEST HIT FUND UNEMPLOYMENT MORTGAGE ASSISTANCE PROGRAM AND MORTGAGE LOAN REINSTATEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

RES. NO. 2016-243:

TIME 00:00:00

ITEM 5

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TERMINATING A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FEEDING SOUTH FLORIDA, INC. WHICH PROVIDED FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE. (CDBG funds in the amount of \$5,000)

RES. NO. 2016-244:

TIME 00:00:00

ITEM 6

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 HOMEOWNERSHIP DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HABITAT FOR HUMANITY OF BROWARD, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: HOME funds in the amount of \$50,000 – previously approved)

RES. NO. 2016-245:

TIME 00:00:00

ITEM 7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC FACILITY AND INFRASTRUCTURE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ETA NU EDUCATION FOUNDATION, INC. PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: CDBG funds in the amount of \$19,198)

The Resolution was read by title only.

PB 1200

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

Vice Mayor Burrie commended Eta Nu for doing a great job, however, she supported Mr. Petrone's comments regarding those applicants that go through the process, yet, whenever moneys are available, it goes out real quick. Therefore, it is more from a procedural standpoint that there appears to be some discrepancies. In sum, if there are rules in place then everyone should abide by those rules.

Comr. Phillips commended the Eta Nu Group for accomplishing a very difficult task and he provided a detail of their efforts and achievements. He indicated that while he may not often agree with staff's actions, in this case he supports it because of the ramifications for the young men and women in the neighborhood.

Mayor Fisher indicated that he understands Mr. Petrone's position but he also understands that things happen for a reason. Therefore, those dollars being available for an unsolicited proposal, as well as to watch Eta Nu's accomplishments is amazing. Most importantly, it was not about Eta Nu extra funding, rather, it would be the lives impacted through their incredible programs developed over the years. There is no doubt about the procedural process, but in this case it came about to assist a worthy organization complete a building that is well needed in the community. Therefore, he hopes the Commission would support the item.

TIME 00:00:00

ITEM 8

Approval of the FY2016-2017 Annual Action Plan in the amount of \$916,484 of CDBG funds and \$303,648 of HOME funds for a total of \$1,249,330. In addition, a portion of FY2015 CDBG funds for which the City of Weston, Florida did not apply have been reallocated by HUD to the City of Pompano Beach. Those funds total \$20,183 and total reprogramming Contingency funds from program income in the amount of \$29,198.

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

MOTION: To approve the item.

Names of Commrs.	M	S	Y	V	N
<u>ROLL CALL</u>					
Dockswell				x	
Hardin	x			x	
Moss				x	
Phillips				x	
Burrie		x		x	
Fisher				x	

Comr. Phillips indicated that upon his review of the item he did not see any information regarding the \$25,000 for the Scholarship program for Blanche Ely and inquired if it was for this year or next year.

Mark Korman, Programs Administration Manager, responded that \$10,000 has been reprogrammed from the two contracts that will be terminated and they will begin purchasing the pre-paid scholarships. There are others out there for unused funding which will return to the funding source. Therefore, staff is unsure it will have a total value of \$25,000, which was awarded by the Commission this year. Normally, the amount planned for this would be \$20,000. In sum, there is a commitment to continue the program, but by reprogramming funds this year has put the City ahead.

Miriam Carrillo, Director of Office of Housing and Urban Improvement (OHUI) stated that for the past few years an amount of approximately \$16,000 have been set aside for the scholarship program. Therefore, they do not have \$25,000 to put up for the scholarship program unless they cancel all public service activities and provide everything to the scholarship program.

Ms. Carrillo indicated that the program will continue because they have \$10,000 already in the public notice and hopefully in September upon Commission's approval, the scholarship program will continue.

Comr. Hardin asked if the City received final determination from HUD.

Ms. Carrillo responded that is correct.



Names of Commrs.	M	S	V Y	V N
ROLL CALL				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

July 12, 2016

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CONSENT ITEMS – CONTINUED

Comr. Dockswell stated the item is for a contract with a new company to take over the beach concession services that provides for the lounge chairs and things of that nature. However, he understands that the current beach concession services provider, Oceanside, had been selling annual memberships for the services and they had assumed that they would have been awarded the contract to continue beyond its current expiration. Therefore, those annual service memberships that extended beyond the September 1st expiration of the contract will receive prorated refunds from Oceanside. Therefore, he urged any resident who paid for services from Oceanside that would entitle them for service beyond September 1, 2016, to contact them, as soon as possible, at (561) 840-3373, as they will be moving out during the month of August.

Comr. Hardin indicated that prior to making any final decision to erect a building or a kiosk that the City and CRA will discuss the matter.

Comr. Dockswell indicated that the new company had provided information in the backup material of the umbrellas and cabanas they will provide. However, with approval, he suggested that they add, "Pompano Beach Warmest Welcome" logo on the umbrellas and cabanas.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, agreed the contract is good, however, he pointed out a language procedural question. In Article 6 B. it states, “The minimum monthly payment payable to the City for the first five-year term shall be the foregoing Guaranteed Annual Rate, divided by twelve (12) plus applicable Florida State Sales Tax or 15% of annual gross sales whichever is greater.” However, the issue is if the City collects the 15% annual gross sales tax it does not also say plus applicable Florida Sales Tax as shown in the prior calculation. Therefore, for clarity, he suggested that the language be amended to consistent with “plus applicable Florida Sales Tax” in both places or in neither.

Mark E. Berman, City Attorney indicated that his office would take care of the issue.

Comr. Phillips commended the new company who will be operating the system but hopes the customer service will be excellent to all residents. He also expressed concern on the layout, which will be in the eyesight of the lifeguards.

[illegible]

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

Scott Moore, Parks and Recreation Manager responded that the area has not changed from the previous vendor's operation of this service.

RES. NO. 2016-248:

TIME 00:00:00

ITEM 11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, BOUCHER BROTHERS MANAGEMENT, INC. AND BOUCHER BROTHERS POMPANO BEACH, LLC; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: The City will be paid a guaranteed annual rate of \$60,000 the first year, which increases over the term of the contract)

RES. NO. 2016-249:

TIME 00:00:00

ITEM 12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LITTER REMOVAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD OUTPATIENT MEDICAL CENTER, LLC., PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

RES. NO. 2016-...:

TIME 00:00:00

ITEM 13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A QUIT CLAIM DEED FOR RIGHT-OF-WAY EXTENDING NE 47TH STREET; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Resolution was read by title only.

Names of Commrs.		M	S	Y	V	V
CITY COMMISSION MEETING MINUTES		July 12, 2016				
PAGE 17						
<u>CONSENT ITEMS – CONTINUED</u>						
MOTION: To table the item until September 13, 2016 City Commission meeting.		<u>ROLL CALL</u> Dockswell Hardin Moss Phillips Burrie Fisher				
		x			x	
					x	
					x	
			x		x	
					x	
					x	
<p>Vice Mayor Burrie indicated that she pulled the three items to include items 13, 14 and 15 regarding Northeast 47th Street and putting a road through that area. She stated that some months ago someone from Public Works distributed flyers stating the City will be doing the job. However, most of the senior residents in Banyan Gardens are upset about what will be done to change their lifestyle and have communicated that to Vice Mayor Burrie.</p> <p>Additionally, Vice Mayor Burrie indicated that the backup material did not provide any information on why the work is essential, as well as the reason for it. In fact, work similar in nature to the proposed one is normally vetted in the neighborhoods prior to commencement. Consequently, Vice Mayor Burrie suggested tabling items 13, 14, and 15 until the City meets with the residents to explain the reason for a through road in front of their building. Apparently, most people did not know about this proposed job to include City Administration and the Commission. Therefore, any such project that will change the configuration and the roadways in front of residents' homes and change the neighborhoods should first be discussed with the residents of the area.</p>		<u>VOICE VOTE</u> Dockswell Hardin Moss Phillips Burrie Fisher				
					x	
					x	
					x	
			x		x	
		x			x	
					x	



Names of Commrs.	M	S	V Y	V N
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin		X	X	
Moss			X	
Phillips			X	
Burrie	X		X	
Fisher			X	
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin		X	X	
Moss			X	
Phillips			X	
Burrie	X		X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

TIME 00:00:00

ITEM 16

Approval to award Bid #E-35-16, Installation of Golf Course Parking Lot Lighting (Rebid) to the sole responsive, responsible bidder, J & T Electrical Services, Inc., in the amount of \$75,010.00.

RES. NO. 2016-250:

TIME 00:00:00

ITEM 17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

TIME 00:00:00

ITEM 18

Approval to purchase two (2) 2016 Ford F-150 trucks for the Solid Waste and Recycling Division per the Florida Sheriffs' Association Contract 15-23-0904 from Alan Jay Ford, in the total amount of \$47,228.50.

RES. NO. 2016-251:

TIME 00:00:00

ITEM 19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MATHEWS CONSULTING, INC. FOR SINGLE PROJECT CONTRACT FOR ENGINEERING SERVICES FOR GATEWAY DRIVE STORMWATER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$194,360)



Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	

CITY COMMISSION MEETING MINUTES

July 12, 2016

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CONSENT ITEMS – CONTINUED

TIME 00:00:00

ITEM 20

Approval to award Bid #E-31-16, Sanitary Sewer Manhole Rehabilitation, Annual Contract to the lowest responsive, responsible bidder, Intercounty Engineering, Inc., in the amount of \$223,440 annually.

MOTION: To approve/adopt Consent Items 1-6, 9, 11-12, and 16-20.

ROLL CALL

Dockswell			x
Hardin	x		x
Moss			x
Phillips		x	x
Burrie			x
Fisher			x

There was no discussion on Consent Items 1-6, 9, 11-12, and 16-20.

REGULAR ITEMS

P.H. 2016-77; ORD. NO. 2016-... TIME 00:00:00

ITEM 21

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO UTILITY EASEMENTS LYING ON A PARCEL LOCATED ALONG DR. MARTIN LUTHER KING, JR. BOULEVARD EAST OF NW 6TH AVENUE AND SOUTH OF NW 4TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

CITY COMMISSION MEETING MINUTES

July 12, 2016

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REGULAR ITEMS - CONTINUED

MOTION: To approve the Ordinance upon first reading.

ROLL CALL

Dockswell		x
Hardin	x	x
Moss		x
Phillips		x
Burrie	x	x
Fisher		x

Mark E. Berman, City Attorney, advised this item is 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, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Ascleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated the application is for a Community Redevelopment Agency (CRA) property to be transferred for the City Vista Associates LLC project for abandoning two easements. The site plan was approved on May 5, 2016.

P.H. 2016-78; ORD. NO. 2016-... **TIME 00:00:00** **ITEM 22**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT UTILITY EASEMENT LYING EAST OF NORTHWEST 31ST AVENUE AND NORTH OF NW 8TH STREET ALONG THE SOUTHERN PERIMETER OF THE FLOWERS DISTRIBUTION CENTER PLAT, TRACT "A", AND COMMONLY KNOWN AS 930 NW 31st AVENUE; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

[illegible]

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

ROLL CALL

Dockswell		x
Hardin	x	x
Moss		x
Phillips		x
Burrie	x	x
Fisher		x

Mark E. Berman, City Attorney, advised this item is 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, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Ascleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated the application is for a 12-foot east-west utility easement located along the southern boundary of 930 Northwest 31st Avenue. The owner is requesting to build an expansion of his kennel facility. The site plan was approved on April 12, 2016.

Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

RES. NO. 2016-253:

TIME 00:00:00

ITEM 24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CMC OF COPANS ROAD PLAT LOCATED ON A PARCEL OF LAND LYING NORTH OF COPANS ROAD AND EAST OF NORTHEAST THIRD AVENUE; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-253 upon reading.

ROLL CALL

Dockswell		x	x
Hardin	x		x
Moss			x
Phillips			x
Burrie			x
Fisher			x

Mark E. Berman, City Attorney, advised this item is 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, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Ascleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES PAGE 26 <u>REGULAR ITEMS - CONTINUED</u> Comr. Hardin inquired how the price compares with the previous contractor. Missy Kitts, Recreation Manager responded that it is at a lesser price than the previous provider. Comr. Phillips and Vice Mayor Burrie indicated that the guards do a good job to keep the children safe and they are friendly. P.H. 2016-79; ORD. NO. 2016-....: TIME 00:00:00 ITEM 26 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR PARKING MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. TO EXTEND CURRENT SERVICES TO PROVIDE FOR MANAGEMENT OF THE PARKING GARAGE LOCATED AT 275 SEA BREEZE WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$420.150) The Ordinance was read by title only. MOTION: To approve Ordinance upon first reading. ROLL CALL Dockswell Hardin Moss Phillips Burrie Fisher Robert A. McCaughan, Public Works Director, stated the ordinance is necessary to revise the City's contract with Denison Parking, Inc. to add the new pier parking garage. Jeff Lance of Denison Parking along with Suzette Sibble, Finance Director are available for further questions.				

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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Mr. McCaughan indicated that the terms of the amendment are from August 1, 2016 to January 30, 2018. He then explained the gap in time. The compensation of the contract is based on a set management monthly fee of \$1,500 and a monthly expense report. The costs, which are maximum amount not to exceed, are identified in Exhibit C of the Contract. It was agreed that the garage will not be opened on a 24-hour basis but rather it will open at 8:00 a.m. to 11:00 p.m. every day, currently based on the demand. In sum, Mr. McCaughan provided the operation breakdown in costs.

Finally, Mr. McCaughan indicated that there is a termination clause in the contract for default. They must respond to issues or fix it within a 30-day period, and if necessary leave the garage within a 90-day period.

Comr. Phillips inquired about the hours that the company would not be operating and how that would impact the overall revenues.

Mr. McCaughan responded that perhaps it could not be qualified as lost revenues and explained how the cost would be computed factoring in the off peak time.

Comr. Dockswell asked if the garage is closed at 11:00 p.m. and the person did not get his/her vehicle out, would the person have to return the next day at 8:00 a.m. to retrieve the vehicle.

Mr. McCaughan responded there is a 24-hour monitoring system to let someone out of the garage that can be opened remotely.

P.H. 2016-80; ORD. NO. 2016-....: TIME 00:00:00 ITEM 27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR UTILITY BILL PRINTING AND MAILING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MUNICIPAL CODE CORPORATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

		Names of Comms.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES						
PAGE 28						
<u>REGULAR ITEMS - CONTINUED</u>						
MOTION: To approve Ordinance upon first reading.		<u>ROLL CALL</u>				
		Dockswell		x	x	
		Hardin	x		x	
		Moss			x	
		Phillips			x	
		Burrie			x	
		Fisher			x	
<p>Suzette Sibble, Finance Director, stated the item is to request an extension of the City's existing agreement with Municipal Code Corporation for an additional one-year period. Currently, the vendor produces the City's bill and mail outs on behalf of the City's utility division. The City's division is still involved in the preparation process of the bill prior to sending it electronically to the vendor.</p> <p>In sum, the City is currently distributing the utility bill in statement format, which provides an extensive amount of information to the ratepayers to include City events, which has been successful over the past two years.</p> <p>P.H. 2016-81; ORD. NO. 2016-....: TIME 00:00:00 ITEM 28</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE AGREEMENT FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>The Ordinance was read by title only.</p>						

Names of Commrs.	M	S	V Y	V N
<u>VOICE VOTE</u>				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Comr. Dockswell indicated that he intended to speak with Mr. McCaughan to continue their discussion, but was unable to do so and will have to do so at this meeting. He wanted to understand whether the City was reacting to a flurry of activities that resulted from the changeover to the new system. In addition, he questioned to what extent does the City need to have these personnel on a temporary basis that could get everything settled down versus on a permanent basis.

Mr. McCaughan replied that it is just not reactive, and explained his reasons. Prior to the City entering into the new contract, there were a number of people violating the rules citywide. Therefore, staff determined that the problem was education and enforcement even prior to the implementation of the new system. Upon proper education and residents abiding by the rules, the two inspectors would not need to be on a long-term basis.

An extensive discussion followed among the Commission regarding the problem experienced with bulk trash pickup and the anticipation of utilizing the two inspectors to correct the issues currently experienced throughout the City. Moreover, Comr. Hardin expressed dissatisfaction with the process Waste Management has in place with the size and frequency of bulk trash pickup. In addition, illegal dumping is still a key issue throughout the City.

In conclusion, the Commission commended staff for doing a “yeoman’s job” of handling most of the issues that have come up since the implementation of the new contract. The Commission in another six months will assess the numerous issues with the new contract with Waste Management with the intent to arrive at a resolution.

P.H. 2016-82; ORD. NO. 2016-....: TIME 00:00:00 ITEM 29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDED AND RESTATED SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CRS MAX CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$23,000 – Funded as part of FY2016 Budget)

Names of Commrs.	M	S	V Y	V N
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

Robin M. Bird, Development Services Director stated that the City currently participates in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS), which recognize and encourage community flood planning activities that exceed the minimum NFIP standards. As a result, depending on the level of the flood mitigation strategies of community practices, flood insurance premium rates are discounted to reflect the reduced flood risk resulting in these practices. He stated that the flood insurance premium rates for policies can be reduced to as much as 45%. Currently the City's rating is 7.

Additionally, Mr. Bird indicated that the CRS program is reviewed under a manual revised in 2013. Therefore, each community has been converted from the old to the new manual independently. The City of Pompano Beach will be converted into the cycle next year. Therefore, in order to assess the current flood mitigation practices of the City to find new ways to reduce flood risk and convert its practices to the new manual standards, the City has entered into a service agreement with the CRS Max Consultants, Inc. Subsequently, the insurance documentation was updated and approved by the Risk Manager.

Names of Commrs.	M	S	V Y	V N
<u>VOICE VOTE</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Dennis W. Beach, City Manager indicated that the subject matter has generated a great deal of discussion in the community, along with several newspaper articles and communication with members of the public. Therefore, he asked Mr. Danovich to go through the process that got the City to this point. Thereafter, he would introduce members of Whiting-Turner Contracting Company who will introduce their company and provide a presentation on how they propose to provide the services to the City.

Horacio Danovich, CIP Manager, provided detailed background information regarding the project that commenced in the year 2013, when a structural engineer was hired to do an analysis of the pier. Thereafter the engineer reported the conditions of the pier and recommended that it was not a good idea to continue to do routine work on the pier. In fact, the report detected that more than 25% of the pier had deteriorated and needed major work to repair. Since then, the City has retained a Bridge Design professional engineering firm to help with the design process.

Subsequently, the agenda item is to enter into a contract with the Whiting Turner Contracting Company to allow the firm to work on a Guaranteed Maximum Price (GMP). He clarified that it is a City project; therefore, funding for the project would come from City funds, because currently there are no other grants and no CRA involvement. Furthermore, he clarified that the agenda is not about engaging the Whiting Turner into a contract; rather, it is an umbrella contract that would allow the City to engage Whiting Turner to go to the next level.

Mr. Danovich indicated that it is not until the GMP is created that the Commission has been presented with the merit of such proposal that the City will actually be liable to any amount. Moreover, the Commission will have the opportunity to review that contract and make a decision once staff brings it forward. As a general rule and standard practice in this type of business in the City, staff evaluates projects much like the CRA does when they prepare CIP manuals. They prepare estimates based on available data from sources such as recent projects, calling other contractors or other municipalities. Mr. Danovich noted that they usually try to put a price tag to a project to serve as a guideline when they evaluate.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

Continuing, the project was first advertised as a Request for Qualifications (RFQ) and the intent was to seek a Construction Manager at Risk to help with the project. The intent was to retain a firm that has the necessary credentials to construct the pier. The RFQ requires the City's intentions for proposing improvements to include the following:

- The structural replacement of a pier that has an approximate 1000 linear feet in length
- Addition of pedestrian lighting
- Educational signage (Signage that gear to inform people about Sea Turtles, Pelicans and so forth)
- Shade structures to provide shade from the sun
- Installation of utilities and other improvements that would be outlined in the final construction plans.

Mr. Danovich noted that nothing was to be started until an NTP was issued, which are all standard procedures. In response to the published January 15, 2016 RFQ, the City received five (5) responses in time before the deadline of February 16, 2016. The responders included the following five (5) companies Cone & Graham Incorporated, Charland Rurey Construction, Inc. Stiles Construction (Pioneer Construction as Substitute), Whiting Turner Contracting Company (Murray Logan as Substitute) and Kauffman Lynn (Shoreline Construction as Substitute). As customary for all advertised solicitation, the purchasing department coordinated the review process and consulted with the project manager and the City Manager to assemble a suitable panel of reviewers. The City standard procedures require no less than three (3) city employees to be part of the review committee.

The panel met twice the first time to review the qualification package and entertained presentations by the shortlisted firms based on the panels initial scoring. The three (3) shortlisted firms were Stiles Construction, Whiting Turner Contracting Company and Kauffman Lynn. Thereafter the panel of staff agreed to rate Whiting Turner Contracting Company No. 1, because the firm clearly demonstrated the understanding of the project and the desired approach to construct the pier using the top down construction approach, which is the way the City desires the pier to be built. This process is the standard procedure and it was carried out with the utmost respect to all responders.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Mr. Danovich expressed the reason for choosing a Construction Manager-at-Risk as opposed to using other procurement methods. He then provided in details the responsibilities of a Construction Manager-at-Risk. He reiterated that staff used cost based on a variety of accessible data.

In recent years, Mr. Danovich indicated that costs have been fluctuating between 255 square feet to upwards 359 per square feet and beyond. He noted that he pointed out the fluctuation because currently there is no exact price for construction. Therefore, The Whiting Turner will be able to help the City define line by line.

In conclusion, Mr. Danovich stated the merits of using a Construction Manager-at-Risk are evident in the recent successes they have had in other projects. Recently, they have used CM at Risk for the Pompano Beach Boulevard project that has won multiple awards, Atlantic Boulevard, Harbor Village, and other methodologies, for example, design built for the beach library as well as the pier garage, which he is anticipating to win many awards.

Mr. Danovich in sum recommended that the City continue on the path staff has selected. Thereafter he introduced a representative from The Whiting Turner Company to make a presentation and explain the local participation plan that they will bring to the table and their understanding of the project.

Frank Zaremba, Project Manager, The Whiting Turner Contracting Company, 1901 W. Cypress Creek Road, Fort Lauderdale, thanked the Mayor and Commissioners for considering the Whiting Turner Contracting Company for the pre-construction services for the new Pompano Beach Fishing Pier. Mr. Zaremba provided a brief background on the Whiting Turner Contracting Company and provided some of the projects that their company has completed.

Martin “Marty” Murphy, Jr., Murray-Logan Construction, 313 65th Trail North, West Palm Beach, stated that in 2015 he and approximately 80% of the workforce from the Murphy Construction company joined the Murray-Logan Construction company to better position themselves in the heavy marine and pier building marketplace. Mr. Murphy noted that he was personally involved in the project management aspects of the Dania-Juno Beach pier and the Lake Worth pier replacements.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

Master Plan

Mr. Zaremba stated that this is a masterplan for the future development and they have developed the program for doing construction around the area where they will not impact the public more than necessary and will take precautions to ensure the safety of the public. Besides, some of the proposed buildings on the development project would be under construction or built by the time construction on the fishing pier begins.

Furthermore, they have developed the Just-in time delivery process where material can be delivered to the construction site. In addition, he described in details the route plan and working area availability. He introduced Mr. Murphy to provide some details on the project.

Mr. Murphy stated that the Pompano Beach Fishing Pier replacement has very tight access and noted that the awning, rails and planner box would all need to be removed so the contractors can gain access to the pier with their equipment and materials. Also, they intend to have the area available for the public to utilize the restroom and concession stands. Moreover, they had specific experience in that effort, for example, the Lake Worth Pier, which all restaurants on the pier were able to remain open during the entire construction process.

Additionally, he noted they were very fortunate during the process of constructing three (3) prior piers to have refined their Top Down construction method. He indicated on the slide the Lake Worth pier, showed an animated sequence of a typical replacement process, and explained the process in details.

Continuing, Mr. Zaremba stated that he has recently been asked several questions such as: How many bid packages, what type of bid packages would they consider placing on the streets and what they look for in their vendors and subcontractors, which Mr. Zaremba provided the details of their process.

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REGULAR ITEMS - CONTINUED

Michael Sobel, City Commission, District 1 candidate, 704 North Ocean Boulevard, Pompano Beach, 33062, mentioned some recent projects and events that have led up to the pier construction project. He indicated that by any reasonable economic standards the City's best case revenue projections are never going to cover the mortgage. Economic projections within the first 5 years suggest a revenue shortfall of about \$3.8 million, which would cause the Pompano taxpayers to cover the interest and principal on the bonded debt or be paid from the General Fund.

Additionally, Mr. Sobel stated that in 2004, the Commission lawsuit against the county had already cost the City \$200,000, in attorney fees alone. And what better things could the taxpayer money be used for to improve this City? He inquired about Broward County wanting a full accounting of the tens of millions of CRA Trust Fund monies since 2009, which they are asking for. As well as, why the City Finance Director testified under oath that it was her decision to stop doing standalone independent financial audits from a CPA because it was no longer necessary after 2009.

Mr. Sobel continued to inquire about why did the Pompano CRA admit that it failed to appropriate 11 million tax dollars at the end of fiscal year 2014, and how did that happen. He opined that the City wasted and misspent \$2-3 million of CRA taxpayer trust funds on a CRA IED microenterprise business loan and job program. He inquired why the program continued after the first twenty loans went bad.

Mr. Sobel inquired about several other issues involving the City to include the construction of the George Brummer Park, Fire Station 11 construction project, and the library and Cultural Center next door, which turned into more than \$4.2 million in change orders and years of delays.

Finally, Mr. Sobel inquired about the decisions regarding the Captiva Cove development where neither the two well-paid law firms the City nor the developer could even locate a copy of the actual contract, let alone a signed copy, which potentially could have led to a refund of \$950,000 in HUD monies.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

In conclusion, Mr. Sobel indicated that with the landmark Pier construction project, the Commission is deciding to award the project to a qualifying bid at millions higher with unlimited change orders to come to a company that has never built a top down fishing pier. He asked if anybody in the City take responsibility for what they are supposed to do. Therefore, he believes it is time for a change in how the City handles these epic project disasters.

Comr. Hardin asked if The Whiting-Turner Contracting Company stated earlier that they had built a pier using the Top down construction method.

Mr. Murray replied that his family's company, which is the Murphy Construction company, joined Murray-Logan Construction where 80% of the workforce joined Murray-Logan Construction. He explained that the process is very similar to any Florida Department of Transportation (FDOT) project if the people that have been brought into the company have performed the task in the past, then, the company is qualified to pursue the work.

Comr. Hardin stated that technically it is a different company with the same personnel, so in essence they could say that they have not built a pier.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, stated that the City wants to spend more taxpayer's dollars that is not necessary. He mentioned the City recently spent about \$35,000 for each parking space at the parking garage. He noted that Florida Atlantic University built a garage that cost only \$10,000 per spot using the same builder and architect. Now the crown jewel of the city, the pier needs to be replaced, one would think that the city would want the best pier for the lowest bid, but this project is not even going out for competitive bid. The general contractor presentation provided little benefit as far as construction services but will likely cost taxpayers approximately \$1 million dollars.

In sum, Mr. Terwilliger urged the Commission not to vote for the ordinance.

Jim Santomassimo, 1115 W. Cypress Drive, Pompano Beach, asked who the Construction Manager was for the construction of the Lake Worth pier.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

Mr. Murray responded that it was Murphy Construction because it was a low bid job.

Mr. Santomassimo asked how many projects had they completed with a Construction Manager overseeing their work. To which Mr. Murray replied approximately ten (10).

Mr. Santomassimo asked to identify the projects and explained that he is referring to pier projects

Mr. Murray replied that there have been very few pier projects.

Mr. Santomassimo stated that he did some research and recalled that the pier project in Lake Worth and asked if they jacketed the piles on the pier.

Mr. Murray clarified that Mr. Santomassimo's statement is incorrect and stated that the entire pier was rebuilt except for the first 300 feet. However, they had replaced it and raised it by 5 feet, and that is exactly what is being required for the Pompano Beach Pier.

Mr. Santomassimo conceded that he might have received some misinformation from the manager of the pier in Lake Worth; however, he will take Mr. Murray's word. Nonetheless, he has prepared a timeline, which he will provide to the City Clerk. The drawings would not be finished until around November-December, at that point, it would be a good opportunity to send the job out for competitive bid and Murray-Logan should be invited. In sum, he indicated he is yet to find a pier that had a Construction Manager, perhaps the Whiting Turner Contracting Company could be more specific about the pier projects that they have worked on with a Construction Manager.

Mayor Fisher asked The Whiting Turner Company to provide an answer to Mr. Santomassimo's question.



Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Mr. Zaremba replied that his closest association, personally, was with the City of West Palm Beach Downtown Waterfront Dock project to which he pointed out the similarities. In addition, he indicated that in Baltimore where they have done a number of projects associated with pier that leads out into the Baltimore Harbor. Currently, they are constructing a five star hotel on it.

Subsequently, a very extensive debate with questions and answers transpired between Mr. Santomassimo and Mr. Zaremba. In sum, Mr. Santomassimo suggested that the Commission wait for the completion of the drawings, then it would go out for competitive bid, as well as examine some fiscal responsibility for this project.

Ben Moscoff, Shoreline Foundation, 2781 SW 56th Avenue, Pembroke Park, FL, stated that they have the greatest experience in top down fishing pier construction, which was one of the RFQ requirements. He mentioned that the City is about to make history but opined it will be making the wrong history. He suggested that the construction of the fishing pier should go out as a competitive bid, and invite the marine construction community that are qualified to bid on the project. He then provided his reasons for suggesting that the City use the bidding process for this project.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

Mr. Beach invited Whiting Turner to describe the process that they go through for obtaining prices for the subcontractors, which is a competitive process. In addition, he noted that the worst experience that staff has had in building something in Pompano Beach was a low bid project for a fire station. Moreover, the contractor failed and in turn, the City had to cash the company's bond, and the project continued for years due to a low bid process, which resulted in receiving a bad contractor.

Mr. Zaremba, reiterated the prequalification process and stated that they expected to issue over twenty (20) bid packages for the project and receive pricing for all the significant materials for the job to include concrete, precast concrete, beams, piles, steel handrails, lumber quote, and canvas awning. In addition, they would discuss with Murray-Logan Construction the cost for installation, as well as work together to examine the price structure.

Comr. Phillips clarified that he did question the validity of a Construction Management firm, and expressed some concerns of the financial perimeters. Besides, Comr. Phillips mentioned that he thought when staff engaged Whiting Turner Company for the project that they had some idea regarding the financial figures that would be utilized. Therefore, he is very concerned about that particular perception. Nevertheless, he thinks a lot of good can come out of the situation but, the commission must understand there is a financial component. Because one thing the City Commission dislikes is change orders.

Vice Mayor Burrie recalled the conversation between Mr. Santomassimo and Mr. Murray regarding the possibility of the project costing the City \$2 million. She asked if the City chose a Construction Manager-at-Risk under the current GMP, is there a possibility that it would add \$ 2 million to the cost of building the pier.

Mr. Zaremba responded that would not be the case nor would it be a popular way of going. He explained the costs associated with the fees and provided some examples. Therefore, to assume that there is a \$2 million premium really is not without examining it in a much more complexed way.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

Mayor Fisher asked if staff placed the project up for competitive bid based on the construction documents without any changes, could staff hold the bidder to no change orders.

Mr. Danovich replied that it would be very difficult for various reasons to include unexpected findings. Furthermore, the CMAR would take 5 months to do what a bidder might do in 3 weeks; and, they will need to check everybody that has the credentials to deliver the project. Therefore, it is very difficult to guarantee that a low bidder would not return with a change order.

In response to Mayor Fisher's question on the GMP risk, Mr. Danovich responded that when staff returns with the GMP the Commission would have a breakdown of everything that they anticipate, and the risk they are willing to take to deliver the project for the price they provided to staff.

Mayor Fisher commented that he is personally going to allocate the \$96,900 to move forward to get a price quote, but he made it clear that he will examine every dollar. Besides, he wants to be able to hear from other experts, such as Shoreline Foundation, Inc., as well as to ensure that the City is getting the lowest price. If the proposed price is not in line then the project will go out for bid at that particular time.

RES. NO. 2016-254:

TIME 00:00:00

ITEM 31

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. 1 IN THE AMOUNT OF \$96,900.00 PURSUANT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY TO CONDUCT A PRE-CONSTRUCTION ANALYSIS FOR THE POMPANO BEACH FISHING PIER PROJECT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

		Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES						
July 12, 2016						
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<u>REGULAR ITEMS - CONTINUED</u>						
MOTION: To adopt Resolution No. 2016-254 upon reading.		<u>ROLL CALL</u>				
		Dockswell		x	x	
		Hardin	x		x	
		Moss			x	
		Phillips			x	
		Burrie			x	
		Fisher			x	
<p>Horacio Danovich, CIP Manager, stated that the Resolution is seeking the Commission's approval to engage the Whiting-Turner Contracting Company to work on procuring all the services and place them in a format referred to as the Guaranteed Maximum Price (GMP) to determine the total cost of the fishing pier.</p> <p>Mr. Santomassimo, 1115 W. Cypress Drive, Pompano Beach, stated that several years ago he suggested to staff to start working with the GMP that has many advantages. However, one disadvantage is that the City would have to be more involved than a competitively bid process, and explained that in details. He indicated that the GMP has now changed to become a CMAR. Nevertheless, he stated that competitive bidding is still a good process when there is one major trade.</p> <p>In sum, Mr. Santomassimo noted that in his experience with this business, he has not seen the same CM who started a job complete it.</p> <p>Ben Moscoff, Shoreline Foundation, Inc., stated that the item that the Commission is discussing to vote on is what his organization does every day in preparing to bid, which include putting together a bid document, getting competitive pricing, checking out the materials, suppliers, and making sure the "set asides" are met. The City is about to pay a company to provide this service. He indicated that these are uncharted waters for him because that is not how things are done in a competitive bid.</p> <p>Additionally, Mr. Moscoff stated he would like to take up Mayor Fisher's offer to be invited to the table to provide the City with a competitive bid to compare to their subcontractor without charging \$96,000 to do it.</p>						

		Names of Comms.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES						
July 12, 2016						
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<u>REGULAR ITEMS - CONTINUED</u>						
MOTION: To adopt Resolution No. 2016-255 upon reading.		<u>VOICE VOTE</u>				
		Dockswell			X	
		Hardin		X	X	
		Moss	X		X	
		Phillips			X	
		Burrie			X	
		Fisher			X	
There was no discussion on this item.						
RES. NO. 2016-256:	TIME 00:00:00	ITEM 33				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>JAMES B. MOREHEAD</u> TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.						
The Resolution was read by title only.						
MOTION: To adopt Resolution No. 2016-256 upon reading.		<u>VOICE VOTE</u>				
		Dockswell		X	X	
		Hardin	X		X	
		Moss			X	
		Phillips			X	
		Burrie			X	
		Fisher			X	
There was no discussion on this item.						

Names of Commrs.	M	S	V Y	V N
<u>ROLL CALL</u>				
Dockswell	x		x	
Hardin		x	x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Names of Commrs.	M	S	V Y	V N
VOICE VOTE				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REPORTS

City Manager – No Report.

City Attorney – No Report.

City Clerk – No Report.

Commissioner Barry J. Dockswell – McNab Road Issue – Comr. Dockswell indicated that the City is on a tight period with the McNab Road issue; therefore, if the appropriate staff member could get back to the Commission on this it would be appreciated.

Commissioner Rex Hardin – McNab Road Issue – Comr. Hardin indicated that early in the process he had asked Mr. McCaughan, Public Works Director to look into assisting with solving a situation at the McNab Elementary School. The project would include a turn lane off McNab Road on to 9th Avenue helping to alleviate the traffic jam that is on the west bound McNab Road at 2:00 in the afternoon and at 8:00 in the morning. Therefore, he does understand people's concerns about the trees and so forth, but there are many competing inputs in the entire issue. Consequently, it would be difficult to lose a traffic mitigation situation, which should be considered by all parties.

Commissioner Barry Moss- Pompano Beach Elementary School Rating –
Comr. Moss congratulated Principal Steve Larson of the Pompano Beach Elementary School for raising last year's grade level from an F to a D. Therefore, everyone look forward to higher grades.

Commissioner Edward Phillips – Police Presence in the Neighborhoods –
Comr. Phillips commended the City for being calm in the National Storm of concern as it relates to police overreach with police killing folks and or folks killing police. In both cases wrong is wrong. In South Florida, they are ensuring that these types of activities do not take place by engaging one another. He indicated that he is quite visible in his neighborhood, as well as his other commission members to include the Mayor. He urged the residents to stay calm and understand that the City's police are working to take care of the people in the City. He also indicated that there is the good and bad in every situation. However, the Commission is working to ensure that the communities do not have the same kind of problems as other communities.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Nuisance Abatement Board – Comr. Phillips indicated that he is disappointed that this Board has not been able to function. He reported that he has received complaints regarding a particular building located at the corner of 8th and Northwest 5th, which is a two story building that has had a tarp thrown over it since the last hurricane. The ownership has changed for the building but it has been one year and half since the City has approached them.

Unpaved Roads and Bulk Trash Dumping – Comr. Phillips indicated that in his neighborhood on MLK Boulevard from I-95 to Northwest 6th Avenue the roads needed to be paved. In addition, on the empty lots people are dumping bulk trash, which should be addressed. Therefore, a projection of six months should be set to get the road paved and the empty lots cleaned up if not to have the Commission intervene to ensure that this problem is addressed.

Fairness of Commission members – Commission Comr. Phillips stated that no one that sits on the Commission is a racist. There are instances that some disagreement will occur among them, but at the end of the day everyone tries to do what is right for the residents of Pompano Beach.

Vice Mayor Charlotte J. Burrie – Maintaining of Speed Humps – Comr. Burrie asked if the City has a regular routine to maintain the speed humps to paint them when they appear worn and are not visible at night.

Robert McCaughan, Public Works Director stated that the City is not painting them on a regular basis. Nevertheless, he is checking into the situation, because about three week ago on Northeast 5th Avenue he observed someone painting the markings approaching the speed humps, it was not City personnel and had to come from Broward County. Therefore, he is checking with them, because Broward County is the City's Traffic engineer responsible for signs and pavement markings. On the other hand, the City does respond on a compliant base. Nevertheless, he would check into determining if the County is responsible for maintaining those speed humps.

Names of Commrs.	M	S	V Y	V N
<u>VOICE VOTE</u>				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	



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REPORTS - CONTINUED

Foreclosed Properties Maintenance – Mayor Fisher indicated that several months ago State Representative Bobby Dubois came to City Hall and talked about a program that was instituted to allow someone to hire a firm that would follow foreclosure properties. They can contact the bank and charge the fee to the bank but their responsibility is to ensure that property is immediately secured and maintained until it goes into the foreclosure process. Consequently, he directed staff to bring back an item for Commission discussion regarding the situation of foreclosed properties. There needs to be some mechanism in place for the City to ensure that the banks are responsible rather than the City taking on the responsibility of maintaining the property during foreclosure period.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:06 p.m.

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK