

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

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

Tuesday, February 28, 2017

6:00 PM

Commission Chambers

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

Dr. Ophelia Sanders, Macedonia Missionary Baptist Church, offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

17-242 Regular City Commission Meeting Minutes of February 14, 2017

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

APPROVAL OF AGENDA

Mayor Fisher stated that Item 11 would be stricken and Item 14 would be tabled to the March 14, 2017 City Commission Meeting.

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

CONSENT AGENDA DISCUSSION

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

Mayor Fisher stated that Items 2, 4 and 10 would be pulled for discussion.

SPECIAL RECOGNITION

17-274 Mayor Fisher recognized the newly elected State Representative Patricia Williams.

State Representative Williams thanked Comr. Perkins for her contribution to the black history celebration last weekend. In addition, Representative Williams indicated that she has been assigned to work on various boards as a commissioner, legislator, voice of the people, a district leader for District 92, assigned to serve on the local federal and veterans affairs, justice appropriations, PreK-12 innovations, help in human services and children family and seniors. She promised to do her best to make the City of Pompano proud. She indicated that Pompano Beach is her home as she was born and raised in the City.

Representative Williams acknowledged receipt of several appropriated bills from Mayor Fisher to be filed, which she has done. However, she mentioned that only few of those bills impact the district she serves.

Representative Williams indicated that she has a receipt for \$88.60 that she had to pay for the use of the Ali Building to provide general information for the public, which she does not think the charge was fair.

Comr. Perkins indicated that when she tried to hold a community meeting at the same location she was told she had to pay and that the building closes at 5:30 p.m.

Comr. Perkins concluded that the Ali Building should be opened for the public's use.

Mayor Fisher indicated that the Community Redevelopment Agency (CRA) is responsible for the Building's operations.

A. SPECIAL PRESENTATION**17-239 Recognition of Internal Auditor**

Barbara DeLeon, Internal Auditor for the City of Pompano Beach, was recognized for her years of service to the City.

Mayor Fisher made a Special Presentation to Barbara DeLeon, Internal Auditor, who served the City for over 32 years. Ms. DeLeon will be retiring from the City as of March 1, 2017. Therefore, the City recognized her years of dedicated service with Mayor Fisher presenting her with a token gift of appreciation.

Ms. DeLeon indicated that she was humbled to receive the recognition and expressed her thanks to the Mayor, Vice Mayor and each Commissioner, Acting City Manager Phyllis Korab, and all the City employees she worked with over the years. She thanked the City Administration and workers in the various departments that made time for the audits she had to conduct.

B. PROCLAMATIONS**17-263 Florida Bicycle Month**

A proclamation was presented by Mayor Fisher to Daniel Knickelbein, Regional Transportation Planner for the Broward Metropolitan Planning Organization recognizing the month of March as "Florida Bicycle Month" as well as acknowledging a Bicycle Rodeo to be held in Pompano Beach on March 19th.

Daniel Knickelbein, Metropolitan Planning Organization invited everybody to attend the "Let's Go Biking" event on March 19, 2017 at 9:00 a.m. at the Pompano Beach Community Park. He said there will be a group and kids bike ride, free food, bicycle related giveaways, and a disc jockey (DJ). He said the event will be huge; therefore, he encouraged everyone to come out and support the effort.

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:

Cresthaven Unkempt Swale Area – Rhonda Eaton, President of Cresthaven Civic Association, 3400 NE 13th Terrace, Pompano Beach, FL, stated she wanted to discuss a few issues to include those from Michelle Carrion, secretary of the Social Media. She said there is a problem with the swale area on NE 33rd. Therefore they were requesting the City to list the portion between 11th Avenue and 13th Terrace on the south side of NE 33rd for people to have "lot thru" that are fenced, and those properties with swales along the major thoroughfare through the community. The area is unkempt and although the Code Enforcement has been citing the offenders the problem continues to be an eye sore. Therefore, she suggested that the City considers maintaining this very narrow strip of swale area, when maintaining the city parks.

Cresthaven Unkempt Signs and Swale Area – Michelle Carrion, Secretary of Social Media Cresthaven Civic Association, 2980 NE 12th Terrace, Pompano Beach, FL, stated that the homeowners' for the swale areas do not have access to that strip of land. In fact, it is behind their back yards, it is fenced without gates. She provided a copy of the pictures taken of the area.

Ms. Carrion complained also that there are approximately three (3) signs in the Cresthaven area that needs repairing, as well as relocated to the main entrances or perhaps to a better location. The new signs could replace those older signs that are falling apart with overgrown weeds and trash.

Mayor Fisher indicated that the signs must be installed on the proper right-of-ways. In addition, he suggested that Vice Mayor Burrie, perhaps, could work in getting the crews to maintain the swale area, as well as check into repairing/replacing those signs.

Clean Up of Neighborhood Streets – LeRhonda Henley, 601 NW 20th Street, Pompano Beach, FL, indicated that they have started an organization that focuses on community cleanup in the neighborhood as it relates to crime, trash, and things of that nature.

Currently, they are trying to get access to the community garden adjacent to Blanche Ely High School, to see how they can make it look more attractive.

Mayor Fisher indicated that the City has an "Adopt-a-Street" program, which Ms. Henley indicated she has already received a package from Robert McCaughan, Public Works Director via email.

Mayor Fisher thanked Ms. Henley for her willingness to clean up the neighborhood and referred her to meet with Robert McCaughan, Director of Public Works who could assist in providing her group with tools that would assist in their cleanup campaign.

Comr. Perkins indicated that she spearheaded the Adopt-A-Street clean up years ago. However, she explained that Ms. Henley was trying to communicate there are a number of streets that needed to be cleaned up and perhaps they could accomplish this without having to go through the "Adopt-A-Street" program.

Construction of the Pier – Tom Terwilliger, 3160 NW 1st Street, Pompano Beach, FL, stated that last week the Army Corps of Engineers told him the permit for the Pompano pier is awaiting the final signature of the district director. In addition, Mr. Terwilliger stated that on July 26, 2016, Item 29 of the City Commission Agenda, authorized Whiting-Turner Construction to receive \$96,000 to create a construction manager at risk document, which Horacio Danovich, CIP Manager, had confirmed could go out for a Request for Proposal (RFP). Mr. Danovich and Whiting-Turner estimated the cost of the pier to be \$13-14 million and that Whiting-Turner would be paid approximately \$10 million for overhead and profit. Mr. Terwilliger stated that another presenter, Shoreline Foundation claimed to have built several piers in Florida and they did not have an overseer during the times they had to work with those municipalities to build the piers.

Additionally, Mr. Terwilliger indicated that Shoreline Foundation had mentioned they could give the City a firm price with a bond, to build the pier for approximately \$8.6 million as shown on the then current drawings. Mr. Terwilliger inquired why staff does not use competitive bidding to build the pier and the Fire Station that is needed. He then explained the pros of competitive bidding. Therefore, he suggested that the Commission direct staff to use open competitive bidding and issue a RFP to save \$2 million to build the fire station west of I-95.

Mayor Fisher, for the records, indicated the City has not received the final estimates from Whiting-Turner on their finalization of the pier. However, at that point, the Commission will decide whether to accept or to go out for a bid.

Additionally, Mayor Fisher understood that Shoreline Foundation had declined from being a part of the bid process, when Whiting-Turner had reached out to them.

Mr. Terwilliger clarified that Shoreline Foundation declined being a sub-contractor for the job.

Partnership with Broward Sheriff's Office (BSO) – Representative Patricia H. Williams, Florida House of Representatives, 2003 W. Cypress Creek Road, #100, Pompano Beach, FL, indicated that she inadvertently omitted to mention earlier that she had met with the Chief of Police, Major Hale and Captain Adkins of BSO who were very willing to formulate a partnership with her on the best for District 92.

Utilizing Boys and Girls Club Field – Jocelyn Jackson, Comptroller, D.P.R. Youth Enrichment, 141 NW 19th Street, Pompano Beach, FL, stated that on behalf of Deerfield Packer Rattlers (DPR) Youth Enrichment for Academics and Athletics thanked the City of Pompano Beach for consideration and support of the DPR Youth football and cheerleading organization. Ms. Jackson then read a document she distributed earlier to the Commission outlining the DPR organization, its background and the programs they support.

Utilizing Boys and Girls Club Field – Tyrone Philpart, Deerfield Packer Rattlers, 523 NW 3rd Way, Deerfield Beach, FL, provided additional information regarding the DPR and the programs, which assisted to make both the City of Deerfield and Pompano Beach better cities. He indicated that currently the two cities are at an impasse so they do not have a field to play on. Therefore, they are requesting permission from the City to play on the field at the Boys and Girls Club.

Utilizing Boys and Girls Club Field – Alex Benefield, President, Deerfield Beach, 261 SW 11th Street, Deerfield Beach, FL, indicated that although he resides in Deerfield Beach, he was raised in the City of Pompano Beach. Therefore, he feels he is not an outsider to the City and would appreciate the Commission's consideration of their proposal to use the Boys and Girls Club field.

Mayor Fisher indicated that Mark Beaudreau, Recreation Programs Administrator had met with Ms. Jackson to discuss the use of the field, and would provide an update to the Commission via Memorandum.

Ms. Jackson stated that she had met with Mr. Beaudreau along with State Representative Williams and Commissioner Perkins and they learned that the field will be reconstructed for use by the City. However, currently, the field is being utilized by the Boys and Girls Club and the City of Pompano Beach marks the field for tackle football games. She agreed that the field is dehydrated, but it has use.

Mayor Fisher reiterated that staff will provide a report to the Commission on the matter.

Utilizing Boys and Girls Club Field – Ernestine Price, 1461 NW 3rd Way, Pompano Beach, FL, stated that she is in support of the request being made to use the field. In fact, she supports anything for the youths.

Comr. Perkins indicated that the Boys and Girls Club field being referenced has been vacant since the early 1970's. Therefore, she believes the City could consider renovating the field for the children. She is aware that funding would be an issue, but would ask staff to look for funding for the field or consider the proposed bond for the field.

Mayor Fisher requested that staff shares with Comr. Perkins, who is a new commissioner, the Master Parks and Recreation Plan that was previously adopted. Actually, part of that property was slated to be a large skate park.

Comr. Perkins indicated that she believes there is enough space for both the field and the skate park.

D. CONSENT AGENDA

1. **17-247** Approval of Joel B. Blair to transfer ownership of burial plot Block 18, Lot 4, Plot 2 in the South Lawn of Pompano Beach Cemetery
(Fiscal Impact: \$1,000)

(Staff Contact: Robert A. 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.

2. **17-240** Approval to award Bid L-15-17 for Concrete Ready-Mix Delivered, to the low bidder Cemex Construction Materials FL, LLC as prime contractor and to Banaszak Concrete Corporation as alternate contractor, for annual, open contracts, at an estimated cost of \$227,488.00 annually.
(Fiscal Impact: \$227,488.00)
(Staff Contact: Robert A. McCaughan)

Comr. Perkins understood that this item is for a concrete ready mix delivered; however, she inquired about the sidewalks. She asked if there was anything indicating where the sidewalks would be placed in the city.

Robert A. McCaughan, Public Works Director, stated that there is a sidewalk plan that covers the entire city. He explained the plan is for five (5) years based on funding. The Commission has set aside \$100,000 each year for sidewalks. Therefore, the concrete would go towards city employees installing the sidewalks around the City.

Comr. Perkins requested staff to provide her with a copy of the plans for these sidewalks. In addition, she indicated that the Kendall Green area requires a number of sidewalks.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

3. **17-258** Approve ranking order for RLI E-12-17 Construction Engineering and Inspection Services for the Pompano Beach Fishing Pier, and authorize staff to negotiate a contract with the highest-ranked firm, Wantman Group, Inc. (No cost at this time.).
(Fiscal Impact: N/A)
(Staff Contact: John Sfiropoulos/Horacio Danovich)

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.

4. **17-260** Approval to purchase surveillance cameras and access control devices from Holb Sierra Corporation per School District of Palm Beach County contract 14C-33W, at a total cost of \$85,630.00.

(Fiscal Impact: \$85,630.00)

(Staff Contact: A. Randolph Brown)

Comr. Perkins inquired if the \$86,000 being spent for surveillance cameras will be for one facility.

A. Randy Brown, Utilities Director, responded that this will be for the access controls for the new field operations building. He said it would be for access controls, cameras, and a few additional cameras at the water treatment plant to cover some of the areas that have been vandalized.

Comr. Perkins indicated that she read the backup material but thought it was a lot of money being paid for surveillance cameras. Moreover, the selected company/provider is “bad news” when it comes to Broward County Schools and asked if Mr. Brown was aware of the situation, which Mr. Brown replied no.

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
Sobel
Burrie
Fisher

No: Perkins

5. **17-204** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE AMOUNT OF \$74,830 FOR A.1.A. WATER MAIN IMPROVEMENTS (CONSTRUCTION CERTIFICATION SERVICES) PURSUANT TO THE AGREEMENT FOR CIVIL ENGINEERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BAXTER & WOODMAN, INC. FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$74,830)

(Staff Contact: A. Randolph Brown)

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

Enactment No: RES. No. 2017-166

6. **17-243** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$52,855.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$52,855.00)

(Staff Contact: Horacio Danovich/Anthony Alhashemi)

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

Enactment No: RES. No. 2017-167

7. **17-245** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, DESIGNATING DEUSDEDIT KIYEMBA TO PERFORM THE DUTIES OF THE INTERNAL AUDITOR ON AN INTERIM BASIS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$16,977)

(Staff Contact: Bobby Bush)

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

Enactment No: RES. No. 2017-168

8. **17-246** 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, MWH AMERICAS, INC. AND STANTEC FOR CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES; 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, that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-169

9. **17-261** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., PROVIDING FOR A SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$152,000.00)

(Staff Contact: Bobby Bush)

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

Enactment No: RES. No. 2017-170

10. **17-254** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOSEPH WELLS TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

Comr. Moss inquired if Joseph Wells owed the City an amount of \$20,000 and wanted to get the other Commissioners views on appointing someone to a board who is in arrears with payment to the City.

Comr. Hardin indicated that the outstanding debt that Mr. Wells owes the taxpayers of Pompano Beach is not good. Therefore, personally, he is uncomfortable having Mr. Wells to advise him as a board member considering his current situation.

Mayor Fisher indicated that Suzette Sibble, Assistant City Manager, had provided a report on the multiple attempts made to try to get Mr. Wells to pay back the loans, which is causing the Commission to be concerned.

Suzette Sibble, Assistant City Manager, indicated that she provided the requested information to the Commission through the Community Redevelopment Agency (CRA) Board. Mr. Wells had made some comments at that meeting concerning his outstanding debts to the City and that the City was not willing to work with him for payment plans, as well as the attorney refused to meet with him. At that time she shared with the Board the sequence of events governing the account in question, which she explained in details. Notwithstanding, she understood that Mr. Wells is now willing to work with the City regarding repayment of his outstanding debt.

Comr. Hardin inquired if the total amount owed was \$23,000, which was granted in 2008, which Ms. Sibble confirmed that is correct. Comr. Hardin indicated that if Mr. Wells is willing to repay the debt and does so, then at that time the Commission could consider his appointment to the board.

Comr. Perkins indicated that she had discussed this matter with Mr. Wells, which resulted in his attending the CRA meeting to justify and clarify his position with the loan. Prior to placing his name on the agenda to be appointed, she had a long talk with Mr. Wells. Therefore, she believes she is intelligent enough to know what she is doing to place Mr. Wells on the board. She indicated that Mr. Wells has agreed to pay the money back. Furthermore, should any member of the Commission place someone on the agenda to serve on a board, she would not question their judgment.

Comr. Sobel appreciated Comrs. Moss' and Hardin's comments on the appearance of some indebtedness that maybe an issue worth considering. Nevertheless, he sees a bigger picture. Therefore, as an elected official there should not be a question in her judgment of who she felt comfortable appointing, unless there was a blatant issue to be brought up. Also, he does not think the Commission should create new policies from the dais. There are criteria in writing already established in the City's Charter and Bylaws of the Board as to the requirements to serve on this board. Notwithstanding, indebtedness to the City has not been listed as a criteria for not serving on this particular board.

Additionally, Comr. Sobel indicated that he researched the Micro Loan programs and discovered that several persons throughout the City have some outstanding indebtedness as a result of the program. Therefore, each loan needs to be reviewed for the facts. In sum, Comr. Sobel urged the Commission to reconsider Comr. Perkins' appointment as she deems appropriate.

Comr. Perkins opined that this is an example of the degree in which the City is separated and divided.

Comr. Hardin clarified that he was not questioning Comr. Perkins' judgment. However, he is uncomfortable supporting Mr. Wells being appointed to a board to provide advice to him when he owes the taxpayers of the City over \$20,000 for a substantial length of time and has not lived up to his obligations.

Comr. Moss inquired if there are any other advisory board members who owes money through these loan programs.

Ms. Sibble responded that she is unaware as to an advisory board member, but there is a CRA staff person, who is making attempts to pay back the loan. Nevertheless, she would check and verify this information if that is the desire of the Commission.

Comr. Sobel asked if there is a written policy in effect that prohibits a member of the board serving due to a bad debt or outstanding debt owed.

Mark E. Berman, City Attorney responded no. The membership criteria is to be a resident of the City of Pompano Beach.

Mayor Fisher indicated that what concerns him is that there is an active lawsuit against Mr. Wells, which this has been discussed prior regarding those residents that were engaged in a lawsuit with the City to serve on a board. Perhaps the board could reconsider if there is a good faith to repay or that the lawsuit has been dismissed.

Comr. Hardin, for the records, indicated that he was aware that the program involved high risk loans but had not intended to agree to loans people would not want to pay back; therefore, it was not just a “give away of taxpayers’ dollars.”

Following, was an extensive discussion among the Commission and staff regarding the indebtedness of a prior micro loan issued to a potential resident/applicant and the impacts it would have on that person serving on an advisory board.

Comr. Moss suggested tabling the item until the matter under discussion could be worked out.

Comr. Perkins responded that she would prefer to appoint Mr. Wells to the board but could entertain the idea of tabling the item. However, there appears to be some lack of communication between staff and Mr. Wells.

Comr. Sobel objected to tabling the item and explained his reasons. Therefore, he urged Comr. Perkins to reconsider her decision to table the item.

Joseph Wells, 789 NW 15th Place, Pompano Beach, FL, provided a detailed report on the circumstances regarding his attempts to reach out to the CRA staff to resolve his outstanding debt of a micro loan he had received. He indicated that this involved him going to court twice to work something out without any mutually amicable resolution. He indicated that he would understand if his commissioner was requesting him to serve on the CRA board because the loans were through that entity, but he does not understand why he could not serve on the City’s board.

The discussion continued among the Commission on the selection of applicants to serve on the various boards/committees. At times, statements of disappointment were expressed on certain remarks made on the dais as it relates to the divisiveness of the City.

Vice Mayor Burrie indicated that she agreed with Comr. Sobel that the criteria for someone to serve on the board should not be because he/she defaulted in a loan program. However, she did not appreciate comments made alluding to racism.

Comr. Perkins indicated that her comments were never meant to convey racism.

Mayor Fisher reiterated that for years the City has worked on establishing a team spirit and to promote the concept that together everyone achieves more. Therefore, it is disheartening to hear that the City is still divisive. As elected officials, he said they must work together to make it better for everybody in the City. A positive impact must be made in every district.

In sum, Comr. Sobel indicated that for the appointment of the applicant, the Commission discussed the criteria of financial indebtedness, when it should not have been discussed publicly as it was not relevant to the appointment. Therefore, he apologized to Mr. Wells.

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: Perkins
Sobel
Burrie
Fisher

No: Hardin
Moss

Enactment No: RES. No. 2017-171

11. **17-254** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MANDIE E. STRIGGLES TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

E. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

NOTE: Mark E. Berman, City Attorney, advised that item 12 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

12. **17-241** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE 1570 SW 13TH COURT PLAT LOCATED 1,000 FEET WEST OF SOUTHWEST 12TH AVENUE (ANDREWS AVENUE) AND 300 FEET NORTH OF WEST MCNAB ROAD AT 1570 SW 13TH COURT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin Bird, Development Services Director presented the item, which is a proposed plat for 5.0 gross acres, located at 1570 SW 13th Court. The property will be platted to facilitate operations to sell the property, which is currently vacant. The plat will restrict development to 141,000 square feet of office, warehouse, banks and commercial use. Retail uses are not permitted without the approval of the Board of County Commissioners. At the November 16, 2016 Planning and Zoning Board meeting the item was unanimously approved with two conditions that have been met prior to being placed on the City Commission agenda.

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
Sobel
Burrie
Fisher

Absent: Perkins

Enactment No: RES. No. 2017-172

END OF QUASI-JUDICIAL PROCEEDING**13. 17-199 P.H. 2017-32: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND NEW CINGULAR WIRELESS PCS, LLC, SUCCESSOR-IN-INTEREST TO BELLSOUTH MOBILITY INC., RELATING TO THE LEASE OF CERTAIN PROPERTY AND THE USE OF THE COMMUNICATION TOWER AT THE POMPANO BEACH PUBLIC SAFETY COMPLEX; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$29,592 per year revenue)

(Staff Contact: Gene R. Zamoski)

Gene R. Zamoski, Information Technologies (IT) Director, presented the item as New Cingular Wireless PCS, who is a tenant that leases space in the City's communications tower, located at 100 SW 3rd Street. The previous lease is set to expire in May 2019, however, they desire to amend the original agreement to add an additional five (5) year term to commence in May 2019. The new rent to be paid to the City would be approximately \$29,000 per year, an increase of approximately \$3,000. Finally, at the end of the requested additional five years they have the option to enter into another five year term at a twelve and one half percent (12½%) rent increase.

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

14. 17-230 P.H. 2017-33: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE FOR THE PUBLIC ART PROJECT KNOWN AS MOSAICS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$100,000.00)

(Staff Contact: Laura Atria/Robin Bird)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED to March 14, 2017 City Commission Meeting. The motion carried unanimously.

15. **17-262 P.H. 2017-34: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PORT CONSOLIDATED, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AND DIESEL FUEL, WITH THE CITY OF POMPANO ACTING AS THE LEAD AGENCY FOR THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE GROUP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$660,000.00)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item, indicating that the Commission authorized staff to begin negotiations with the top ranked firm Port Consolidated, Inc. for the purchase of diesel fuel and gasoline. This is a co-op contract that involves 38 other municipalities and government agencies. It is a five (5) year contract with the first term of three years renewable for another two years. The total cost of the projected use of fuel is \$32 million. However, the City's estimated usage would be \$660,000. In addition, Mr. McCaughan indicated that Antonio Pucci, Contract Manager was able to negotiate a savings of \$850,000 of the agreement.

Comr. Sobel indicated that it is noteworthy when government really does a good job. Therefore, he commended the people involved in this arrangement. In sum, Mr. Sobel indicated that the City's employees took the lead, which for many years the City of Coral Springs was the lead City with this agreement, but decided not to continue. Notwithstanding, the City of Pompano Beach employees took the lead and negotiated the entire co-op agreement and was even able to negotiate a better cost, as well as better emergency responses to come from the various suppliers of fuel. The Department that handled this was the General Services. The total cost savings they were able to achieve was approximately \$850,000.

Mayor Fisher thanked Otis Thomas, Director of the Department for taking the lead in this South Florida Co-op effort.

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

16. 17-193 P.H. 2017-26: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MASTODON PRODUCTIONS, INC. FOR THE CRAWDEBAUCHERY FOOD AND MUSIC FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Sponsorship of \$6,398 in city service and equipment costs)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item as the second reading of the ordinance and indicated that the City is looking forward to the three (3) years of the crawfish festival celebrating the New Orleans culture.

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. 2017-25

17. 17-196 P.H. 2017-27: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND W.D. THOMPSON, INC. D/B/A BEACH RAKER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$217,200 Annually)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Russell Ketchem/Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item as the second reading of the ordinance requesting the City Commission's approval of the Contract with W.D. Thompson, Inc. d/b/a Beach Raker. They are the current Beach Raker company performing the cleaning of the beach. They will provide the same level of service with a five (5) year contract, with a one (1) year initial term and renewable the following four (4) years. Finally, Mr. McCaughan mentioned there has been an increase since the last contract of \$1,300 per month or \$15,600 per year.

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. 2017-26**18. 17-227 P.H. 2017-28: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.39, "COMPETITIVE BIDDING," AND SECTION 32.4, "STANDARDIZATION," TO PROVIDE FOR REVISION TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Otis J. Thomas)

Otis Thomas, General Services Director, presented the item and indicated that staff is seeking the Commission's permission to increase the City's invitation to bid thresholds and other thresholds. These have not been revised since 1996. He then highlighted some of the benefits, which would include improved efficiency on small dollar projects by reducing procurement processing times from 30-60 days to 1-5 days. In addition, the City would realize an estimated 43% increase in opportunities for local vendors to do business with the City.

Comr. Sobel thanked Mr. Thomas for meeting with him to confirm some of the facts regarding the item. He understands that this is intended and perhaps documented to provide local vendors in Pompano Beach with more opportunities to bid on City projects, as well as reduce the bid process to 3-5 days. Mr. Thomas confirmed that this was correct.

Mr. Thomas indicated that in the attempt to reduce the processing time to 1-5 days, there will not be a formal process, which normally involves 30 days to go out for bid. Therefore, the informal process will drastically reduce that time, which can be sent out between 3-5 days. In sum, it will be a quote process versus a bid process. Noteworthy, the City will still operate with a minimum of three (3) quotes required by staff for evaluation. Also, on a quarterly basis a report will be available for the Commission and the public.

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. 2017-27

19. **17-201** P.H. 2017-29: (PUBLIC HEARING 2ND READING)
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3210., "MULTIPLE-FAMILY RESIDENCE 20 (RM-20)," SECTION 155.3211., "MULTIPLE-FAMILY RESIDENCE 30 (RM-30)," AND SECTION 155.3212., "MULTIPLE-FAMILY RESIDENCE 45 (RM-45)," TO AMEND THE PURPOSE OF EACH SUCH DISTRICT BY MODIFYING REFERENCES TO INCLUDE CONDO HOTELS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO AMEND THE PRINCIPAL USES REGULATED IN SAID SECTION TO REFERENCE CONDO HOTELS; BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES FOR ELECTRIC VEHICLE CHARGING STATIONS AND EATING AND DRINKING ESTABLISHMENTS BY ADDING REFERENCES TO CONDO HOTELS; BY AMENDING SECTION 155.4501., "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO ESTABLISH SEPARATION REQUIREMENTS FOR BARS AND LOUNGES OPERATED BY CONDO HOTELS AND SETTING CRITERIA FOR SAME; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS

ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director, presented the item which refers to apartment hotels and changing the definition to read “condo hotel” and to apply certain standards on how they are operated to assure they are operated as a hotel. Staff plans to return with additional amendments for timeshare and to change the title as suggested at the previous meeting.

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. 2017-28

20. 17-205 P.H. 2017-30: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF THE SIGN CODE, CHAPTER 156, "SIGN CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 156.01, "PURPOSE," AND SECTION 156.02, "SCOPE," TO MODIFY, ENHANCE AND CLARIFY THE PURPOSE AND SCOPE OF THE CITY'S SIGN CODE; BY AMENDING SECTION 156.03, "DEFINITIONS," TO MODIFY, ADD AND DELETE DEFINITIONS; BY AMENDING SECTION 156.04, "GENERAL REQUIREMENTS," TO MODIFY VARIOUS REQUIREMENTS FOR CERTAIN SIGNAGE; BY AMENDING SECTION 156.05, "SINGLE- AND TWO-FAMILY DISTRICTS," SECTION 156.06, "MULTIPLE-FAMILY DISTRICTS," SECTION 156.07, "BUSINESS, COMMERCIAL, INDUSTRIAL DISTRICTS," AND SECTION 156.08, "OVERLAY DISTRICTS," TO MODIFY REGULATIONS FOR SIGNAGE LOCATED WITHIN THOSE ZONING DISTRICTS; BY AMENDING SECTION 156.09, "NON-COMMERCIAL SIGNS," BY RE-TITLING AND MODIFYING SECTION TO INCLUDE STANDARDS FOR TEMPORARY SIGNS; BY AMENDING SECTION 156.10, "CONSTRUCTION AND DEVELOPMENT SIGNS," AND SECTION 156.11, "SPECIAL EXCEPTIONS," TO DELETE CURRENT LANGUAGE AND RESERVE SAID SECTIONS; BY AMENDING SECTION 156.12, "PROHIBITED SIGNS," TO MODIFY THE DESIGNATION OF SIGNS NOT PERMITTED IN THE CITY; BY AMENDING SECTION 156.13, "PERMIT REQUIRED," SECTION 156.14, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," SECTION 156.15, "FEE SCHEDULE," AND SECTION 156.16, "INSPECTIONS," TO MODIFY REFERENCES, REQUIREMENTS AND PROCEDURES FOR SIGNAGE IN THE CITY; BY AMENDING SECTION 156.17, "NONCONFORMING SIGNS," BY MODIFYING AND RESTATING REQUIREMENTS FOR NONCONFORMING SIGNAGE; BY AMENDING SECTION 156.18, "PERMIT TAGS," SECTION 156.19, "TEMPORARY BANNERS," AND SECTION 156.20, "LANDMARK SIGNS," BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.21, "SIGNS ON VEHICLES OR EQUIPMENT," TO MODIFY REQUIREMENTS FOR SIGNAGE ON VEHICLES AND EQUIPMENT; BY AMENDING SECTION 156.22, "SUBSTITUTION OF NONCOMMERCIAL SPEECH AND SEVERANCE," TO MODIFY THE SECTION TO REVISE REFERENCES; BY AMENDING SECTION 156.23, "TEMPORARY REPLACEMENT SIGNAGE," SECTION 156.24, "UNIFORM SIGN PROGRAM," AND SECTION 156.25, "GASOLINE STATIONS," BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.26, "SIGNS ON RIGHT-OF-WAY," TO RE-TITLE AND MODIFY VARIOUS ENFORCEMENT PROVISIONS OF THE CITY'S SIGN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director, presented the item and indicated the City was challenged based on possible constitutional violations. Therefore, an outside counsel was hired to address provisions of the City's sign code that may have contributed to the allegations of violations of the rights of the US Constitutional First and Fourteenth amendments. The proposed text amendments address both the constitutional issues, as well as the format improvements and corrections identified by staff, and is needed to improve the user friendliness and consistencies with the zoning code terminology.

Consequently, the City will change the application process for sign permitting for zoning and building permits. Also, there are changes to the temporary signage standards, and a memorandum was distributed to the Commission regarding the display of temporary signs for real estate, which will amend language in the proposed ordinance. The Memorandum is requesting that temporary real estate signs be changed from the previous version, and "to be displayed while the property is offered for sale, rent, or lease and shall be removed within seven (7) days of closing or the signing of a lease agreement."

Additionally, Mr. Bird outlined other significant policy changes to the code, which no longer regulate government signs on property owned by CRA, City, County or State agencies, the sign code will no longer regulate signs visible nor legible from street right-of-ways. Uniformed sign program, as well as other required AAC (Architectural Advisory Committee) approvals have been stricken. There is a proposed master sign program to be inserted in the zoning code, which will be presented to the Commission. The approval of sign code will now be referred to as a "sign code compliance permit" and no longer tied to the building permits. Finally, Mr. Bird stated that the key to the code amendment is that it is content neutral. The object is that everybody in one district will be allowed to have the same size and it will not restrict the content of the sign.

A motion was made by Commissioner Sobel, seconded by Commissioner Hardin, that the Ordinance be **ADOPTED AS AMENDED**. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-29

21. **17-215** P.H. 2017-31: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY CREATING SECTION 34.0605, "SUPPLEMENTAL 'SHARE PLAN' RETIREMENT BENEFIT FOR POLICE OFFICERS," TO PROVIDE 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; AND 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; BY PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 14, 2017

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney presented the item and indicated there were no changes from the first reading. In sum, these are monies received from the State of Florida. Therefore, the City is creating a supplemental fund for police officers and due to lack of clarity as to how it should be distributed, staff will be returning, in the future, to the Commission for an amendment, to work out a distribution system.

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. 2017-30

22. **17-259** Approval to award Bid L-22-17 Excess Insurance, which consists of property insurance, boiler and machinery and excess general liability, automobile, worker's compensation and public officials coverage, to the lowest and single responsive bidder Arthur J. Gallagher Risk Management Services, Inc., for an annual contract in the amount of \$918,287.00.
(Fiscal Impact: \$918,287.00)

(Staff Contact: Bobby Bush/Cindy Lawrence)

Cindy Lawrence, Risk Manager, presented the item and indicated the item is excess for property insurance, which includes the items for the boiler machinery, the excess general liability, automobile, workers' compensation and professional coverage for the City.

Comr. Hardin inquired if the City had any communication with the other responder. He was curious to know why the other company responded but did not provide a pricing.

Ms. Lawrence responded that the other company was non-responsive. She pointed out that one of the requirements was to bid on the utilities portion, which they were unable to bid on it.

Comr. Sobel inquired if the reason for the lowest bid was that they were the only bid.

Ms. Lawrence responded they were the sole responsive bidder. Ms. Lawrence in response to Comr. Sobel's question regarding any other bidders being available, indicated that due to the City's strong package within the insurance industry it is not something a common insurance carrier would have the ability to bid on; therefore, it goes into the resources of the current bidder that they have with their brokers.

Mayor Fisher mentioned that this includes a 17% rate reduction and commended Ms. Lawrence on doing a great job on this.

Ms. Lawrence confirmed the reduction rate and stated that this was possible even with added properties such as the Library, the Fire Station and the Parking Garage.

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

23. **17-248** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCALLY FUNDED AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO THE DESIGN OF CONSTRUCTION PLANS FOR CONSTRUCTION (MILLING AND RESURFACING) OF HAMMONDVILLE ROAD FROM POWERLINE ROAD TO EAST OF SR-9/I-95; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,500,000.00 approved by Resolution No. 2015-315 dated May 26, 2015)

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP Manager, presented the item and indicated that both items 23 and 24 refer to the same purpose. This purpose is to start the \$3.5 million project, from which the City received a “Tiger Grant” award. Further, it is an agreement with Florida Department of Transportation (FDOT) with the City participating in the grant and agreed for FDOT to be the lead team with the design and construction process.

Comr. Sobel asked who would be responsible for overseeing the construction of the project.

Mr. Danovich responded that he will continue to be the project manager.

Mayor Fisher indicated that staff, County Commissioner Bogen and he worked diligently to accommodate the businesses from the Turnpike to Powerline Road. Therefore, he thanked Mr. Danovich for doing a great job working with Keith and Associates, and Calvin Giordano to reach a mutually agreeable conclusion.

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
Sobel
Burrie
Fisher

Undecided: Perkins

Enactment No: RES. No. 2017-173

24. **17-249** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THREE PARTY ESCROW AGREEMENT AMONG THE CITY OF POMPANO BEACH, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE STATE OF FLORIDA DEPARTMENT OF FINANCIAL SERVICES, DIVISION OF TREASURY, RELATING TO THE DESIGN OF CONSTRUCTION PLANS FOR CONSTRUCTION (MILLING AND RESURFACING) OF HAMMONDVILLE ROAD FROM POWERLINE ROAD TO EAST OF 5R-9/1-95; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,500,000.00 approved by Resolution No. 2015-315 dated May 26, 2015)

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP Manager, presented the item and indicated that this is a companion item to the previous one, which creates an escrow account for the project. The City will be required to deposit the matching funds into the account and FDOT will draw from the account as needed for the design and construction purposes.

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
Sobel
Burrie
Fisher

Undecided: Perkins

Enactment No: RES. No. 2017-174

25. **17-237** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GRANT GALUPPI** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF JOSEPH A. OSBORNE; SAID TERM TO EXPIRE ON MAY 11, 2017; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

Gary Ruderman - Alternate #2, District 1
Grant Galuppi - Alternate #1, District 3
Des Frazier - District 4
Corey Thompson - District 4
Richard Sasso - City of Lighthouse Point

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name GRANT GALUPPI and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-175

Mayor Fisher thanked Joseph Osborne who has been an incredible citizen and has dedicated many years of his time and efforts to the Golf Advisory Board. Due to health issues, he is retiring from serving. Therefore, on behalf of the past and present City Commission Mayor Fisher expressed appreciation to Mr. Osborne for his many years of service to the City.

26. **17-253** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **COLLEEN MURPHY** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF JUDY KNOEBEL; SAID TERM TO EXPIRE ON JUNE 13, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Colleen Murphy, Alternate #1 - District 1

Barbara Armbrister-Boynton, Alternate #2 - District 5

Claudia Mazzocchetti - District 1

Jacqueline Reed - District 2

Tom McMahon - District 3

John Way - District 3

Carmen Jones - District 4

Jazzmann LeSane - District 4

Marguerite K. Luster - District 4

Mona Silverstein - District 5

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Sobel, seconded by Commissioner Hardin, to insert the name COLLEEN MURPHY, and that the Resolution be ADOPTED. In addition, Commissioner Perkins nominated to insert the name BARBARA ARMBRISTER-BOYNTON. The motion carried by the following vote:

Yes: Hardin

Sobel

Burrie

Fisher

No: Moss

Perkins

Enactment No: RES. No. 2017-176

27. **17-256** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HECTOR G. BARRAGAN** TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD OF THE CITY OF POMPANO BEACH AS AN ENGINEER; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 22, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Hector G. Barragan, Structural Engineer, Incumbent - District 1

Latoya T. Almonord, Founder/CEO/Educator - District 1

Claudia Mazzocchetti, Structural Engineering/Architecture- District 1

John Neff, Civil Engineer - District 1

Jacqueline Reed, Business Administration - District 2

Charles H. Bechert, III, Attorney - District 3

David Baumwald, Real Estate Investor/Construction - District 4

Marcus A. McDougale, Sociology/Psychology - District 4

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name HECTOR G. BARRAGAN, and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-177

28. **17-257** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JAMES R. BUNN** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE #3 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 22, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

James R. Bunn, Alternate #3, Incumbent - District 3

A. Vincent Carfora - District 1

Diana V. Lurie - District 1

John F. Neff - District 1

Raymond H. Nies - District 1

George E. Longobardi - District 1

Amalia Papadimitriou - District 1

Robert J. Sikorski - District 1

Charles H. Bechert, III - District 3

Daniel Horak - District 3

David Baumwald - District 4

Emma Ellington - District 4

Carmen Jones - District 4

Marcus A. McDougale - District 4

Andy Cherenfant - District 5

Daniel P. Diaz - District 5

Linda Houston Jones - District 5

(Staff Contact: Asceletha Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name JAMES R. BUNN, and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-178

E. REPORTS

Acting City Manager Phyllis Korab – No Report.

City Attorney Mark E. Berman – Court Denial of Zoning Board of Appeals – Mr. Berman reported that in the Circuit Court 17th Judicial Circuit, the City received an order on the Tony Hill appeal against the Zoning Board of Appeals. The Court denied Mr. Hill's petition for a certiorari.

Swerdlow Lawsuit Audit – Mr. Berman reported on the Swerdlow's case settlement, which was reduced and settled in terms of outstanding attorney's fees and costs. He indicated that his office audited the file regarding the billing and as a result the City received a returned check for \$10,000.00 from Conrad Scherer, who assisted with the audit. Mr. Berman reported that the file is officially closed.

City Clerk Ascelela Hammond – No Report.

Commissioner Rex Hardin – Zoning Ordinance for Sports Courts – Comr. Hardin inquired about staff bringing back the zoning ordinance regarding the sports courts for the Commission's consideration. The last time the item appeared before the Commission it had to be stricken from the agenda and to be re-advertised.

MOTION: Comr. Hardin made a motion, seconded by Vice Mayor Burrie to have staff move forward with the legislation regarding the sports courts. Upon voice vote five of the six members voted yea with Comr. Sobel voting nay.

Palm Beach Activity on Sober Homes – Comr. Hardin indicated he read in the newspaper about the numerous activity in Palm Beach County regarding the sober home issue where some people are being arrested, sentenced and so forth, and inquired if there are similar activities to take place in the City of Pompano Beach. In other words, is the City of Pompano trying to copy some of the activities happening in Palm Beach County?

John Hale, Police Chief, Broward County Sherriff's Office (BSO), indicated that a Task Force has been in place and they have changed gears from dealing with the "Flakka" issues and are now looking at the "sober homes/heroin" epidemic. Investigations are taking place. The Task Forces are in communication to include those in Palm Beach and Broward counties. Pompano Task Force has looked at the Grand Jury report that came out of Palm Beach County and are working in that direction.

The Ali Building – Comr. Hardin referred to the comments made earlier by State Representative Patricia Williams regarding her experience of being charged to use the Ali Building. He suggested staff "look into" the situation as it is a bit disturbing. However, he inquired if people are offered alternative facilities to hold an event where there is no charge. He hopes the City would be gracious to the State Representative to allow her to meet at a Civic Center or some venue, to talk with the public.

Phyllis A. Korab, Acting City Manager, reported that she was assisting Representative Williams in trying to locate facilities for her outreach efforts. In fact, they were able to get her a schedule at the Skolnick Center. However, since the Community Redevelopment Agency (CRA) Board had set a rate schedule, the CRA indicated that they were obligated to follow the rate schedule in effect for the Ali Building. Ms. Korab added that two locations were found for Representative Williams, one on the eastern section of her District, which is the Ali Building and the other was the Skolnick Center on the western side. She is utilizing both buildings, but pays for the Ali Building as per the adopted rate schedule.

Mayor Fisher indicated that he had sent an email to City Manager Beach, because State Representative Williams was looking to have a location to accommodate people during regular hours twice a month. However, he had spoken to Representative Williams some weeks later and she indicated that she had been accommodated. Mayor Fisher indicated that City Manager Beach had assured him that the matter was being handled. Therefore, he said if that did not occur it is disappointing, and encouraged staff to continue to work with Representative Williams on that issue.

Comr. Moss inquired about the location of State Representative Williams District Office.

Comr. Perkins responded it is located on Cypress Creek Road, near the Executive Airport in Fort Lauderdale.

Commissioner Barry Moss – Proposed Soccer Academy – Comr. Moss reported that last Wednesday, February 22, 2017, the developers of the soccer academy met with the Collier City Civic Association and gave a presentation that was positively received by those in attendance. The facility is proposed to be “marvelous” and a big boom to the community, particularly to the young people who will have a place to recreate.

Electronic Sign for McNair Center – Comr. Moss asked for a status update on the electronic sign for the McNair Center, because the old sign got removed.

Mark Beaudreau, Recreation Programs Administrator, responded that he does not have a timeline but will get one for the Commission.

Security/License Plate Reading Cameras – Comr. Moss inquired about what has been done regarding placing a security camera or the license plate reader on the street where the McNair Center is located, as well as the Jan Moran Library.

John Hale, Police Chief, Broward County Sheriff's Office (BSO), reported that they are looking at several different locations in the City to include each area for additional license plate reader cameras to plug into the existing system. Therefore, over the next few weeks they will be engaged in discussion with City management.

Comr. Moss urged Chief Hale to consider the situation as there are hundreds of children on the long street block between the McNair Center, from the football games, and the Jan Moran library. He indicated that the Community has, for a long time, been requesting for some type of security to be placed in that location.

Chief Hale responded that they have the technical ability and the capacity with the LPR system they have in place, but “it is a matter of dollars at this point” to push them to where they want to add cameras.

Comr. Moss suggested that perhaps Chief Hale could bring this to the Commission to solicit a partnership with BSO.

Phyllis A. Korab, Acting City Manager reported that staff is working on a scope of work that involves several departments. Once it is completed, vendors will be contacted for the selection and purchase of the surveillance cameras to be installed citywide.

Mayor Fisher indicated he received information on a company with solar powered cameras that can be installed on any type of polling with an automatic 24-hour feed. Therefore, he encouraged Brian Donovan, Assistant City Manager to check into this as it is an interesting concept, which would be fantastic for the City.

Commissioner Beverly Perkins – Jazz at Appollo Park – Comr. Perkins thanked the Parks and Recreation department for the “jazz in the park” held at Appollo Park on Saturday, February 11, 2017. Comr. Perkins indicated that for a first event like this and planned at the last minute it was a success. Both the Mayor and the City Manager visited the event, which was nice and gracious.

Planned Meeting with Community Redevelopment Agency (CRA) – Comr. Perkins announced that the meeting planned with the CRA for March 1, 2017 has been cancelled and will be rescheduled for April 5, 2017.

Blanche Ely High School Black History Event – Comr. Perkins reported that a teacher from Blanche Ely High School, Connie McGirth, invited her to attend the black history event held on Friday, February 10, 2017 at their school. She indicated that she was so impressed with the students’ efforts and their displays she wished the media would have attended.

Response from Staff on Several Requests – Comr. Perkins indicated that she has requested several items, but to date has not received any feedback from staff on these matters. Among her requests were a monthly update on the Blanche Ely Museum, a policy for the Ali Building and the E. Pat Larkins Center. Comr. Perkins indicated that since she requested these from the dais, perhaps a staff member could be identified to respond to her requests.

Phyllis A. Korab, Acting City Manager responded that she will take care of them.

Commissioner Michael Sobel – Pier Permit – Comr. Sobel indicated that he was happy to hear the news on the Pier Permit, which is moving forward through the Fish and Wildlife and is in the process of being reviewed by the Army Corps of Engineers. Therefore, he understands that the City is at its last milestone to be accomplished and perhaps within the next 60 days the permit should be issued and efforts to rebuild the pier can commence. Horacio Danovich, CIP Manager responded that is correct.

Proposed Engineered Life Safety System – Comr. Sobel indicated that earlier today, he attended a meeting pertaining to the Engineered Life Safety System (ELSS) requirements that is being proposed. There were representatives from numerous condominiums to include Jamaica House, Parliament House, Nassau House, Waterberry, Bermuda House, Renaissance II, the Claridge, and the Ocean Monarch. Comr. Sobel indicated that most of the concerns expressed to him by the citizens were questions on the cost, the engineering, the updating, the potential problems that would arise in the various buildings. Therefore, he thanked BSO, and especially Detective Cusimano, and Deputy Cogan, who on short notice came to assist him, as well as Fire Marshal Pete McGinnis, who was also able to assist and answer specific questions on the different code issues regarding the ELSS. The residents from these condominiums expressed appreciation of the effort and the way things have been moving forward.

Pompano Beach Economic Development Council Meetings – Comr. Sobel reported that last night, he attended the Pompano Beach Economic Development Council meeting and sat through their entire meeting. He indicated that this is an advisory board of great importance in the City equated to a “think tank.” There are a lot of people on the Council that has done a great deal of good for the City of Pompano Beach. Notwithstanding, they are subject to the Sunshine Laws, and public notice; therefore, he encouraged the residents to attend the meetings held in the Commission Chambers Conference Room, to ask questions, and get involved. Issues of current importance and long term planning of the Northwest and East CRA’s are some of the important items discussed. He urged residents to participate in the committee meetings.

Broward County Pompano Beach Ocean Outfall – Comr. Sobel thanked those people who met with him at the County level, Randy Brown, the Utilities Director and Greg Harrison, City Manager along with Bertha Henry, County Administrator and those directors Alan Garcia and Mark Darmanin. They had met to discuss the Broward County Pompano Beach Ocean Outfall. He indicated that there are numerous issues dealing with perception versus science and disputes over the science of the Pompano Beach Ocean Outfall. This issue is of great importance to all the residents and the perception in tourism. However, the City and County appears to be on track to eliminate the ocean outfall discharges in 2025 subject to the 5% peak flow situations if not sooner. He was educated on the progress being made as it relates to the plans and financing for the engineering of reuse water. This information will be made available to the residents soon. In sum, it is good news for the City of Pompano Beach.

Broward Ethics Training – Comr. Sobel reported recently he attended an annual ethics training by Broward League of Cities. Mayors and Commissioners were in attendance with lawyers and experts in attendance speaking on ethics, the sunshine law, as well as the Robert’s Rules of procedure, which is implemented in the City of Pompano Beach. He said comments were made that some cities have dissensions and some the inability to function throughout a meeting without a leader who is able to respect everybody’s views, allow everybody to be heard in a professional manner, and to keep things factual and not personal. Thereafter, he thought how lucky the City of Pompano Beach is to have Mayor Fisher as the Chair.

In sum, Comr. Sobel indicated that it is not easy to deal with all the issues on a daily basis among all the commissioners. Therefore, Mayor Fisher’s personal demeanor and experience is so helpful in getting the Commission to a consensus, sometimes not in a straight line, but it is government by its nature. Therefore, he expressed appreciation to Mayor Fisher in the way he handles the leadership on the dais and how the meetings are conducted. This appreciation was also expressed by other members and the audience with an applause.

Vice Mayor Charlotte Burrie – Concurrence on Mayor Fisher’s Chairing Commission Meetings – Vice Mayor Burrie concurred with Comr. Sobel’s comments made earlier.

Vice Mayor Burrie indicated that she had no other report.

Mayor Lamar Fisher – Broward League of Cities Board Appointees – Mayor Fisher indicated that former Comr. Ed Phillips and he are the City’s appointees on the Broward League of Cities. Therefore, the Commission needs to reappoint someone else, because there are times he is unavailable to attend the meetings.

Comr. Moss indicated that he would be interested to serve as one of the City’s appointees on the Broward League of Cities board.

Mayor Fisher asked if anyone else was interested in serving on this board that meets once a month.

MOTION: A motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to nominate Comr. Moss as the new appointee to represent the City on the Broward League of Cities. On voice vote the motion carried unanimously.

Staff will notify the Broward League of Cities of the City’s representatives to sit on their Board.

Sea Level Rise Issues – Mayor Fisher indicated that earlier, he talked with Robin Bird, Development Services Director on the sea level rise issues. Mayor Fisher indicated that there are some cities enacting legislation that if seawalls are re-constructed or built there are certain height requirements and things of that nature. Therefore, he formally requested that staff check into this issue and obtain data to present to the Commission, who would make some determination whether to move forward with legislation in the City as it relates to sea level rise. Mayor Fisher stated that some of the cities involved in enacting this is Fort Lauderdale, and Delray Beach.

G. ADJOURNMENT

The meeting was adjourned at 8:13 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk