



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2015-12

Date: February 24, 2015

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<p><u>CONSENT AGENDA</u></p>			
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>GEORGE J. CUOLAHAN</u> TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>		2015-180	10
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<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>DANIEL H. YAFFE</u> TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>		2015-184	12
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<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>ELIZABETH ROBINSON MASSEY</u> TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.</p>		2015-186	12



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<p><u>CONSENT AGENDA- CONTINUED</u></p>			
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>RALPH E. MARCHAND</u> TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.</p>		2015-187	13
<p>Approval to award Bid E-10-15, Printing and Mailing Tradewinds Magazine, to the low bidder, Colonial Press International, for an annual open-end contract, at an estimated cost of \$43,452.98 per year.</p>			13
<p>Approve ranking order for RFQ T-12-15, Construction Management at Risk Contract Services, and authorize staff to negotiate contracts with the highest ranked firms, Burkhardt Construction, Inc., The Whiting-Turner Contracting Company, and State Contracting & Engineering Corp. (No fiscal impact)</p>			13-14
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH PROVIDING FINANCIAL ASSISTANCE FOR THE IMPROVEMENTS TO SW 36TH AVENUE FROM 600 FEET NORTH OF MCNAB ROAD TO W. PALM AIRE DRIVE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$498,062)</p>		2015-188	15
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING AGREEMENT (SINGLE EXTENSION) AMONG SANTA BARBARA ARMS LLC, SANTA BARBARA ARMS LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-189	15



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<p>A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA INDICATING THE OFFICIAL INTENT OF THE CITY TO CAUSE TO BE ISSUED CERTIFICATES OF PARTICIPATION, SERIES 2015 EVIDENCING UNDIVIDED PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN BASIC RENT PAYMENTS TO BE MADE BY THE CITY, AS LESSEE, PURSUANT TO A LEASE-PURCHASE AGREEMENT WITH THE POMPANO BEACH FINANCE CORPORATION, AS LESSOR, TO FINANCE CERTAIN COSTS OF ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A PUBLIC PARKING GARAGE AND VARIOUS RELATED PUBLIC IMPROVEMENTS WITHIN THE CITY AND TO CAUSE A PORTION OF THE PROCEEDS OF SUCH CERTIFICATES OF PARTICIPATION TO BE APPLIED TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-190	15-17
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBORDINATION AGREEMENT AMONG BANKUNITED, N.A., AD GRAPHICS, INCORPORATED, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$50,000 CDBG Funds)</p>		2015-191	17
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF SCHOOL BUSES FOR CITY RECREATIONAL PURPOSES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-192	17
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM TAHA FAMILY LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.</p>		2015-193	18



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<p><u>CONSENT AGENDA – CONTINUED</u></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PBFC PAL HAMMERHEADS, INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-194	18-20
<p><u>REGULAR AGENDA</u></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE GC POMPANO PLAT LOCATED ON THAT PARCEL OF LAND LYING EAST OF FEDERAL HIGHWAY (U.S. HIGHWAY #1) AND NORTH OF SE 12TH STREET; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-195	20-21
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEMS BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$227,019.63)</p>	2015-28		21-22
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 131, “OFFENSES AGAINST PERSONS AND PROPERTY,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 131.23, “UNSOLICITED PUBLICATIONS,” TO PROVIDE FOR DEFINITIONS; DUTIES AND OBLIGATIONS OF PUBLISHERS AND DISTRIBUTORS OF UNSOLICITED PUBLICATIONS; TO PROVIDE REMOVAL REQUIREMENTS FOR</p>	2015-29		22-24



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<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>ALBERT HILL</u> TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON NOVEMBER 11, 2018; PROVIDING AN EFFECTIVE DATE.</p>		2015-197	27-28
<p>Consideration to rename Norwood Pines Park "Sgt. Kip A. Jacoby" Park.</p>			28-29
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<p><u>City Attorney</u> – No Report.</p>			29
<p><u>City Clerk</u> – No Report.</p>			29
<p><u>Internal Auditor</u>- No Report.</p>			29



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<u>Commissioner Rex Hardin</u> – Use of Local Contractors			30
<u>Commissioner Barry Moss</u> – Continuing Education on City Departments			30
<u>Commissioner Edward Phillips</u> – Neighborhood Sidewalk Program			30-31
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<u>Vice Mayor Charlotte Burrie</u> – Reporting from MPO and Broward League of Cities			31-32
<u>Mayor Lamar P. Fisher</u> – Black History Event			32
Lobbying in Tallahassee			32
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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2015-12

Date: February 24, 2015

Commission Meeting Room

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

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

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

and

City Manager
City Attorney
City Clerk

Dennis W. Beach
Gordon B. Linn
Asceleta Hammond

INVOCATION BY:

Dr. Greg Fitch
Dr. Fitch Worldwide, LLC

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

	Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p>					
<p>PAGE 1</p>					
<p><u>SPECIAL ANNOUNCEMENT</u></p>					
<p>Mayor Fisher announced that tonight marks the 500th Commission meeting the Public Information Office has recorded live on Channel 78.</p>					
<p><u>APPROVAL OF MINUTES</u></p>					
<p>MOTION: To approve the Regular City Commission Meeting Minutes of February 10, 2015 as submitted.</p>	<p><u>VOICE VOTE</u> Dockswell Hardin Moss Phillips Burrie Fisher</p>	x	x	x	x
<p>There were no revisions to the minutes.</p>					
<p><u>APPROVAL OF THE AGENDA</u></p>					
<p>MOTION: To approve the City Commission Meeting Agenda of February 24, 2015, as submitted.</p>	<p><u>VOICE VOTE</u> Dockswell Hardin Moss Phillips Burrie Fisher</p>	x	x	x	x
<p><u>CONSENT AGENDA DISCUSSION</u></p>					
<p>Mayor Fisher stated the City Commission would pull Items 10, 13 and 17 from the Consent Agenda. Therefore, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.</p>					
<p><u>SPECIAL RECOGNITION</u></p>					
<p><i>Commissioner Barry Dockswell's Birthday</i></p>					
<p>Mayor Lamar Fisher acknowledged Commissioner Barry Dockswell's Birthday on March 2, and wished him Happy Birthday.</p>					



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 2</p> <p><u>SPECIAL PRESENTATIONS</u></p> <p><i>Recognition of Mary L. Chambers, City Clerk</i></p> <p>Chevelle D. Nubin – Vice President of Florida Association of City Clerks (FACC), City Clerk of Delray Beach, read a Resolution from the FACC recognizing Mary Chambers for her thirty-six years of loyal and dedicated services rendered to the local government, to include two municipalities, City of Oakland Park and City of Pompano Beach. Therefore, the FACC joined in congratulating Ms. Chambers who served faithfully and professionally the City of Pompano Beach as both Deputy and City Clerk for approximately twenty-five years. Other members from the FACC present were Pamela Latimore, FACC Southeast District, City Clerk of North Miami Beach and Lanelda Gaskins, City Clerk of Parkland.</p> <p>Mayor Lamar Fisher stated that the Retirement Party held at Galuppi's for Mary Chambers was fantastic, which portrayed and reflected Mary's services over the years as City Clerk. He said that the City was proud of her and was honored to have had her services for twenty-five years. Therefore, on behalf of the Commission and citizens of the City of Pompano Beach he presented a plaque to Mary L. Chambers, in appreciation of the 25 years of dedicated service to the City of Pompano Beach and wished her the very best during her retirement years.</p> <p>Mary L. Chambers expressed her pleasure in serving the City for the past twenty-five years, to have worked with the present and past commissions, and receiving their great support. She thanked everyone for the opportunity to serve and indicated that it has been her honor to serve and would continue to remain active in the City of Pompano Beach, where she resides.</p> <p>Vice Mayor Burrie stated that regrettably she could not attend the retirement party, but wanted to recognize the hard work and dedication of a fellow city clerk. She too had served the City of Pompano Beach as City Clerk in the past and has seen the position evolved from being treated as just a secretary. She said Ms. Chambers turned her office</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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SPECIAL PRESENTATIONS – CONTINUED

into a fine office. She also belonged to two of the greatest organizations, the Florida Association of City Clerks and the International Institute of Municipal Clerks. She wished her all the very best and thanked her for doing such a fantastic job in keeping the records straight for the City over the past twenty-five years.

Comr. Phillips encouraged Ms. Chambers after she has sufficiently rested, to complete an application to serve on anyone of the many Boards of the City.

Utility of the Year Award

Tim McVeigh from the Florida Water & Pollution Control Operator's Association presented the Utility of the Year Award to A. Randolph Brown, City of Pompano Beach Utilities Director, for doing an outstanding job, operating the City's utilities and supporting the Association's mission of training personnel to a Sustained Florida's Water Utility industry and promoting professionalism in the industry.

A. Randolph Brown, Utilities Director accepted the award and on behalf of all his staff appreciated the honor.

BROWARDNEXT

Mayor Fisher stated that he had the privilege of serving on the Broward County Planning Council representing the City of Pompano Beach with Barbara Blake Boy, Executive Director of the Broward County Planning Council and Henry Sniezek, Director of the Broward County Planning & Redevelopment Division. Both Ms. Boy and Mr. Sniezek made a presentation regarding the County's Initiative Land Use Plan between the County and the Cities under "BROWARDNEXT."

For details of this presentation, please refer to the City's Web Streaming archive City Commission meeting of 2/24/15.

Names of Comms.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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SPECIAL PRESENTATIONS – CONTINUED

Comr. Phillips expressed concerns regarding the County’s consideration of density requirements and commitments as it pertains to education or the transit corridors. He said there is the perception that density will allow the building of more units in an area. Therefore, in District 4 he would be resistant to that concept, as his constituents do not want a “concrete jungle” and he would not want to see the City heading into that direction.

Mr. Sniezek stated that they rely on municipalities to propose areas for new densities, which will not change. Therefore, any proposed new and increased densities will come from the respective municipality.

Comr. Dockswell asked if this effort would result in the changing of the land use designation of specific parcels.

Ms. Boy replied at this time they are not anticipating that sort of change and explained in detail their expectations.

Robin Bird, Development Services Director, thanked Ms. Boy and Mr. Sniezek for enlightening the City with information to stay involved with what is happening with the density pressures and the various changes from “sawgrass to seagrass.” Additionally, the presentation will be available via email to all the commission to share with any of the other municipalities.

AUDIENCE TO BE HEARD

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



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 5</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p><u>Parking Enforcement</u> – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated that previously he cautioned the commission against hiring private contractor, Denison Parking to manage the citywide parking, and allowing them police powers to tow and ticket citizens’ private property, namely cars. He alleged that it would result in the loss of the citizens’ right to appeal any abuse of police power. Nevertheless, the Commission passed the ordinance without giving the citizens legal protection. He indicated that there is now a problem, and cited the City of Hollywood taking a similar stance to delegate their police powers to a private contractor. However, three weeks ago, he came upon a October 2014 court ruling, whereby the Fourth District of Appeals found that the City of Hollywood could not delegate ticket writing duties to a third party vendor. As he understands, the ruling also applies statewide to include City of Pompano Beach.</p> <p>Mr. Terwilliger indicated that it appears the ordinance recently adopted by the City is now possibly illegal and possibly voids the contract between Dennison Parking and the City of Pompano Beach.</p> <p>Finally, Mr. Terwilliger indicated that he is putting the City on notice of the findings of the Fourth District Court of Appeals and suggested that the City start looking at this agreement. He asked what the commission is going to do now that the courts have interceded.</p> <p>Mayor Fisher suggested that City Attorney Linn examine the comments made by Mr. Terwilliger to determine its accuracy and report his findings to the commission.</p> <p><u>New Urbanism</u> – Phyllis Franklin, 500 Northeast 6th Street, Pompano Beach, FL, stated that two months ago she read an article about a design movement known as “New Urbanism.” The principals of this company sounded familiar to her. The article referred to design principles such as wider sidewalks and narrower streets; pedestrian friendly designs that encourage a greater use of bicycles and walking rather than driving in cars; mixed use and diversity; increased density; and so forth.</p>				

CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Parking Enforcement – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated that previously he cautioned the commission against hiring private contractor, Denison Parking to manage the citywide parking, and allowing them police powers to tow and ticket citizens’ private property, namely cars. He alleged that it would result in the loss of the citizens’ right to appeal any abuse of police power. Nevertheless, the Commission passed the ordinance without giving the citizens legal protection. He indicated that there is now a problem, and cited the City of Hollywood taking a similar stance to delegate their police powers to a private contractor. However, three weeks ago, he came upon a October 2014 court ruling, whereby the Fourth District of Appeals found that the City of Hollywood could not delegate ticket writing duties to a third party vendor. As he understands, the ruling also applies statewide to include City of Pompano Beach.

Mr. Terwilliger indicated that it appears the ordinance recently adopted by the City is now possibly illegal and possibly voids the contract between Dennison Parking and the City of Pompano Beach.

Finally, Mr. Terwilliger indicated that he is putting the City on notice of the findings of the Fourth District Court of Appeals and suggested that the City start looking at this agreement. He asked what the commission is going to do now that the courts have interceded.

Mayor Fisher suggested that City Attorney Linn examine the comments made by Mr. Terwilliger to determine its accuracy and report his findings to the commission.

New Urbanism – Phyllis Franklin, 500 Northeast 6th Street, Pompano Beach, FL, stated that two months ago she read an article about a design movement known as “New Urbanism.” The principals of this company sounded familiar to her. The article referred to design principles such as wider sidewalks and narrower streets; pedestrian friendly designs that encourage a greater use of bicycles and walking rather than driving in cars; mixed use and diversity; increased density; and so forth.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Ms. Franklin stated that upon further investigation of new urbanism she discovered that not many people knew about it. She learned that obstacles to new urbanism include municipal zoning codes currently enforced, and in the case of existing cities, the need to rebuild infrastructure. Therefore, she questioned whether this is going on in the City of Pompano Beach and if so, was a Traditional Neighborhood Development (TND) ordinance was ever considered or passed. She then explained that the TND is apparently the related design discipline used in such ordinances.

Additionally, Ms. Franklin indicated she received an email from Horacio Danovich, CIP Engineer, who described some of the new urbanism principles. The email mentioned the need to change the zoning codes in order to accommodate new urbanism design concepts.

Further, in an article by Harvey Gantt, who served on the Board of the Congress for new urbanism, he stated, “gathering support for new urbanism design initiative in an existing city, requires working with the community, a multi-layered community involvement.” However, she cannot see this being done in the City of Pompano Beach, and expressed concerns that the implementation of new urbanism design concepts may well bring about changes to the neighborhoods, as well as life style changes that citizens have neither volunteered for nor agreed to.

Therefore, Ms. Franklin suggested that if the City wants to move forward with redevelopment to include new urbanism/TND designs, first a TND ordinance should be passed to provide clarity and parameters, as well as allow an opportunity for public input on the matter.

Mayor Fisher directed City Manager Beach to get the Development Services staff to meet with Ms. Franklin to determine whether there are any zoning issues.

Comr. Phillips thanked Ms. Franklin for her comments.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 7</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p><u>Text Amendment for Mobile Detailing</u> – Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, requested support from the commission to consider text amendments for mobile detailing. He said in the City’s Code of Ordinances, there are no text amendments or slot addressing the category, “Mobile Detailing”. There is a category that addresses detailing and car facilities, as well as washing facilities, so, perhaps staff could come up with a text amendment with details of what consist of mobile detailing, as well as the distance in which a person can operate. He indicated that this should not stop the mobile detailing, but rather to create a category for it.</p> <p>Mayor Fisher indicated that staff would check into the matter as well as see how other cities handle it.</p> <p>Dennis W. Beach, City Manager, confirmed staff would check into the Code of Ordinances and report the findings to the commission.</p> <p>Comr. Phillips cautioned staff in moving forward with this endeavor. Because, he is aware of a number of young men, who often times cannot find employment elsewhere; therefore, they work mobile detailing, and this keeps them from embarking on unsavory activities. Nevertheless, he would like to see some structure to the operation. In other words, as Mayor Fisher commented, we need to “watch out for what we wish for” in this regard, so that certain businesses are not impeded.</p> <p><u>Parking Issues on Flagler Avenue</u> – Delores Bullard, Cal’s Beauty Salon, 212 N. Flagler Avenue, Pompano Beach, FL 33060, enquired about the completion of the parking lot at the rear of where her business is located. She indicated that trees were cut down; however, nothing has been done regarding the parking issues. In fact, there are tree stumps left exposed, which is causing damage to her car.</p> <p>Additionally, Ms. Bullard reported that City workers have put down approximately two feet of concrete along the side of the road. She complained this is the same area she had requested angle parking that the concrete is being placed, and cannot understand why parking has not been allowed there instead.</p>				

CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

PAGE 7

AUDIENCE TO BE HEARD – CONTINUED

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AUDIENCE TO BE HEARD – CONTINUED

Ms. Bullard stated that she has been patient in waiting for the parking, but reported that due to lack of parking spaces, people are double-parking in the street, to include car washing taking place in the area as well. In the meantime, the business people in the area are impacted negatively, as they are losing customers, who still have no place to park.

Mayor Fisher indicated that the schedule to complete that area was May, nevertheless, staff will check into the matter regarding the tree stumps.

Rental Community - Joe Ryan, 427 Northeast 24th Avenue, Pompano Beach, FL, stated that a group of residents polled the picnic audience and persons from the Northwest section of the City, said they did not want the area integrated, but rather, they wanted their own little village. It appears that the City cannot rent that which was built previously. Therefore, he urged the City to investigate the money that is spent in that area.

Zoning Issues – Mr. Ryan stated that there are violations citywide, but predominately in certain districts such as Districts 1 and 3, which he alleged would destroy property values. Consequently, a few people are trying to get a petition to get code enforcement strengthened.

Additionally, Mr. Ryan complained that he does not understand why the City is unable to enforce its Code, when others cities have been able to administrate theirs. Most of all people are parking on the swales and on the right-of-ways, as well as there are white storage trailers everywhere, and he hopes something can be done about this problem.

Mr. Ryan stated that people on the beach are concerned as they have lots of money tied up in the condominiums and they are afraid that what is taking place in their neighborhood will destroy their market value.



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Names of Comms.	M	S	V	V
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AUDIENCE TO BE HEARD – CONTINUED

Mayor Fisher noted that almost every meeting Mr. Ryan appears before the commission to complain about code enforcement and code compliance as well as the discarded cars and trash. Yet, Mr. Ryan's physical address was cited with vehicle on the property that is not in drivable condition, discarded indoor and used objects on the property, to include but not limited to carpet, fishing gear, blinds, etcetera, under the vehicle and around it. Therefore, there are at least three cases of violations against Mr. Ryan's property, yet he complains about code enforcement not doing their job.

Mitchell Moore Community Center Bathrooms and Concession Stand – George Dillard, 612 Northwest 7th Terrace, Apt. 2, Pompano Beach, FL, complained about the deplorable conditions of the bathrooms and the concession stand at the Mitchell Moore Community Center. He indicated that he had written a letter to the Commission to include Comr. Phillips about these conditions.

Mr. Dillard indicated that since 2012, he has been speaking with Mark Beaudreau, Recreation Programs Administrator and Scott Moore, Recreation Manager, about the concession stand problem. However, it appears nothing is being done about resolving the issues.

He explained that the concession stand and the bathrooms for the men and women are not ADA accessible, as well as there are only two stalls for each of the bathrooms, which has been like this since the center had been built. Moreover, the hot water does not work, the floors are not aesthetically attractive and the sinks are deplorable, and there are no urinals in the men's bathroom.

Additionally, the concession stand serving area is not clean and the building appears unsafe to serve anyone in the state. Notwithstanding, the structure is over twenty years old, there is no air condition for proper ventilation, and the lighting is poor.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 10</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>Mr. Dillard, on behalf of the community, appealed to the commission to do something about these conditions. He alleged, the people are tired of being treated disrespectfully, and it is time something is done about the building. In fact, this is not just for the adults, but also for the children of all races. Therefore, it is time to stop doing business like we are currently doing, and as the great Martin Luther King, Jr. stated, “He who is greatest among you, shall be your servant.” The commission is here to serve the people in a manner that they should be served, which his community is not being served.</p> <p>Mr. Dillard concluded that he hopes that not only does the concession stand issues get resolved, but also the many different things happening in his community.</p> <p>Mayor Fisher suggested that City Manager Beach pay special attention to some of the issues brought forward, especially as it relates to safety and things of that nature.</p> <p>Comr. Phillips encouraged Mr. Dillard and the residents of his community not to get discouraged because help is on the way. He said there is a Master Plan in place. Notwithstanding, he supports Mayor Fisher request to the City Manager to try to move this project up on the list.</p> <p><u>CONSENT ITEMS</u></p> <p>RES. NO. 2015-180: TIME 01:03:59 ITEM 1</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>GEORGE J. CUOLAHAN</u> TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>				



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Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 11</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>RES. NO. 2015-181: TIME 01:03:59 ITEM 2</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>JUDI AHERN</u> TO THE BUDGET REVIEW COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF SAID APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.</p> <p>RES. NO. 2015-182: TIME 01:03:59 ITEM 3</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>DODIE KEITH-LAZOWICK</u> TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 30, 2018; PROVIDING AN EFFECTIVE DATE.</p> <p>RES. NO. 2015-183: TIME 01:03:59 ITEM 4</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>M. ROSS SHULMISTER</u> TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>				



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Names of Comms.	M	S	V	V
			Y	N

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CONSENT ITEMS – CONTINUED

RES. NO. 2015-184: TIME 01:03:59 ITEM 5

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DANIEL H. YAFFE** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-185: TIME 01:03:59 ITEM 6

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JEFFREY ALAN TORREY** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-186: TIME 01:03:59 ITEM 7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ELIZABETH ROBINSON MASSEY** TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.



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<u>CONSENT ITEMS – CONTINUED</u>				
RES. NO. 2015-187: TIME 01:03:59 ITEM 8				
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>RALPH E. MARCHAND</u> TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.</p>				
TIME 01:03:59 ITEM 9				
<p>Approval to award Bid E-10-15, Printing and Mailing Tradewinds Magazine, to the low bidder, Colonial Press International, for an annual open-end contract, at an estimated cost of \$43,452.98 per year.</p>				
TIME 01:04:19 ITEM 10				
<p>Approve ranking order for RFQ T-12-15, Construction Management at Risk Contract Services, and authorize staff to negotiate contracts with the highest ranked firms, Burkhardt Construction, Inc., The Whiting-Turner Contracting Company, and State Contracting & Engineering Corp. (No fiscal impact)</p>				
MOTION: To approve the item.				
<u>ROLL CALL</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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CONSENT ITEMS – CONTINUED

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, stated that at the last commission meeting there were discussions on one particular vendor, namely Shiff Construction, undertaking multiple projects within the City. He says Burkhardt Construction, Inc. is another such company that keeps coming before the commission for approval to perform jobs within the City. Therefore, Mr. Thrower questioned the company's investment in how they are working with the City's local communities.

Mr. Thrower alleged that Burkhardt Construction, Inc. has been working with the City of Hallandale Beach, and has done a lot to train the people in that area. Therefore, their inequality in services rendered to the residents of the City of Pompano Beach should be considered. In addition, they should provide the same level of service that they do to other municipalities.

Mr. Thrower said that while this item does not have a fiscal impact currently, the contract would go into effect at some point in time. This organization continues to remain on the vendors' list of the City and is awarded more work, yet they do not participate in the community that they are working in. Therefore, he suggested that these vendors be held accountable since they are working on projects, to get more involved with the various community events happening in the City.

Mayor Fisher explained that this company went through the Request for Quote (RFQ) process, they were shortlisted, and three qualified firms were selected for the program.

Finally, Mr. Thrower reiterated that the City do not allow these types of vendors to continue to go down this path with no accountability of economics.

Mayor Fisher responded that the commission has heard the request.



City of Pompano Beach, Florida

Names of Commsr.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 15</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>RES. NO. 2015-188: TIME 01:03:59 ITEM 11</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH PROVIDING FINANCIAL ASSISTANCE FOR THE IMPROVEMENTS TO SW 36TH AVENUE FROM 600 FEET NORTH OF MCNAB ROAD TO W. PALM AIRE DRIVE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$498,062)</p> <p>RES. NO. 2015-189: TIME 01:03:59 ITEM 12</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING AGREEMENT (SINGLE EXTENSION) AMONG SANTA BARBARA ARMS LLC, SANTA BARBARA ARMS LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p> <p>RES. NO. 2015-190: TIME 01:08:11 ITEM 13</p> <p>A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA INDICATING THE OFFICIAL INTENT OF THE CITY TO CAUSE TO BE ISSUED CERTIFICATES OF PARTICIPATION, SERIES 2015 EVIDENCING UNDIVIDED PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN BASIC RENT PAYMENTS TO BE MADE BY THE CITY, AS LESSEE, PURSUANT TO A LEASE-PURCHASE AGREEMENT WITH THE POMPANO BEACH FINANCE CORPORATION, AS LESSOR, TO FINANCE</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

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CONSENT ITEMS – CONTINUED

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated that at 5:30 p.m. today the commission elected the commission as directors of the Pompano Beach Finance Corporation as the funding authority. As such, the commission are all members of the corporation, which they are about to delegate money to and enter into a contract. He questioned whether this would be a conflict of interest.

Gordon B. Linn, City Attorney explained that there is no conflict of interest; because, this is a financing tool the City is using to accomplish the means it desires.

Suzette Sibble, Finance Director added that there will be a trustee contract, which will come forward as part of the financing package. Bank of New York Mellon said that the Corporation assigned its rights to the Trustee, on behalf of the investor's interest.

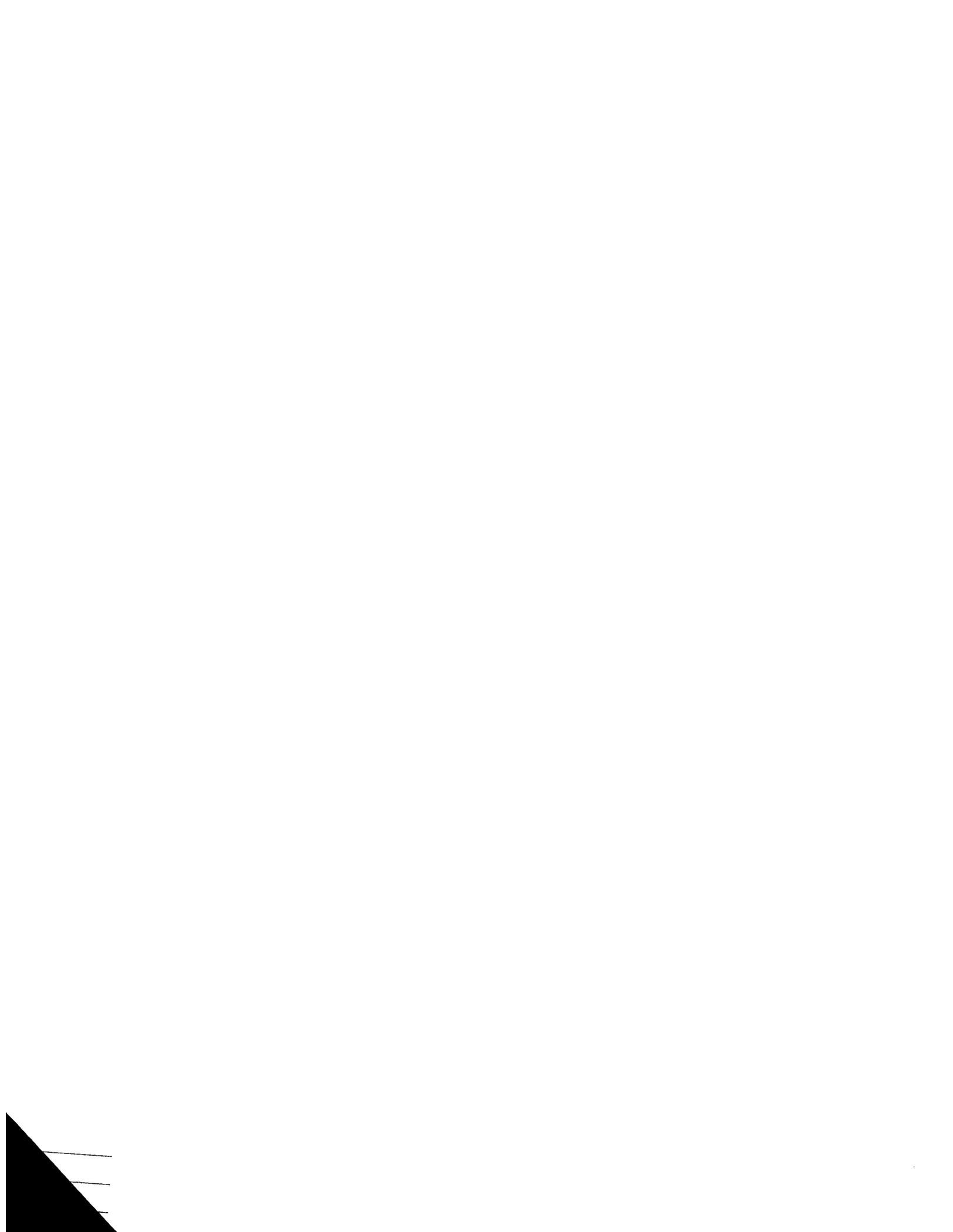
RES. NO. 2015-191: TIME 01:03:59 ITEM 14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBORDINATION AGREEMENT AMONG BANKUNITED, N.A., AD GRAPHICS, INCORPORATED, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$50,000 CDBG Funds)

RES. NO. 2015-192: TIME 01:03:59 ITEM 15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF SCHOOL BUSES FOR CITY RECREATIONAL PURPOSES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015				
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<u>CONSENT ITEMS – CONTINUED</u>				
RES. NO. 2015-193: TIME 01:03:59 ITEM 16				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM TAHA FAMILY LLC TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.				
MOTION: To approve Items 1-9,11-12, and 14-16.				
<u>ROLL CALL</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
There was no discussion on Consent Items 1-9,11-12, and 14-16.				
RES. NO. 2015-194: TIME 01:13:39 ITEM 17				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PBFC PAL HAMMERHEADS, INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)				
The Resolution was read by title only.				



Names of Commrs.	M	S	Y	V	V
CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015					
PAGE 19					
<u>CONSENT ITEMS – CONTINUED</u>					
MOTION: To adopt Resolution No. 2015-194 upon reading.					
<u>ROLL CALL</u>					
Dockswell				X	
Hardin	X			X	
Moss				X	
Phillips		X		X	
Burrie				X	
Fisher				X	

Comr. Hardin indicated he did not have a problem with the item but he had spoken with Mark Beaudreau, Recreation Programs Administrator, regarding this particular soccer program and the intensity of the program on the City's facilities. Therefore, he wanted to verify that the City would try to move the program around. As other fields are available, he wants to ensure that this intense program is moved around.

Additionally, there are other contracts with organizations doing the same type of sport events, to include baseball, tracks and so forth. However, the City does not do baseball, but this soccer program starts with five year olds and asked why does the city also run its own soccer program and why it is not all done by this contract.

Mark Beaudreau, Recreation Programs Administrator explained that the City's program is recreational in nature, but this organization is a competitive soccer program. Furthermore, the person in charge of this has developed the program from 25 to 35 to now over 100 participants, so he is a competitive soccer enthusiast. Actually, it is similar to the City's baseball, and rugby programs, which are travelling programs.

Comr. Hardin asked if anyone could participate in the soccer program.

Mr. Beaudreau replied yes, and explained that the city runs its program independent of this contracted program.

Comr. Hardin asked why not integrate the city's soccer program with the contracted one.



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Names of Commrs.	M	S	V Y	V N
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CONSENT ITEMS – CONTINUED

Mr. Beaudreau replied that he has never ventured into that domain nor has the City asked him to do it. In fact, he cannot provide an answer to explain why some parents would use his program and not the City's, but they do.

REGULAR ITEMS

RES. NO. 2015-195: TIME 01:18:21 ITEM 18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE GC POMPANO PLAT LOCATED ON THAT PARCEL OF LAND LYING EAST OF FEDERAL HIGHWAY (U.S. HIGHWAY #1) AND NORTH OF SE 12TH STREET; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-195 upon reading.

ROLL CALL

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

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



City of Pompano Beach, Florida

Names of Comms.	M	S	Y	N
ROLL CALL				
Dockswell		x		x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x

CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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REGULAR ITEMS – CONTINUED

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

Robin M. Bird, Development Services Director, stated that this is a request to plat .3732 acres for 4,000 square feet of retail space. There will be an access off Federal Highway as well as off Southeast 12th Street.

Christina Bilenki, Esq., Dunay Miskel and Bachmann, 14 Southeast 4th Street, Boca Raton, FL, indicated that the proposed tenant is Mattress Firm.

P.H. 2015-37; ORD. NO. 2015-28 TIME 01:20:38 ITEM 19

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEMS BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$227,019.63)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2015-28 upon second and final reading.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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REGULAR ITEMS – CONTINUED

Robert A. McCaughan, Public Works Director, stated that the item is to waive the competitive requirement so that the City can award the installation of the fire sprinklers at the Broward Sheriff Office (BSO) facility to Shiff Construction & Development, Inc. At the last commission meeting, there was discussion regarding Shiff Construction and the jobs given to various Pompano Beach sub-contractors. Subsequently, staff was provided with a list indicating that Shiff has used 56 sub-contractors on various jobs in the City. Mr. McCaughan explained in detail the various types of subcontractors used. He said that Mr. Shiff admits that he does more than 50% of his work with subcontractors. In fact, the project they are doing at City Hall, they have assigned at least 15 of Pompano Beach subcontractors to that one project.

Comr. Phillips thanked Mr. McCaughan for providing this information on Shiff Construction.

P.H. 2015-38; ORD. NO. 2015-29 TIME 01:23:19 ITEM 20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 131.23, "UNSOLICITED PUBLICATIONS," TO PROVIDE FOR DEFINITIONS; DUTIES AND OBLIGATIONS OF PUBLISHERS AND DISTRIBUTORS OF UNSOLICITED PUBLICATIONS; TO PROVIDE REMOVAL REQUIREMENTS FOR PUBLICATIONS DELIVERED IN VIOLATION OF THIS ORDINANCE AND FOR PENALTIES AND ENFORCEMENT; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Ordinance No. 2015-29 upon second and final reading.

ROLL CALL

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

Gordon B. Linn, City Attorney, stated this is the second reading of the proposed ordinance that prohibits publishers and distributors from delivering unsolicited publications when they have been advised that the publication is no longer desired. Publishers are also required to give means of reasonable contact for the public and provide that way of contact in their publications.

Additionally, at the last meeting the commission approved that this be limited to single-family zoning districts, therefore, the ordinance have been amended to accomplish such.

Vice Mayor Burrie clarified that at the first reading of the ordinance, she had asked the City Attorney to ensure that they were not infringing on any constitutional rights. However, the Pelican newspaper reported that Vice Mayor Burrie said, "It did not infringe on any constitutional rights," which she did not say that. She had asked a question and the City Attorney had answered it "no."

In sum, Vice Mayor Burrie hopes this ordinance will serve its purpose and not infringe on anybody's rights.

Comr. Moss indicated, "I will hold my nose and vote for this" but he still thinks it is an overreach, and said that the government that governs best is the government that governs less.

Comr. Dockswell stated that the commission took the step to delay the effectiveness of the ordinance by ninety (90) days to give the publishers a chance to establish the systems that are required. He asked, "What will the city do to get the word out to the relevant publishing organizations?"



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<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 24</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Gordon B. Linn, City Attorney replied that he would have to leave that to the City Manager and staff to accomplish this.</p> <p>Dennis W. Beach, City Manager replied that he will design a mechanism to get the word out.</p> <p>Comr. Hardin reiterated that at the last reading, he had indicated that before the City gets involved and embroiled in some kind of a major lawsuit over this, which he fully anticipates, the ordinance needs to come back before the commission before taking too drastic of a step to spend money to defend it.</p> <p>Comr. Phillips stated that the commission seems to be so reserved on this matter, yet continues to proceed, so, he is unsure how to move forward with it. Nevertheless, he will be voting for this item because he would rather “Err on the side of caution” in this particular case.</p> <p>In response to Vice Mayor Burrie’s question, Mr. Linn replied that it would only become effective ninety days (90) after today’s date.</p> <p>Vice Mayor Burrie indicated that she does agree with Comr. Moss that it is a bit overreaching. Nevertheless, she will vote for it, but within the ninety days, if the City gets a lot of backlash, she would recommend, “the City Commission gets out of this business.”</p> <p>Comr. Dockswell expressed his concerns with the reasons provided by some of his fellow commission and believes the voted should be either a yes or no, rather than to vote yes and “hold its noses” or wait for a legal challenge to fold, is not sensible.</p>				



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P.H. 2015-39; ORD. NO. 2015-... TIME 01:29:31 ITEM 21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMPUTERIZED MAINTENANCE MANAGEMENT SYSTEM IMPLEMENTATION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND ELECTRONIC DATA, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$508,150)

The Ordinance was read by title only.

MOTION: To approve the Ordinance upon First Reading.

ROLL CALL

Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

A. Randolph Brown, Utilities Director, stated this item is an asset management program listed in the 2015 Capital Improvement Program (CIP) projects. Therefore, the city plans to enter into a contract with Electronic Data, Inc. (EDI) to implement the asset management program. He indicated that in 2009, a study was conducted on Effective Utility Management Program and it was identified as one of the City's weaknesses. Since then staff has explored the best software and best practices throughout Florida and have concluded that EDI is the best one available.



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REGULAR ITEMS – CONTINUED

Additionally, the asset management program is part of the City's Strategic Plan. The Risk Department insures the utilities properties at \$83 million and of that amount, \$34 million are for equipment, which will be included in the asset management program. Therefore, this long-term plan will enable the City to maintain a level of service and cost using an electronic database. He then listed the many benefits that will be realized with the use of this database program, as well as the national statistics on the benefits of asset management.

Finally, Mr. Brown introduced the new Asset Management Manager, Erica Powell, who will assist with implementing the program.

Vice Mayor Burrie inquired about the mechanics of the program in monitoring and alerting staff of an equipment mal function prior to breakdown.

Mr. Brown explained that it would indicate the cost invested into that particular equipment; therefore, the historical data produced would assist staff to make better decisions whether to repair or replace that equipment.

Comr. Hardin asked if this item would allow the City to purchase the maximum program.

Mr. Brown replied that staff will return with the license agreement later, but this is the organization staff interviewed to provide the process of implementing the program. Subsequently, next month staff will bring back the software system to the commission for approval at an approximate cost of \$37,000 per year.

Comr. Hardin requested that for second reading, staff determine if the City of Tampa, which is the example staff is using, has a local preference ordinance and if they benefited from that ordinance.

Comr. Phillips asked if the Information Technology (IT) staff was consulted regarding the implementation of this software.

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<u>REGULAR ITEMS – CONTINUED</u>				
MOTION: To adopt Resolution No. 2015-196 upon reading.				
ROLL CALL				
Dockswell			X	
Hardin		X	X	
Moss			X	
Phillips	X		X	
Burrie			X	
Fisher			X	
TIME 01:38:27 ITEM 24				
Consideration to rename Norwood Pines Park “Sgt. Kip A. Jacoby” Park.				
MOTION: Approved renaming Norwood Pines Park to “Sgt.Kip A. Jacoby” Park.				
VOICE VOTE				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
<p>Robert A. McCaughan, Public Works Director, stated that this item is a request to the commission to consider renaming the Norwood Pines Park to “Sgt. Kip A. Jacoby” Park.</p> <p>Mr. McCaughan stated that the first cousin of US Army Sgt. Kip A. Jacoby, provided a memo, to the City Manager’s office, requesting that the City rename Norwood Pines Park in Sgt. Jacoby’s honor. Sgt. Jacoby was a resident of the City of Pompano Beach but was killed in action on June 28, 2005, during a combat operation in Afghanistan. Should the City Commission elect to rename the park, at its next meeting, staff will bring back a resolution formalizing the decision.</p> <p>Finally, Mr. McCaughan stated that the first cousin of Mr. Jacoby, Scott M. Cook was present to provide further details on Mr. Jacoby.</p>				



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<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 29</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Scott M. Cook, 2051 Northeast 28th Avenue, Pompano Beach, FL, provided the background history of his relationship with Mr. Jacoby. In addition, he said they are approaching the 10th Anniversary day since Mr. Jacoby perished in Afghanistan when he tried to save the lone survivor. Norwood Pines Park is where Mr. Jacoby loved to skateboard; therefore, he asked that consideration be given to grant the request so that family members and the community in which Mr. Jacoby grew up will be able to honor the true hero that he was.</p> <p>Mayor Fisher thanked Mr. Scott and mentioned that a tribute was also done to recognize Mr. Jacoby, at the Emma Lou Olson Community Park, because he had worked with the Exchange Club. Therefore, the City appreciated his services.</p> <p><u>REPORTS</u></p> <p><u>City Manager</u> – No Report.</p> <p><u>City Attorney</u> – No Report.</p> <p><u>City Clerk</u> – No Report.</p> <p><u>Internal Auditor</u> – No Report.</p> <p><u>Commissioner Barry J. Dockswell – Resolution on Public Lodging</u> – Comr. Dockswell stated that sometimes the commission receives email informing them of what other municipalities' commissions have passed. One resolution most recently, came from the Town of Wilton Manors, urging members of the Florida Legislature to support a senate bill that would delete provisions that pre-empts cities from regulating public lodging establishments. However, there are other items in the resolution that he is unsure whether this commission would support. Therefore, he suggested that the City looks into perhaps passing some similar resolution that would let the legislatures in Tallahassee, as they begin their session, know that the City of Pompano Beach would very much like to have the right to regulate some of the vacation rentals by owners that have been plaguing the City.</p>				



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REPORTS – CONTINUED

Finally, Comr. Docskwell stated that the City is working hard on solving the sober home problem, which is a separate problem that also needs attention.

It was the consensus of the Commission to direct City Attorney Linn to prepare a resolution accordingly.

Commissioner Rex Hardin – Use of Local Contractors – Comr. Hardin stated that several discussions have taken place regarding whether contractors are employed locally or not. He suggested that the City requires in all contracts a reporting mechanism, which would include language stating that before a contractor receives final payment they would have to provide a list of who they hired.

Commissioner Barry Moss – Continuing Education on City Departments – Comr. Moss thanked Robert McCaughan for allowing him to visit the Public Works department as well as a take tour of the Air Park, which was very impressive. He said he was impressed on how well organized and maintained it was.

Additionally, Comr. Moss also thanked Mark Beaudreau, Recreation Programs Administrator for his efforts to educate him. He then distributed a report, to the commission, Mr. Beaudreau provided to him on the different commission districts and how many of the parks and recreation facilities exist in each district.

Commissioner Edward Phillips – Neighborhood Sidewalk Program - Comr. Phillips stated that he recently attended a Homeowners' Association in Kendall Green and the residents inquired about the sidewalk program that was in place a few years ago. Therefore, he suggested that the City re-invigorate the sidewalk program, particularly in the Kendall Green area.

Mayor Fisher cautioned Comr. Phillips to be cognizant of the fact that maybe there are some streets the residents may not want sidewalks, as was discovered in areas such as the Cresthaven area.



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REPORTS – CONTINUED

Dennis W. Beach indicated that he would provide a history of the program and the current plans.

City Parks Restrooms – Comr. Phillips stated that sometime ago there was an incident in one of the City’s parks; therefore, he would like to see some type of procedure developed for when people can actively work in the restrooms of all the parks, because safety is paramount at the city’s parks.

Vice Mayor Charlotte J. Burrie – Reporting from MPO and Broward League of Cities – Vice Mayor Burrie stated that she has attended three meetings of the Metropolitan Planning Organization (MPO) and three of the Broward League of Cities, (League) and asked if the rest of the commission is being notified of these meetings.

Comr. Hardin responded that they receive notices from the League but not from the MPO.

Vice Mayor Burrie reported that the City of Pompano Beach is doing very well at the MPO and has been awarded a significant amount of money for different projects.

Additionally, Vice Mayor Burrie indicated that on March 5, she would be hosting the Board of Directors of the Broward League of Cities, at Galuppi’s. However, in May they will be holding their general membership meeting with the swearing in of officers and would like the commission to consider, if they desired to attend, purchasing a table for the event. Nevertheless, she will bring this matter back in March or April.

Finally, Vice Mayor Burrie stated that at the last meeting the League had a special meeting at 4:00 p.m., where they provided tips on how to talk to your legislators and how to write letters and so forth, which was very informative. She received an extra booklet, which she will pass on to Phyllis Korab, Assistant City Manager to reproduce and distribute.



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<p>CITY COMMISSION MEETING MINUTES FEBRUARY 24, 2015</p> <p>PAGE 32</p> <p><u>REPORTS – CONTINUED</u></p> <p><u>Mayor Lamar P. Fisher – Black History Event</u> – Mayor Fisher thanked those persons who celebrated Black History Month on Sunday evening, specifically, Hazel Armbrister, member of the Rock Road Restoration. The event was very well done and he offered Kudos to the planners and participants.</p> <p><u>Lobbying in Tallahassee</u> – Mayor Fisher indicated that on February 11, 2015 the City did some lobbying in Tallahassee. There are other trips in the future, which perhaps the commission may want to consider attending. Some of the issues such as Sober Homes, Enterprise Zones, texting while driving, and hands free, all passed the committee. Thereafter, they have moved on to the water issues, and Phyllis Korab did a fantastic job in preparing those who represented the City, and getting the legislature to look at some funding for the City’s water issues. Also, the FEC train station was discussed with FDOT, which went well, orchestrated by Roy Rogers.</p> <p>Finally, Mayor Fisher stated that it makes a difference to have representatives from the City attending the meetings, as it shows the interest level in taking time out to attend the sessions. In addition, the City’s lobbyist attended and they did a great job as well. In sum, while it was a long and hard workday, it was worth all the efforts made.</p> <p><u>ADJOURNMENT</u></p> <p>There being no further business, the meeting adjourned at 7:51 P.M.</p>				

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK