

**Detailed Minutes - Final**

**City Commission**

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Tuesday, November 13, 2018

6:00 PM

Commission Chamber

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**City Commission Meeting**

**CALL TO ORDER**

The Honorable Charlotte J. Burrie, Acting Mayor, 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  
Acting Mayor Charlotte Burrie

**INVOCATION**

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

**PLEDGE OF ALLEGIANCE**

Led by Asceleta Hammond, City Clerk.

**APPROVAL OF MINUTES**

[19-75](#) Regular City Commission Meeting Minutes of October 23, 2018

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

**APPROVAL OF AGENDA**

Acting Mayor Burrie announced that item 11 will be stricken from the agenda, and items 17, 18, and 19 will be tabled to December 11, 2018 Commission Meeting.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, 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.

Acting Mayor Burrie announced that the following items will be pulled; 1, 2, 3, 4, and 8.

**A. SPECIAL PRESENTATION****19-72 Recognition to Vice Mayor/Commissioner Charlotte Burrie**

On behalf of the City Commission, City Manager Greg Harrison made a special presentation to Vice Mayor/Commissioner Charlotte Burrie for her years of service on the City Commission.

Greg Harrison, City Manager stated that Charlotte Burrie served twelve years as former City Clerk. She put herself through law school and for twenty seven years had a successful law career in Pompano Beach. She has been an excellent City Commissioner representing her constituents from District 2. He said he and Ms. Burrie have always been able to work through tough projects, because she would communicate with him as well as City staff on everything that needed to be done for her district. Therefore, on behalf of the City Commission and the employees Mr. Harrison presented Ms. Burrie with a crystal vase in remembrance of the fond memories that she had in working with a group of employees.

Acting Mayor Charlotte Burrie thanked all the City of Pompano Beach employees and her fellow commissioners that she has had the privilege of working with as well as the City Manager. She said it has been a fun run most of the time and it is bitter sweet leaving, but it is time that she goes on to something else. She said she will never leave the City and will always be there if anybody needs any help because that is what she does. Acting Mayor Burrie stated that the City has been a very big part of her life and she has no intention of leaving it. She said she will be watching closely when the new commission takes over to make sure they do what is right for the citizens of Pompano Beach.

**READ AND PRESENTED INTO THE RECORD****SPECIAL RECOGNITION**

Acting Mayor Burrie recognized Comr. Sobel's birthday of November 14, 2018, and on behalf of the Commission wished him Happy Birthday.

**B. AUDIENCE TO BE HEARD**

Acting Mayor Burrie announced that it was time for "Audience To Be Heard" and offered the following guidelines: Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda for the first thirty minutes of the Agenda any other speaker will be heard at the end of the meeting. She asked speakers to ensure they turned off their cell phones during the meeting.

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 Proposed Project** - Carole Fielder, Northeast 12th Street, Harbor Village, Pompano Beach, FL, congratulated some of the commissioners.

Ms. Fielder stated that she is reminding everyone of all the unhappiness that exists around Harbor Village and other neighborhoods near Hidden Harbour's proposed land use change. She said the vote is not tonight, but is scheduled for December 11, 2018. However, she wanted to again lay out why they are opposed, and to urge the Commission to consider carefully what their goal is for the area residents before allowing the requested land use change to go forward. She said she has tried to recruit others to come to the meeting who are opposed, and the Next Door website is very busy with dozens of people expressing their unhappiness of the possibility.

Continuing, Ms. Fielder indicated that she has received a number of negative responses that she is horrified to hear but think that the incoming officials need to know. Comments include: "Why bother they are going to push it through anyhow because they all have been paid off by the developer," another, "They do not give a damn about the residents, once they are elected they just want to pad their own pockets." She said she is old-fashioned and thinks the elected representatives do try to represent the people. She knows that a lot of people do not vote. A lot of people are feeling unhappy because so many people did not vote. Nevertheless, Ms. Fielder stated that she believes in the Commission and that the incoming officials will represent the residents if they knew who they are and why they are opposed to the land use change that they fought so hard to establish 17 years ago.

Ms. Fielder stated that in Harbor Village there use to be a buffer area between Federal Highway and Harbor Drive Rentals, which was filled with young families and it was a pleasant neighborhood. She said there were no fences or great big high impenetrable hedges all over the place. She said she used to walk the seawalls and go into her neighbors' back yard. Currently, everybody is armed to the teeth with fences, with hedges, with guns with dogs. It has changed and a lot of the buffer area has become drug addicts haven. She is aware that the City cannot do anything about who people rent to, but when there are rentals which are a lot closer to single residences, the rentals are going to attract the people that are using the services in the center of Pompano. She



urged the Commission to consider that before trying to “stuff another 335 rentals in one block.”

**Farewell and Best Wishes to Vice Mayor Charlotte Burrie** - Ron Boehl, Cresthaven, Pompano Beach, FL, commented that on behalf of the citizens of Cresthaven and everybody else within the employment of the City, he would like to bid Vice Mayor Burrie farewell. He said that Ms. Burrie will still be here for everybody and that he appreciated her years of service.

**Hillsboro Inlet Fishing Center** - M. Ross Shulmister, Pompano Beach, FL, stated that he is here on behalf of the Hillsboro Inlet Fishing Center, the world famous fishing fleet. He said at the time they spoke about the extended lease of the Fishing Center, he had mentioned that there is a new drift boat, called the Starlight 101, coming to Pompano Beach and that it has arrived. Therefore, in celebration of that drift boat, the Starlight 101 invites everybody to come to the marina on December 1, 2018 at noon to help celebrate the arrival of the fishing boat. This will last approximately two hours and refreshments will be served. He said the Hillsboro Marina is at the north end of A1A just before crossing the bridge to go into Hillsboro Shores. He looks forward to seeing everybody.

**Happy Citizen of Pompano Beach** - George Dillard, Pompano Beach, FL, stated that he feels good. He said City Manager Greg Harrison encouraged him not to quit, which he appreciates. In addition, he said when there were things happening in his neighborhood that he did not like and he was trying to quit, thanks to Comr. Perkins, Comr. Hardin, and everybody that encouraged him not to quit. He said he loves everybody and he has spoken to people in his neighborhood to say that whoever wins, do not let it matter for them to come to the meetings and fight for their rights to be a citizen of Pompano Beach. He is happy to be a citizen of Pompano Beach and he hopes that 2019 will be a better year for the commission. In addition, he thanked Mario Sotolongo, Code Compliance Manager for assisting him in getting the neighborhood cleaned up. He said he sees growth and it makes him happy. Mr. Dillard said he is working hard and encouraged everybody to assist in making Pompano Beach the best City.

**Appreciation and Best Wishes to Commission** - Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, thanked Vice Mayor Burrie for all that she has done and for all that she has dealt with over the past two years. He commended her and all of the commission for their class act. He said choices are made and they shape our future. If you are an honest person and do things with class or you could choose to be another person and do things another way. He commended all of the commissioners.

**Tribute to Vice Mayor Charlotte Burrie** - Hazel Armbrister, 1808 NW 6th Avenue, Pompano Beach, FL, stated that she and Vice Mayor Burrie are the two oldest participants in the City of Pompano Beach. She said she met Vice Mayor Burrie when she was the Clerk for the City and still has paperwork that she signed as the Clerk. She said there have been five females that sat on the Commission and that Comr. Perkins will be number six. She thanked Vice Mayor Burrie for all that she has done for the City of Pompano Beach.

### **C. CONSENT AGENDA**

1. [18-627](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE FINAL ARTWORK

DESIGN AND INSTALLATION LOCATION BY ARTIST YA LAFORD FINE ART, LLC FOR THE COLLIER CITY ARTIST RESIDENCE PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000)

(Staff Contact: Laura Atria/Phyllis Korab)

Comr. Sobel pulled the item for Commission discussion. Comr. Sobel indicated that he likes the mural but was wondering if they will be doing this on other libraries throughout the City and if they would need County approval to do this one.

Lauria Atria, Public Art Program Manager, responded that they are doing this on just this one for now. However, they would like to do future murals. This is a one-year residence project for Collier City, which is why it is going in the area. They do have a letter of recommendation and approval by the library and the County, which is included in the backup documents.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Enactment No: RES. No. 2019-36**

2. [18-658](#) Approve ranking order for (RFQ) P-33-18, Planning and Design Services for the Dixie Highway Streetscape Improvement Project and authorize staff to negotiate a contract with the highest ranked firm, Kimley-Horn and Associates (no cost at this time).  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Comr. Sobel pulled the item for Commission Discussion.

Horacio Danovich, CIP Innovation District Director, stated that this is one of the projects they advertised to select a design team to assist the City with the design of Dixie Highway as it is being funded through the G.O. Bond. Subsequently, this along with the following two items are similar in nature. He said in this particular case the number one selection was Kimley-Horn, which was selected by a panel that included an independent reviewer.

Comr. Sobel asked if this is part of the Atlantic Boulevard/Dixie Highway corridor Bond project and also a

part of the \$42 million project.

Mr. Danovich replied that is correct and explained that \$24.6 million is funded through the G.O. Bond and \$4.5 million is coming from the Florida Department of Transportation (FDOT) transfer that the City received, and the rest is hoped to be received through application for a grant. Also, the \$13 million grant is still pending and results are expected at the end of November early December.

Comr. Sobel enquired why is the item listed as fiscal impact zero, if this was in fact another broken up part of the same project that they were talking about continuously, which is the \$42 million, six-year construction G.O. Bond project.

Mr. Danovich responded that at this time they are not giving Kimley-Horn any moneys, rather this is to approve the ranking. He said the impact will be coming in when he returns to the Commission next time, if he is able to negotiate a contract, which will have the total recommended amount to award Kimley-Horn to provide the services for this.

Comr. Sobel stated that back in July he spoke with Mr. Danovich about possible design engineers, and there was selection taking place. However, this item is referring to a rebid; therefore, he asked how many times have there been a rebid of a portion of the same project.

Mr. Danovich responded this is not a rebid and that it was incorrectly stated. He said this is a brand new advertisement for Dixie Highway, which is the first G.O. Bond project he is bringing back to the Commission. He explained that he had previously brought and requested the Commission's authorization to move forward to apply for the grant, which they have applied for and are waiting for the result of that grant. Therefore, they have not bid this project to anybody.

Comr. Sobel asked if Kimley-Horn is approved for the ranking at the cost of the estimated \$24.6 million would it come out of the G.O. Bond funds plus the grant money.

Mr. Danovich stated that Kimley-Horn is strictly for design services of the entire project. He said the \$24.6 million in the G.O. Bond is for the whole project for the construction and design services. The \$4.7 million from FDOT is for construction and the \$13 million, if the grant is received, will also be for construction. However, should the City not receive a grant, other resources will have to be explored to fund any additional work. In sum, Dixie Highway will cost \$24.6 million plus \$4.7 million for the intersection.

Comr. Sobel said he does not think there has been much improvement with regard to how staff has presented the project to the residents as it involves the selection of services. He said a major project has been placed under consent agenda that would not have been discussed had he not pulled it for Commission discussion. He said it appears odd to him that the City continues to use many of the same companies over and over again in its process as a rule. Also, he does not think that not having a broader scope or net that will encourage greater participation nationwide should continue repeatedly for these types of projects. This is his contribution just in case he does not get another opportunity.



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

**Yes:** Hardin  
Moss  
Perkins  
Burrie

**No:** Sobel

3. [19-07](#) Approve ranking order and short-list for RLI P-32-18, Design/Build Services for Fire Stations 52, 61 and 114 (Step 1), with the short-listed firms: West Construction, Inc., Kaufman Lynn Construction, Inc., and DiPompeo Construction, Corp. to be solicited for Step 2.  
(Fiscal Impact: N/A)

**(Staff Contact: Horacio Danovich)**

Horacio Danovich, CIP and Innovation District Director, indicated that this agenda item refers to public solicitation that staff made seeking design build companies to help the City to design and build the three fire stations in the G.O. Bond, which are Fire stations 52, 61 and 114. Upon review including an independent reviewer to rank these, three firms would be invited to submit proposals. This is strictly approving the top three firms to move forward to the next phase. This was done as a two-step process.

Comr. Sobel stated he pulled the item because staff is asking the Commission to rank three companies including West Construction, Inc., Kaufman Lynn Construction, Inc., and DiPompeo Construction, Corp. that are being ranked to engage in design services of three fire stations using the G.O. Bond projects, which Mr. Danovich confirmed that it is correct.

Comr. Sobel stated that the national society of professional engineers indicates, "Engineers shall not offer, give, solicit or receive either directly or indirectly any contribution to influence the award of a contract by a public authority or which may be reasonably construed by the public as having the effect or intent of influencing the award of a contract." They shall not offer other valuable consideration in order to secure work. Therefore, as he mentioned before, there are two companies, West Construction who gave \$8,000 to the Citizens of Better Pompano Beach Political Action Committee (PAC), and Kaufman Lynn who gave \$5,000 to the PAC, which announced its purpose initially was to get the G.O. Bond passed and encouraged the voters to pass it.

Continuing, Comr. Sobel indicated that 5% of the population did vote to pass it. Now, they can see what he predicted previously that two of those companies are being awarded millions of dollars of projects under the G.O. Bond project proposals. He said once again he would vote no. He thinks half the residents, less maybe 128, are starting to get it. Perhaps the other half will eventually see over the years that there is a better way. This is not good for the residents and he does not think it is good for the City. Moreover, he thinks there is a clear appearance that should prevent the Commission from awarding these contracts.

Mr. Danovich clarified that the City has not awarded anything to these firms. These are only selected to submit a package and until their packages come back to be reevaluated, and that the dollars and cents make sense, and that the project make sense, as well as the City Commission is agreeing to it, the firms are not being awarded a dime.

Comr. Sobel indicated that he has come to learn those are just word games. The reality is that they are being ranked so they are being provided an opportunity. There are hundreds, if not thousands of qualified vendors across the country who ought to be bidding, made eligible, and part of the selection process. He said once again, these are the same people with a significant degree, repeatedly as vendors, who are being selected by these so-called independent selection committees. He does not think it appears right, and he has a problem with it.

Jocelyn Jackson, Pompano Beach, FL, stated she agrees with Commissioner Sobel. She mentioned that she personally had conversations with contractors who have been trying to get bids in the City of Pompano Beach and have not been successful because there are only selective contractors who specifically, the City has been dealing with. She mentioned that Mr. Danovich indicated that they have not been selected yet, which Mr. Danovich responded that is correct. Ms. Jackson then enquired why are those specific names placed on the item?

Mr. Danovich responded that they have been short-listed, and explained the process in detail.

Ms. Jackson asked if the three construction companies are at stage two and are they eligible.

Mr. Danovich responded that the panel of reviewers ranked those three, number one, two, and three to move on to the next phase.

Ms. Jackson asked about the process of identifying the panel of reviewers, which Mr. Danovich explained the selection is done in accordance with City ordinance comprised of a minimum of three city employees. However, he has solicited help from the public from different advisory boards or committee members to come in and review. So that the public is involved.

In sum, Ms. Jackson expressed the desire to see other contractors be offered an opportunity to work on City projects instead of the same contractors that appear to get repeated over the years. Also she hopes for bigger and better things in the northwest district.

Cory Thompson, Pompano Beach, FL, disagreed with Comr. Sobel's comments and provided his reasons why. In sum, he believes in democracy and if the company is good they will make it to the second round to be considered for selection.

Mike Skversky, Pompano Beach, FL, enquired as to who was building the fire station across the street from Pompano park on Federal Highway.

Mr. Danovich responded that it was West Construction and Currie Sowards.



Mr. Skversky complained that they are repeat awardees and are quite slow.

Mr. Danovich indicated that they are on schedule.

Phyllis Smith, Pompano Beach, FL, enquired also about who was building the fire station, as well as who was building the Charlotte Burrie's Center. She said the company building the Center is doing a marvelous job. However, the company building the fire station is not making a lot of progress after one year.

Comr. Hardin asked if they could run through the process that the City has in place to noticing the public about its prospective projects. For instance, did anybody like Turner Construction bid on this job. If not, any idea why? As well as what about somebody such as Kenny Davis Contracting? He said these are just two different names he is pulling from the top of his head.

Mr. Danovich responded that the procedure requires that an advertisement is done in a newspaper of local circulation, they also advertise on the website and then the purchasing department uses a repository of construction services, where they advertise a project as well, which is disseminated across the country. He said it is up to the companies in how and why they respond. Currently, the backlog in the country is huge and companies do not have the ability to handle certain projects. Not everybody is busy and getting millions in project. They cannot do it because there is too much work to be done. So many companies are diverting their attention to certain target areas and certain distance to where their headquarters are located. Notwithstanding, the City has a local company that submitted a bid, a company that is in Delray Beach, and another in West Palm Beach. The other four companies are all within the same radius because this is what they can handle currently. Therefore, the responses are not surprising. In sum, the law is being adhered to and the purchasing department are following the guidelines.

Comr. Moss indicated that since he has been serving for the past four years, every time someone is not picked that is local there is a cry from people screaming, "We have to keep these companies local and to employ people who work and live in the City." Therefore, to have a firm from Rhode Island or Wisconsin would probably not be very agreeable to other people who live here.

Comr. Sobel stated that large companies are accustomed to coming in and hiring local workers when they do a job locally, which this would not necessarily prevent that. However, on reviewing the information regarding the request for proposal for number two, it was identified as a rebid, and enquired if it is indeed a rebid.

Mr. Danovich responded that it is a phase two step number two of the first solicitation, which is pre-qualifications and the second solicitation is package. He said the word rebid was incorrectly stated and will be corrected, because nothing has been bid prior. There was an error on the cover page that will get amended.

Comr. Sobel indicated that the item states there is zero dollar impact because they are not awarding any specific money. However, as it relates to the three fire stations that will be built under the G.O. Bond, what is the cost for this first step.

Mr. Danovich responded that it is approximately \$17 million.

Comr. Perkins asked about the process by the panel.

Mr. Danovich reiterated that the panel consists of a minimum of three City staff members as per City ordinance. However, add-ons can be done, which he decided to add-on independent reviewers from other places consisting of members of the community that desired to participate. In sum, each panel has an independent reviewer.

Comr. Perkins indicated that perhaps they might want to reconsider the composition of the panel. In addition, in order to receive a bid one must be registered with the City. However, sometimes it would be best to inform the commissioners when there is a bid, so that they could use other means of getting the word out instead of just utilizing the website and local newspaper.

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

**Yes:** Hardin

Moss

Perkins

Burrie

**No:** Sobel

4. [19-76](#) Approve ranking of RFQ P-50-18 Planning and Design Services for Seven Park Facility Improvement Projects with the following firms, Keith & Associates, Bermell Ajamil & Partners, Inc., and Walters Zackria Associates to establish a contract.  
(Fiscal Impact: N/A)

**(Staff Contact:** Horacio Danovich)

Comr. Sobel pulled the item for Commission discussion. Comr. Sobel asked what was the total bond cost of the seven park projects.

Mr. Danovich responded that it is approximately \$40 million.

Comr. Sobel indicated that while he likes and respect Dodie Keith of Keith and Associates and that they are a local company, he maintained that this is another company that has contributed likewise to the G.O. Bond movement and to the voters' approval. Therefore, overall he believes awarding million dollar contracts to people who were promoting this effort, applying the standards from the National Society Professional Engineers undermines in his view public confidence.

In sum, he believes steps should be taken to put items of this nature with such a broad based change on the entire City, as well as it will involve the expenditure of \$100 million, under the agenda to explain it to the residents in advance the way it should be.

Comr. Hardin pointed out that he believes the first step would be the actual vote of the people on the bond issue that has set the course as to where the City is going now.

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

**Yes:** Hardin  
Moss  
Perkins  
Burrie

**No:** Sobel

5. [19-62](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY LOCATED AT 124 S. DIXIE HIGHWAY FROM JAMES A. CROSSER AND PAMELA G. LAMONT TO THE CITY OF POMPANO BEACH IN EXCHANGE FOR THE RELEASE OF MUNICIPAL LIENS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

**Enactment No: RES. No. 2019-37**

6. [19-65](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN PROGRAM FOR DRINKING WATER; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF WATER AND SEWER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$342,300, plus interest from Water Utility fees (approximately \$17k annually))

(Staff Contact: A. Randolph Brown/Shana Coombs)

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

**Enactment No: RES. No. 2019-38**

7. [19-60](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH, BROWARD SHERIFF'S OFFICE AND THE OTHER PARTICIPATING AGENCIES, AND A SUBRECIPIENT AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH, RELATING TO PARTICIPATION IN THE 2017 EDWARD BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$63,678.00)

(Staff Contact: Andrew Jean-Pierre)

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

**Enactment No: RES. No. 2019-39**

8. [18-642](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SIGHT VISIBILITY EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JOHN RAPP AND CANDYCE RAPP; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

Comr. Hardin pulled the item for Commission discussion. Comr. Hardin indicated he understands the item but he did not see in the backup where the item went before the Marine Advisory Board. While it may not need to go before them but out of courtesy to the volunteers on the advisory boards, it behooves staff to ensure that these kind of issues go before the various boards that need to see them.

Daniel Keester O'Mills, Development Services Department, mentioned that this was a unique abandonment but his comments are duly noted for future waterway abandonments.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be ADOPTED. The motion**



**carried by the following roll call vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Enactment No: RES. No. 2019-40**

**D. REGULAR AGENDA**

**QUASI-JUDICIAL PROCEEDING**

**Mark E. Berman, City Attorney, advised that items 18-21 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.**

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

**9. 18-640 P.H. 2019-14: (PUBLIC HEARING 1ST READING)**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THE RIGHT-OF-WAY LOCATED ON A PORTION OF LOT 1, BLOCK 10 OF HARBOR VILLAGE SECTION "C" ACCORDING TO PLAT BOOK 33, PAGE 47 (AKA 2600 NE 5th STREET); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**(Fiscal Impact: N/A)**

**(Staff Contact: Maggie Barszewski/David Recor)**

Daniel Keester O'Mills, Development Service Department, presented the item stating it is an abandonment of a public right-of-way within the canal, which is located on the canal corner adjacent to Northeast 26th Avenue and 2600 Northeast 5th Street. The review standards for abandonment are; 1) The right-of-way is not now or in the foreseeable future of any benefit to the City or its inhabitants, and 2) The abandonment is consistent with the Comprehensive Plan. In addition, the request was unanimously recommended for approval at the December 16, 2015 Planning and Zoning Board meeting with two conditions, which have been addressed prior to being presented to the Commission. The adjacent owner has signed a right-of-way visibility agreement that was presented under item 8 on the agenda and it ensures that the required sight visibility restrictions as per the Code of Ordinances are maintained.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie

10. [19-59](#) **P.H. 2019-15: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE ABANDONING A CERTAIN PORTION OF THE RIGHTS-OF-WAY OF NW 7TH WAY, NW 16TH LANE (ALSO REFERRED TO AS NW 16TH PLACE), NW 16TH COURT, NW 7TH AVENUE, AND NW 5TH AVENUE LYING SOUTH OF NW 17TH STREET AND SITUATED ON BOTH THE EAST AND WEST SIDES OF NW 6TH AVENUE, BETWEEN NW 7TH WAY AND NW 5TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

Daniel Keester O'Mills, Development Service Department, presented the item stating the proposed abandonment request pertains to portions of Northwest 7th Way, Northwest 16th Lane also referred to as Northwest 16th Place, Northwest 16th Court, Northwest 7th Avenue, and Northwest 5th Avenue. Michael Vonder Mueller of Keith and Associates represents the applicant, the Housing Authority of Pompano Beach. The property is general located on the east and west side of Northwest 6th Avenue north of Northwest 16th Street. The applicant intends to vacate portions of the right-of-way in order to redevelop a site. In May 2017 a plat for the property was recommended for approval by the Planning and Zoning Board. The proposed plat application restricted the property to redevelop the site with 102 duplex units, however, the applicant has waited until the abandonment request was approved in order to proceed with the plat. The review standards for the abandonment are that it is not now or in the foreseeable future of any benefit to the City or its inhabitants, and the abandonment is consistent with the Comprehensive Plan. Finally, at the August 22, 2018 Planning and Zoning Board meeting this abandonment request was unanimously approved.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked if the abandonment has been approved for duplex units.

Mr. Keester O'Mills responded that there is a concurrent application that has not been approved by the Planning and Zoning Board or the City Commission. The plat is for 402 duplex units the last time reviewed by staff.

Mr. Thrower stated the area is a single family home neighborhood and they would like for it to remain as is. He said if the abandonment is contingent upon approving duplex units then the residents would not desire to have

them in an all single family neighborhood.

Comr. Perkins asked if there will be any street closing because of the right-of-way.

Mike Vonder Meulen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, responded that currently the property is fenced off and provided a brief background history on what is occurring. The roadways were dedicated by a Quit Claim Deed to the City of Pompano Beach in 1959. In approximately 2009, the housing authority demolished the existing structures. Since then, they have fenced the property and the only opening is just the gates to go in and maintain. Therefore, the roads have not been used since 2009 and there would not be any effect to any of the existing traffic that uses Northwest 6th, and this will remain open to the public and continue to be dedicated to the City of Pompano Beach.

Comr. Perkins indicated that there has been significant discussion in the Northwest community because the land is located between subdivisions Liberty Park and Sanders Park. Therefore, she is concerned about the traffic and explained her reasons. Comr. Perkins mentioned that in Liberty Park there are 372 homes and the residents have to pass through the area, and in Sanders Park there are approximately 216 homes, as well as in Pine Tree Park to the west there are 83 homes. In addition, there are another 77 homes proposed further on the street. Therefore, to construct duplexes in the area will cause traffic concerns. She recommended that it would be helpful to schedule community meetings with the various subdivision to inform them of the plans.

Mr. Vonder Meulen indicated that he understands the situation. He said the Housing Authority has awarded a contract to the Gardner Group, an affordable housing developer and they are attempting to secure funding through the State of Florida for the project. So he is unsure if there are any hard plans that can be shown. He said the proposed duplex units is a "placeholder for the plat" which is yet to be presented to the City Commission. Nevertheless, he understands the concerns expressed and he will ensure that these are addressed before that occurs. He also confirmed that a traffic study will be done.

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

**Yes:** Hardin  
Moss  
Burrie

**No:** Perkins  
Sobel

**END OF QUASI-JUDICIAL PROCEEDING**

11. [19-61](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN NATIONAL RETAIL PROPERTIES LP AND THE CITY OF POMPANO BEACH FOR



THE PURCHASE OF PROPERTY LOCATED AT 2671 N. FEDERAL HIGHWAY;  
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,800,000)

(Staff Contact: Cassandra LeMasurier)

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

12. [19-66](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN CUMM PARTNERS, INC. AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 1207 E. ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500,000)

(Staff Contact: Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item stating staff is requesting City Commission's authorization to enter into a purchase contract for the property located at 1207 East Atlantic Boulevard. The property is a 17,537 square foot lot that has a parking lot and is located directly west of the property owned by the City at 1213 East Atlantic Boulevard, which was the site of the former library that was relocated to Atlantic Boulevard where the Cultural Center is located. Further, the City intends to unify the property with the adjacent property it currently owns and surplus it for future development. The purchase of the property will increase the site from 29,223 square feet to 46,760 square feet. This will maximize the options for the future use and development of the site. She then provided detail on the limitation should the two lots be developed individually, as well as the benefits that would be derived should both lots be unified.

Finally, Ms. LeMasurier indicated that an appraisal was done and the City would be purchasing the lot at, or less than, the appraised value for the property.

Mike Skversky, Pompano Beach, FL, asked if the property values would increase because of the proposed unification of the properties.

Ms. LeMasurier replied yes and provided details on the intent for the zoning code.

Comr. Sobel indicated that he is trying to understand the legitimate governmental purposes for purchasing a half



million-dollar parcel would be.

Ms. LeMasurier reiterated the intent behind the purchase, which she said is to be in spirit with the zoning code, and that individual sites would not be developed on a piece meal basis. She also explained that the funds to purchase will be taken from the working capital reserve. After surplus of the property the money would be reimbursed to the account.

An extensive discussion followed between Comr. Sobel and Ms. LeMasurier regarding the viability of the City getting involved in developing the parcels under discussion.

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

**Yes:** Hardin

Moss

Burrie

**No:** Perkins

Sobel

**Enactment No: RES. No. 2019-41**

13. [19-57](#) Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2018.

(Fiscal Impact: \$1,215,048)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item stating it is a housekeeping matter. The City is required to present a budget to show performance for financial reporting. Also, the Florida Statutes requires and allows the City to adjust the negative variances within the legally adopted funds within sixty (60) days from the fiscal year end so the City can eliminate the negative variances.

Comr. Perkins asked for an explanation regarding "eliminate negative variances."

Ms. Diamanti stated that the budget was legally adopted, so when there is a budget adoption certain forecasted expenditures and revenues are done. However, sometimes the expenditures are over what is actually budgeted for certain reasons. She then provided details as to the subject under discussion, which involves the EMS fund.

Comr. Sobel indicated that during the budget discussion for 2019, it was often heard that money was tight and more revenues are needed. So, as he understands it, currently, the City found \$3.5 million, some of which were reduced expenses of \$1.2 million, and some of which were additional revenues that the City did not anticipate or realize was available. Therefore, this resulted in an adjustment to go back in time and add to those

budget additional monies that ended up being available. In other words, instead of a shortfall there was access from 2018 fiscal year and this line item balances that.

Ms. Diamanti responded that the item is for the 2018 budget year not 2019 budget process. The practice is either midterm staff can align the budget during the fiscal year or at the end of the year, which traditionally is done at the end of the year, when staff request the Commission's approval to align the budget. She then provided a detail explanation regarding the adjustment of the variances.

Comr. Sobel spoke extensively regarding the two issues regarding the alignment of the budgets both for 2018 and 2019, which Ms. Diamanti explained the various situations as it affects certain funds such as the General fund, the Sanitation fund, and the EMS fund.

Comr. Sobel asked what will be done with the extra \$2 million that are aligning and adjusting from the 2018 budget.

Ms. Diamanti responded that will remain in the General fund, and provided details on how the process works in the budget.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

14. [19-64](#) Approval to Award P-28-18 Water Treatment Plant Transfer Station Rehabilitation to the lowest responsive responsible bidder, All Florida Contracting Services , LLC., at a cost of \$2,478,543.00  
(Fiscal Impact: \$2,478,543.00)  
(Staff Contact: Tammy Good/Phil Hyer)

Tammy Good, CIP Manager, Engineering Division, presented the item stating the project was competitively bid and there were two responses received by the City. The low bid contractor was All Florida Contracting Services for \$2.4 million and staff concurred to award the project to them. The project consists of replacing and updating all the electrical and pumping equipment at the Water Treatment Plant's transfer pump station.

Acting Mayor Burrie stated that this item was in the budget of 2017-2018 as capital improvements, which was approved at that time.

Ms. Good replied that is correct.

Comr. Sobel mentioned that the project bid was advertised on the website, through publications, and other places, yet, only two responses were received. He enquired why so few vendors are wanting to bid on a project that is not particularly high tech as well as the City of Pompano Beach is a great place to do business.

Ms. Good responded that she shares the sentiments of Comr. Sobel, however, she would have to piggyback on comments made earlier by Mr. Danovich citing the reflection of the current market. Everybody is busy and the resources are extended. She said this is somewhat of a niche market and should have attracted more than two bids. Nevertheless, the references for the proposed lowest bidder checked out, he is a great quality bidder that has done a lot of work in the area, and he is out of the City of Coral Springs. In fact, the City is fortunate that he did bid on the project and he is significantly lower than the next bidder.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

15. [18-621](#) **P.H. 2019-07: (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 TELE-VAC SOUTH INCORPORATED FOR INSPECTION AND CLEANING OF STORM WATER SYSTEMS AND UTILITIES JET-VAC ON CALL SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$250,000)

**FIRST READING: OCTOBER 23, 2018**

**(Staff Contact: A. Randolph Brown/Kerone Grant)**

Kerone Grant, Utility Business Operations Analyst, presented the item stating Tele-Vac South Inc., a Pompano Beach based company has been in business for over 25 years and they will provide assistance to the City's service crews in the cleaning of the stormwater drains and main watermain throughout the City as needed. No changes were made since the first reading on October 23, 2018.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion**

**carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

**Enactment No: ORD. No. 2019-09**

16. [19-55](#) **P.H. 2019-09: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO MODIFY SPECIFIC PROHIBITED USES; BY AMENDING SECTION 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES; BY AMENDING SECTION 155.4215., "COMMERCIAL: BOAT AND MARINE SALES AND SERVICE USES," TO MODIFY CERTAIN ADDITIONAL PERMITTED USES; BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," TO MODIFY CERTAIN PERMITTED ADDITIONAL USES AND ESTABLISH STANDARDS FOR SAME; BY AMENDING SECTION 155.4227., "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES," TO MODIFY CERTAIN PERMITTED USES; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE TO CONFORM WITH MODIFICATIONS MADE FOR PERMITTED USES IN VARIOUS ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 23, 2018**

**(Staff Contact:** Daniel Keester-O'Mills/David Recor)

Daniel Keester-O'Mills, Development Service Department presented the item stating the proposed text amendment is requiring the City Commission's approval to clarify four separate uses and uses of specific standards in Article 4 of the zoning code. This is the second reading of the ordinance and no changes have been made since the first reading. At the August 2018 Planning and Zoning meeting the Board unanimously recommended for approval the proposed text amendments, which staff has concurred.

Meeting went into Recess

Meeting Reconvened



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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Enactment No: ORD. No. 2019-10**

**17. [18-533](#) P.H. 2019-11: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.60, "DEFINITIONS," TO CORRECT DEFINITIONS FOR SAID CHAPTER; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY THE AUTHORIZED ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.73, "CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS," TO UPDATE PROCEDURES AND REQUIREMENTS FOR APPLICATIONS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY LEVEL OF SERVICE AND FEE REQUIREMENTS FOR NEW DEVELOPMENT; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO CLARIFY THE REQUIREMENTS FOR CERTAIN PROJECTS; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING 155.2101., "SUMMARY TABLE," TO CORRECT TERMINOLOGY; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY AND PROVIDE ADDITIONAL SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2425., "CONCURRENCY REVIEW CERTIFICATE," TO CORRECT TERMINOLOGY AND CLARIFY GENERAL REQUIREMENTS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 155.2426., "REALLOCATION OF FLEXIBILITY OR RESERVE UNITS," TO CORRECT REQUIREMENTS FOR FLEXIBILITY UNITS AND DELETE REFERENCES TO RESERVE HOUSING UNITS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PURPOSE OF AND STANDARDS FOR THE AOD; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CORRECT STANDARDS FOR AUTOMOTIVE PART SALES BUSINESSES THAT DO NOT PROVIDE INSTALLATION OF SAID PARTS; BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be TABLED until December 11, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**18. [18-659](#) P.H. 2019-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.20, "GENERAL," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 152.24, "PERMITS," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.26, "INSPECTIONS," TO MODIFY THE TIME FOR SUBMISSION OF CERTIFICATES OF ELEVATION; BY AMENDING SECTION 152.27, "VARIANCES," TO CREATE ADDITIONAL STANDARDS FOR VARIANCE APPROVAL; BY AMENDING SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," TO PROVIDE ADDITIONAL ALTERNATIVE CRITERIA FOR CRITICAL FACILITIES BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be TABLED until December 11, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

19. [19-03](#) **P.H. 2019-12: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.08, "COMPREHENSIVE PLAN AMENDMENTS," TO PROVIDE CONSISTENCY FOR COMPREHENSIVE PLAN AMENDMENT ADVERTISING REQUIREMENTS AND TO MODIFY NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: (David Recor/Jean Dolan))

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be TABLED until December 11, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

20. [19-73](#) **P.H. 2019-17: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," BY ELIMINATING ANNUAL RATE CHARGES BY AND THROUGH AN ORDINANCE; PROVIDING FOR LISTING OF CURRENT WASTE HAULING AND DISPOSAL RATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchem)

Russell Ketchem, Solid Waste Manager, presented the item stating this is for the removal of the pricing that has historically been updated in the ordinance. However, when the price changes come up it has been cumbersome for staff to come before the Commission to change the pricing in the ordinance. Therefore, this will clean up the process and the pricing will be posted on the City's website, which allows for a more timely notice.

Comr. Hardin enquired that when the rates do change, would there be proper notice prior to the change. He said he would not want the rates changing and someone forgets to change them on the website.

Mr. Ketchem responded that the rates would be updated on the website, memos will go out to the

Commission, and so forth. The process will remain same as far as getting the information out to the City Clerk's Office. He then explained the current process, which include going before the City Commission twice. In fact, this is already a part of the contractual obligation with the waste management contract.

Comr. Hardin suggested that the City Manager, moving forward when changes take place even if it is not on the agenda, provide a spoken report at a commission meeting so people are aware of the changes that are made.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

21. [19-70](#) **P.H. 2019-16: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$1,319,965.00, which was previously approved in FY 2019 departmental budgets)

**(Staff Contact: Bobby Bush/Ed Beecher)**

Ed Beecher, Human Resources Director, presented the item stating that it is to modify the Code of Ordinance Section 34.107 "Classification Plan." This is the method used to make changes to the position classification plan. The amendment is ministerial in nature to amend the code to what the Commission approved in the 2019 budget.

Continuing, Mr. Beecher noted that the changes include the addition of the two newly created departments, which are the Cultural Affairs and the in-house staffing of the Community Redevelopment Agency (CRA) department, which previously were provided by private contractors to the City. The fiscal impact reflects approximately \$385,000 to be charged to the CRA. In addition, positions and program priorities as established by the City Commission and the administration such as parking operations manager, housing and social services manager for the homeless services, emergency management coordinator and the addition of five (5) parks rangers have been included.



Comr. Perkins enquired if the reclassification would affect any current positions or was it just for the new positions.

Mr. Beecher responded that there are new positions that have been added to the classification plan and it reflects reclassifications as well.

Comr. Perkins asked for a listing of some of the existing positions that are being reclassified.

Mr. Beecher responded that the reclassified positions are: an assistant planner, a utility business operations analyst, an instrumentation technician, the battalion chief, and a lieutenant in the Fire Department. In addition, there are some pay grade changes for the records technician, the solid waste operations manager, grounds operation manager, fleet operations manager, the cemetery sexton, and they are deleting one position of division chief in the Fire Department.

Comr. Perkins expressed concern regarding the reclassification process and the timing to do it.

Mr. Beecher explained this was part of the budget process, which these positions would have had the opportunity for discussion during the budget workshops. In addition, when the City negotiates its contracts with the General Employees and Fire Department classifications and salaries are discussed, as well as it could be based on the market conditions.

Comr. Perkins requested a meeting with Mr. Beecher by end of week to discuss some of the positions.

Comr. Sobel stated that Mr. Beecher does a great job as head of the Human Resources Department. However, he echoes Comr. Perkins concern and what was discussed last year in terms of making the process clearer with regard to the term reclassification. He then explained his understanding that was provided to him about two years ago.

Mr. Beecher responded that Comr. Sobel's understanding is in some part correct but there is more to it and explained the other parts and provided some examples.

Bobby Bush, Human Resources, in response to Comr. Sobel's question regarding a separate cost for reclassification, indicated that in the backup under New Positions, each position has been highlighted with the minimum salary stated, as well as the benefit cost associated with the positions.

Mr. Beecher added that of the \$1.3 million, the majority of the positions are the new positions that are included. Under the reclassified section in the report, there is no financial impact because of the reclassified positions. However, under the pay grade changes there are five positions listed which highlight the changes in reclassification in pay.

Comr. Moss enquired if anybody would be losing his or her job.

Mr. Beecher responded that no one would be losing his or her job.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie

#### **E. REPORTS**

**Greg Harrison, City Manager - Appreciation to Employees in City Hall and Cultural Center** - Mr. Harrison thanked the employees at City Hall and Cultural Center for being troopers. Upon reporting for work there were 90 degrees' office temperatures in the buildings, yet employees stayed around until 3:00 p.m. when the air condition was restored.

Mr. Harrison introduced John Jurgle, Fire Chief who shared some exciting news regarding the fire department.

John Jurgle, Fire Chief, mentioned that for the first time the City sent an extrication team, that cuts up cars in which people are trapped and uses the jaws of life, to Jacksonville, FL. This is the first time the team has competed in these activities. There were thirteen (13) other teams competing, which included teams from South America, Canada and teams throughout the United States. The Pompano Beach team placed first for the Incident Commander, and second place for the "Pit Crew." This is a great accomplishment and the men and women of the Fire Department continue to make the City proud in what they are doing.

**Mark Berman- City Attorney - Farewell Wishes** - Mr. Berman wished Acting Mayor Burrie all the best in her future endeavors and thanked her for all the work they have done together.

**Asceleta Hammond - City Clerk - Closed Captioning** - Ms. Hammond reported that the City is currently providing Closed Captioning of the regular City Commission meeting. The City went live at the City Commission meeting of October 23, 2018. Anybody interested can access this service by the click of the closed captioning button on their device. She mentioned that they are hoping to go live with the Community Redevelopment Agency meeting in January 2019.

**Special City Commission Meeting** - Ms. Hammond reminded everybody that there will be a Special City Commission meeting to induct into office the newly elected mayor and commissioners, as well as select a Vice Mayor. The meeting will take place on Tuesday, November 20, 2018 at noon.

**Best Wishes and Farewell to Vice Mayor Burrie** - Ms. Hammond stated that it has been a pleasure working with Vice Mayor Burrie, and thanked her for the years of service she provided the City both as a City Clerk and as a member of the Commission. She congratulated her on her retirement and wished her all the very best in her future endeavors.

**Commissioner Rex Hardin - Farewell and Best Wishes to Vice Mayor Burrie** - Comr. Hardin stated that it is truly a pleasure to refer to Vice Mayor Burrie as Acting Mayor and that she has done a marvelous job

tonight. He also thanked her for her services. He said it was a pleasure to serve with her and he is saddened by her departure from the dais. However, he knows she will be around to keep the Commission on their toes. He said Vice Mayor Burrie has done a world of good for the community, the City and residents of Pompano Beach and thanked her for her dedication shown to the City throughout her term as City Clerk, City Commissioner and just a regular resident. She will be sorely missed.

**Congratulations and Best Wishes to Election Candidates** - Comr. Hardin congratulated those candidates that have been successful in the last election. In addition, he thanked all the candidates that ran and were not successful for coming forward and putting themselves out for public service. This is a laudable thing to do. He said the election is over and they will all move on from there.

**Sister Cities Event** - Comr. Hardin stated that prior to the election, he was pleased to participate with former Mayor Lamar Fisher with the Sister Cities signing ceremony. He reported that the City of Pompano Beach is a sister city with Termoli, Italy. Tony Phillips from the Pompano Beach Sister City group organized a wonderful luncheon event at La Veranda and the signing ceremony at the Cultural Center, which was truly an honor to have several people from Termoli, Italy, the Mayor, a City Commissioner, and their Chief of Staff. It was great to see them visiting our City and we look forward to close ties with that City to develop economic and cultural relationships. Sister cities is a great organization and he thanked Mr. Phillips for putting this event together.

**Promotional Award Ceremony** - Comr. Hardin reminded everybody about the Pompano Beach Fire Rescue promotional award ceremony on December 7, 2018 at 9:00 a.m. at the E. Pat Larkins Center.

**Thanksgiving Wishes** - Comr. Hardin wished everyone a Happy Thanksgiving Day.

**Commissioner Barry Moss - Congratulations and Best Wishes to Election Candidates** - Comr. Moss also congratulated those candidates who were successful in the elections as new members on the Commission. He said he was looking forward to working with and getting to know everyone better.

**Farewell and Best Wishes to Vice Mayor Burrie** - Comr. Moss stated that Vice Mayor Burrie has been very special to him. He said he came on board knowing little and now he knows a little bit and largely because of the kindness and generosity of her and the Mayor. He said she is an enormous favorite of his and wish her all the best. Comr. Moss said this is not saying goodbye instead it will be "see you later."

**Commissioner Beverly Perkins - Farewell and Best Wishes to Vice Mayor Burrie** - Comr. Perkins wished Vice Mayor Burrie good luck and wished her all the best for the future.

**Strategic Action Plan for Dr. Mack** - Comr. Perkins indicated that she has repeatedly requested the strategic action plan for Dr. Mack to continue, which the dais voted unanimously for her to continue. However, the City Manager indicated that he is not going to continue with her because staff can do some of the work, as well as some will be done by the G.O. Bond. While she understands this, she indicated that they have been going back and forth with memos and letters trying to get Dr. Mack to continue where she left off. Therefore, she requested that since the City Manager is not allowing her to continue, she asked him to put an item on the agenda for the next Commission meeting on December 11, 2018 to allow the new commissioners to decide on it.

Continuing Comr. Perkins indicated that Dr. Mack did a wonderful job with the community and she wanted to keep the morale going but it has stopped. She believes staff can work on some things and Dr. Mack work on some things that only a consultant could do. Therefore, she would like Dr. Mack to continue.

Greg Harrison, City Manager indicated that he is unsure where Comr. Perkins was getting the information that the Commission unanimously told him to continue on a second contract with Dr. Mack. He said he did not recall any such motion.

Comr. Perkins indicated that she had made the motion, so if staff does not recall then she could get a copy from the City Clerk's office of that motion.

Finally, Comr. Perkins asked for a copy of all the City's consultants since 2016, which would include the cost and what they provided for the City.

Mr. Harrison stated that he is not blocking anything going on in Comr. Perkins district. He said as it relates to Dr. Mack, Comr. Perkins is lobbying to do another \$70,000 contract with her when there is no need for it. He reiterated that there are staff members who could take care of all of the follow ups that were in Dr. Mack's report. As he had stated prior, everything in Dr. Mack's report was already in the City's strategic plan, which staff will go by for all of the districts.

Comr. Perkins indicated that she understands, however, district 4 has been lacking since the 70's and she need some results in her district now as it is still slum and blight. She said she cannot wait for two to five years because they have identified what needs to be done and it needs to be done now in the district.

**Commissioner Michael Sobel - Farewell and Best Wishes to Vice Mayor Burrie** - Comr. Sobel wished Vice Mayor Burrie all the personal best and health.

**Congratulations** - Comr. Sobel congratulated all the winners and non-winners. He said if a person has not run for public office before it is hard to fathom how difficult and tested a person could be. He admires anybody who has put themselves out there and won or loss or just run for public office. He thanked Acting Mayor Burrie for remembering his birthday.

Finally, Comr. Sobel indicated that he has learned much and thanks to the staff, the City and the other commissioners, the residents primarily and he wish whoever the commissioner-elect is, all the best of luck. He hopes the new commissioner elect will find the wisdom, the strength and the discipline to plant trees for the next generation's shade in the City of Pompano Beach.

**Acting Mayor Charlotte Burrie - Farewell** - Acting Mayor Burrie stated that this would be her last, but not least, and would probably be her last personal appearance in the City of Pompano Beach. Moreover, she is going out as the Acting Mayor, which is exciting to her after all these years.

Continuing, Acting Mayor Burrie reiterated that this is a bittersweet moment for her because she has been around in the City for a very long time. However, as Kenny Rogers said a long time ago, "You got to know when to hold them and you have to know when to fold them" so it is time for her to fold them. However, prior to her leaving she would like to leave a few nuggets of wisdom and observation of her past eleven years serving the public as commissioner.

Acting Mayor Burrie stated that the current room serves as the people's room and who elect the people on the dais to run the government of the City of Pompano Beach. She said in the last two years this room has not been run in peace and harmony or in any way conducive to what a government should be run as. People taking pot shots, and trying to ruin people's reputations from the dais is not a way to run the City. Therefore, she



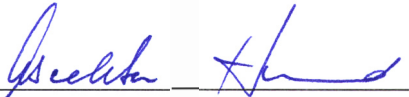
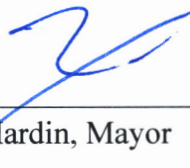
sincerely hopes that both the residents and those that get on the commission conduct themselves as ladies and gentlemen in a room that is made for the people. She indicated that for the past two years, there are certain people that come to the podium and there is not one time that they say anything good about the City or the people in it. Alternatively, they accuse the City Commission of not doing things for the schools and things that the City Commission does not have any control over.

Continuing, Acting Mayor Burrie stated that any commissioner, newly elected or past, who elected a person who has a controversial question, should call that commissioner, since the phone numbers are made public, and talk to the commissioner before berating them in front of television. She said she would also pray that the new Commission that comes in would conduct themselves accordingly and not cross examine department heads or make disparaging remarks to the City Manager or any other employee in the City.

Acting Mayor Burrie stated that the City has the best personnel of any other cities, and they should be treated with respect and acknowledged for their knowledge and dedication to the City. In sum, Acting Mayor Burrie stated that everyone has been gracious, kind, professional and very smart. Therefore, she wished all the luck in the world, and that God kindness fall upon everyone, both citizens and the new commission who will sit on the dais. She said she will be watching and will be available for anyone who wants her assistance. She ended with God bless the City and the United States of America.

#### **F ADJOURNMENT**

The meeting adjourned at 8:25 p.m.

  
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Ascleeta Hammond, City Clerk  
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Rex Hardin, Mayor