

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

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

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Tuesday, December 13, 2016

6:00 PM

Commission Chambers

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:00 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### INVOCATION

Elder Whitney Rawls of Christ Fellowship Church of God in Christ offered the invocation.

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF MINUTES

[17-154](#) Regular City Commission Meeting Minutes of November 8, 2016

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

**APPROVAL OF AGENDA**

Mayor Fisher indicated that item 59 will be moved up to be heard at the beginning of the Regular Agenda and after being removed from the table will be tabled for a January meeting. Item 60 will be removed from the table and thereafter tabled, and item 61 will be removed from the table and stricken. Also, a time certain Executive Session meeting will be called at 7:30 p.m.

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

Mayor Fisher recognized Vice Mayor Charlotte's Birthday of December 15, 2016.

**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 indicated that the following items would be pulled from the Consent Agenda for discussion:

1, 5, 9, 12, 13, 15, 17, 22, 29, 31, 32, 33, 35, and 44. Additionally, a resident requested pulling item 11.

**A. SPECIAL PRESENTATION**

[17-106](#) Kids and the Power of Work (KAPOW) Award

John Casbarro, President of Learning for Success, Inc., Scott Caruso, Teacher at Pompano Beach Elementary School and Natalie Keith, Proposal Specialist, PricewaterhouseCoopers presented an award to the City Commission for the City's support of partnerships with schools in the City of Pompano Beach through Kids and the Power of Work (KAPOW) program.

[17-124](#) Presentation of Local Historical Listing Plaques

Mayor Fisher presented bronze local historical listing plaques for the following historical sites in Pompano Beach:

Historic Ali Cultural Arts Center located at 357 Martin Luther King Boulevard - Hazel Armbrister, president of the Rock Road Restoration Historical Group, Inc. accepted the plaque.

Woman's Club located at 14 N.E. 2nd Street - Emma Ellington, president of the Woman's Club accepted the plaque.

Bailey Hotel located at 41 N.E. 1st Street - Sarah Benichou, Director at BaCA accepted the plaque.

**B. PROCLAMATIONS**

[17-131](#) Arbor Day Proclamation

Mayor Fisher declared Arbor Day with the presentation of a proclamation to Wade Collum, Arborist for the City of Pompano Beach.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**C. AUDIENCE TO BE HEARD**

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments. All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

The following persons were called to speak:

Expression of Thanks - Bob Johnson, 831 SE 5th Avenue, Pompano Beach, first congratulated the commission on their successes in the recent election. He thanked the City for sponsoring their senior softball team that attended the world tournament in Fort Myers, Florida. Thereafter he displayed the trophy that the team won at the tournament.

Child Abuse at Pompano Beach Elementary School - Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, distributed a copy of his report to the Commission regarding his continued allegations of child abuse at the Pompano Beach Elementary School.

Mayor Fisher reiterated that Mr. Jovanov has been bringing serious accusations before the Commission over a period of time and he has been instructed to provide proof of information to the Broward Sheriff’s Office indicating that physical abuses of children in the schools, are indeed taking place. Secondly, Mr. Jovanov has been encouraged repeatedly to contact the Broward County School Board regarding these matters.

Sober Homes - Michael Grande, 825 NE 23rd Terrace, Pompano Beach, Pompano Advocates for Safe Streets (PASS), stated they had some constructive ideas they wanted to present to the Commission regarding the sober homes issues. Thereafter, he presented a list of questions and suggestions for the record.

Mayor Fisher indicated that the City would respond to the group and some of the questions regarding the lobbyists and the statement of Housing and Urban Development (HUD).

Mark E. Berman, City Attorney, reported that he met with Congresswoman Lois Frankel’s staff along with 14 other City Attorneys who are all working together regarding HUD’s statement to try to revise and come up with some studies, as well as work on the respective City’s ordinances.

Mayor Fisher indicated that the Sun Sentinel newspaper also wrote an article regarding State Attorney Dave Aronberg who is working at the state level on the

subject matter.

Construction of Pompano Pier - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, wanted to bring to the Commission's attention the possible corruption or incompetency of Horacio Danovich and Whiting Turner Construction Company and the potential taxpayer overpayment of approximately \$5 million. He indicated that Mr. Danovich oversaw the drafting of the solicitation of a proposal for the contractors to build the City's pier.

Mr. Terwilliger opined that the bid process was discriminatory and prohibited Murray Logan Construction Company and Shoreline Foundation from bidding without partnering with the General Contractor. He then provided a brief history of the City's action in contracting with Bridge Design Associates to design a new Pompano Pier. He indicated that \$647,576 was paid for design services including application to the Corps of Army Engineers and a construction cost estimate of about \$7 million. Furthermore, as of December 2, 2016, Bridge Design Associates indicated that their work was 95% completed.

In September, Mr. Danovich reported to the Commission that Whiting Turner Construction would be selected to build the pier at an approximate price of \$13 million. Subsequently, the Commission approved \$96,000 for Whiting Turner to create a design team and develop a cost estimate and schedule. However, the contract was not awarded to Whiting Turner. At the same time, Shoreline Foundation offered to provide the same services free, and to build a new pier at a Guaranteed Maximum Price (GMP) as designed for \$8 million. The Commission had requested that Mr. Danovich provide final drawings to Shoreline Foundation, which they have never received.

In sum, Mr. Terwilliger desired to have Mr. Danovich discontinue working as the City's Capital Improvement Project Engineer, because he is not a State of Florida licensed engineer. Additionally, his expertise and recommendations to the Commission are faulty and misleading. Therefore, Mr. Terwilliger requested that the Commission terminate the \$96,000 to Whiting Turner Construction because Bridge Design Associates have already done most of the work. Secondly, to reconsider Mr. Danovich's position and to recall or reconsider Request for Quote (RFQ) E-18-15 to make allowance for a new competitive bid where other companies can offer their services to build the best pier for the best price.

Sober Homes - Tony Hill, 760 SE 22nd Avenue, Pompano Beach, stated that this subject matter has been concerning for many of the neighboring cities for some time and has become more of a concern in the City of Pompano Beach, as well as these homes continue to move southbound. In sum, Mr. Hill requested that the City develop a task force to better deal with the issues on hand and provided the following suggestions:

- 1) Update the zoning code to include definitions of sober homes, sober living

operators, boarding homes, group homes, and single housekeeping units similar to what other cities have done.

- 2) Update the zoning code to require group living facilities, substance abuse, detox facilities, and boarding houses to obtain a special use permit and to require the facilities to maintain no less than a 1,000-foot separation.
- 3) Amend the zoning code to define the principal use of RS-1 districts, particularly as a single housekeeping unit containing no more than three (3) unrelated persons.
- 4) Permit group living facilities with fewer than six (6) residents in an RS-1 district providing they have a special use permit.
- 5) Permit group living facilities with six (6) or more residents in a higher density neighborhood.

Finally, Mr. Hill indicated that there is one bill currently in Congress, HR6070, which deals with sober homes and it allows cities to enact their zoning code and apply them to sober homes. Therefore, he encouraged everyone to support the bill.

Congratulations City Commission - Angela Hill, 760 SE 22nd Avenue, Pompano Beach, congratulated the Commissioners and the Mayor for their re-election, as well as the two newly elected commissioners, Michael Sobel and Beverly Perkins.

Sober Homes - Mrs. Hill indicated that she would continue with the list of suggestions her husband provided earlier and promised to provide the Commission with the list of suggestions.

- 1) Require operators of any group living facility to provide transportation to occupants being ejected or evicted from the group homes and return them to their permanent residence to deter homelessness in the City of Pompano Beach.
- 2) Require that a person acting as a manager be present at a group home on a 24-hour basis and that they should be registered with the City.
- 3) Require owners or operators of any sober living home not to have convictions, sexual offenses, offenses related to controlled substances, violent felonies or beyond parole or probation.
- 4) Require group living facilities to follow specific guidelines for addressing neighborhood complaints.
- 5) Provide a mechanism for first responders to report any overdose or drug related calls from group living facilities that are permitted in the City.
- 6) Provide designated code enforcement officers and building inspectors to inspect existing and potential group living facilities to ensure compliance of new zoning and existing building codes.
- 7) Provide clear guidelines for operators to request reasonable accommodations from the City.

Mayor Fisher requested that Mr. and Mrs. Hill provide their comments to the City Clerk so that the City Attorney may review them for all the legal issues.

Vice Mayor Burrie indicated that between the Cresthaven and Highlands areas in District 2, there are over 175 sober homes. Furthermore, she indicated that Congresswoman Lois Frankel is aware that if she did not introduce a bill she could not get a bill through because none of the congressional representatives living in the northern states knows much about sober homes. People who want to be sober do not want to live in cold weather places. Therefore, the joint statement has been established, which finally allows cities the right to use their ordinances plus whatever action is necessary to curb sober homes issues.

Finally, Vice Mayor Burrie indicated that the City Manager has assured her that the City has been working on this now that a joint statement has been issued to control sober homes in the single-family districts.

**Congratulations to Commission** - Sandy Von Staden, 3201 Beacon Street, Pompano Beach, congratulated the Commission members on their election and re-election.

**Scenic A1A Corridor** - Ms. Von Staden, indicated that she had distributed to the Commission an outline of the scenic A1A corridor. She said, it is very important to the entire City, in terms of an economic driver, sustainable tourism, preservation of natural resources, encouragement for development, and use of non-vehicular transportation, for example, bicycles and pedestrians. She indicated that the cultural activities also contribute to the scenic corridor. She mentioned that there are nine (9) municipalities, involved with the Scenic A1A corridor and she represents the City of Pompano Beach. In addition, she indicated that a five (5) year strategic plan was developed and updated over the years and a new plan was done in the year 2014. It is very important that all the municipalities involved in this plan adhere to it to preserve the designation. She stated that they were successful with dollars coming from the various cities, getting the marketing plan, and driving tourism to the scenic corridor to walk, bicycle and visit the sites.

Finally, Ms. Von Staden hopes the City Commission would continue to support and preserve the resources along the corridor. Particularly, the Hillsboro Park, the Fishing Fleet, the Pier, and Indian Mound Park, which are the City's jewels, historic sites and cultural amenities that must be preserved and weighed, when considering any development efforts or any action that would impact the transportation corridor.

**NuGame Movement Program** - Bruce Roberts, 723 North Powerline Road, Pompano Beach, NuGame Movement, Pompano Beach, stated on behalf of the young men who were standing in support with him, are the NuGame Movement of men dedicated to fixing the problems that they have assisted in creating in the communities. In January 2015, one of the local young men died because of violence. Social media flooded the internet and a vicious cycle of communicating information has been plaguing the neighborhoods of the City of Pompano Beach. Therefore, a group of young men gathered at a local barbershop to express their emotions and concerns and then made a vow to make a difference, which gave birth to the NuGame Movement. He provided

the purpose of this group, which is to enlighten, educate and encourage through life skills training, as well as financial empowerment, peer pressure courses, and personal development.

Mr. Roberts reported this is the second year since the group was established and they have invested their own time, money and experiences in developing a program to effect positive growth in the mentees, but much more can be done. Therefore, if the City is interested in joining in to assist with any form of contribution they can be contacted on their Facebook page at [NuGameMovement@facebook.com](mailto:NuGameMovement@facebook.com) [<mailto:NuGameMovement@facebook.com>](mailto:NuGameMovement@facebook.com) or email [NuGameMovement@yahoo.com](mailto:NuGameMovement@yahoo.com)

In response to Mayor Fisher's question Mr. Roberts indicated that the group meets on the first and third Monday of each month at 6:00 p.m. at the Ronald B. McNair Center, on NW 27th Avenue in Collier City, Pompano Beach. Mr. Roberts indicated that their new program commences on January 9, 2017.

Mayor Fisher thanked the young men for their contributions to the community and stated that they are making a big difference.

Demise of Vicente Thrower's Grandfather - Mayor Fisher announced that Vicente Thrower's grandfather passed away on December 12, 2016, and expressed his condolences. He also stated that "our thoughts and prayers are with you and your family."

Negative Comments at Commission Meetings - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, defended the City against those persons who appear before the Commission and say some outlandish comments he is not too pleased with. He said, negative comments regarding the schools do not represent everyone in the City of Pompano Beach. In fact, the high schools and elementary schools are making great strides.

Additionally, Mr. Thrower stated that it upsets him when there is an attack on a staff member doing their job. He indicated that he is a proponent for when an employee is not doing their job, but he would address his concerns to the Commission to find out what action they plan to take. However, when there are no facts available about a staff member's personal livelihood, and a person try to demean that member's character that is offensive to him as well.

Request to Pull Consent Agenda Item 11 - Mr. Thrower requested that the Commission pull Consent Agenda item number 11 for discussion.



**D. CONSENT AGENDA**

1. [17-69](#) Approval of a budget adjustment for Division 1550 Building Inspections, for the amount of \$57,000.00 from the Budgetary Fund Balance Account to the Travel, Education and Membership Account and Maintenance, Maintenance Contract Account.  
(Fiscal Impact: \$57,000.00)

(Staff Contact: Robin Bird/Miguel Nunez)

Comr. Sobel requested clarification on the \$40 million indicated in the backup that was pulled out of an account for the item, which appears to be a typographically error. Nevertheless, he questioned the \$57,000 being used for recertification, how long the recertification would be, and how many employees were involved.

Robin M. Bird responded that the entire building division inspectors, approximately 20, must be recertified and participate in continuing education throughout the year. Therefore, the five (5) names listed are those that are coming up for recertification.

Mr. Bird explained that in the future, he would work out this type of request at the budget planning level for the required recertifications. Therefore, the Commission will not be requested to approve this action at this level.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

2. [17-76](#) Approve ranking order for RFP E-49-16 Beach Cleaning Service, and authorize staff to negotiate and enter into a contract with the highest-ranked firm, W.D. Thompson, Inc., d/b/a Beach Raker (No cost at this time).  
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

3. [17-105](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND W. D. THOMPSON, INC. D/B/A BEACH RAKER, RELATING TO THE BEACH CLEANING AND DEBRIS REMOVAL SERVICES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$33,606)

(Staff Contact: Robert McCaughan/Russell Ketchem)

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

**Enactment No: RES. No. 2017-59**

4. [17-94](#) Approval to award Bid #E-03-17 Roof Replacement for Utilities Field Office Storage Building to the sole responsive, responsible bidder, Roof Painting by Hartzell, Inc., at a cost of \$113,685.00.  
(Fiscal Impact: \$113,685)

(Staff Contact: A. Randolph Brown)

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

5. [17-118](#) Approval to award Bid L-53-16, Water and Reuse Treatment Plants Meter Replacement to the lowest responsive, responsible bidder Florida Design Drilling Corporation, in the amount of \$496,010.00.  
(Fiscal Impact: \$496,010.00)

(Staff Contact: A. Randolph Brown)

Comr. Sobel asked if the City has worked with the lower bid company before.

A. Randy Brown responded no, however, he had the consultants thoroughly review their documents and checked their work history, which resulted in the recommendation for them to perform the services.

Comr. Sobel questioned who would be responsible to oversee the Capital Improvement projects, specifically, the payment schedule, and the deliverables in the contract.

Mr. Brown responded that it would be the City's Utilities Engineer, Alessandra Delfico.

Comr. Moss requested a brief explanation of the services to be provided.

Mr. Brown stated that this is a contract to replace all the City's measuring meters at both Treatment Plants. Recently, all the meters were replaced at the distribution system; however, to put everything in a five (5) year period, the aged treatment plants meters must be replaced to get a good account of the water throughout the entire process. It assists with conservation and ensures staff is measuring the correct amount of water for the South Florida Water Management District. Meters are being replaced and some will be moved out of the ground for ease of calibrating.

Mayor Fisher pointed out that 11% will be going to local businesses and it is a 55% Small Business Enterprise (SBE).

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

6. [17-122](#) Approval of request from a municipal cemetery plot owner to transfer ownership of two (2) plots back to the City.  
(Fiscal Impact: \$950)  
  
(Staff Contact: Robert McCaughan)

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

7. [17-123](#) Approval to purchase Storm Sewer Inspection Services, per the Florida Department of Transportation RFP-DOT-15/16-4006PM, awarded to Shenandoah General Construction Company, in the amount of \$60,074.50.  
(Fiscal Impact: \$60,074.50)  
  
(Staff Contact: A. Randolph Brown)

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

8. [17-16](#) 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 ANDREYEV ENGINEERING, INC. TO INSTALL, OPERATE AND MAINTAIN A GROUNDWATER MONITORING WELL LOCATED IN THE RIGHT-OF-WAY OF SE 28TH AVE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

**Enactment No: RES. No. 2017-60**

9. [17-51](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TAYLOR'S CLOSET FOUNDATION, INC. PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

**Comr. Sobel indicated that he learned that Taylor's Closet Foundation, Inc. will be moving to Fort Lauderdale next month and questioned whether the City's tax dollars are being used in this venture.**

**Mark Korman, Program Compliance Manager, responded that while they are sorry to see Taylor's Closet move, they have expanded and have grown. However, the public service dollars are tied to the services they deliver to the residents of Pompano Beach, so the program that the City will continue to fund is directed towards a certain number of Pompano Beach's young ladies. Therefore, this will not change regardless of the location.**

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-61**

10. [17-54](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD CHILDRENS CENTER, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$12,080)

(Staff Contact: Miriam Carrillo/Mark Korman)

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

**Enactment No: RES. No. 2017-62**

11. [17-62](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOYS AND GIRLS CLUBS OF BROWARD COUNTY, INC. PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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

**Enactment No: RES. No. 2017-63**

12. [17-65](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING EUGENE M. STEINFELD, AND ALAN L. GABRIEL AS SPECIAL MAGISTRATES, TO PRESIDE OVER CODE ENFORCEMENT PROCEEDINGS OF THE CITY OF POMPANO BEACH FOR A TWO-YEAR TERM; SAID TERM TO EXPIRE DECEMBER 7, 2018; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$130.00 per hour. Costs vary each month.)

(Staff Contact: Mark E. Berman)

Comr. Sobel noted that Mr. Steinfeld mentioned on his application that he serves on an advisory board and asked which advisory board he serves on and whether there is any potential conflict of interest. Mr. Berman was unsure of the board and promised to check into it and get back to the Commission.

Comr. Sobel noted that Mr. Gabriel's firm handles quite a number of lawsuits on behalf of the City and the Community Redevelopment Agency (CRA) and wondered if the contract was with him or his firm, as well as the possibility of conflict of interest.

Mark E. Berman, City Attorney responded that Mr. Gabriel is currently with the firm. Originally, the contract was with Mr. Gabriel in an individual capacity but when he joined with the firm, the contract was made with the firm.

In response to Comr. Sobel's question, Mr. Berman replied that the City has two (2) Special Magistrates, who rotate every month.

Additionally, Mr. Berman indicated that he does not see any conflict of interest with Mr. Gabriel and his law firm. Over the years, there has not been, and if so, Mr. Gabriel would recuse himself. Moreover, Mr. Gabriel is clear on the rules and responsibilities of a Special Magistrate.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-64**

13. [17-66](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COOPERATIVE FUNDING PROGRAM ALTERNATIVE WATER SUPPLY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SOUTH FLORIDA WATER MANAGEMENT DISTRICT ACCEPTING A GRANT NOT TO EXCEED \$400,000.00 FOR THE RECLAIMED WATER SYSTEM EXPANSION - N.E. POMPANO BEACH AND LIGHTHOUSE POINT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: Grant providing up to \$400,000.00)

(Staff Contact: A. Randolph Brown)

Comr. Sobel asked what is the purpose for the \$1,650,000 project.

A.Randy Brown, Utilities Director, explained that the project involves laying of a trunk line from NE14th Street to Lighthouse Point in the City's service area. In addition, Mr. Brown indicated that there are two (2) grants, one from the state and the subject grant is from the South Florida Water Management District, as well as there are revenues from the Utilities Department for the expansion of the reuse water program.

Comr. Sobel asked who would be responsible for overseeing the payment schedule and the deliverables for this contract.

Mr. Brown responded that the team consists of Alessandra Delfico, Ben Bray, Field Superintendent, and himself. In addition, the scope of work will be completed within twelve (12) months.

Mr. Brown reported that the City of Lighthouse Point recently voted 5-0 to move forward.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-65**



14. [17-79](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING SENATE BILL 3411, THE DISASTER ASSISTANCE IMPROVEMENT ACT OF 2016, WHICH WILL CLARIFY FEMA'S DEOBLIGATIONS/CLAWBACKS; DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Phyllis A. Korab)

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

**Enactment No: RES. No. 2017-66**

15. [17-80](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CDBG LOAN SERVICING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND STONEGATE BANK, TO PROVIDE SERVICING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) LOANS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Korman/Miriam Carrillo)

Comr. Perkins asked for an explanation on the loan and how it is marketed in the City.

**Mark Korman, Compliance Manager, Office of Housing and Urban Improvement, stated that the loan program is being funded by the Community Development Block Grant (CDBG) Economic Development dollars. The primary purpose is to create jobs. The loans are made available to any size businesses. It is not a startup or micro loan program. Rather, it is designed to help create and retain low-income jobs for the community. The portfolio started with approximately half a million dollars and have been reimbursed approximately \$300,000. It is a revolving loan program and to date has been repaid \$400,000, which will allow the City to continue with the loans.**

Comr. Perkins indicated that she has never heard of the program and would like to see it marketed more extensively, so people are aware of the loan and what is being offered. She asked about the interest and to where does it go.

Mr. Korman stated that they have an interest prime rate and the interest becomes part of the income that flows back into the revolving loan funds.

Comr. Perkins asked how long has this program been in effect.

Mr. Korman replied in 2011.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, asked what types of businesses are receiving these loans.

Mr. Korman replied there have been different kinds to include restaurant, automotive parts manufacturer, small vehicle repair company.

In response to Mr. Skversky's question on the loans, Mr. Korman responded that generally they are five (5) years fixed, fully amortizing during debt period.

Comr. Hardin asked that Mr. Korman provide the Commission in memo form what he is currently doing in marketing the program.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-67**

16. [17-82](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM EXCLUSIVE AUTO IMPORTS INC. TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester/Robin Bird)

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

**Enactment No: RES. No. 2017-68**

17. [17-86](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY RELATING TO PARTICIPATION IN THE 2016 EDWARD BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$70,833.00)

(Staff Contact: Capt. Wayne Adkins/Brian Donovan)

Comr. Perkins asked how long has the BYRNE program been in effect.

John Hale, Chief of Police, Broward Sheriff's Office (BSO) responded it has been for the past ten (10) years. This is an annual justice assistance grant issued to several municipalities within the County. The BSO has been the designated administrator by the Department of Justice as the receiving entity.

In response to Comr. Perkins' question, Chief Hale responded that the kids are selected by the Department of Juvenile Justice and BSO work in conjunction with them. He also indicated that there are different thresholds that they use to determine how the kids are qualified for the program. For example, if a kid is re-arrested he/she is placed in the next tier of the program, resource groups such as NuGame Movement, and School Resource deputies are utilized as well. The money is used for the deputies to go out and conduct curfew checks, follow-up and to check the kids status. The age groups range from 7 to 18 years old.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-69**

18. [17-89](#) 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, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR SINGLE PROJECT CONTRACT FOR ENGINEERING SERVICES FOR KENDALL LAKE NEIGHBORHOOD STORMWATER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2017-70**

19. [17-90](#) 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, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR SINGLE PROJECT CONTRACT FOR ENGINEERING SERVICES FOR GATEWAY DRIVE STORMWATER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2017-71**

20. [17-92](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY HEALTHCARE COALITION FOR DONATION OF BYOPLANET'S ELECTROSTATIC APPLICATION SYSTEM PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A )

(Staff Contact: Frank Galgano/John Jurgle)

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

**Enactment No: RES. No. 2017-72**

21. [17-97](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FOUR CONSENT TO REVOCABLE LICENSE AGREEMENTS AMONG THE CITY OF POMPANO BEACH, BROWARD COUNTY, ADOPT A HURRICANE FAMILY, INC. HENDERSON BEHAVIORAL HEALTH, INC., LEGAL AID SERVICE OF BROWARD COUNTY, INC. AND HARMONY DEVELOPMENT CENTER, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Phyllis A. Korab)

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

**Enactment No: RES. No. 2017-73**

22. [17-98](#) 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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LAMBERT ADVISORY, L.C. PROVIDING FOR AN ASSESSMENT OF THE CITY'S SUBSIDIZED HOUSING INVENTORY AND MARKET-RATE HOUSING ANALYSIS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/Robin Bird)

Comr. Sobel indicated that the Department Heads over the past several weeks have been supportive to include the CRA and the Deputy Clerk who have assisted him to get up to speed with the various City affairs. He expressed his thanks to everyone for his or her support.

Additionally, Comr. Sobel indicated that it was a one-year contract but staff is requesting an extension for another six months for public outreach. However, the public outreach was part of the Phase III that was supposed to be completed within the first year of the contract. Nevertheless, while there are some funds left, the purpose of the study as he understands, the consultation services is empirical in nature. Therefore, he is unsure of the benefit that the public outreach would have to the empirical study that is being sought for affordable housing.

Robin M. Bird, Development Services Director, explained the issues with studies that go before the Commission for acceptance. Since staff does not know what they will be getting, for transparency purposes some outreach would be engaged, which is put in almost every study.

Comr. Sobel asked about the milestone in place and who is going to oversee the deliverables of this outreach over the next six (6) months to ensure it is completed.

Mr. Bird responded that it is scheduled for January and staff will bring back the item to the Commission for acceptance prior to the six months. Jennifer Gomez, Development Services Assistant Director will be back from maternity leave, who incidentally just had a baby boy, to make the final presentation, hopefully in April.

Comr. Sobel indicated that he had spoken to Ms. Gomez about including homeless housing/shelters in the definition of affordable housing because it is an important aspect to be included. Therefore, he suggested that staff include the homeless housing/shelters within the Pompano Beach figures for purposes of the affordable housing empirical study.

Mr. Bird agreed to take this request to the consultant to ensure it is included.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-74**

23. [17-99](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BASEBALL, INC., TO PROVIDE VOLUNTEER LEADERSHIP, ADMINISTRATION, AND COACHING SERVICES TO COMPETITIVE AND TRAVEL YOUTH BASEBALL AND SOFTBALL LEAGUES IN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-75**



24. [17-104](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A ROADWAY TRANSFER AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH FOR THE TRANSFER OF NW 5TH TERRACE FROM NW 32ND STREET TO SOUTH OF NW 35TH STREET; SW 2ND PLACE FROM ANDREWS AVENUE TO 0.068 MILES EAST; SW 9TH TERRACE FROM NORTH OF 6TH STREET TO END OF ROAD; SW 8TH STREET FROM ANDREWS AVENUE TO 10TH AVENUE; NW 1ST STREET FROM NW 10TH AVENUE TO NW 9TH AVENUE; NW 1ST STREET FROM NW 8TH AVENUE TO NW 7TH AVENUE; SE 22ND AVENUE FROM SR 814/ATLANTIC BLVD. TO SE 2ND STREET AND SE 2ND STREET FROM SE 22ND AVENUE TO US1/SR5/S. FEDERAL HIGHWAY; NE 20TH AVENUE FROM SR 814/ATLANTIC BLVD. NE 2ND STREET AND NE 2ND STREET FROM NE 20TH AVENUE TO US1/SR 5/N FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2017-76**

25. [17-103](#) 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 DUBLIN HOLDINGS, L.L.C. FOR THE CONSTRUCTION OF A TWO INCH DIAMETER WASTEWATER FORCE MAIN TO BE INSTALLED IN THE RIGHT-OF-WAY OF NW 18TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2017-77**

26. [17-109](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF POMPANO BEACH AND THE CITIES OF SUNRISE, HALLANDALE, LIGHTHOUSE POINT, NORTH LAUDERDALE, OAKLAND PARK, PEMBROKE PINES AND THE TOWN OF DAVIE RELATING TO THE 2016-2017 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM REGIONAL GRANT APPLICATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$38,266.64)

(Staff Contact: John Jurgle)

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

**Enactment No: RES. No. 2017-78**

27. [17-117](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE SHERIFF OF BROWARD COUNTY AND CITY OF POMPANO BEACH PROVIDING FOR TEMPORARY USE OF FIRE RESCUE AND EMERGENCY SERVICES EQUIPMENT AND/OR VEHICLES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1.00)

(Staff Contact: John Jurgle)

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

**Enactment No: RES. No. 2017-79**

28. [17-119](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION IN THE AMOUNT OF \$205,000 TO THE CHILDREN'S SERVICES COUNCIL OF BROWARD COUNTY FOR THE MAXIMIZING OUT OF SCHOOL TIME (MOST) GRANT FOR THE SUMMER CAMP PROGRAMS; CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT UP TO \$10,500, AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,500)

(Staff Contact: Mark Beaudreau)

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

**Enactment No: RES. No. 2017-80**

29. [17-128](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/Robin Bird)

Comr. Sobel indicated that the concept of the nuisance abatement proposed ordinance is good in terms of cleaning up debris and recovering costs. However, he understood it to be potentially very oppressive and not appropriate to the point of being unconstitutional. He then provided details on his reasons for this comments. In sum, he noted that there ought to be better safe guards written into the actual language other than, "A designated agent," which is not clear as to exactly what their criteria qualifications are, as well as to send written notice to a particular resident. Therefore, greater safe guards should be written into the language. He requested that either the item be tabled or the Commission request the City Attorney to review carefully the issues, to avoid unduly harmful effect on what was the generally intention of a good goal in terms of cleaning up the City.

Mark E. Berman, City Attorney indicated that over the many years the City has not encountered any real issues. There is adequate due process and adequate notice; however, staff could review the ordinance to see if it could be improved in moving forward. These are liens already acquired and costs have been incurred, therefore, he encouraged the Commission to move forward.

Comr. Sobel stated that the notice requirement is what he particularly wanted staff to reconsider.

Mayor Fisher indicated that the process is good for the City to continue and explained the reasons, including the devaluing of the community, creating rodents and so forth in the neighborhood.

Comr. Hardin indicated that Comr. Sobel's comments are duly noted; however, he would not want the City to get off track as far as what is currently in place. In sum,

the ordinance can be reviewed but the process should not be slowed down. The nuisance abatement process is used to cleanup property.

Comr. Perkins asked how often the lien abatements appear before the Commission for approval.

Mayor Fisher responded that they receive this approximately every two to three months.

Comr. Sobel indicated that a certified return receipt letter giving notice to the property could be written into the same ordinance to accomplish the goals of the City and accomplish the balancing of the due process in the notice.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-81**

30. [17-142](#) 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 POMPANO INDUSTRIAL VENTURE LLC; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

**Enactment No: RES. No. 2017-82**

31. [17-148](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND FIRST AMENDMENT TO THE PROFESSIONAL CONSULTANT DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BRIDGE DESIGN ASSOCIATES, INC. N/K/A BDA, INC. FOR THE POMPANO BEACH PIER REPLACEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich/Carrie L. Sarver)

Comr. Sobel stated this is a one-year lump sum contract for \$647,576.

Carrie L. Sarver, Assistant City Attorney replied that is correct.

Comr. Sobel noted that the contract expired on December 31, 2015, and asked why staff waited one year to get this done.

Ms. Sarver provided a brief background on the original contract, which was approved in January 2015, with a schedule of services to be completed by December 2015. Provided in the contract, there is a provision allowing the City to approve an excusable delay. Therefore, this item is requesting the Commission to approve a modification to the change in the schedule of services. In fact, part of the item is a request to reinstate for legality purposes. In sum, this will allow the City to remain in continuity and to ensure that all the proper legal steps are taken to keep in compliance and not violating any competitive consultant requirements that the City is obligated to maintain. If not approved, the plans would have to go back to bid with plans that are 95% complete to get a new entity to come on board, which would essentially cause delays to the project.

Horacio Danovich, CIP Manager, explained that the project was slated to receive its permit from the Army Corps of Engineers at the beginning of the year but was significantly delayed. The design would have been ready at the initial contract time, so staff did not believe they had to go beyond that point with the contract because the next phase is the construction administration, which has to be bid out separately.

In sum, Mr. Danovich stated that the design engineers were to deliver a set of completed plans, which was accomplished, but the delay by Army Corps of Engineers has pushed the schedules back in finalizing the plans. Therefore, in hindsight staff is requesting the Commission to appreciate the delay that has held up the City from finalizing the plans.

Comr. Sobel reported that Mr. Danovich has been helpful in providing him with everything that he has asked for in the backup and what has been moving forward on

the pier. Therefore, he suggested that staff avoid waiting for the 11th hour.

In sum, Comr. Sobel understands that assuming the Army Corps of Engineers gives the permit by end of February the latest, then the milestone thereafter, if the Commission approves Bridge Design Associates to go forward and then the subsequent one would be within the time the permit was received.

In response to Comr. Sobel's' question regarding when would construction begin, Mr. Danovich responded that construction cannot commence until the GMP is approved, which will be brought before the Commission for approval. Therefore, he estimated that construction would start by April.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, stated that according to the backup information the total cost of \$647,576 is to design the main pier and the proposed tower. However, there appears to be a second consultant cost of \$96,000, which has been approved to be paid to Whiting Turner to come up with a design team to provide a cost estimate. Therefore, he suggested the Commission consider keeping one study instead of two to save on taxpayers' dollars.

Mayor Fisher requested that Mr. Danovich explain to the Commission the two different components involved with this process.

Mr. Danovich explained that the Cost Estimate provided at the time was within the first 30% of the design. However, the design has evolved based on desires of making the pier what the City wanted it to be. There are elements that were not included in that cost estimate. There are no permit fees included and a number of elements are missing because at the time it was all the designer had to provide to the City. Notwithstanding, this was done two (2) years ago and prices have changed as construction has not remained stagnant. Therefore, the cost estimate is inaccurate by today's standards.

Mr. Terwilliger indicated that there appears to be some changes to include a tower, however, he suggested that since Bridge Design Associates have done majority of the work it would make sense to have someone familiar with the project to update the existing cost estimate than to start a new one.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-83**

32. [17-149](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSENT TO ASSIGNMENT AND SECOND AMENDMENT TO THE PROFESSIONAL CONSULTANT-DESIGN SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WANTMAN GROUP, INC. FOR THE POMPANO BEACH PIER REPLACEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich/Carrie L. Sarver)

Comr. Sobel indicated that Ms. Sarver may have already addressed this issue. However, he asked if Mr. Rheault is the only individual that could perform the \$650,000 worth of engineering design on the project.

Carrie L. Sarver, Assistant City Attorney responded that Mr. Rheault was the sole shareholder and principal engineer as part of Bridge Design and Associates. However, the Wantman Group who has purchased all the assets to include the City's contract now employs Mr. Rheault. Therefore, he would remain as the sole engineer to make the additional changes. She clarified that as part of the overall contract, there were certain professional services that were subcontracted out to include mechanical/structural.

Mr. Danovich confirmed that with the shifting of company owners, whatever work that is left over to be completed, the funds left in the account will pay for the remaining services to be rendered.

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



**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-84**

33. [17-125](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TONY K. HILL TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Comr. Moss recalled that Tony Hill's wife Angela Hill came before the Commission several months ago about a lawsuit they are engaged in with the City. Therefore, he is surprised that the City Ordinance would allow someone who is suing the City to serve on a board. He asked if this practice had taken place prior, in appointing someone to the City's board who was in the process of suing the City.

Mark E. Berman, City Attorney, responded that he cannot recall this happening.

Comr. Moss suggested that the Commission table the appointment of Tony and Angela Hill until the lawsuit either is finished or leave the seat vacant until such time.

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, that the Resolution be **TABLED** until litigation is completed. The motion carried by the following vote:

**Yes:** Hardin  
Moss  
Perkins  
Burrie  
Fisher

**No:** Sobel

34. [17-134](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RICHARD F. KLOSIEWICZ TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-85**

35. [17-135](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING FRED STACER TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Comr. Sobel suggested tabling the appointment and provided his reasons. He said the appointment on behalf of the mayoral position is a four-year appointment and he believes it violates the guidelines of the Florida League of Cities of which the City is a member. It is also contrary to the dictates of the Pompano Beach City Charter. In sum, the mayoral position is a Mayor at Large even though there is a City Manager. Therefore, the City Commission needs to consider the future carefully and decide what type of city government they desire. In addition, Comr. Sobel indicated that there is a disproportion of inequity in this case, and explained the changes made to the Charter in 2003 by the electorates. He concluded that there is a need to correct the inequity where the commissioners only have two years to appoint a member while the mayor has four years due to the terms of office of the commissioners.

Mayor Fisher indicated that when the mayor at large was changed in the Charter it was originally for a three (3) year term. Therefore, the appointment at that particular time served for three years rather than two (2) years. Since this is the first time the mayor term went to four years because the City changed to November election, the mayor per the Charter has this appointment. However, he asked the City Attorney to interpret the Charter and how it states the appointment should be made, which is specific.

Mark E. Berman, City Attorney stated that the Charter does not specify but the Code of Ordinances does, specifically Article 2 - Administration of the Zoning Code that is contrary. It does state the terms for the Planning & Zoning regular voting members shall be appointed for a term, which shall run concurrently with the term of the member of the City Commission that appointed them. Therefore, it has been addressed in Chapter 155 Zoning Code, and it further clarifies the intent of the Charter approved by the Commission in the zoning code. In essence, to do anything other, would violate the City's Zoning Code and Code of Ordinances.

Comr. Sobel disagreed and indicated that they are incongruous; therefore, he asked for an outside opinion as opposed to an "off the cuff one here on the dais." Moreover, these are important issues that control the future, the direction, and the growth of the City. Notwithstanding, there have been multiple problems with the zoning code as it is written. There is a provision of a by-law for an advisory board, which is subservient to

the City Charter. The Charter is quite clear even if it was three (3) years in 2003 that intended the commissioners' powers to be equal to the mayor's power. Therefore, a four (4) year appointment to a genre like the Planning & Zoning Board or Zoning Board of Appeals is a disproportionate greater power, which was not intended by the Charter.

A motion was made by Commissioner Sobel, seconded by Commissioner Perkins to table the item. The motion **FAILED** by the following roll call vote:

**No: Hardin**

**No: Moss**

**Yes: Perkins**

**Yes: Sobel**

**No: Burrie**

**No: Fisher**

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

**Yes: Hardin**

**Moss**

**Perkins**

**Burrie**

**Fisher**

**No: Sobel**

**Enactment No: RES. No. 2017-86**

36. [17-126](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOHN J. GEER, JR. TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond.)

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

**Enactment No: RES. No. 2017-87**

37. [17-136](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PAUL WEBB TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-88**

38. [17-127](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARIANN INGRASCI TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-89**

39. [17-137](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JUDITH A. NISWONGER TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR LAMAR FISHER, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-90**

40. [17-129](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KRIS COFFELT TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-91**

41. [17-130](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAHLIA BAKER TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-92**

42. [17-132](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GWENDOLYN LEYS TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF REX HARDIN, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-93**

43. [17-133](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BARBARA ARMBRISTER-BOYNTON TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER; WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-94**



44. [17-140](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ANGELA HILL TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Comr. Moss restated that as it was in the case of the appointment of Tony Hill, who is Angela Hill's husband, he moved to table the item until the lawsuit against the City has been settled.

Comr. Sobel indicated that City Attorney Berman had opined that there was no conflict of interest in this appointment.

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, that the Resolution be TABLED until the litigation is completed. The motion carried by the following vote:

**Yes:** Hardin

Moss

Perkins

Burrie

Fisher

**No:** Sobel

45. [17-141](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY RAWLS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-95**

46. [17-143](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOHN WAY TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-96**

47. [17-144](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY ANN METEVIA TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR LAMAR FISHER FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-97**

48. [17-145](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOHN J. GEER, JR. TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-98**

49. [17-155](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING FREDERIC L. CONWAY TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-99**

**E. REGULAR AGENDA**

50. [17-77](#) Consider renaming North Riverside Park "Chris Reyka Memorial Park" in honor of BSO Sergeant Christopher Reyka.  
(Fiscal Impact: \$500 provided to City)

(Staff Contact: Robert McCaughan)

**Robert McCaughan, Public Works Director, presented the item for the Commission to consider renaming north Riverside Park the "Chris Reyka Memorial Park" in honor of BSO Sergeant Christopher Reyka, who was killed in the line of duty on August 10, 2007. The Chairman of the Pompano Beach Police and Fire Retirement System submitted a letter for this request.**

**Chief Paul O'Connell, Chief of Police, City of Wilton Manors, former Pompano Beach police officer from 1978 to 1999, served with the Broward Sheriff's Office (BSO) from 1999 to 2011, stated that the Police and Firefighters' Pension System has recommended that in recognition of the murder of Sergeant Chris Reyka's ten (10) year anniversary on August 10, 2017, that the Commission give due consideration to the renaming of the park in his honor.**

**A motion was made by Commissioner Hardin, seconded by Mayor Fisher, that the Item for Consideration/Discussion be APPROVED.. The motion carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

51. [17-151](#) A RESOLUTION 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 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: \$743,356 - 9 months)

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and introduced Alyona Ushe, President of the Creative City Collaborative of Pompano Beach, Inc. (CCC) who is available to answer questions regarding the item. He indicated that the item is to extend the current agreement that expires at the end of the month, to expire the end of fiscal year September 30, 2017.

Sarahca Petersen, Pompano Beach, indicated that the backup reflects the City will contribute, by the end of the proposed contract date, an amount of \$1,306,544. Therefore, she questioned why the City continues to extend the contract with a company, when they have yet to hold them accountable for what they have or have not done. She explained the background of the company that was brought in by the Community Redevelopment Agency (CRA) to run all cultural arts facilities. Subsequently, the CRA terminated their contract with them, because they were dissatisfied with their work, yet the City continues to have a contract with them. Ms. Petersen indicated that CCC has been doing work that is not satisfactory for the community.

Ms. Petersen asked why did the City enter into a contract with CCC after its unsatisfactory performance with the CRA?

Dennis W. Beach, City Manager, responded that at the time the City entered into a contract with CCC they were still under contract with the BaCa and Ali Building of the CRA. Therefore, when the CRA terminated their agreement the City continued its agreement. Mr. Beach indicated that he did not receive a reason for the termination of the contract. Nonetheless, most of the feedback he has been receiving about CCC's work with the Amphitheater has been positive except for a few.

Ms. Petersen asked if the City is paying CCC to run the Cultural Arts Center and how long has the City been paying them to do this. In addition, when is the Cultural Arts Center due to be finished?

Mr. Beach responded that the City is paying CCC to program the new cultural arts center, as programming must be done many months in advance. Currently there is an anticipated completion date for the Center in April 2017.

Ms. Petersen asked if any monies were allotted to CCC for programming the Cultural Arts Center, during the time the City paid them to run the programming at the Amphitheater.

Mr. Beaudreau replied yes.

In response to Ms. Petersen question on the City paying for programming of a building that is not complete, Mr. Beach reiterated that the programming for these facilities is done months in advance. In fact, there are a number of programs scheduled for the Cultural Arts facility.

Mayor Fisher indicated that due to construction delay certain bookings have been postponed.

Comr. Sobel indicated that he had a lengthy discussion with Mr. Beaudreau on all the issues Ms. Petersen has brought up. He learned that there has been a routine regular independent audit performed by an external and internal auditor of all the monies that were paid. He indicated that they are increasing their budget in anticipation of more expenses and employees because of the Cultural Arts Center. For example, if from the \$775,000, they needed to delay it because of construction delays, at least it has been approved.

The third issue is why the City keeps the same company, CCC, to run the programming of the cultural arts facilities. The CCC contract will come up for re-negotiation in approximately four (4) months and at that time, if not sooner, the issue will come up as to whether or not the City should put the services out for a Request for Proposal (RFP) to get some other outside bids. Currently, the proposition is losing about \$800,000 per year and continues to lose taxpayers dollars. Therefore, the question would be does the City want to continue to promote or are there other similar companies as CCC who could engage in grant promotion and fund raising efforts so that it is not a perpetual loss for cultural arts.

Mr. Beaudreau confirmed that Comr. Sobel's comments are accurate. However, he stated that his intent is to keep negotiating with CCCPB with hopes to reach a resolution and continue with the relationship. Nevertheless, he is open to the Commission's direction or suggestions.

Discussion followed among the Commission and Ms. Petersen regarding the possibility of bidding for the services provided by CCC, and the accountability of funding awarded, as well the benefits that a cultural arts program can contribute to the welfare of the community.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, asked how many people are employed by CCC to which Mr. Beaudreau replied there are nine (9) employees. Also, noted was that the costs are not just for employees but also for the booking of

the entertainment.

Mr. Skversky alleged that some of the artists being solicited to perform, are operating under cover of other bands. In essence, the talent has dropped off from what it was years ago.

Mr. Beaudreau disagreed with Mr. Skversky's allegations.

Ric Green, 4701 SE 5th Court, Pompano Beach, President/CEO of the Greater Pompano Beach Chamber of Commerce, stated that there have been challenges with the cultural arts planning and holding concerts at the amphitheater by the organizers. However, the bands coming up are the result of great efforts. In sum, he encouraged the City to continue to grant the extension and they will continue to work for it to make the City a place where everyone will be proud.

Bill Riddick, 4108 West Palm Aire Drive, Pompano Beach, indicated that his wife serves on the board of the cultural arts collaborative and apologized that she could not attend the meeting. Nevertheless, he stated that he is aware that they are working hard to make up the shortfall through different fund raising activities to include activities for the opening of the cultural arts center.

Finally, Mr. Riddick urged the City Commission to extend the contract as this would be good for the City's overall wellbeing.

Comr. Perkins indicated that she supports cultural arts within the City, however, Ms. Petersen brought up some points that she was unaware of and in analyzing the salaries provided for the next few months appear to be high. In addition, Comr. Perkins indicated that she does not understand why the company would be terminated and then the City turn around and renew their contract.

Mayor Fisher indicated that their contract is not being terminated rather it is being extended.

Comr. Perkins questioned the reason for extending the contract.

Mr. Beaudreau responded that CCC has done a wonderful job in programming the Amphitheater and the City is experiencing a wide variety of entertainment, it is diverse, it is entertainment never seen before in the City. For example, the Boyz to Men event had a good blend of people attending. Staff is satisfied with their level of programming and simply stated, this extension will bring it to the end of the current fiscal year in September 2017, which funds were budgeted for this activity.

Mayor Fisher indicated that under reports he will request that the City consider moving forward with the RFP, as discussed, to determine what else is out there.

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

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2017-100**

**QUASI-JUDICIAL PROCEEDING**

*Mark E. Berman, City Attorney, advised that items 52-54 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.*

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



52. [17-93](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HUNTER'S MANOR COMMUNITY PLAT LOCATED BETWEEN NW 9TH STREET AND NW 6TH STREET AND BETWEEN NW 18TH AVENUE AND NW 19TH AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin M. Bird, Development Services Director, presented the item, which is a proposed plat request for a 9.6171 acre property located north of NW 6th Street, west of the property fronting on NW 18th Avenue, south of NW 9th Street and east of NW 19th Avenue. The Pompano Beach Community Redevelopment Agency (CRA), the owner of the property wants it developed, and has launched an RFP seeking development for the site to build market-rate housing with a layout providing up to sixty five (65) units. The Planning and Zoning Board unanimously recommended approval with five (5) conditions that have been met.

Linda Strutt, of Strutt Construction Inc., 227 Goolsby Boulevard, Deerfield Beach, FL, indicated she represents the CRA. She indicated that the property is a boundary plat and has two (2) land use designations and two (2) zoning designations. The ultimate developer will need to do some type of rezoning and site plan. The maximum would be the equivalent of 65 single-family units.

Mayor Fisher indicated that it will be single-family units not town homes.

Comr. Perkins requested that they include her in the process when developers are selected, and questioned if there are any bids or proposals.

Horacio Danovich, CRA Engineer, representing the City, responded that staff is working on a Request For Proposal (RFP) and the plat was one of the elements that needed to be completed prior to publishing the RFP. Nguyen Tran of the CRA will provide Comr. Perkins with all the information she needs and keep her informed of the plans.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-101**

53. [17-96](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE DELTA POMPANO PLAT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

**Robin M. Bird, Development Services Director, presented the item and indicated that the property owner is Waste Management Inc. who wishes to sell the property to Bridge Development Partners, LLC. The request is to amend the plat note to increase the square footage and outer use. This property is located at 1951 North Powerline Road. Currently, the plat is restricted to 182,930 square feet of industrial use. The proposed plat note amendment shows the restrictions to be 572,930 square feet of industrial use, 22,930 square feet of existing and 550,000 square feet of new industrial use, as well as 20,000 square feet of commercial use.**

**Nectaria Chakas, Lochrie & Chakas, P.A. 1401 E. Broward Boulevard, Suite 303, Fort Lauderdale, FL 33301, on behalf of Bridge Development Partners who are contracted to purchase the property from Waste Management, stated that they are planning to construct a large scale distribution logistic center, which they specializes in and it is classified industrial.**

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-102**

54. [17-100](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE RLJ COMMERCIAL PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

**Robin M. Bird, Development Services Director, presented the item, stating that the property owner, Auto Zone has requested to update the Finding of Adequacy that expired in May 2015. The property is located at 3001 West Atlantic Boulevard. The plat restricts the property to 9,600 square feet of commercial use.**

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-103**

**END OF QUASI-JUDICIAL PROCEEDING**

55. [17-24](#) P.H. 2017-06: (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 ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR THE CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR VARIOUS CITY WATER AND REUSE TREATMENT PLANT PROJECTS; PROVIDING FOR SEVERABILITY PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item as the second reading of the ordinance to assign a contract from Mathews Consulting, Inc. to Baxter & Woodman, Inc. due to a merger of the companies.

Comr. Sobel indicated that in the backup material, the language indicates, “identical ownership is being transferred” from one entity to the other, but that was not his understanding.

Mayor Fisher clarified that the question was regarding the language, which indicates identical ownership to identical ownership in the backup. However, identical ownership to identical ownership is not possible when one company is merging to the other.

Comr. Sobel indicated that he was referring to the Assigned Assumption Agreement where it states, “Whereas pursuant to Section 12 of the Consultant Agreement, Assignor desires to assign the Consultant Agreement to the Assignee, which has the identical ownership, expertise and experience as Assignor with respect to the Services...”

Mr. Berman confirmed that the language “identical ownership” should be stricken from the paragraph.

Carrie L. Sarver, Assistant City Attorney, confirmed that it was a scrivener’s error and the language can be tweaked. She indicated that the intent of the language was for identical expertise not identical ownership and she will amend the Agreement accordingly.

A motion was made by Commissioner Hardin, seconded by Vice

**Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-08**

56. [16-208](#) P.H. 2017-07: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR DOCK AGREEMENTS BETWEEN ABUTTING PROPERTY OWNERS REGARDING DOCKS EXTENDING BEYOND PERMITTED PROPERTY LINE AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item, which proposes to amend the language in Section 151.03 of the City Code of Ordinances, under "Structures and Waterways," to enable the agreements for dock construction within five (5) feet site property lines to instead run with the land and not become null and void when an owner sells the property. The Marine Advisory Board recommended the revised language, which has been reviewed by the Engineering and Legal team.

Comr. Sobel asked why the change is necessary.

Mr. Sfiropoulos explained that it avoids having to force new owners to either enter into another agreement or remove that portion within the five (5) feet, because it runs with the land instead of becoming null and void.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-09**

57. [17-31](#) P.H. 2017-08: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH OFFICE DEPOT, INC. FOR THE PURCHASE OF OFFICE SUPPLIES AS NEEDED PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN CITY OF TAMARAC, FLORIDA, RFP 13-23R, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$163,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$163,000)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: Otis J. Thomas)

Cassandra LeMasurier, Purchasing Supervisor, presented the item and indicated that it is the second reading of an ordinance allowing the City to utilize the City of Tamarac's contract with Office Depot to purchase office supplies. This will be at a discount price, which will be a savings to the City when the necessary items are purchased.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-10**

58. [17-42](#) P.H. 2017-09: (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 ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item, and indicated that Mathews Consulting, Inc. with whom the City has a continuing professional services contract with for Civil Engineering Services has merged with Baxter & Woodman, Inc. Therefore the Assignment and Assumption Agreement is necessary for the City to continue to do business with them.

Comr. Sobel indicated that he would move to amend the language similar to the discussion earlier under item 55 to remove the mention of “identical ownership” as mentioned in Section 12 of the Assigned Assumption Agreement.

Mark E. Berman, City Attorney indicated that he will take care of the change.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2017-11**

59. [16-32](#) P.H. 2017-23: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

**Mayor Fisher indicated that there was discussion to table the item. Because the item was tabled prior to meeting the applicant's or commission's request for a meeting in November, which did not take place, he recommended the item be stricken and be re-advertised to ensure that the public is duly noticed on the item.**

**Commissioner Hardin made a motion, seconded by Vice Mayor Burie to remove the item from the table.**

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher



60. [16-64](#) P.H. 2016-86: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES" TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES", TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

TABLED FROM SEPTEMBER 13, 2016, OCTOBER 10, 2016 & DECEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

**Mayor Fisher indicated that City Manager Beach requested that the item be tabled to the January 24, 2017 City Commission meeting.**

**Commissioner Hardin made a motion, seconded by Vice Mayor Burrie to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED until January 24, 2017. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

61. [16-225](#) P.H. 2017-02: (PUBLIC HEARING 1ST READING)

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

(Fiscal Impact: N/A)

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Ed Beecher)

**Commissioner Hardin made a motion, seconded by Vice Mayor Burrie to remove the item from the table.**

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

62. [17-114](#) P.H. 2017-12: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPAÑO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," BY MODIFYING THE QUALIFICATIONS FOR MEMBERSHIP OF THE NUISANCE ABATEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney presented the item, which modifies the requirements for membership on the Nuisance Abatement Board. He indicated that there was difficulty in finding persons to serve on the board. Originally, the requirement was to have professional members with experience in real estate, general contract, land development, architectural, engineering, law, and business. However, this is modified to require, "including local professionals, business persons and city residents" to broaden the scope to find members to volunteer on the board. In addition, the Commission appoints by resolution the members as a whole and may nominate someone who does not reside in the City if it is determined that person would better serve the public's interest.

John Paff, 2106 South Cypress Bend Drive, Pompano Beach, indicated that he wanted to speak on a prior resolution for which no public comment period was afforded. He recalled a resolution that was brought up earlier to appoint someone to a board for four (4) years was tabled with no comment from the public. However, Comr. Sobel had made a motion to table, seconded by Comr. Perkins but the motion failed. After the motion failed, he had expected a public comment portion because that has been given with every other resolution. Therefore, he felt deprived to comment on that resolution.

Mr. Paff provided detailed information on Roberts Rules of Order and the proper use of making a motion to table items and allowing or disallowing public input versus a motion to postpone definitely. He expressed concern that the improper use of a motion to table items may have the tendency to stifle debate. Notwithstanding, Roberts Rules of Order encourages debate and only limit debate when absolutely necessary. Therefore, he suggested, through the Commission, that the City Attorney check into Roberts Rules of Order to determine the rules of motion to table items to ensure that it is not being used incorrectly, as is often done, instead of a motion to postpone definitely or indefinitely, which was done twice at this meeting.

Mark E. Berman, City Attorney will check into this matter and respond to the

**Commission on his findings.**

**M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, indicated that he had researched the same issue the previous speaker remarked on. His finding was that a motion to table is not debatable. However, if it is a motion to table or postpone to a time certain then it is debatable. Therefore, the speaker is right in a way, but he may not be correct on the details.**

**Mr. Berman clarified that the motion was to table until a fact certain not a time certain.**

**Comr. Sobel indicated that he expressed concerns earlier regarding advisory boards with different genre, authorities, and powers, as well as how they affect the City. He concluded that when it is difficult to get people to serve on a particular advisory board, the adequate remedy should not be to lower the qualifications especially for an important board such as the Nuisance Abatement and explained his reasons.**

**In sum, Comr. Sobel suggested that better ways should be determined to encourage people to serve on advisory boards rather than lowering the standards.**

**Vice Mayor Burrie agreed with Comr. Sobel on a certain aspect in not lowering the standards. However, she has had challenges getting people from her district to serve on this board. She indicated that perhaps the appointments should not have been included on the agenda at the same time the board is being created.**

**Comr. Hardin clarified that the appointments were on a previous agenda, but was tabled under the old rules in which those applicants would have qualified.**

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

**Yes:** Hardin

Moss

Perkins

Burrie

Fisher

**No:** Sobel

63. [17-84](#) P.H. 2017-13: (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 CONTRACTS FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., CALVIN, GIORDANO & ASSOCIATES, INC., AND RS&H, INC., FOR CONTINUING CONTRACT FOR TRANSPORTATION ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and provided a brief background on the item. In September, the ranking order for transportation engineering services was approved. There were eight (8) submittals and three (3) were short-listed. Therefore, this item is to get the Commission's approval of the short-listed firms. The contracts are all similar with the exception of Exhibit B, which is the rate structure.

Comr. Sobel asked about the terms involved with the automatic renewals of the contracts and specifically as it applies to termination.

Carrie L. Sarver, Assistant City Attorney, indicated that the termination clause provided for, "termination for convenience does provide for notice and there is no cause associated with that."

Mark E. Berman explained that in Article 5 - Termination - it states, "...Failure to suitably perform the work, failure to continuously perform the work in a manner calculated to meet or accomplish the objectives are multiple breach of the provisions of the contract notwithstanding whether they were previously waived or procured." So, there are numerous reason that the City can terminate, which he provided the details.

Comr. Sobel asked if there are automatic renewals to change to a thirty (30) day termination without cause for any reason.

Mr. Berman confirmed that there is a provision in the ordinance regarding with or without cause.

A motion was made by Commissioner Hardin, seconded by

**Commissioner Perkins, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

64. [17-112](#) P.H. 2017-14: (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 CONSENT TO ASSIGNMENT OF THE LEASE/CONCESSION AGREEMENT BETWEEN PG'S ON THE GREEN, INC. AS ASSIGNOR AND GLR GROUP, LLC AS ASSIGNEE, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney, presented the item, which relates to the current lease of Galuppi's at the golf course that is an assignment and assumption of the lease. There is a guarantee of payment and performance by the Assignee and a Guarantor's ratification and agreement signed by the prior Guarantor. In addition, he had reviewed all pertinent documents requesting the assignment and assumption of the lease to ensure no risks were involved for the City.

Comr. Hardin indicated that Galuppi's is doing a good job at the golf course. He then read a letter he received from an attorney that read:

*"The City Attorney's Office has been incredible to work with and made this transaction much smoother than I anticipated. Hats off to the City Attorney's Office."*

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

65. [17-102](#) P.H. 2017-15: (PUBLIC HEARING 2ND READING) - TBD  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE CG HILLSBORO SHORES, LLC REQUEST OF PROPERTIES LOCATED AT 2507 N. OCEAN BLVD. AND 2629 N. RIVERSIDE DRIVE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON SEPTEMBER 28TH, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Maggie Barszewski/Robin Bird)

**Robin M. Bird, Development Services Director presented the item, which is a request to change the future Land Use designation for several parcels with a total aggregate of 4.2079 gross acres from commercial to a high residential density with Land Use within a regular 29 designation. The property is located at 2507 North Ocean Boulevard and 2629 North Riverside Drive. Currently, the property is zoned B-3. Historically, the property had use of a marina, which later became a restaurant then an office building. A determination needs to be made whether the land use is compatible with surrounding uses, as well as the comprehensive plan. The Planning and Zoning Board (P & Z) received a presentation and there was a negative recommendation issued against the goals, policies, and objectives. Specifically, those related to water dependent uses and commercial uses on the barrier island, which needs to be sustained for the benefit of the City at large, as well as being compatible with the adjacent properties on the land use map. The Planning and Zoning Board voted 5-2 in favor of the applicant.**

**For the record, Mr. Bird indicated that staff's findings were specifically the weight on the findings on the comprehensive plan they found was in direct conflict with the following policies and objectives:**

**Policy 01.03.10 - Support and promote hotels, motels and other tourist accommodations and designated residential, commercial and commercial recreational land use designation.**

**Policy 01.16.01 - City shall emphasize redevelopment and in-fill, which concentrates the growth and the intensities, land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural manmade resources. Infrastructure means those manmade structures, which serves as common needs for**



the population such as marinas.

**Policy 01.03.12 - The following criteria maybe used in evaluating the rezoning requests.**

- 1) Density**
- 2) Design**
- 3) Distance to similar development**
- 4) Existing adjoining uses**
- 5) Proposed adjoining uses**
- 6) Readiness for redevelopment of surrounding uses; and**
- 7) Proximity to mass transit**

#### **Recreational Open Space Element**

**Goal 11.00.00 - Provide safe well-maintained and adequate open space and recreational facilities for all Pompano Beach residents and visitors.**

**Policy 11.05.02 - To recognize the contribution that private recreational facilities provide in meeting the needs of seasonal residents and tourists and cooperate with them.**

**Policy 11.05.03 - To promote Pompano Beach as a year-round tourist destination.**

#### **Coastal Zone Management Element**

**Goal 10.00.00 - Manage development efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources.**

#### **Objective Support and Protect Water Dependent Uses**

**Policy 10.03.00 - Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.**

**Policy 10.03.01 - Shoreline uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria: 1. Water dependent commercial and municipal uses. 2. Water related uses in conjunction with water dependent uses. 3. Public accessibility 4. Non-water related uses.**

**Policy 10.03.02 - Other than in areas designated with residential land use categories, intrusions of land uses unrelated to marine activities or not having coastal dependency shall be discouraged from locating in areas on the coast or adjacent to navigable waterways.**

**Policy - 10.03.03 Land zoned for marine and water dependent commercial activities**

shall be preserved.

Finally, Mr. Bird clarified that they are not referring to the specific use but the commercial land use. Therefore, this will preserve the commercial land use, which is more compatible with the comprehensive plan based on the above-mentioned policies. The Planning Board found, by a 5-2 vote, a recommendation to the Commission that it was in general compliance with the overall comprehensive plan, which conforms with their findings. In addition, the Economic Development Council at one point was in favor of retaining it as commercial with the abandonment of the right-of-way. He concluded that the burden of proof is on the applicant to change.

Bonnie Miskel, on behalf of the petitioner, congratulated the Commission on their respective re-election and election. She mentioned that she has been associated with the property for a long time and provided the Commission with a detailed history of the unfolding circumstances relating to the subject property. She then provided an overhead presentation on what the property looks like currently.

Ms. Miskel indicated that there were 29 slips previously associated with the marina use and the future use will retain the 29 slips to be offered for leasing to the public.

In sum, Ms. Miskel stated that the request is for a small-scale Land Use Plan Amendment to mend the City's land use map from commercial to irregular residential 29 units to the acre with a gross acreage of 4.2079, which will allow for 122 dwelling units. Thereafter, Ms. Miskel provided a detailed explanation on the Comp Plan Amendment and its uses and the category involved as it relates to the land use laws. In addition, she indicated that the proposed use will not eliminate the water uses; in fact, they plan to dedicate a boardwalk along the waterfront that will be opened to the public with access to and from the street. She presented a map that outlined the entire end of the peninsula that is commercial and compared it to the actual conditions.

Ms. Miskel indicated they based their petition on a number of things both on the consistency with the City's goals, policies and objectives and on standards that are customary in the industry. Thereafter, she referred and offered detailed comments on the following policies:

**Policy 01.01.05 - Review proposals for new development to identify the cumulative impact of the proposed development on public services and facilities.**

**Policy 01.03.04 - Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals. Ms. Miskel stated that this part of the City is primarily single family.**

**Policy 01.03.05 - All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying land use designations.**

**Policy 01.03.06 -Consider density and intensity revisions with an emphasis on minimal**

negative impacts to existing residential areas, particularly single family areas.

**Policy 01.03.11 - Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.**

Finally, Ms. Miskel indicated that they are consistent with the Land Use policies, goals and objectives that address looking at the use as it relates to impacts on the City's infrastructure, which is water, sewer, and roads.

Carl Peterson, KBP Consulting, 8400 North University Drive, Tamarac, FL, mentioned that they have a significant reduction in the impacts. Thereafter, utilizing an overhead presentation, he provided detailed information regarding the impacts of traffic.

In sum, Mr. Peterson stated they would be looking at about 9,000 fewer trips on a daily basis when compared with the scenario from the A1A Corridor Plan. There would be 225 fewer trips on the am peak hour basis and almost 900 trips fewer than the pm peak hour. From a traffic standpoint, what they are proposing in terms of residential uses will be far less impactful on the adjacent roadway network into the general community than the commercial development that could theoretically occur on the property.

Peter Gallo, 1475 NW 126 Drive Coral Springs, FL, a Registered Professional Engineer, stated that the applicant is requesting the land use amendment from the existing commercial land use to a less intense residential land use. He indicated that from an engineering standpoint they found that the site lacks sufficient infrastructure to support the commercial land use. Therefore, he would recommend support to change the land use to residential.

Additionally, Mr. Gallo stated that the Commission had agreed to relocate the roadway which is the parcel being presented. The site plan developed for the property has two access points, the primary will be from A1A and the secondary will be from Riverside Drive, which will allow for left turn only out of the property. Conceptual approval was received from the Florida Department of Transportation (FDOT) for the construction of the northbound turn lane on A1A, which will provide safe access to the site without affecting the true traffic in the area. The main infrastructure deficiencies involve the roadway capacity on A1A in the area of the site.

Mr. Gallo concluded that given the limited access to the site, the land use change to residential is appropriate for the site and it would benefit the local residents and the City at large.

In sum, Ms. Miskel indicated that the proposed Land Use Designation is consistent. They have at least 20 Goals, Policies, and Objectives that they have provided in the backup that they support. In the end, they are assisting in reducing infrastructure impacts, which the City needs at that end of the town. It is less impactful in the

surrounding area. Therefore, less traffic will help to improve the conditions of the backup. A residential use is more compatible with the two condominiums on each side of them. It has been concluded that it is not a viable hotel site. In fact, they do not believe it is a viable commercial site due to traffic concerns and transportation issues with the infrastructure constructed in the area.

Sam Tedesco, 3203 Norfolk Street, Hillsboro Shores, FL, indicated that they have seen a lot in the neighborhood over the years. In sum, he said they fully support the current developer's plans for the property, which will be a perfect use for the neighborhood. Therefore, he urged the Commission to support the residents in maintaining their quality of life.

Marnie Herren, 2600 N. Riverside Drive, Pompano Beach, stated she lives near the site and less traffic in the area would be beneficial to her and her family.

Sandy Von Staden, 3201 Beacon Street, Pompano Beach, stated that her family has resided in the area for over 40 years and supports the proposed project.

Matt Herren, 2600, N. Riverside Drive, Pompano Beach, FL, stated that he represents the residents of the Hillsboro Shores Improvement Association and they support the proposed project.

Eileen Mikleson, Esq., Law Office of Stuart Mikleson, Legal Counsel to the Hillsboro Shores Improvement Association, stated that with her experience in hotel sites, the subject property is not viable for a hotel. Ms. Mikleson indicated that they support the Comprehensive Plan Amendment and urged the Commission to approve it.

Jeff Boyd, 2508 Bay Drive, Pompano Beach, President of Hillsboro Shores Executive Club Board, stated that while they agree with the proposed plan for the property the zoning for the area has resulted in reducing the zoning of their property. Therefore, their concern lies with the appropriate density for the property.

Comr. Moss asked about the meeting minutes of the Economic Development Council that was missing from the backup material. Therefore, he asked Mr. DiGiorgio to provide the position of the Economic Development Council.

Thomas DiGiorgio, 24 NE 24th Avenue, Pompano Beach, Chair of the Economic Development Council, indicated that the Board had two meetings regarding the issue. From the first meeting they unanimously voted to support the denial of the request. The applicant met with the Board and laid out a similar proposal as they have done tonight, but after a lengthy discussion the Board denied the request and the reasons were transmitted to the Planning and Zoning Board.

Mayor Fisher talked about compatibility and mentioned a similar situation occurred in a location not far from the subject property. However, while staff continues to recommend a hotel, the developer worked closely with the neighborhood and with the

condominiums to the north and south of the property. The residents did not want a hotel because of the issues concerning traffic, and transit, as well as desired to have a residential component, which the Commission moved forward to accept.

Additionally, Mayor Fisher commended Ms. Miskel, Ms. Mikelson and Mr. Herren for their extensive outreach to the Hillsboro Shores neighborhood. A number of residents have contacted him expressing that they do not want a hotel in the area and he supports the residents' desires for a residential development. Therefore, he is in favor of moving this item forward.

Comr. Sobel agreed overall in principle with Mayor Fisher's indication based on the amount of information he received in terms of the balancing act between the Commercial and the Residential Land Use change. Comr. Sobel stated that the presentation made earlier mentioned the 29 boat slips promoted to be maintained for the public's use, but the fear is that those promises made do not result in the end product of the promises being kept. He asked if there was any assurance, if agreed upon a land use change, that those boat slips would be kept open and available for the public.

Ms. Miskel responded that her client has no problem making those commitments official.

Ari Pearl, 1 North Ocean Boulevard, Pompano Beach, stated that they are envisioning an average of 1,400 to 1,500 square feet with the small units being 1,100 square feet and the largest around 3,000 square feet. However, the price has not yet been determined. The units will be two and three bedroom units.

A lengthy discussion ensued among the Commission, Ms. Miskel and Mr. Pearl as to the various reasons why a residential development is an ideal venture for the area. The Commission wanted to be assured that the impacts to the neighborhood would be properly addressed and the promises made would be kept. In addition, the developer and his representatives would exercise openness and transparency to get full participation and information disseminated to the residents of the neighborhood. Moreover, the Commission wanted to ensure the public would have accessibility to the beach.

Mayor Fisher indicated that Mr. Boyd's concern is the same as the Claridge's where they have an underground land use commercial. Therefore, they are concerned that if their property is destroyed they would not be able to rebuild the 60 plus use they currently have. Therefore, they need to be assured or to provide them with the process that if they needed to do, in the event something did happen, then they could build out exactly what they did. Mr. Boyd will work with Mr. Bird on this matter.

A motion was made by Commissioner Hardin, seconded by Vice

**Mayor Burrie, that the Ordinance be APPROVED FIRST  
READING. The motion carried by the following vote:**

**Yes:** Perkins

Sobel

Burrie

Fisher

**No:** Hardin

Moss

66. [17-88](#) P.H. 2017-16: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.58, "MORTGAGEE REGISTRATION REQUIREMENTS," TO MODIFY DEFINITIONS AND REQUIREMENTS FOR REGISTRATION OF PROPERTIES IN THE CITY BY LIENHOLDERS IN FORECLOSURE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

**Robin M. Bird, Development Services Director presented the item, which he indicated through the years of getting all the foreclosure issues it was part of staff's effort to amend. Currently, only vacant properties are registered, so this would allow any property in foreclosure to be registered. In addition, it would clarify when properties must be registered at the time of a notice of default from the mortgage company. Also, to clarify who is the responsible party to pay the registration fee, which is the mortgage company. As well as to expand the program, to include occupied foreclosure properties.**

**Comr. Sobel asked how the City would cover pre-foreclosure liens.**

**Mr. Bird responded that it would be upon the notice of default that the City could require the registration. So, if they do not take ownership of the property, the City would go back and file a code compliance to have them noticed. The foreclosure process can take a long time, so if it were something else that staff must work on, he would meet with the City Attorney's Office to discuss it further.**

**In sum, Mr. Bird indicated that the goal is to take care of any kind of blight as quickly as possible.**

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher



67. [17-113](#) P.H. 2017-17: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.110, "ESTABLISHMENT," TO UPDATE REFERENCES TO THE PROPER CODE SECTIONS; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO INCREASE THE NUMBER OF MEMBERS OF THE ZONING BOARD OF APPEALS AND TO PROVIDE FOR NOMINATION OF A MEMBER BY THE MAYOR, TO INCREASE THE REQUIREMENT FOR A QUORUM AND TO REVISE THE NUMBER OF REQUIRED CONCURRING VOTES FOR APPROVAL OF VARIOUS DESIGNATED MATTERS BEFORE THE BOARD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

**Robin M. Bird, Development Services Director** presented the item, which he indicated was an issue that came up as a result of all the Commission members getting re-elected. It has come to the attention that there remains a disparity, which has come before the Commission in the past in that the Zoning Board of Appeals (ZBA) Advisory Board has five (5) regular members. One member is nominated by each City Commissioner and this is the only board where the Mayor does not get to nominate a regular member. This will increase the membership to six (6) regular members. The Planning and Zoning Advisory Board will provide their recommendation prior to second reading of the proposed ordinance.

**M. Ross Schulmister, 560 SE 12th Street, Pompano Beach,** indicated that the Commission may hear about two (2) issues. One will relate to policies the other will relate to function. In addressing the function, he indicated that if the quorum changes to be five (5) members, it means if four (4) people show up for the meeting, there are three things that can be done. 1) Adjourn, 2) schedule another meeting, or 3) take action to get a quorum to come in. Other than that, anything else is illegal under Roberts Rules of Order. He would like to see the quorum kept at four (4) because the Board can make decisions that do not require the five super majority vote.

**Mark E. Berman, City Attorney,** disagreed with Mr. Shulmister's comments. He indicated that he has served as the Board's attorney for many years, and it is for the majority of items before that Board the super majority has always been required. By adding an extra member, staff did not want to change the policy or the way the Board has always operated. The super majority vote is important, and he provided his

reasons.

Tony Hill, 760 SE 22nd Avenue, Pompano Beach, disagreed with Mr. Berman's comments. He indicated that he went through the municipal codes for Davie, Fort Lauderdale, Lighthouse Point, Margate, Sunrise, Coral Springs, Hollywood, Oakland Park, and Plantation to find out if they require a super majority vote for things such as appeals. He learned that they do not, and at least one city did not need a majority, rather they needed a 50-50, that is three (3) out of six (6) and it will overturn appeals as far as staff appeals.

Additionally, Mr. Hill indicated that he did not know Comr. Moss and explained that he is not suing the City. Rather, he appealed the decision of the Zoning Board, and with that case there were many problems. He indicated that he had three (3) attorneys including Mr. Alan Gabriel, one of the City's Special Magistrates, representing his neighbor in the hearing, which was completely inappropriate. There was another attorney speaking who works for the City and was completing Mr. Bird attorney's arguments. So, there was much more involved.

In sum, Mr. Hill indicated that he was aggrieved and he was just trying to have his rights fulfilled for a hearing that he should have had in the first place, which would have lasted approximately thirty (30) minutes. Instead, it has become a Circuit Court case.

Mr. Hill indicated that he is concerned with having a super majority when it relates to a staff's decision.

Tom Terwillger, 3160 NW 1st Avenue, Pompano Beach, indicated that he does not agree with increasing the number of members of the Board because one of the problems is getting people to attend board meetings. Therefore, he suggested keeping the current members as is. He does not support a super majority and thinks the majority should rule. Therefore, for this Board, it should be kept at a simple majority. The quorum could be changed to three (3) members present.

Comr. Sobel thanked Mr. Shulmister for publicly speaking the pragmatic truth, and thanked Mr. Hill for willing to be aggrieved again, yet, so well spoken. Comr. Sobel said he disagrees with Mr. Berman's "gibberish" in trying to rationalize an irrational position. Nevertheless, he read with interest a memorandum by Karen Friedman, City Planner dated November 29 claiming that we were being unfair to the Mayor. As well as there was some inequity to the Mayor, therefore, he should be entitled as an elected official to be able to "equally participate in the membership of the advisory boards." Comr. Sobel stated as he had indicated earlier, the Mayor already has a gross disparity by virtue of his term of office in terms of the appointments, and the Commissioners are at a significant disadvantage.

Additionally, Comr. Sobel indicated that at one point this particular zoning change was difficult to do, but now it is so easy to do. Therefore, it is bad for business, the City's

growth and the residents when more red tape is imposed, more bureaucracy and mandates a higher quorum and a super majority required to pass anything of substance. There is a disparity on the powers of the advisory boards and there is none greater when it comes to the Zoning Board of Appeals (ZBA) in terms of how it affects the community and millions of dollars, as well as future growth. This proposal is to put a damper on the future growth through an un-equalization of the powers of the Commission, with a disparity between what all of the positions are with nothing to be gained from it. Therefore, he urged the Commission to think about these things and realize that if it worked so well for so many years what would possibly be the benefit to the residents to make this drastic change on such an important advisory board at this stage of the game.

Comr. Hardin stated that it is unfair the way it is currently set, because the Mayor does not have an appointment on the ZBA. Therefore, this will correct that disparity. People seem upset about the super majority, but the ZBA board allows exception from the rules. So, for a person who follows the rules he/she does not need to appear before the ZBA. However, if there is a desire for a request outside the rules it will become a special exception, and the person will appear before the ZBA, so it does make sense to require a super majority. In addition, the Mayor should have representation on every advisory board. It so happens that his term runs four (4) years, which the people decided on it. Consequently, the Mayor's appointments run concurrently with his four (4) year term.

Comr. Moss agreed with Comr. Hardin's statement and stated that the Mayor should have representation on the Board and it should be for the term of the office. Also, he agreed with the super majority, which is necessary. Moreover, Mr. Terwilliger is incorrect, because the Constitution is not written to give a simple majority to the government. It is easy for the majority to impose their will on the minority. In addition, he agreed with Mr. Berman that we need to have a super majority vote that will affect that level of change.

Vice Mayor Burrie also agreed with both Commissioners who spoke previously; however, she has a concern with Mr. Shulmister's comments about the quorum, in that if the number increased work could not be done on the board.

Mr. Shulmister responded that it is rare that the board does not have a full complement of members. Although it is rare, it has happened when a member was missing and an alternate was not able to fill in. When that happens the chair gives the people the option to move forward knowing that you must have all four (4) votes in order to receive what you desire, or it may be postponed to another meeting.

Mayor Fisher indicated that he likes the super majority vote especially if important business is being handled such as variances and special exceptions. It is a good thing with not so much of a drastic change. Furthermore, the Charter sets the mayor's position. He does not restrict any other rights as an elected official on the Board, so he would not want to restrict Comr. Sobel or Vice Mayor Burrie or anyone else on the

**Board.** It is unfair yet not spoken about. Therefore, he wanted it noted in the record that the Mayor is an elected official and should have the right as everyone else on the dais, plus the Charter says it. In sum, this item needs to move forward.

Comr. Sobel indicated that he appreciated the Mayor's comments about it not being about a person but a position. However, it is about the structure of government and the mayoral position, which is part of the basis for his objection that is contrary to the guidelines and the spirit of the Florida League of Cities, because there is a City Manager in place. He said it is not a matter that the Mayor is equal to all commissioners, rather it is about whether the people want a strong mayor versus a weak mayor and what does a strong mayor entails.

Mayor Fisher noted that a strong Mayor replaces the City Manager and does not have any voting rights, which is a "whole different ball game."

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

**Yes:** Hardin

Moss

Perkins

Burrie

Fisher

**No:** Sobel

68. [17-139](#) P.H. 2017-18: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.12, "DISORDERLY CONDUCT," BY MODIFYING LANGUAGE TO BETTER DEFINE CONDUCT WHICH WOULD CONSTITUTE A VIOLATION; TO FURTHER PROVIDE FOR AN EXEMPTION FOR CONSTITUTIONALLY PROTECTED ACTIVITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney presented the item and stated that his office was contacted by a Commissioner with a constituent that had concerns over the language that was currently in the code regarding disorderly conduct. After reviewing the chapter, it was agreed that the language is antiquated and should be better defined. Therefore, some minor adjustments were made to better define what conduct constitutes disorderly conduct. Also, an exception was included to protect the constitutionally protected speech. In sum, this ordinance will replace the antiquated language.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

69. [17-138](#) P.H. 2017-19: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY REPEALING SECTION 132.15, "UNLAWFUL ASSEMBLY"; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney presented the item and stated that the ordinance was brought to the City Attorney's attention by a different party. After reviewing the ordinance and State Statutes, as well as conferring with the Chief of Police of the Broward Sheriff's Office (BSO) he amended the ordinance accordingly. He explained that BSO does not need the City's ordinance to enforce in the City. Therefore, this is superfluous in nature, notwithstanding it has been covered in the state statute. In sum, the law enforcement agency has already expressed its preference to use the state statute, so there is no need for the language to be in the Code of Ordinances.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

70. [17-146](#) P.H. 2017-20: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY CREATING THE POSITIONS OF CONTRACT MANAGER, HVAC TECHNICIAN AND FIRE INSPECTOR II, BY RETITLING THE POSITION OF FIRE INSPECTOR TO FIRE INSPECTOR I; BY RECLASSIFYING THE POSITIONS OF DEPUTY CITY MANAGER AND FIRE MARSHAL, BY DELETING THE POSITION OF ASSISTANT TO CITY MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$123,359)

FIRST READING: DECEMBER 13, 2016

(Staff Contact: Ed Beecher/Bobby Bush)

Ed Beecher, Human Resources Director, presented the item, which is a proposed ordinance to modify Section 34.107 Classification Plan of the Code of Ordinances. This method is utilized when changes are made to the position classification plan. It is ministerial in nature, which will amend an approved action by the Commission in the 2017 budget.

Comr. Sobel asked if new duties and responsibilities are being created or is it just new positions with higher pay.

Mr. Beecher replied that there are some new positions that were created in the budget and they have the job classification attached to it. Therefore, the duties and responsibilities are included in the job description.

In response to Comr. Sobel's question regarding cost associated with the positions, Mr. Beecher replied that some positions do have a cost associated with it and provided the subsequent information. Under the new positions, the Contract Manager is a new classification and a new position that has a cost associated with it. The HVAC Technician is a new position but it was a switch in position so no cost was associated with this one.

Mark E. Berman, City Attorney provided further information on the Contract Manager position, who will ensure that all contracts are properly monitored and remain active to prevent having to bring those matters of expired contracts before the Commission.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST

**READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

71. [17-95](#) Approval to award Bid #E-01-17 State Road A1A Water Main Improvements, to the lowest responsive, responsible bidder, Southeastern Engineering Contractors, Inc., at a cost of \$955,489.00.  
(Fiscal Impact: \$955,489.00)

(Staff Contact: Horacio Danovich/Brad Wolak)

Horacio Danovich, CIP Manager presented the item that awards a contract to Southeastern Engineering Improvements to assist the City in replacing a water main on A1A. Currently, there is a 6" diameter pipe to be upgraded to an 8" pipe.

Comr. Sobel asked if the City ever worked with Southeastern Engineering Improvements and if there is someone specifically assigned to oversee the contract terms and the deliverables.

Mr. Danovich replied no to working with Southeastern and yes to having an overseer. He stated that the Utilities Department would be handling the contract, because they are the experts in this area. In response to the Commission's request, he will get the name of the City staff that will be responsible and report back to the Commission. Finally, he indicated that the project should take approximately six (6) months to complete.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher



72. [17-101](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING MODIFICATIONS TO THE COMMUNITY BUS SERVICE ALTERING THE BLUE AND RED ROUTES IN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

Erjeta Diamanti, Budget Analyst presented the item and indicated that Irving Minnie from the Broward County Transit Division and Mark Levitt with Limousines of South Florida were available to answer questions. Ms. Diamanti indicated that the budget office has received several requests from residents and businesses to modify the Community Bus Transportation program, especially the Blue and Red routes. Both routes were reviewed and they came up with some recommendations, and presented those detailed changes. Further, she indicated that no fiscal impact is associated with the recommended changes.

Finally, Ms. Diamanti stated the changes have been advertised in the Sun Sentinel newspaper. Therefore, if the Commission grants approval the changes will be effective on January 2, 2017.

Comr. Perkins asked for an explanation on the Blue Route - eliminating NW 6th Avenue to NW 15th Street back to MLK Boulevard - yet it was added back in the Red Route. She asked about the difference between the two routes.

Ms. Diamanti indicated that since the City did not want to lose that section of the route it organized the routes to be more efficient. Therefore, the section could still be served rather than being eliminated. In addition, several calls were received, as well as written requests about the route so this was the best option to add all the facilities and better to serve the residents of the community.

Mayor Fisher indicated that changes were considered based on ridership. If ridership is low, adjustments would have to be made in order to maintain the City's funding from Broward County.

Comr. Perkins asked if the times would remain same for the Red Route changes.

Ms. Diamanti replied the bus service schedules will start and end the same time; however, the time all facilities will be served will be different. Broward County will be providing new brochures with the changes of schedules, which copies will be provided to Comr. Perkins for her constituents.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-104**

73. [17-08](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF P O M P A N O B E A C H , F L O R I D A , A P P O I N T I N G \_\_\_\_\_ TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

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

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

**Commissioner Hardin made a motion, seconded by Vice Mayor Burie to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name Charles H. Bechert, III and that the Resolution be ADOPTED. The motion carried. unanimously.**

**Enactment No: RES. No. 2017-105**

74. [17-09](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

**Commissioner Hardin made a motion, seconded by Vice Mayor Burie to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name Richard Leys and that the Resolution be ADOPTED. The motion carried. unanimously.**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-106**

75. [17-10](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

**Commissioner Hardin made a motion, seconded by Vice Mayor Burie to remove the item from the table.**

**A motion was made by Commissioner Moss, seconded by Commissioner Hardin to insert the name Russell T. Adams and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-107**

76. [17-11](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE OCTOBER 25, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

TABLED FROM OCTOBER 25, 2016

(Staff Contact: Asceleta Hammond)

**Commissioner Hardin made a motion, seconded by Vice Mayor Burie to remove the item from the table.**

**A motion was made by Mayor Fisher, seconded by Commissioner Hardin to insert the name Corey Thompson and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2017-108**

77. [17-85](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS: SAID TERM TO EXPIRE ON DECEMBER 13, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Jean Flom, Incumbent - District 1  
W.P. Davis, Alternate 1 - District 1  
Daniel Horak, Alternate 2 - District 3  
Corey Thompson - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss to insert the name Jean Flom and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-109**

78. [17-91](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF VINCENT SCUTELLARO; SAID TERM TO EXPIRE ON OCTOBER 28, 2018; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-85 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Moss, seconded by Commissioner Hardin to insert the name W. P. Davis and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-110**

79. [17-87](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Greg Eickhorn, Incumbent - District 3

Raymond Nies - District 1

George M. Abraham - District 3

Kenneth A. Campbell - District 3

Susan M. Gingerich - District 5

(Staff Contact: Asceletha Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss to insert the name Greg Eickhorn and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2017-111**



80. [17-116](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Harry Diamond, Alternate #1 - District 3 (indicated he would allow a more qualified person to serve)

Michelle Rhoulhac, Alternate #2 - District 2

Predrag P. Jovanov - District 3

Emma Ellington - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss to insert the name Harry Diamond and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-112**

81. [17-120](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 9, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Jerry K. Bowman, Sr. Incumbent - District 3

Sharon Tamayo, Incumbent - District 3

Sharon Fornes, Alternate #1 - District 5

Carrie Gill Pilon - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss to insert the name Jerry K. Bowman and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-113**

82. [17-121](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING\_\_\_\_\_TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 9, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-120 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name Sharon Tamayo and that the Resolution be ADOPTED. The motion carried unanimously.**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-114**

**EXECUTIVE SESSION**

The Mayor recessed the meeting to commence the Executive Session at approximately 7:30 p.m.

Mark E. Berman stated that pursuant to the provisions of Florida Statute 286.011(8), the City of Pompano Beach will now hold an Attorney-Client Executive Session in the City Commission Chamber Conference Room.

Counsel is seeking advice concerning litigation in relation to settlement matters and/or strategy sessions relating to the following matter:

City of Pompano Beach, Florida and East Pompano Beach Community Redevelopment Agency v. Michael Swerdlow, et al., Broward Circuit Court Case No. 10-19437(21)

Those in attendance will be the City Commission Members; Pompano Beach Community Redevelopment Agency Board Members, Dennis W. Beach, the City Manager; Mark E. Berman, the City Attorney; Kim Briesemeister, Executive Director; Chris Brown, Co-Executive Director; Claudia McKenna, CRA Attorney, and William Scherer, III, outside counsel for the City.

83. [17-111](#) Advice concerning litigation in relation to settlement matters and/or strategy sessions.  
(Fiscal Impact: N/A)

Counsel is seeking advice concerning litigation in relation to settlement matters and/or strategy sessions relating to the following matter:

City of Pompano Beach, Florida and East Pompano Beach Community Redevelopment Agency v. Michael Swerdlow, et al., Broward Circuit Court Case No. 10-19437(21)

Those in attendance will be the City Commission Members; Pompano Beach Community Redevelopment Agency Board Members, Dennis W. Beach, the City Manager; Mark E. Berman, the City Attorney; Kim Briesemeister, Executive Director; Chris Brown, Executive Director; Claudia McKenna, CRA Attorney, and William Scherer, III, outside counsel for the City and CRA.

TIME CERTAIN: 7:30 P.M.

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

**F. REPORTS****City Manager Dennis W. Beach - No Report**

**City Attorney Mark E. Berman - Executive Session** - Mark E. Berman sought Commission's advice concerning the litigation in relation to settlement matters or strategy sessions related to Rocket Outdoor Advertising LLC versus City of Pompano Beach, FL, United States District Court Case 15CV 6292 - Judge Hock. Attendants will be, City Manager, Dennis Beach, City Commission members, City Attorney Mark Berman, City Attorney Mike Burke of Johnson and Anselmo, outside counsel. He stated that the session is requested for January 10, 2017 at a time certain of 7:30 p.m.

**Memorandum Update on Associated Builders and Contractors** - Mr. Berman indicated that he will be sending a memorandum to the Commission on the long standing case with Associated Builders and Contractors versus City of Pompano Beach, in which they were denied certification of class status.

**City Clerk Asceleta Hammond - Best Wishes** - Asceleta Hammond wished everyone a Merry Christmas, Happy New Year and Happy Holidays.

**Commissioner Rex Hardin - Best Wishes** - Comr. Hardin wished everyone Happy Holidays.

**I-Pad Chargers** - Comr. Hardin reminded the Commission members to bring their chargers for their I-Pads for those long meetings such as this meeting.

**Bulk Pickup** - Comr. Hardin requested an update on the bulk pickup issue to adjust the limited four (4) cubic yardage pickup.

Dennis W. Beach, City Manager indicated that staff is assessing the situation and will be informing the City Commission as soon as they have a report available.

**Commissioner Barry Moss - McNair Center Announcement Sign Board Renovation/Replacement** - Comr. Moss indicated that the McNair Center has a stationary wooden sign facing east and west, which is in poor condition, as well as it is difficult to read the sign from afar. He inquired about the possibility of erecting a new electronic sign, similar to the one at the E. Pat Larkins Center, to announce community events, such as football games, and so forth would be appreciated by the community.

**License Plate Reader - Jan Moran Library location (east/west street)** - Comr. Moss indicated that at the Jan Moran Library there are a lot of after school activities with

kids from the Charles Drew Elementary school, as well as children utilizing the McNair Center. Therefore, concerned residents are suggesting that a camera be installed or a license plate reader at the corner of the street to read the license plate of anyone that enters and leaves that street.

Mayor Fisher asked Chief Hale of the Broward Sheriff's Office could the LETF funds apply to this community request.

Chief John Hale, Broward Sheriff's Office promised to check into the situation to see how this issue could be addressed.

Best Wishes - Comr. Moss wished everyone Happy Holidays.

Commissioner Beverly Perkins - Congratulations Lamar Jackson - Comr. Perkins congratulated Lamar Jackson, of Pompano Beach, for receiving the College Football Heisman Trophy Award. She requested that the City perhaps could recognize him with a proclamation.

Mayor Fisher indicated that Ron Thurston has contacted the City, as well as Reverend Mohorn called to say he is working on putting a parade together for this honor. Mayor Fisher said he had indicated to Mr. Thurston that the City would work on getting a proclamation to present to Mr. Jackson once his schedule permits it.

Railroad Tracks on Northwest 15th Street - Comr. Perkins commended Broward County Commission Mark Bogen for his efforts to reach an agreement with the South Florida Regional Transportation and Florida Department of Transportation regarding the repairs of the railroad tracks on Northwest 15th Street. Comr. Perkins mentioned that over the past five (5) years, the City has been receiving complaints regarding those railroad tracks.

City Tour - Comr. Perkins thanked staff for taking the time out to explain to her their various roles and tasks and how they are accomplished. She stated she received a tour of the City, which was quite enlightening to her. She indicated that each district might be different in receiving responses and getting tasks accomplished. However, she suggested that the City set a different vision to be instituted, as well as a vision of progress to create a balance in all districts within the City.

Best Wishes - Comr. Perkins wished everyone Merry Christmas, Happy New Year and Happy Holidays.

Mayor Fisher indicated that the City will be holding a strategic meeting to discuss the vision of the City.

Commissioner Michael Sobel - Appreciation and Best Wishes - Comr. Sobel

indicated that he was proud to be a part of the City's government body. He reported how gracious and embracing the City staff has been to him including the Clerk's Office and the Community Redevelopment Agency (CRA) staff. He then wished everyone a healthy and happy Holiday Season and New Year.

Additionally, Comr. Sobel indicated that he understands there will be some growing pains and he has tremendous respect for everyone sitting on the dais. In addition, he knows that everyone's heart is in the right place to include his. He is expecting to work through it all and make it happen for good reason in the future for the residents of the City of Pompano Beach.

Commission Treatment of Appointees to the Advisory Board - Comr. Sobel indicated that the Commission tabled his two (2) appointees, Tony and Angela Hill whom he requested to be appointed to two of the Advisory Boards, which was an indication of government at its worst. He felt it was an abuse and impingement on those two residents' constitutional rights, for the Commission to state reason to table the appointment is to either settle a lawsuit, which does not actually exists. Or else give up their right to serve on a Board that they are well qualified to serve on and give back to the community in which they love and reside in.

Comr. Sobel opined the action taken was wrong factually, legally and is a disgraceful abuse of the Commission's power. However, the erroneous factual statement made by Comr. Moss' basis to table the item is not his opinion. In fact, he believes an error was made in unilaterally denying an opportunity to rectify and correct some of the wrongful statements made by Comr. Moss.

Comr. Sobel indicated that to discriminate against private citizens for exercising their inherent constitutional rights when there is no conflict and when he checked with the City Attorney who confirmed in advance that there was no conflict of interest in appointing either of the Hill's, which was rendered to him. They could theoretically recuse themselves should such a situation exist. He hopes over the course of time things will get better in this situation.

Mark E. Berman, City Attorney confirmed that Comr. Sobel was correct in his comments.

Educating Advisory Board members - Comr. Sobel indicated that it is incumbent upon the elected officials to ensure that morally, legally and ethically each advisory board member understands the canons of ethics of the State of Florida and understand the Sunshine Laws, the rules under employment, the gift rules and getting things of value, and the conflict of interest.

In sum, each advisory board member should sign a disclosure statement of receiving information on the Sunshine Laws and things of that nature to protect the residents



and City officials. Therefore, he suggested that City Attorney Berman put out a sworn affirmation for all the Advisory Board members to execute on an annual basis. This would be similar to what the Commission does at its ethics training, confirming that they are aware of their duties and obligations under the Florida Canon of Ethics, they are aware of the Sunshine Laws, they understand the nuances of what it means. The City should be protected against lawsuit similar to the one filed earlier against a board member.

Mayor Fisher understands that the Advisory Board member goes through the Sunshine Law and Ethics training.

Mark E. Berman, City Attorney responded that is correct. This can be done and the City must ensure they go through the training prior to getting them to sign off on an affidavit. He has commenced discussion in his office regarding Planning and Zoning and Zoning Board of Appeals Advisory Board to commence their annual training now that there are new people being appointed. As it relates to the CRA Board, they are responsible to ensure that the advisory board members are trained.

Mayor Fisher directed the City Attorney to take a look at the current practice of the City and that staff return with a memo to the City Commission indicating what type of training is being done and recommendations with the inclusion of a signed document.

Mr. Berman indicated that he will carry out the Commission's wishes to ensure that the volunteers have the proper knowledge and instruction to not get into any trouble. Although the case that Comr. Sobel cited earlier is a little different in nature. In sum, he will research to see how the City can make the current process better.

Finally, Comr. Sobel thanked everyone for their patience.

Vice Mayor Charlotte Burrie - Children performing Pledge of Allegiance -Vice Mayor Burrie indicated that sometime ago the children were invited to come in to perform the pledge of allegiance. Since some of the members of the Commission are currently involved with the schools such as Pompano Beach Elementary, perhaps the City could rotate the invitation to have the children come in to perform the Pledge of Allegiance.

Mayor Fisher indicated that Anne Siren, Pompano Beach Pelican newspaper was spearheading this cause, but he is unsure what happened in that regard. Nevertheless, he would like to see the elementary schools participate in this endeavor.

Comr. Hardin agreed it is a great idea.

Best Wishes - Vice Mayor Burrie wished everyone a happy, healthy, and safe holiday season and the same for the New Year.

**Mayor Lamar Fisher - Items Awarded to Local Businesses** - Mayor Fisher indicated that several items on the agenda were actually awarded to local businesses, which is good.

**Request For Proposal (RFP) for Amphitheater** - Mayor Fisher asked for support from the Commission to move forward with the RFP for the Amphitheater. It was the consensus of the Commission to move forward with this matter.

**Replacement of Retiring City Manager Beach** - Mayor Fisher indicated that City Manager Beach has indicated that he will be retiring. He has done a yeoman's job and was a great fit for the community during the years of his service. Therefore, the Commission has the opportunity to look at two avenues. Either they decide to go outside, which the Commission has done before or they can go with an insider. Therefore, Mayor Fisher recommended that the City look within and to consider Greg Harrison, Assistant City Manager, who has proved himself and understands the inner works of the community and the City at large. The strategic plan is in place, which will be tweaked a little, as well as the vision is in place. It would be a smooth transition coming into the New Year. Mr. Beach has indicated that he will retire by February 1, 2017. He requested the Commission's support to have Mark Berman, City Attorney to bring forth a contract with Mr. Harrison that the Commission can consider at its first meeting in January.

Comr. Hardin concurred with Mayor Fisher's proposal. He indicated that the City has a good team going currently and the City is heading in the right direction. Therefore, Mr. Berman should commence the negotiating process with Mr. Harrison to get a contract for the Commission's review.

Vice Mayor Burrie indicated that she agreed with the proposal as well. She does not believe the City should pay for a national search when there is a qualified person in place that has proven himself and that he likes the City.

Comr. Perkins commended Mr. Harrison for the short time they have worked together; however, she would like the Commission to consider looking at a nationwide search. No disrespect, but it would allow the City to determine what else would be out there.

Comr. Sobel indicated that he would like to do both. He stated that there is a tremendous candidate already on board who, for the past three weeks since he has been in office has grown to admire and thinks he does a terrific job. Notwithstanding, he would be able to fit the bill, but for the best interest for the residents, since this is a monumental step forward for the City, that a search could be done similar to what has been done in the past.

Comr. Sobel indicated that it is good to know that there is an Acting City Manager in

place. However, the residents or the Commission should not be denied the opportunity to see what else is out there. Since the City has experienced success from these search firms, why not have Mr. Harrison continue as Acting City Manager to prove himself and his worth to include the two (2) new commissioners. At the same time, the Commission could take the appropriate steps to interview those candidates that might be available to take the City to the next level, which is unimaginable at this time. Therefore, he would like to get the best of both worlds.

Mayor Fisher indicated that the City did use an outside search for the last two City Managers because Ms. Korab, Assistant City Manager was not interested at the time she was Interim City Manager and there was no other talent available in-house at that time.

The Commission had an extensive discussion as to the pros and cons to tap into talent already in-house versus going to search outside for someone else.

In sum, the consensus of the City Commission was to direct City Attorney Berman to bring back a contract between the City and Greg Harrison, Assistant City Manager, for the Commission's consideration at the January regular City Commission meeting.

Dog Park Fob System - Mayor Fisher asked about the Fob system for the dog park, which was requested months ago but is not yet in place. He indicated that the system will ensure proper registration of the dogs and will prevent any further incidents or accidents with them.

Best Wishes - Mayor Fisher wished everyone Merry Christmas, Happy Holidays and Happy Chanukah.

**G. ADJOURNMENT:**

The meeting was adjourned at 12:45 a.m.

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**Lamar Fisher, Mayor**

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**Ascleeta Hammond, City Clerk**