

**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*

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**Tuesday, September 25, 2018**

**6:00 PM**

**Commission Chamber**

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**City Commission Meeting**

**CALL TO ORDER**

Honorable Lamar Fisher called the meeting to order at 6:01 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**

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

**PLEDGE OF ALLEGIANCE**

Led by Asceleta Hammond, City Clerk

**APPROVAL OF MINUTES**

[18-628](#) Regular City Commission Meeting Minutes of September 11, 2018

**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 announced that item 14 will be stricken from the agenda.

**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 announced item 7 will be pulled from Consent Agenda for City Commission discussion. Mayor Fisher acknowledged that Assistant City Manager Brian Donovan is sitting in for City Manager Greg Harrison who is out of town.

**A. SPECIAL PRESENTATION****18-629 Special Recognition to the City of Pompano Beach**

The Employer Support for Guard and Reserve (ESGR) recognizes employers who have continually supported their employees who serve in the United States military. ESGR recognized the City of Pompano Beach and Pompano Beach Fire Rescue for its long history of supporting employees serving in the military, both active and reserve. In attendance for this recognition were Master Sergeant Daron Davis and Private First Class Sam Durda, who not only worked for the Pompano Beach Fire Department, but proudly served in the United States military.

Pedic Esperri, Employee Outreach Director for the State of Florida, Department of Defense, Employer Support of the Guard and Reserves (ESGR), on behalf of the Department of Defense made two special presentations. The first presentation was made to Fire Chief John Jurgle, because of his tremendous support of the men and women who serves in the Guard and Reserves. He said the City of Pompano Beach is exemplary for the men and women who are citizens' soldiers that work for the city. Master Sergeant Daron Davis nominated Chief Jurgle for a patriot employer. He then read comments made by Master Sergeant Davis regarding the exceptional assistance he received from Chief Jurgle and the Pompano Beach Fire Department while he was deployed to Kuwait.

Master Sergeant Daron Davis recognized former members of the military who served and were present at the meeting. He thanked Mayor Fisher and the Commissioners who were present during two of his deployments.

He thanked Fire Chief Jurgle, former Chief Harry Small and the Fire Administration for all the unwavering support afforded to him during his deployment.

Mr. Esperri introduced his local associates, Rebecca Heinhold, Local Area Chair, Norman Baker, former ESGR representative, and Michael Giallombardo, Vice Chair. He then presented to the Fire Department their "Seven Seals Awards" which he said is very prestigious, and comes down from Washington. He said the Fire Department and other areas of the City have gone above and beyond supporting the employees that serve in the military. Finally, Local Area Chair Rebecca Heinhold presented Chief Jurgle with a Pin.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS****18-529 National Voter Registration Day Proclamation**

Mayor Lamar Fisher proclaimed September 25, 2018 as National Voter Registration Day in the City of Pompano Beach.

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

**C. AUDIENCE TO BE HEARD**

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.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

**The following persons were called to speak:**

**Hidden Harbour Development** - Carole Fielder, 2708 NE 17th Street, Pompano Beach, FL, stated that she attended the Hidden Harbour information event for neighbors as a result of a postcard she received. She indicated she has been trying to get the facts on the requested land use change, but it seems to create another crowded, multi-story congested area to contribute to worse gridlock traffic situations and will affect her neighborhood of Harbour Village. She said she understood from the postcard that the developer wanted to fill in the canal, throw away the boat yard, and build over the top of the water on 23rd Avenue, however, much will be to the consternation of the neighbors. Ms. Fielder complained that there is very poor communication and information. She indicated that some of the taxpayers in the area are unhappy and does not support the land use change.

Ms. Fielder stated that the latest developments of the City of Pompano Beach have excluded her and other people with ambulatory challenges because of the urbanization idea and pet phrases, such as "Urban Plaza" or "Pedestrian and Bike Friendly Promenade" or "Pedestrian Friendly Hub." She indicated that these are like signs posted, "you cannot use it, don't come, no nearby parking, go home." She said she chose to live in Pompano Beach, which is a suburban city, with on-street parking and a small town feel. However, she complained that she cannot use the beach, the new beach restaurant, the new library, and the performing arts center, which is a hike to get to the nearest handicap parking. She said for that 25% of the population, there should be a worthwhile voting bloc.



**Adimu Men of Excellence Event** - Brian Anthony Campbell, President, Adimu Men of Excellence, 3652 Terrapin Lane, Coral Springs, FL, said as a proud son of the City of Pompano Beach, a graduate of Blanche Ely High School and pastor of one of the oldest church in the City, he is concerned about the plight of the young men in the community. He introduced the organization, Adimu Men of Excellence, which he founded eighteen years ago as a teacher at Blanche Ely High School. He believes the program offered by the organization can make a difference in the lives of the young men in the community. He added that they have been helping to build strong children and outstanding young men. He then provided a brief background on the organization.

Pastor Campbell invited the Commission and all high school males and their parents to come out to their informational meeting on Thursday, September 27, 2018, at 7:00 p.m. at the 15th Street Church of Christ located at 390 NW 15th Street, Pompano Beach, Florida. He said they are looking for young men who want to be outstanding men. He said Adimu Men of Excellence has produced a number of great men who have grown and developed into outstanding fathers, husbands, entrepreneurs, teachers, engineers, doctors, and lawyers all paving a great path, and showing a great example of what can come out of Pompano Beach.

**Taxes and Progress in the City** - Barry Dockswell, 2880 NE 14th Street, Pompano Beach, FL, stated that some citizens and candidates in the election season have expressed the opinion that the taxes in Pompano Beach are too high. However, he wanted to offer a different perspective on this point. He said the results for this year during the upcoming tax year that will start October 1, 2018, of the 31 municipalities in Broward County, Pompano Beach is the 11th lowest in millage rate and the 10th lowest in fire assessment rate. It is a fact that the taxes in the City have increased in recent years. During the past 10 years it has moved from 6th lowest in the County to 11th lowest of the 31 municipalities. However, for all the progress that the City has made, "it is a good deal." He said in the same 10 year period it has gone from the worse reputation in the County to now having perhaps the best reputation in the County, which is a good payback. The City is looking and functioning much better. Therefore, the question should not be, "Why have our taxes gone up?" Instead, it should be, "How could we make so much progress and still manage to keep our taxes so much lower than most of the cities in Broward County." He then explained how the City's turn around began with utilizing the buildup of reserves during the years of low millage, as well as other efforts. Overall the City has been diagnosed with a healthy financial position. Therefore, he urged the residents to keep the larger picture in mind about the taxes relative to other cities in Broward County.

Finally, Mr. Dockswell stated that if people like the progress the City is making then they should not vote for the candidates who said no to the garage, no to the G.O. Bonds, and is now saying no to prudent tax rates. But should vote for the candidates who have the vision and courage to keep the City's progress going.

**City Leadership** - Tom DiGiorgio, Lighthouse Point, FL, congratulated the City for strong leadership. He said he heard that the interest rate the City will be paying on the G.O. Bonds will be 3.7%, which he credited to the leadership in the City. He said the four Commission members who had the courage to put this initiative before the citizens of Pompano Beach to vote, which turned out to be approximately 67% voting in favor of the bonds, therefore, the citizens spoke. This was done in March to get ahead of the interest rates hike that was forthcoming. There was the foresight and leadership to do this, which will save approximately \$20 million in interest payments. Mr. DiGiorgio said the leadership and City management have done a phenomenal job. He said that those who did not support it will come around and support the projects that need to happen quickly.

He thanked those who supported it and commended the team for an excellent job done.

Comr. Hardin thanked those who were part of the G.O. Bond process, because there were numerous volunteers from the community, which included the soccer moms who want to see the City move forward.

**Shooting in Collier City** - David Miller, Pompano Beach, FL, commended the Fire Department for doing a good job. He commented on the recent fatal shooting of "Miss Ke Ke" in the Collier City area and that the people are still looking for an investigation into this matter. He reported that they did a march in August, which turned out well and asked Comr. Moss to put something together regarding the matter. Mr. Miller thanked Comr. Perkins for coming out to speak with the family of the deceased.

**Accomplishments** - Mr. Miller stated that he is a cultural arts ambassador and a Pompano Beach historical society president running for commissioner. He said he has done numerous reviews on the Cultural Arts Center facebook page to include an award for social media. He said he has written several articles for the Pompano Post produced by Jameshia.

**Elementary Schools Performance** - Mr. Miller stated that he is willing to bet that this year, Markham and Charles Drew Elementary Schools will score higher than any elementary school in the City.

**Community Garden** - Mr. Miller reported that the Community Garden will open on Saturday, October 6, 2018 from 9:00 a.m. to 12:00 p.m. for a new season of growing, and invited everyone to come out and support this endeavor.

Comr. Hardin asked Mr. Miller if there were any plots left at the Community Garden, which he replied there are seven plots left for the northwest residents.

Comr. Moss asked Major Hale, Broward Sheriff's Office (BSO) about the investigation and what is going on regarding the drive by shooting incident.

Major John Hale, Police Chief, BSO, reported that there is an open and active homicide investigation ongoing by the homicide unit. He said Detective John Carsuo is the lead homicide investigator. In the last few days the BSO have been in communication with Det. Carsuo. He offered that whether they think the police have information that they need or not, he is encouraging the public to continue to give the police tips and information, because there is more information that is out there and they need it. Major Hale said the Crime Stoppers number is available to call, as well as they can contact Det. Carsuo who is the lead detective on the case.

**Hidden Harbour Development** - Craig Mawson, 2560 NE 19th Street, Pompano Beach, FL, stated that when he came to Pompano Beach in 1972 it was a good City but not a great one. However, with all the progress that has been done to date it has become a great City. He said he lives over where the Hidden Harbour project is planned and is familiar with the area. He is not too knowledgeable with the planned development but he said rumor has it that 23rd Avenue will be "knocked out" and wanted to know if this is false.



Mayor Fisher responded that on the record it has been stated accordingly, but they will be returning to the City Commission in October for the final approval.

Mr. Mawson indicated that for the neighborhood there is hardly any streets to get out, so losing 23rd Avenue will be difficult for people to get out of the neighborhood. He supports progress and the project appears to be a fantastic development, however, with some concessions on the project it could make it amenable to everybody in the area and thus a success. Mr. Mawson thanked the Commission for doing a great job.

**Report on First Annual Haitian Heritage Day Event** - Andy Cherenfant, Pompano Beach, FL, presented a short video regarding the First Annual Haitian Heritage Day Event. Mr. Cherenfant, on behalf of the Annual Haitian Heritage and Cultural Arts celebration, shared a Certificate of Appreciation, which he read in its entirety. He thanked the Mayor and City Commissioners, as well as the Assistant City Manager Earl Bosworth, who assisted and had a great deal in making the event a success. He thanked the community for coming out in support, which was a total of approximately 250 adults and children in attendance.

Mayor Fisher requested that Mr. Cherenfant make a promise that the first annual celebration event will continue to other subsequent annual events.

**Old Pompano Revitalization** - Douglas Matthes, 500 NE 5th Street, Pompano Beach, FL, stated that a few days ago NE 5th Avenue was repaved, but he believes that it was a waste of tax funds and explained his reasons. He does not understand why the City has a truck route going through a RS-1 zoned neighborhood, which shows disregard for the residents. He stated that when he, along with those residents, purchased their homes in 1972, they chose NE 5th Avenue because it was a dead-end street, it was within two miles of the ocean, and 22 feet above sea level. There was no traffic in the neighborhood, but since then, the City has been responsible for numerous negative changes that are destroying historic Old Pompano.

Continuing, Mr. Matthes indicated that in the recommended budget, it states that "Old Pompano continues on a path of revitalization with new residential developments." He complained that there has not been any notice of any scheduled meetings or forums with the residents to discuss the path or what they desired to have in the budget.

Furthermore, Mr. Matthes commented on the East Transit Oriented Corridor (ETOC) and complained that when the displays were presented the plans were made without neighborhood participation. He said to fill out a small index card with comments/questions is not considered participation. He said the current residents would like to see the outline of the path of revitalization to determine the impact on them. Moreover, he complained that there are no area traffic plans. He ended with asking the Commission if they cared.

**The Voice of the Clergymen** - Pastor Wylie Howard/Gary McLeod, Pompano Christian Clergy Council, 2651 NW 9th Court, Pompano Beach, FL, stated that it is a privilege to serve with the other members of clergy that stand with him in support as the Christian Clergy Council. He said they are intrigued with the fine things that are going on in their community. Perplexed because of the possibility of changes that may not be in the best interest of the City. He said when they went to Atlanta in the 1900's Pompano Beach became the number one City in the State of Florida and it feels like home. He said as an ambassador of the Clergy, there are some issues that need to be dealt with, and as a group they are not going to sit silent and allow those issues

to go unchallenged. He mentioned that they serve as an order that represents statute, integrity and spirituality and there is “no one of us that is larger than all of us.”

Continuing, Pastor Howard, stated that they will serve with the understanding that the population of African-Americans (Blacks) makes up approximately 35% of the City. They understand that the growth rate of the City has been off the chains. In fact, in 2016 it has gone upward with approximately 2% growth, but yet 2017 there will be under 1% growth. In addition, he stated that he heard about the G.O. Bonds and suggested that one of the concerns they have as a group is that the Commission will change, and it will change what they were going to do with the bonds. He said there are projects that were set aside to be accommodated by the bonds and asked if that will change. He understands the political activities and innuendos as well as compromises, but the one thing they want to focus on is to ensure that they continue the trend of what was started, which is to continue growth.

Pastor Howard declared that he will miss Mayor Fisher and Vice Mayor Burrie. In sum, Pastor Howard indicated that they represent a body of people that will not be compromised. Therefore, he wanted to challenge the Commission that when they are ready to look at the issues mentioned, which include the Community Redevelopment Agency (CRA) that is important because there has been an agreement that suggests an infusion of approximately \$10 million that will go into the northwest section of the City. Therefore, Pastor Howard said they feel the need to have a strong voice on how the funds will be distributed, to focus on making sure standards of the City continue to grow, as well as ensure there is inclusion. He said they want to make sure that they partake (participate) in the decision making process. Notwithstanding, they are concerned with the new commission that will be put in place.

Pastor Howard commended Fire Chief Jurgle on the award presented to him earlier, which he says is well deserved. He concluded that Pompano Beach feels like home and to “let’s keep our house in order, let’s keep our books balanced, let’s make sure we perform justice for not just some people but all the people.”

Pastor Gary McLeod, President of the Pompano Christian Clergy Council, indicated that he yielded his minutes to Pastor Howard, and reaffirmed his comments that they are here to serve and that is what they desire to do.

Mayor Fisher stated that Pastor McLeod served the City for many years and has since retired, however, he continues his ministry in the City of Pompano Beach.

**Budget Cuts and Impacts on Departments** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, commented that it is good to see the community united. Continuing, he enquired about the 7% decrease of the budget that was mentioned earlier at the budget meetings. He said they want to ensure that certain departments, such as the Parks and Recreation and Public Works are not impacted negatively.

Mayor Fisher, in response to Mr. Thrower’s comment about outsourcing plans to come up under the current administration, explained that it would be dependent on the Commission. However, the budget in all terms and purposes was passed by the current Commission and will move forward effective as of October 1, 2018.

Mr. Thrower stated that he supports the City Commission and supports keeping the men and women in Public Works, as well as the Parks and Recreation Departments who not only serve the community but they also live



within the northwest community.

**Hidden Harbour Development** - Terry O'Connell, 1760 NE 28th Avenue, Pompano Beach, FL, thanked the Commission for the opportunity to speak on the development of the land on NE 23rd Avenue, in the Hidden Harbour area. She indicated forty years ago when she and her husband moved to the City, it was a nice quiet City and Federal Highway was only three lanes at the time. Over time there has been a lot of development and she believes change is necessary. However, too much can be chaotic. She complained that over the past few years the City has been on a "building frenzy" as there are big complex communities, apartments and condominium buildings going up. During the winter season there would be traffic problems but now it is throughout the year. She mentioned that NE 23rd Avenue is an access street to many people who get in and out of the neighborhood when Federal Highway is backed up.

In sum, Ms. O'Connell indicated that she would not like to live in a chaotic city but rather to live in an area kept as a nice quaint little city.

**Support of Comrs. Perkins and Sobel** - Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, commended Comr. Perkins for doing a good job ever since E. Pat Larkins died. She encouraged Comr. Perkins to "hold her head up high and look high to the hills...and don't look down." She believes that the people voted for Comr. Perkins to be their commissioner and God placed her on the Commission. She alleged that the City is corrupt and Comr. Perkins has helped to open their eyes to this corruption in stealing money that was supposed to spread throughout the five districts. She provided a series of events that has proven the City's corruption in expending money. In sum, she supports Comr. Perkins representing the people in 2018. She also said that Comr. Sobel is the right man for the job, therefore he and Comr. Perkins has her blessings. She concluded that they are moving forward forever and not moving backward, ever.

**Transparency and Accountability in Government** - Stephanie Steinberg Pompano Beach, FL, commented on someone's emotional outburst that attacked Comr. Sobel verbally in the last Commission meeting, which she took an offense to. She believes one of the issues is the fear going on in the City with some individuals and the reason being there is no transparency and Comr. Sobel wants to make the government transparent, as well as he wants accountability, which she desires as well. She indicated one of the things Comr. Sobel pointed out throughout his campaign, as well as it was mentioned in the Pelican newspaper, is the concern for \$89 million of taxpayers' money that was supposed to be spent in the northwest CRA districts for slum and blight, because there is a need to improve District 4. She hopes Comr. Sobel becomes mayor and that he can explain where the money went because people are not benefitting from it. She concluded that people are worried about how and where the money is spent.

Continuing, Ms. Steinberg indicated that as it relates to the G.O. Bonds there must be accountability and transparency. They need to ensure how the money is being spent and not being wasted. In sum, she said it is a lot of money at stake and she urged the commissioner to fight hard for transparency in the government and hopes he becomes mayor and that he ensures the money is spent wisely.

**Mural for Coach Melvin Randall** - Fabian Lyon Sr., Miami Herald, 6636 Tribune Circle, Boca Raton, FL, stated that Pompano Beach is his second home. He mentioned that he covers high school sports for the Miami Herald and have covered Blanche Ely High School for the past eighteen years. He requested the Commission

approve a mural to be built for the Blanche Ely Boys' Basketball Coach, Melvin Randall. He said Mr. Randall is the all-time winningest boys' basketball coach in Florida. Specifically, he won his eight state title last year. Also, he will be inducted on October 23, 2018 into the Broward Sports Hall of Fame. Therefore, he thinks a mural within the city limits would be most fitting to Coach Randall. He is not only a great coach, he is a great leader, he has been selected as teacher of the year, and the national coach of the year by USA Today. So, whether the mural is placed on the Blanche Ely School campus or other place would be most fitting. Therefore, he graciously requested any assistance the City Commission could provide in getting this done for the most deserving candidate, Coach Melvin Randall.

Mayor Fisher directed Assistant City Manager, Brian Donovan to meet with the Public Arts Committee, as well as the School Board because if the City does something it has to go through the School Board. He believes the request is very applicable and fitting for Coach Randall. He then thanked Mr. Lyon Sr. for bringing this matter to the Commission's attention.

Comr. Perkins enquired about the time and place when the induction will take place. She was told it will take place on October 23, 2018, at the Broward County Convention Center, but the time is uncertain. City Clerk to get this information to the Commission to include the time.

#### **D. CONSENT AGENDA**

There was no discussion on items 1-6.

1. [18-556](#) Approve ranking order for RFP E-37-18 Group Health Benefits Coverage and authorize the appropriate City staff to negotiate and enter into a contract with Blue Cross Blue Shield of Fl. (No cost at this time.)  
(Fiscal Impact: N/A)  
  
(Staff Contact: Eddie Beecher/Cindy Lawrence)

**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. [18-624](#) Approval to piggyback the City of Plantation Florida Contract #062-17 for the purchase of "Electric Motor and Pump Repair Service" as needed, from Condo Electric Motor Repair Corp., in the estimated annual amount of \$100,000.00.  
(Fiscal Impact: \$100,000.00)  
  
(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.**

3. [18-478](#) 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. 6 FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$82,834.00 TO UPDATE THE REUSE WATER MASTER PLAN PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$82,834.00)

(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. 2018-265**

4. [18-579](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE COMMUNITY RISK ASSESSMENT AND STANDARDS OF COVER FOR THE POMPANO BEACH FIRE RESCUE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(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. 2018-266**

5. [18-610](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AREA AGREEMENT AMONG DOMENICK AND DONNA SQUITIERI, AND FRED L. SMITH, AND THE CITY OF POMPANO BEACH; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AREA AGREEMENT BETWEEN DOMENICK AND DONNA SQUITIERI, AND PETER S. JAKUBIEC AND ELIZABETH H. GUNTER AND THE CITY OF POMPANO BEACH; 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. 2018-267**

6. [18-611](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTIGUOUS SHARED COMMON DOCKING AGREEMENT AMONG JACK FIELD, HENRY M. AND MARIA BUCZYNSKI, AND THE CITY OF POMPANO BEACH; 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. 2018-268**

7. [18-626](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AN AMENDED INVESTMENT POLICY FOR THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Vice Mayor Burrie pulled the item for discussion on behalf of Tom Terwilliger.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that this issue is a plan for investing the surplus G.O. Bonds funds awaiting construction projects to be finalized, so there could be \$30-50 million in the fund. He said part of the requirement of the policy regarding this particular issue, caps the amount of interest that can be received on money being held in investments. Basically, it says there is a "yield restriction" and this money cannot be invested into whatever asset it can be put in that would generate anything in excess of 3.523632% interest. He said in today's market there are numerous AAA bonds, as well as government bonds that are yielding in excess of that amount. This resolution will bind the hands of the City and cap the amount of interest that can be made from that money while sitting there. He said the City can easily lose half a million dollars' interest over the time that money is in the holding position waiting to be distributed for the finalization of the projects. Therefore, he suggested that the Commission do not accept this and perhaps give guidance to staff, if the desire is to put restrictions by specifying that the bonds or the assets have to be either government rated or AAA rated.

Mayor Fisher asked Mr. Jean-Pierre to provide an explanation on what the Internal Revenue Services (IRS) is capping the City on.

Andrew Jean-Pierre, Finance Director, clarified that the stipulations that is being added to the policy are required by the IRS. He said because the bonds are tax exempt the investors are getting a tax benefit that they do not pay taxes on the interest income. So the IRS does not want the City to benefit because they are already providing a benefit. This is an IRS requirement and the City has no control over it. In fact, if the rules are not adhered to the City will be penalized by the IRS. In addition, he explained that the IRS does not want the City to earn more on the bonds than is being paid.

**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. 2018-269**

**E. REGULAR AGENDA**

8. [18-586](#) Approval to award Bid P-45-18 Kester Park Concession Renovation and New Restroom Construction to the lowest responsive responsible bidder, C. Square Development Co., LLC dba C. Square Construction Management at a cost of \$334,010.00  
(Fiscal Impact: \$334,010.00)

**(Staff Contact: Tammy Good)**

Tammy Good, Engineering Project Manager, presented the item and provided a brief presentation on what the project consisted of. She indicated that they will be renovating the existing concession building and the construction of a new restroom. Also, they will be demolishing the existing storage building and with the same footprint will be constructing the new restroom building. Additionally, they will reroof the gazebo on site and overlaying the asphalted parking lot on the east side of the site. She then provided details on the renovations of the concession building and the construction of an outdoor canopy for outdoor seating, as well as the other areas that will be renovated on the site.

Continuing Ms. Good indicated that the job was bid competitively, and two bids were received and S. Square Development Co., LLC, was the lowest bidder, who have previously completed several projects for the City of Pompano Beach. Most notably the Mitchell Moore Concession project. They are local Pompano Beach contractors, WMBE and SBE certified. Finally, she stated that the construction duration is approximately 270 days. Also, the project was budgeted and the lowest bid came in within budget.

Mayor Fisher asked Ms. Good to explain the differentiator of a \$463,000 between the two bids.

Ms. Good explained that staff did their own internal budgeting and estimating, which for the most part is in line with the low bid. The engineer on record did his own estimate and it is also in line with the low bidder. The low bidder will be bonded and have successfully completed other projects. Therefore, staff is confident that he will be able to do the job for the estimate that he has submitted.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that the bathrooms are a “disaster” in that park. Also, he mentioned that when it rains the entire baseball field is soaked and wanted to know if any consideration was given to the dirt on the infield.

Horacio Danovich, CIP Manager, responded that it will be part of the G.O. Bonds projects that they will be looking at the field spot of the Kester Park. He said they are preparing the redesign of the park except that particular area.

Comr. Hardin thanked staff for bringing this item forward as it is well needed. He cautioned that a lot of sports get played at the facility. Therefore, 270 days is a large part of the year, and asked if staff can coordinate with the various activities to ensure that there is no disruption of any type of sports activities while construction is taking place.

Ms. Good responded that they actually phased the project so that they are not taking the restrooms out of commission. She said the first phase consists of renovating the interior concession and then leaving everything in place. The second phase will be building the new restrooms. It will be segregated as to the phases of construction with hopes of less disruption to the site.

Mayor Fisher indicated one of the things that disappointed him was that Otis Thomas, Purchasing Director reached out to 46 local companies, but only two bids were received. Mayor Fisher encouraged Mr. Thomas to continue with his efforts and hope the City will continue to receive more bids with time.

Comr. Sobel commended Ms. Good for providing a phenomenal backup memo, which provided everything in it that anybody needed to know as to why this is being done, the project, and the prior work done. He hopes this could serve as a template for everybody for the future. Comr. Sobel indicated that it was helpful to layout the prior work done so effectively in the past. He asked if the Mitchell Moore Park new concession to be substantially completed by September 2018 is still on schedule.

Ms. Good responded yes.

Comr. Sobel then read the list of projects mentioned that were completed or are on schedule to be completed. He then asked about a \$71,000 adjustment made in the budget.

Ms. Good responded that staff budgeted the project a few years ago when the economic climate was on the down turn in comparison to where it is today. Also, they anticipated making some upgrades to the Americans Disability Act (ADA), so they knew that funds were going to be used from the ADA account. For the most



part when all the accounts are summed up they are in line with the budgeted amounts from a couple years ago.

**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

9. [18-554](#) **P.H. 2018-95: (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 THE SUPERLATIVE GROUP, INC. TO IDENTIFY CITY ASSETS, AND DEVELOP AND NEGOTIATE SPONSORSHIP AND NAMING RIGHTS CONTRACTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$145,000 retainer and \$600,000-\$3.5 million annual revenues/ net of commissions)

**FIRST READING: SEPTEMBER 11, 2018**

**(Staff Contact: Suzette Sibble)**

Suzette Sibble, Assistant City Manager, presented the item and stated that this is the second reading to the ordinance and there are no changes since first reading.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, expressed concern about a few things. First, they will be paid \$7,500 per month and in addition to this paid a commission, as well as it will be a five year contract.

Ms. Sibble confirmed that it will be a five year contract.

Mr. Phillips indicated that he believes it is way too much for this service, and he would not agree to this.

Mayor Fisher explained that the rights the City has with the contract is that it can terminate upon notice, and if the process is not going great then the City can terminate the retainer. Mayor Fisher mentioned that the City of Fort Lauderdale is paying 30%, however, in this contract the City of Pompano Beach will be paying 15% commission.

Ms. Sibble explained how the retainer would be paid. She indicated that from the firm's standpoint the City

can terminate at any point. So, if the City is four months out into the process and the City is dissatisfied and the company is not bringing anything back, then staff can recommend termination of the contract. In essence, they would not want to do work and not be compensated, which is the reason for the retainer.

Mr. Phillips reiterated his concerns and said he would be reserved and he thinks \$7,500 is too much and provided his reasons. He would recommend a testing period for approximately six months to see what they can do instead of being locked into a five year contract.

Mark Berman, City Attorney, stated that the City can terminate upon ten days' notice for convenience or for any cause. So the City would not owe any expenses that they incurred.

Comr. Sobel stated that standard provision allows the City to terminate a contract, but does the termination of any city contracts have to come back for approval before the City Commission.

Mr. Berman responded that staff would seek permission of the Commission. He said the Commission is approving the contract so the contract would not be terminated unless it is brought back before the Commission.

Comr. Sobel is aware that the Commission approves many contracts but does not recall the Commission approving termination of a contract. He asked if staff ever looked into the policies for any reason such as non-performance or poor performance or change of philosophy. Also, over the past two years has any contract been terminated earlier than it was originally approved?

Mr. Berman indicated that there has been consultation with the Commission in the instance of the Fire Station 11 contract with JCon. Mr. Berman explained that before the City terminates a contract, if it must be terminated and it is something that needs to be done, potentially, it could be done and brought to the Commission for ratification, but normally for Commission approval.

In response to Comr. Sobel's comments regarding measurables, Ms. Sibble stated that the contractor is required to provide monthly progress reports, which will be shared with the Commission. Ms. Sibble added that the pricing structure is not unusual for the industry. She said staff does not have the resources that this company can provide, because they have access to a database of potential sponsors. Broward County has a similar program but they do have full time marketing department to generate these types of relationships. So they have the expertise and resources, which comes at a cost.

Mr. Phillips asked if there are any penalties should the City terminate the contract at anytime.

Mayor Fisher responded no.

Ms. Sibble explained that if they provided work and they are owed for services provided they would be paid up to that point but going forward the City would cease all payments.

Comr. Hardin asked about the commission that would potentially be due.

Ms. Sibble indicated that if the company have negotiated contracts on the City's behalf and they are in existence they would be entitled to their commissions for the time that those contracts would continue. If the City enters into a five year arrangement with a provider, a corporate sponsor they would be entitled to their commission for that five year period.

Vice Mayor Burrie indicated the last time the item was discussed there were comments made on the feasibility of naming various buildings in the City. She indicated that she knows this is new waters that the City is testing, but she personally opined that the City does not have the type of buildings in the City that would actually get the amount of money that is being sought. She appreciates that staff is looking for other ways to raise funds to keep tax rates low, but anything for any building that the Superlative Group will bring before the Commission will be voted on the basis for each one. Vice Mayor Burrie indicated the last time she reluctantly voted yes, and will still reluctantly vote yes this time to allow the city administration to test the waters. However, she reiterated that she does not care if the City enters into a contract that only Pepsi Cola or Coca Cola will be served at the City's events, but still would not like to see some other name on the City's Cultural Center or any civic centers. She agrees that the only city building that could use a corporate sponsor name on it would be the amphitheater.

Comr. Sobel incorporated his comments from the first reading and to clarify that the City paid the company \$65,000 for phase I, on top of everything that was discussed in order for them to tell the City about the six or eight potential assets through the City that might be named.

Ms. Sibble replied that is correct. She added that the company assisted the City to write the policies and procedures.

Comr. Perkins agrees with Vice Mayor Burrie that the City is not testing the waters, and especially for the retainer, which is quite a bit of money.

**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

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: ORD. No. 2018-78**

10. [18-515](#) **P.H. 2018-96: (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 THIRD AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE



SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,214,355)

**FIRST READING: SEPTEMBER 11, 2018**

**(Staff Contact: Brian Donovan/Major John Hale)**

Brian Donovan, Assistant City Manager, presented the item and stated that it is the second reading of the ordinance to amend the City's police services agreement to allow for the purchase of radios for the Sheriff's office in order to make them compatible with the new 911 system that the County is building.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked a couple questions regarding the information provided in the backup. He said in the charts showing the use of the radios he could not find any delineation if the City will be providing radios to the Citizens Observer Patrols (COP) and likewise, whether this would include any radios for the new park rangers. Also, if additional costs would be added to this.

Major John Hale, Police Chief, responded that they actually used this radio purchase through the sheriff's office as an opportunity to outfit the City's park rangers and the two animal control officers who do not currently have police radios to call for assistance. They have City radios which do not talk into the police dispatch center. Also, there are civilian version radios for COP volunteers to utilize as well.

Comr. Sobel asked for an explanation as to why Broward Sheriff's Office (BSO) needs the \$1.2 million worth of new radio equipment.

Major Hale responded that Broward County runs the public safety radio system for the County as well as for all County agencies, and they are replacing the current outdated 800 MHZ trunk radio system with a new project 25 digital radio system. The new radio system will provide many more talk paths and allow for better capacity for users especially in critical incidents. The radios are needed to work with the new infrastructure. In addition the fire department has been purchasing similar radios for their department.

Mayor Fisher mentioned that this is not only for Pompano Beach but a Countywide issue, so everybody is on the P25's to improve communications.

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

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

**Enactment No: ORD. No. 2018-79**11. [18-526](#) **P.H. 2018-98: (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 BLUEWATER MOVEMENTS, INC. TO UTILIZE THE CITY'S CIVIC CENTER TO CONDUCT ITS ANNUAL POMPANO BEACH SALTWATER CIRCUIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: In-kind services of \$43,659.63 per year.)

**FIRST READING: SEPTEMBER 11, 2018**

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and indicated that there are no changes from the first reading. He said this is an exceptional series of tournaments and is a great benefit to the City.

Mayor Fisher thanked the Bunns who has been a champion of these tournaments over the many years and really spotlights the City to bring people from all over the country to fish, and the series have been highly successful for the City. He also thanked staff for working hard to have the City accommodate Bluewater.

**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. 2018-80**

12. [18-562](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE PREFERRED PATIENT CARE AND HMO APPLICATIONS, ENROLLMENT SUMMARY, AND ANNUAL ACCOUNTING AND RETENTION AGREEMENT (PROSHARE), BETWEEN THE CITY OF POMPANO BEACH AND BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., PROVIDING FOR HEALTH CARE SERVICES AND SUPPLIES; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: \$8,809,429 representing a savings of 346,910.64 over current year.)

(Staff Contact: Eddie Beecher/Cindy Lawrence)

Cindy Lawrence, Risk Manager, Human Resources Department, presented the item and stated that pursuant to the labor contracts with the City's labor union, the City is required to provide major medical group health care coverages to all full time employees. A Request for Proposal (RFP) was prepared by staff and responses were due on July 12, 2018. An Evaluation and Selection Committee was formed to review and evaluate the proposals in accordance with the criteria according to the RFP. Blue Cross Blue Shield was selected as the sole responsive bidder and awarded the bid. Their bids reflect a 3.5% decrease in the current rates, which represents an approximate savings over the current rate of \$350,000. In addition, due to the City's continued commitment to wellness to the employees, Blue Cross Blue Shield continues to offer the City \$100,000 towards the initiative with wellness for the employees.

Continuing, Ms. Lawrence stated that Blue Cross Blue Shield offers Proshare opportunity to the City that will be paid 50% of any excess profits at no further cost or obligation to the City. Accordingly, it is the recommendation of the Risk Management division and staff that the City proceeds with the program with Blue Cross Blue Shield to renew the health and dental coverage for the employees.

Ed Beecher, Human Resources (HR) Director, added that Ms. Lawrence and the HR Risk Team did an excellent job on this along with Mr. Thomas and Mr. English from the purchasing team. Staff worked very hard and the City is proud of the savings that the City will recognize through this endeavor.

Comr. Hardin congratulated staff and expressed thanks to see health insurance costs going down.

**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. 2018-270**

13. [18-511](#) **P.H. 2018-97: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.04, "ENFORCEMENT OF PROVISIONS," TO PROVIDE AUTHORITY TO PARK RANGERS TO ENFORCE PARKING VIOLATIONS WITHIN



CITY PARKS; BY AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.02, "AUTHORITY OF LAW ENFORCEMENT OFFICERS," TO PROVIDE AUTHORIZATION TO PARK RANGERS TO ENFORCE ANIMAL VIOLATIONS OBSERVED WITHIN THE CITY PARKS; BY AMENDING SECTION 90.38, "DOG PARK," TO PROVIDE PARK RANGERS WITH AUTHORITY TO ENFORCE THE RULES AND REGULATIONS OF THE CITY'S DOG PARK AND DESIGNATED DOG AREAS IN OTHER PARKS; BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," TO DEFINE THE DUTIES AND AUTHORITY OF PARK RANGERS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO ENUMERATE ADDITIONAL PROHIBITED ACTS WITHIN ANY MUNICIPAL RECREATION FACILITY, MUNICIPAL BEACH AND ADJACENT AREAS THERETO; TO PROVIDE FOR PENALTIES FOR CERTAIN PROHIBITED ACTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM SEPTEMBER 11, 2018**

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and indicated that this is an exciting time in the life of the ranger program. Mr. Beaudreau stated that the program started in 2013 and last year they patrolled and checked on City Parks a total of 11,151 times, and drove 32,698 miles patrolling throughout the City. Also, they have checked on 360 pavilion applicants to ensure customer safety and satisfaction and they have attended public events. In addition, they have made contact with park patrons 20,331 times and enforced park ordinances 603 times.

Continuing, Mr. Beaudreau stated that five full time rangers were recently hired and started on September 13, 2018, supplemented by five part time rangers. They will be trained by an instructor from the Florida Institute of Government in legal and ethical issues, civil citations and City ordinances, human behavior, diversity and culture, managing conflict and stress, and empowered leaders. They will also attend a Class D unarmed security program and will be working intensely with the BSO homeless task force and the CEPTED people, as well as receive training on proper radio use with the new radios.

Their schedules will be from Monday through Friday, 12:00 noon to 11:00 p.m. and on Saturday, Sunday and on Holidays 8:00 a.m. to 11:00 p.m. This will include their patrolling of the City parks and frequent the hot spots (the Beach, Community, McNab, Founders, Kip Jacoby and Kester Parks). There will be a deployment specifically at the beach from 11:00 a.m. to 4:00 p.m. on Saturdays, Sundays and Holidays. Also, there will be a special vandalism watch from 5:00 pm to 11:00 p.m. on Saturdays, Sundays and Holidays at the Avondale, Apollo, Weaver, Hunter's Manor, Mitchell Moore, and Community Parks.

In conclusion, Mr. Beaudreau stated that the ordinance will allow a better enforcement of a number of the Parks violations, and would actually allow the rangers to issue civil citations for 24 park violations. He mentioned that the civil citations is different from criminal citations, which are enforced by the Broward Sheriff's

Office (BSO).

Mayor Fisher indicated that the ranger program is exciting and something that the City has been working hard on instituting.

Michael Skversky, Pompano Beach, FL, enquired if there is a fine for civil citations.

Mr. Beaudreau responded yes. For first offense \$100, second offense \$150 and third offense \$250.

Mr. Skversky indicated that there are hundreds of dogs that people walk through the Community Park and asked if that is legal.

Mr. Beaudreau explained that the City has 52 parks and facilities and some allow pets and some do not. The Dog Park is the only area unleashed pets are allowed. In addition, he stated that the rangers started on September 13, 2018, however, they are not yet certified to issue citations because they are still going through training.

Anne Siren, Pompano Beach, FL, enquired if this ordinance is connected to the ordinance passed recently to work on the problems in the parks where people are cooking outside.

Mr. Beaudreau responded yes. He said the ordinance being referred to is the "Lodging" ordinance, Chapter 131.

Mark Berman, City Attorney, noted that this will be for anyone who commits a violation whether they are homeless or not. So the violations apply to everyone no matter their socio-economic status. The ordinance is aimed to keep the parks usable for the residents no matter who is committing the violation.

Ms. Siren indicated there are designated areas for cooking and asked if signs will be erected to warn people about the rangers' enforcement.

Mr. Beaudreau indicated that the intent is to educate the public to deter certain activities, therefore, the last resort is to cite someone.

Brian Donovan, Assistant City Manager, stated that the City is not planning to put up signs in the parks to indicate that the rangers will be there. Typically, when an ordinance or a new program is instituted there is a phased in approach by staff unless the act is very egregious. Therefore, staff would at first issue warnings instead of going straight to citation.

David Miller, Pompano Beach, FL, stated that signs would be a good idea and asked when the patrols would commence in the parks.

Mr. Beaudreau responded that all five rangers are currently patrolling during the scheduled time he mentioned earlier. However, they are still undergoing training and it will take time before they can issue citations. Also, they will be patrolling in City vehicles marked as Ranger.

Mr. Miller asked about the difference of civil citation versus an arrest by BSO. Mr. Beaudreau offered to provide him with a list of the civil citation which is not considered criminal activities.

Tom Terwilliger, Pompano Beach, FL, stated that one of the duties of the ranger is to issue parking citations in the parks. He enquired if the parking citation funds will be put into the enterprise or will the revenue be used to reimburse the park rangers for some of their costs such as administration or will it go into the general fund.

Mr. Donovan stated that the revenues would be going into the general fund.

Mayor Fisher indicated that one of the main items he honed in on was when the beach was improved several years ago, residents complained about skate boarders, as well as walking the dogs on certain part of the streets. Consequently, this will give those residents an opportunity to make sure what the ordinances are and to handle things appropriately such as barbecues in the parks.

In sum, Mayor Fisher commented that it is not so much enforcement but they will provide visibility. People would be educated as to what is allowed or not, and so it is to add more eyes and ears that in certain situations BSO will be informed of certain undesirable activities. This is a great partnership, which he has personally fought to have and is pleased to see it is now in place.

Comr. Hardin agreed that the park ranger program is working out well and it is nice to see them in the parks. He enquired if the rangers could also include as part of their route the cultural center and the library, which would be helpful for the area. In addition, Comr. Hardin enquired why there is two different wordings on page 4 of the backup in Section (GG) where it states, "No person shall damage or remove" but in (FF) it states, "No person will loiter in or around."

Mr. Berman responded there is no rhyme or reason as they both indicate a mandatory language. However, he prefers to use "shall" consistently and will amend it prior to second reading.

Comr. Sobel indicated that the park ranger is a good step forward and says he sees compliance when they are patrolling and that they are very valuable. He thanked staff for putting the framework together. He said that one of the things in Subsection (B) that was taken out was the "Hard Objects" which he liked and asked for the reason behind taking it out.

Mr. Berman then provided details on how they came up with a subset of violations that park rangers could be involved in citing. In answer to Comr. Sobel's question, he said certain language was specific, so the language was changed to make it broader, so it modified rather than eliminate the language.

Comr. Sobel asked if there is a process for the implementation of the passed ordinance.

Mr. Berman responded that before an ordinance of this nature is enacted, normally there is a break in period/education period. In terms of proposed signage, they can consider putting up some signage stating that park rangers are authorized to enforce park rules and regulations, which may assist the park rangers. Some instructions may be helpful, which can be discussed among staff and the administration on how the public can



be educated.

Mr. Beaudreau commented that there is a difference between citation and compliance with the City ordinances, which he reiterated that the intent is to have compliance and the park ranger program is not intended to inflict pain by issuing citations.

Comr. Perkins enquired about the hot spots based on the complaints being received.

Mr. Beaudreau responded that they were based on staff, the City Commission, and community input experiences. Also, in response to Comr. Perkins' question, he said Weaver Park is one of the vandalism park, as well as Avondale, Apollo, Hunter's Manor, Mitchell Moore and Community Parks.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to take the item off the table.**

**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. [18-527](#) **P.H. 2018-101: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC, TO PROVIDE POST DISASTER EMERGENCY CATERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

**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

15. [18-568](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DONALD JOSEPH** TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD OF THE CITY OF POMPANO BEACH AS GENERAL CONTRACTOR; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Donald Joseph, *General Contractor/Incumbent* - District 1

Gail A. DeAngelis, *Real Estate Property Manager/Incumbent* - District 1

(Staff Contact: Asceletha Hammond)

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

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

**Enactment No: RES. No. 2018-271**

16. [18-570](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GAIL A. DEANGELIS** TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD OF THE CITY OF POMPANO BEACH AS REAL ESTATE PROPERTY MANAGER; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 18-568 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-272**

17. [18-571](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARCIA L. KEHL 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 SEPTEMBER 26, 2021; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

**APPLICANTS:**

Mary Ann Barker, Incumbent - District 1  
Marcia L. Kehl, Incumbent - District 3  
Frank Sellers, Jr. - District 3  
Kelly Ann Maguire - Fort Lauderdale

(Staff Contact: Asceleta Hammond)

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-273**



18. [18-572](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY ANN BARKER 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 SEPTEMBER 26, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 18-571 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Moss, seconded by Commissioner Hardin, to insert the name MARY ANN BARKER, and that the Resolution be ADOPTED. Comrs. Sobel and Perkins nominated Frank Sellers, Jr. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2018-274**

19. [18-630](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2018-259; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF POMPANO BEACH, AND OTHER BROWARD COUNTY CITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Brian Donovan, Assistant City Manager, presented the item and indicated that the City Commission passed the item at the previous Commission meeting, September 11, 2018. However, the next day the City received notice from Broward County that they made a slight change to the agreement to add a sentence to the end of Section 4, and then replacing the word "the" with "all" in the second line of paragraph E on page 5. He said the overall legislative intent of the agreement remains intact.

**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. 2018-275**

#### **F. REPORTS**

**Brian Donovan, Assistant City Manager - Human Resources Review Report** - Mr. Donovan indicated that he would yield his time for a report from Eddie Beecher, Human Resources Director.

Mr. Ed Beecher, Human Resources Director distributed a copy of documents to the City Commission prior to his comments. Mr. Beecher indicated that pursuant to the direction of the Mayor and the City Commissioners the Human Resources Department has developed a procedure whereby each charter officer reporting directly to the City Commission is evaluated annually on his or her established hired date.

Continuing, Mr. Beecher stated that the annual evaluation of Mark Berman, City Attorney, is due for review at this time and his hired date of September 18, 1995, which was 23 years ago. Accordingly, staff is requesting that the matter be reported to the City Commission for further direction for their review. He said he attached the standard performance evaluation data displaying Mr. Berman's salary, with some recommended increases at 1%, 2% and 3%. In addition, Mr. Berman provided some major accomplishments over the last year which he read a few of those for the record.

During the past year the City Attorney's office prepared 333 ordinances and resolutions, successfully resolved multiple litigation including the fire station 11 - JCon matter, the Beatty Lease litigation, and the CRA/City litigation. He reviewed and prepared numerous agreements on behalf of the City, prepared contracts for the pier and beach renovations and leases for restaurants and businesses. Also, he assisted staff and outside counsel in the successful implementation of the G.O. Bonds process, prepared and assisted in numerous ordinances governing such matters as sober homes and chronic nuisances, provided legal counsel for labor contracts and employee grievances and provided counsel to the City Commission and staff on ethics issues.

Mayor Fisher enquired if a 3% raise was awarded would this be within the 2019 budget.

Mr. Beecher responded that it is in the 2019 budget.

**MOTION:** Vice Mayor Burrie made a motion, seconded by Comr. Hardin to grant a 3% raise to the City Attorney.

Comr. Perkins stated that she does not have any issues with City Attorney Berman, because he does a great

job. However, she has a concern with the Commission receiving these reports at the meeting as a surprise. Therefore, she would like to have the information provided to the Commission in advance of coming to the meeting.

Mayor Fisher stated that is a good point from Comr. Perkins. He stated that the four officers that the City Commission hires, City Manager, Internal Auditor, City Clerk and City Attorney, there are dates coming up so perhaps staff could provide a memo when those dates are coming up so there are no surprises at the meeting.

Comr. Moss concurred with Comr. Perkins' comments. He said they need to take a look at this and talk about it at the next meeting. He said Mr. Berman "walks on water, and he is a god" but he will not vote for it because the information is just now being brought before the Commission.

Comr. Sobel echoed what Comrs. Perkins and Moss indicated. He said the Commission has had this discussion before. Moreover, it is not like the Commission has a great number of employees that they have authorization and control over. He said this routine practice of just springing the reports at last minute with proposed raises, should afford the opportunity of both Mr. Berman and each member of the Commission to meet respectively to talk about the content of what has been just provided. Comr. Sobel said to have this discussed in this fashion makes him uncomfortable and instills unnecessary mistrust in what is being done by the Commission. In addition, he said it defies transparency to be doing something of this magnitude with no advanced notice not only to the residents but to the City Commission. Therefore, this is an annual review and it is known that it will happen within six months or even a week in advance, so there is no reason for the information being provided at the last minute.

Vice Mayor Burrie withdraw her motion and Comr. Hardin withdrew his second of the motion.

Mayor Fisher directed staff to put an item on the next agenda as a discussion item.

**Mark Berman, City Attorney - Annual Review** - Mr. Berman stated that it is a privilege to start his 24th year of service to the City of Pompano Beach, residents, commissioners, and staff. He said this is his third year serving as City Attorney and appreciates the opportunity to continue to serve. However, as important as increases maybe in terms of salary, his major concern is that each commissioner speaks with him about likes or dislikes, concerns, questions, changes and anything that they may want to see done differently by him or his staff. He will continue to make himself available and he is here to serve at the Commission's bequest.

**Asceleta Hammond, City Clerk - Supervisor of Elections Outreach** - Ms. Hammond reported that the Broward Supervisor of Elections Office's Outreach team will be at City Hall on Monday, October 1, 2018 from 10:00 a.m. to 3:00 p.m. The Election Connection main functions are to check voter's status, EVID machine, gain visibility in the community for voter education, register new voters, seeking bilingual poll workers, and update for voters information.

**Commissioner Rex Hardin - Charter Officers Reviews** - Comr. Hardin clarified that the Commission has now instructed staff to put a discussion item on the agenda for all four charter officers annual review, so everybody will know when it is coming up.



**G.O. Bond Project** - Comr. Hardin stated that as part of the bond issue there are a lot of projects and one is the Emergency Operations Center (EOC), which is going to be a tremendous "shot in the arm for all of the first responders." He said there is an opportunity to really honor a few individuals who have done a lot for the City and for the Fire Department. So, if there is any consideration of naming the EOC, this could be done to honor some individuals who have brought the Fire/EMS department to where it is today. These individuals have advanced the department in many ways not the least of which is creating a CERT program for the department, as well as nationally. Also, being the first African-American firefighter in Pompano Beach. Therefore, it would be an honor to dual name the EOC after former Fire Chief Harry Small and former firefighter Woodrow "Woody" Poitier.

In sum, Comr. Hardin said it would be fitting and it would honor a couple of people in the City who have done a tremendous yeoman's effort for the fire department and the residents of the City. They have blazed trails that others have followed. Therefore, it would be a fitting tribute to these two individuals who have done so much for the City and the department overall.

**MOTION:** A motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to dual name the EOC after former Fire Chief Harry Small and former firefighter Woodrow "Woody" Poitier. The motion was not called for voting.

Comr. Moss stated that he would like to know more about Former Fire Chief Harry Small prior to voting.

Comr. Hardin suggested that an item could be placed on the agenda for Commission consideration.

Mayor Fisher said in the meantime Fire Chief Jurgle could get with the commissioners and those who are familiar with Former Chief Small to compile more information.

**Commissioner Barry Moss - Greater Collier City Civic Association meeting** - Comr. Moss announced that the Greater Collier City Civic Association meeting will be held on Wednesday, September 26, 2018 at 7:00 p.m. at the Jan Moran Learning Library. State Senator Perry Thurston will be there to explain the amendments that will be on the ballot on November 6, 2018.

**North Broward Homeless Center** - Comr. Moss stated that on September 28, 2018 there will be a new kitchen dedication at the North Broward Homeless Center on Blount Road. Also, on October 4, 2018 at 7:45 a.m. there will be an Employees Award Breakfast at the E. Pat Larkins Center.

**Dr. Mack's Survey Report** - Comr. Moss stated that last meeting a report was given to the Commission by Dr. Wilhelmina Mack of a survey about the needs of the Northwest District 4 Community and he had an opportunity to review it. He said there are a few things that caused him to pause. On page 13 of the report it reads, "The community needs to unite and support its elected commissioner. As the duly elected person she is charged with establishing public policy. It is critical that the community understands that it is through her that their public concerns are addressed and resolved."

Additionally, on page 17, under item 5, it states, "Commissioner Perkins has her pulse on the community." On page 23, there is a list of key stakeholders and of those, seven has contributed to Comr. Perkins campaign.

Therefore, he is wondering whether this is really an evaluation of the needs of the northwest district or whether the citizens of Pompano Beach just spent \$75,000 to promote the re-election of Comr. Perkins. He invited everybody to take a look at the report and come to a conclusion.

**Commissioner Beverly Perkins - Grand Opening Blanche Ely Museum** - Comr. Perkins announced that there will be a grand opening for the Blanche Ely Museum and the Mitchell Moore Concession Stands in the month of October. She will provide the exact date to everybody at a later time.

**Resurfacing of Ms. Runette Williams Street** - Comr. Perkins thanked the City Manager for resurfacing Ms. Runette Williams/NW 16th Avenue Street in Pompano. She said it looks nice and it is fitting for her.

**Resurfacing of Ms. Runette Williams Street** - Comr. Perkins reported that last week she attended the Chamber of Commerce meeting held at Costco Wholesale, which was quite nice and well attended.

**Fund Raising Efforts** - Comr. Perkins stated that the young footballer that had the accident at the Blanche Ely High School, a few months ago, the family is still raising funds. The goal is to raise \$55,000 and so far they have raised \$26,000. Therefore, he needs money for medical expenses, so she encouraged everybody to continue to keep him and his family in prayer.

**Houston Sworn shower update** - Comr. Perkins requested an update on the Houston Sworn in-door shower repair.

Mark Beaudreau, Recreation Programs Administrator, stated he thought that was already fixed last week. However, he will have staff go over to take a look at it on Wednesday, September 26, 2018.

Mayor Fisher added an update on the young man who got injured at the Blanche Ely High School football game. He said the Mayors' Prayer Breakfast donated \$2,000 towards his rehabilitation and what was exciting was when his father came to accept the check, he mentioned that his son's progress is very promising to the extent that he is very likely to return to normalcy. Therefore, the prayers are working and he encouraged everyone to continue to pray for his complete healing, as well as for the doctors that are working with him in Atlanta. Notwithstanding, the funds are also needed.

**Commissioner Michael Sobel - Response to Comr. Moss Comments** - Comr. Sobel indicated that he was reflecting on some of the comments made by Comr. Moss earlier regarding a couple of the things he said and he may be correct that certain comments are miss directed within that portion of the report. However, it grossly takes out of context, the fact that this report was intended to be for the purposes of that particular district and to focus on that district. However, even if what he says has any merit with regard to those comments, it should under no circumstance undermine the credibility and the merits of that research study. Comr. Sobel stated that he attended at least one of the workshops and he saw a diverse age group throughout the neighborhood that participated in it. He said the study was thorough and beneficial and was one of the only studies that he has read from any consulting company at any price that came from the City Commission's recommendations and approval. He would be opposed to minimizing the credibility of that entire study and the benefits, as well as the trust it has created and started to build or the implementation of it that was recommended within the study just because of a couple of comments placed in there.

Comr. Sobel said he likes where Comr. Moss is going with it, in the sense that even if it is legal, every single person who comes up to the City Commission, to include contractors, and developers should be disclosing to the public, and to the Commission, whether or not they have made contributions to the campaigns of any of the commissioners.

Further, he said he previously recommended to Mr. Berman that there be an ethics ordinance promulgated similar to the one in Los Angeles that makes it unethical if not illegal to have regular City bidders, contractors, their representatives and attorneys contributing any money to political activities within the City in which they are doing business. He thinks it should be done and hopefully done in the future. A good start would be from now on, everyone who comes to the meetings even under audience to be heard who has a view and an agenda, they should be disclosing what boards they serve on, what financial interest they own within the area that they are recommending, any ownership interest or promoting, as well as campaign contributions that have been made in the past. Therefore, he agrees with Comr. Moss to work towards making sure there is full transparency and disclosure by everyone that comes before the Commission.

**Senior Prom** - Comr. Sobel said he is looking forward to the upcoming senior prom at the E. Pat Larkins Center again this year. It will be held on Friday night and it was one of the best events he had attended in the entire year.

**Vice Mayor Charlotte Burrie** - No Report.

Comr. Moss responded to Comr. Sobel's comments stating that none of the words are his, they are in the documents and that he just read them. He did not interpret them but was leaving that up to each commissioner. Also, he asked that Comr. Sobel do not infer from his comment that he has other motives.

Comr. Perkins said the reason she did not respond based on Comr. Moss' comment, is that she will ask Dr. Mack to come back to speak at the next Commission meeting. She cannot speak for Dr. Mack as those were her findings.

Comr. Sobel asked if it was Comr. Moss' words that indicated that seven of the committee members were contributors to her campaign or was that in the report.


Comr. Moss responded that was not in the report, but they are all listed.

**Mayor Lamar Fisher - Upcoming Events** - Mayor Fisher congratulated Senator Nelson for the US Department of Housing and Urban Development CPD formula grant that the City received for \$1,492,053. He said he appreciates this on the Governor's behalf for continuing to get the City money to meet its budget.

## **G. ADJOURNMENT**

The meeting adjourned at 8:45 p.m.



  
Asceleta Hammond, City Clerk

  
Lamar Fisher, Mayor