



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2015-21

Date: June 9, 2015

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<p>RES. NO. 2015-326: 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 LAW OFFICES OF STEVEN A. SCHAEF, ESQUIRE TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY CODES; PROVIDING AN EFFECTIVE DATE.</p>	8-9
<p>RES. NO. 2015-327: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES;</p>	9



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DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.	
Approve ranking order for RLI E-33-15 Continuing Contract for Professional Environmental Testing and Consulting Services, and authorize staff to negotiate contracts with the three highest ranked firms: Professional Service Industries, ESciences, and GFA International. (No cost at this time.)	10
Approval to purchase Sidewalk Replacement and Installation, as needed for the Public Works Department, per the City of Miami Gardens Cooperative Bid #12-13-034 from the awarded vendors, Metro Express, Inc. and Straightline Engineering Group, in the estimated total amount of \$450,000.	10-11
Approval of a budget adjustment in the amount of \$35,000 to purchase two new servers to upgrade current e-plan infrastructure.	11
RES. NO. 2015-328: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT APPLICATION IN AN AMOUNT OF UP TO \$500,000 TO THE FLORIDA DIVISION OF CULTURAL AFFAIRS FOR THE PURPOSE OF OBTAINING PHASE 3 FUNDS FOR CONSTRUCTION OF THE NEW POMPANO BEACH CULTURAL CENTER; AND CONFIRMING THE CITY’S CONTRIBUTION OF \$1,500,000; AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$1,500,000 – Cultural Center Construction CIP Project)	11
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<p>ORD. NO. 2015-59: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE HABITAT FOR HUMANITY, BROWARD, INC. REQUEST LOCATED AT THE SW CORNER OF NW 15TH STREET AND NW 6TH AVENUE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON APRIL 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.</p>	14
<p>ORD. NO. 2015-60: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE HABITAT FOR HUMANITY, BROWARD, INC. REQUEST LOCATED ALONG NW 1ST STREET, EAST AND WEST OF 28TH AVENUE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON APRIL 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.</p>	15-16
<p>ORD. NO. 2015-61: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: In-Kind Services of \$14,506.58 (no rain date) or \$19,520.41 (rain date) and payment to BSO for law enforcement services - \$5,971 (no rain date) or \$6,415 (rain date) from Special Services Account)</p>	16-17
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$1,848,600.00 PURSUANT TO THE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND OHL BUILDING, INC. FOR THE LIBRARY, CULTURAL CENTER AND CIVIC CAMPUS PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	17-25



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RES. NO. 2015-331: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>MICAH A. JOHNSON</u> TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.	26
RES. NO. 2015-332: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>HIBBARD CASSELBERRY</u> TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.	26-27
RES. NO. 2015-333: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>COLLEEN MURPHY</u> TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF TOBI AYCOCK, AS ALTERNATE 1, SAID TERM TO EXPIRE ON JUNE 13, 2016; PROVIDING AN EFFECTIVE DATE.	27
A discussion item regarding a six (6) month moratorium for Health Care Use (155.4209), Check Cashing Store (155.4221.C), Convenience Store (155.4222.F), Liquor or Package Store (155.4222.K), Thrift Shop (155.4222.M), Pawn Shop (155.4222.L) and Dormitory (155.4303.II)	28-29
<u>REPORTS</u>	
<u>City Manager</u> – Ground Breaking Ceremony.	29
<u>City Attorney</u> – No Report.	29
<u>City Clerk</u> – No Report.	29
<u>Commissioner Barry J. Dockswell</u> – No Report.	29
<u>Commissioner Rex Hardin</u> – Homeless Issues in the City.	29-30



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Precincts and Polling Places	30-31
Youth Participation in Flakka (drug) Outreach	31
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<u>Vice Mayor Charlotte Burrie</u> – No Report.	32
<u>Mayor Lamar P. Fisher</u> – Children of the Arts Piano Competition.	32
<u>ADJOURNMENT</u>	33

CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2015-21

Date: June 9, 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:

Elder Whitney Rawls
Christ Fellowship Church of God in Christ

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

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
JUNE 9, 2015				
PAGE 1				
<u>APPROVAL OF MINUTES</u>				
MOTION: To approve the Regular City Commission Meeting Minutes of May 26, 2015, as submitted.				
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
There were no revisions to the minutes.				
MOTION: To approve the City Commission Workshop Minutes of May 29, 2015, as submitted.				
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
There were no revisions to the minutes.				
<u>CONSENT AGENDA DISCUSSION</u>				
Mayor Fisher stated the City Commission would pull Items 5 and 8 from the Consent Agenda for discussion. Therefore, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.				
<u>APPROVAL OF THE AGENDA</u>				
MOTION: To approve the City Commission Meeting Agenda of June 9, 2015, as amended.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
Mayor Fisher stated that the Agenda has been amended to add Item 22 on Regular Agenda.				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 2</p> <p><u>PROCLAMATIONS</u></p> <p><u>June 13, 2015 Ira Boris 100th Birthday</u></p> <p>Mayor Fisher, on behalf of the Pompano Beach City Commission, and all residents of the City of Pompano Beach expressed best wishes to Ira Boris as he celebrates his 100th Birthday on June 13, 2015. He also recognized and acknowledged Mr. Boris' life accomplishments.</p> <p>Ira Boris thanked everyone for celebrating with him his 100th birthday and he hopes to continue until he is 110 years old.</p> <p><u>Jacqueline DiGiorgio Winner of Daughters of the American Revolution American History Essay Contest</u></p> <p>Mayor Fisher, on behalf of the Pompano Beach City Commission and all residents, congratulated and honored Jacqueline DiGiorgio, winner of the Daughters of the American Revolution American History Essay Contest, for her outstanding success and encouraged her to continue this path of excellence. As well as, he urged citizens to recognize the contributions our youth make in our community.</p> <p>Jacqueline DiGiorgio thanked everyone for the recognition and said she learned a lot from getting this award, which has assisted her with her confidence as well as it has encouraged her to work harder.</p> <p><u>SPECIAL PRESENTATIONS</u></p> <p><u>Unity in the Community Scholarships</u></p> <p>Unity in the Community scholarships in the amount of \$1,000 each was presented by Carolyn Mann, President of Unity in the Community and Mayor Fisher to the following students:</p> <p>Amani Evans, graduate of Deerfield High School will attend Florida Agricultural and Mechanical University.</p> <p>Chelson Exume, graduate of Pompano Beach High School will attend Florida Atlantic University.</p>				

CITY COMMISSION MEETING MINUTES

JUNE 9, 2015

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PROCLAMATIONS

June 13, 2015 Ira Boris 100th Birthday

Mayor Fisher, on behalf of the Pompano Beach City Commission, and all residents of the City of Pompano Beach expressed best wishes to Ira Boris as he celebrates his 100th Birthday on June 13, 2015. He also recognized and acknowledged Mr. Boris' life accomplishments.

Ira Boris thanked everyone for celebrating with him his 100th birthday and he hopes to continue until he is 110 years old.

Jacqueline DiGiorgio Winner of Daughters of the American Revolution American History Essay Contest

Mayor Fisher, on behalf of the Pompano Beach City Commission and all residents, congratulated and honored Jacqueline DiGiorgio, winner of the Daughters of the American Revolution American History Essay Contest, for her outstanding success and encouraged her to continue this path of excellence. As well as, he urged citizens to recognize the contributions our youth make in our community.

Jacqueline DiGiorgio thanked everyone for the recognition and said she learned a lot from getting this award, which has assisted her with her confidence as well as it has encouraged her to work harder.

SPECIAL PRESENTATIONS

Unity in the Community Scholarships

Unity in the Community scholarships in the amount of \$1,000 each was presented by Carolyn Mann, President of Unity in the Community and Mayor Fisher to the following students:

Amani Evans, graduate of Deerfield High School will attend Florida Agricultural and Mechanical University.

Chelson Exume, graduate of Pompano Beach High School will attend Florida Atlantic University.

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 3</p> <p><u>SPECIAL PRESENTATIONS - CONTINUED</u></p> <p>Sarah Greene, graduate of Pompano Beach High School will attend University of Central Florida.</p> <p>Jeannisha Taylor, graduate of Northeast High School will attend Florida Memorial University.</p> <p>Nenchyna Valme, graduate of Blanche Ely High School will attend Florida International University.</p> <p><u>AUDIENCE TO BE HEARD</u></p> <p>Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.</p> <p><u>Appreciation by Blanche Ely High School Basketball</u> – Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, along with Blanche Ely High School Basketball Coach Melvin Randall gave a presentation to the commission and administration as a token of the team’s appreciation for the support provided to the Basketball Team, who won the State championship.</p> <p>Mayor Fisher thanked Coach Randall for all his efforts and congratulated him on his accomplishments of being Coach of the Year.</p> <p>Melvin Randall, Head Coach, Blanche Ely High School, stated that he wanted to show his appreciation to the Mayor and Commissioners by presenting them with an autographed picture plaque of the 28-0 Blanche Ely Boys’ Basketball Team State Champions.</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 5</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>Mr. Thrower noted that the City’s Code of Ordinance does not allow flexibility of mobile detailing to take place at a gas station. Rather, it requires them to be in a B-4 zoning area where there is not many in the Northwest area.</p> <p>Mayor Fisher suggested that they wait for a report from staff for the Commission’s consideration.</p> <p>Comr. Phillips stated that he would not support amending any codes at this point. However, he is concerned about the area Mr. Thrower is referring to, and while those young people may need some help with their mobile detailing business, the City should make it target specific, so that it does not proliferate all over the city.</p> <p>Mr. Thrower urged the Commission to request staff to bring back a recommendation.</p> <p><u>Atlantic Square Project</u> – Bruce Voelkeu, 2700 Southeast 2nd Street, Pompano Beach, FL, inquired about the Community Redevelopment Agency’s (CRA) meeting schedule and location. He understood there was a meeting regarding the Atlantic Square project, which will include building apartments on the property; however, he would like to provide his input. Notwithstanding, he had sent emails to the chairperson of the East CRA, as well as his commissioner but he has not received a response to date.</p> <p>Additionally, Mr. Voelkeu expressed concern regarding the traffic on Atlantic Boulevard. He noted that the CRA last traffic study was done in 2008, as posted on the website and he asked for the most recent traffic study, especially west of the intercostal on Atlantic Boulevard.</p> <p>Mayor Fisher explained that the meeting held last week was the East CRA Committee meeting that is advisory in its capacity to the CRA Board, which is made up of the City Commission. The CRA Board meets the third Tuesday, of each month at 5:30 p.m., in the Commission Chambers.</p> <p>Second, Mayor Fisher noted that the subject project is in its “infant” stage. He then instructed Horacio Danovich, to provide the current traffic study, to Mr. Voelkeu.</p>				

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Broward County Office of Inspector General’s Report – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, inquired about the documents the City received from the Broward County Office of Inspector General (OIG), in which they have alleged that the City or its staff have done wrongdoing. He said that both the City Manager and the City Attorney had acknowledged that City staff had appeared before the OIG staff and he was assured that he would receive such document, upon receipt by the City. Therefore, he requested a copy of any reports of allegation of wrongdoing received from the OIG.

Dennis W. Beach, City Manager replied that the City received a report from the OIG, which is a public document and available upon request. Therefore, Mr. Terwilliger can either send an email request or stop by City Hall and pick up a copy from the City Clerk’s office.

Nuisance Lawsuit – Mr. Terwilliger understands that the Mayor and Vice Mayor have been subpoenaed to appear before Judge Luzzo on July 20. Furthermore, the City and the defendant involved in this case have spent multiple millions of dollars in legal and litigation expenses in a nuisance lawsuit at a location where there has not been a nuisance for the last year.

Additionally, Mr. Terwilliger stated that he understands that the City has been strategically attempting to withdraw or settle this action because there is a significant risk that the City may lose. Furthermore, he understood the city will drop the suit only with the condition that the business agrees not to sue the City. He inquired why is it important that business people must be told that they would forfeit their constitutional rights to a lawsuit against the city, if the city has done nothing wrong or illegal. Therefore, he wanted to know what the taxpayers have to do to stop spending money on frivolous suits.

Mayor Fisher and Vice Mayor Burrie responded that they did not receive any subpoena for a July 20, hearing. Second, Mayor Fisher noted that there is a pending lawsuit on the matter; therefore, the commission cannot speak on the matter.

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 7</p> <p><u>CONSENT ITEMS</u></p> <p>RES. NO. 2015-322 TIME 00:27:14 ITEM 1</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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND A-EXCELLENT SERVICE, INC. TO PROVIDE HEATING, VENTILATION AND AIR CONDITIONING SERVICES; PROVIDING AN EFFECTIVE DATE.</p> <p>RES. NO. 2015-323 TIME 00:27:14 ITEM 2</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHELLIE MORRISON TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.</p> <p>RES. NO. 2015-324 TIME 00:27:14 ITEM 3</p> <p>A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN NAJEH DAVENPORT AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT THE NORTHEAST BOUNDARY OF HIGHLANDS PARK ON NE 50TH COURT; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$5,850 from the Non Departmental-Land Acquisition Account).</p>				

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

CITY COMMISSION MEETING MINUTES JUNE 9, 2015

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CONSENT ITEMS – CONTINUED

RES. NO. 2015-325 TIME 00:27:14 ITEM 4

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 BROWARD COUNTY TO PROVIDE FOR PUBLIC ARTWORK RELATING TO THE BROWARD-100 CENTENNIAL CELEBRATION; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-326 TIME 00:27:36 ITEM 5

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 LAW OFFICES OF STEVEN A. SCHAEF, ESQUIRE TO PROVIDE LEGAL SERVICES TO INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY CODES; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-326

Comr. Hardin indicated that it appears from the backup material that the public defender's office is not willing to do what they are supposed to do as per Florida Statute.

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 9</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Gordon B. Linn, City Attorney replied that they are unwilling to contract with the municipalities to offer their services. However, under the Florida Law, a municipality is required to provide either a private attorney or the public defender provide those services to an indigent defendant charged with a municipal violation. So in essence, the public defender is forcing the City to outsource this service to the private sector.</p> <p>Comr. Phillips wanted to know if the City, from its experiences, has any idea of the number of indigent cases that has appeared before the court.</p> <p>Mark Berman, Assistant City Attorney, stated that he does not have the numbers but would get those for the commission. He then explained the prosecution process for these type of cases, which applies to other cities as well. The law is clear that the municipalities must pay for defense of indigent defendants that they prosecute in court. In fact, the State is no longer paying for that defense.</p> <p>RES. NO. 2015-327 TIME 00:27:14 ITEM 6</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMpano BEACH PURSUANT TO CHAPTER 96 OF THE CITY’S CODE OF ORDINANCES, ASSESSING THE CITY’S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.</p>				

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
JUNE 9, 2015				
PAGE 10				
<u>CONSENT ITEMS – CONTINUED</u>				
TIME 00:11:38				
ITEM 7				
<p>Approve ranking order for RLI E-33-15 Continuing Contract for Professional Environmental Testing and Consulting Services, and authorize staff to negotiate contracts with the three highest ranked firms: Professional Service Industries, ESciences, and GFA International. (No cost at this time.)</p>				
TIME 00:31:24				
ITEM 8				
<p>Approval to purchase Sidewalk Replacement and Installation, as needed for the Public Works Department, per the City of Miami Gardens Cooperative Bid #12-13-034 from the awarded vendors, Metro Express, Inc. and Straightline Engineering Group, in the estimated total amount of \$450,000.</p> <p>The item was read by title only.</p> <p>MOTION: To approve the purchase.</p>				
ROLL CALL				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
<p>Comr. Phillips pulled the item for discussion. He noted that he is seeing a number of piggyback items, which appears to be okay on the surface, but at the end of the day, it does not give the residents or the local people in the area an opportunity to participate, and explained his reasons. He voiced his concerns regarding the increased amount of “piggybacks” and wanted to know the justification for doing this.</p> <p>Robert A. McCaughan, Public Works Director, stated that anytime staff piggyback on a contract there is the “what if question” of putting the bid on the street. In this particular case, this was done approximately three times. Most recently, in April, staff received four different bids that were ready to be presented to the commission, but staff discovered this co-op contract.</p>				

Names of Commrs.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 11</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>After carefully reviewing the bid and the line items, staff discovered that the cost was much better than those costs received from the participating contractors from the bid process.</p> <p>In sum, Mr. McCaughan stated that the volume that the co-op presented to the bidders allowed them to provide better pricing.</p> <p>Comr. Phillips noted that there are three to four concrete companies in the City of Pompano Beach.</p> <p>Vicente Thrower 1890 Northwest 6th Avenue, Pompano Beach, FL, noted that he hopes this piggyback process does not come with more piggyback contracts for the areas that would directly affect those people who have established businesses here in the City.</p> <p>Comr. Hardin does not see anything wrong with the piggyback contract especially when there is no local preference involved. However, he noted that a local Pompano Beach firm did bid on this piggyback contract and their total bid was \$3.4 million versus the winning bid of \$1.9 million.</p> <p style="text-align: center;">TIME 00:27:14 ITEM 9</p> <p>Approval of a budget adjustment in the amount of \$35,000 to purchase two new servers to upgrade current e-plan infrastructure.</p> <p>RES. NO. 2015-328 TIME 00:27:14 ITEM 10</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT APPLICATION IN AN AMOUNT OF UP TO \$500,000 TO THE FLORIDA DIVISION OF CULTURAL AFFAIRS FOR THE PURPOSE OF OBTAINING PHASE 3 FUNDS FOR CONSTRUCTION OF THE NEW POMPANO BEACH CULTURAL CENTER; AND CONFIRMING THE CITY'S CONTRIBUTION OF \$1,500,000; AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$1,500,000 – Cultural Center Construction CIP Project).</p>					

Names of Commrs.	M	S	Y	N
ROLL CALL				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

CITY COMMISSION MEETING MINUTES

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PAGE 12

CONSENT ITEMS – CONTINUED

RES. NO. 2015-329

TIME 00:27:14

ITEM 11

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIBERTY PROPERTY LIMITED PARTNERSHIP FOR PROPERTY LOCATED AT 3000-6 NW 25TH AVENUE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$26,314.20)

MOTION: To approve Items 1-4, 6, 7 and 9-11.

There was no discussion on Consent Items 1-4, 6, 7 and 9-11.

REGULAR ITEMS

P.H. 2015-77; ORD. NO. 2015-57

TIME 00:38:03

ITEM 12

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 LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE COMMUNITY BUS SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$16,640)

The Ordinance was read by title only.

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

CITY COMMISSION MEETING MINUTES JUNE 9, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Ordinance No. 2015-57 upon second and final reading.

Ernesto Reyes, Assistant to City Manager, stated that this ordinance provides for an agreement with Limousines of South Florida Inc. for the operations of the City's community bus service.

P.H. 2015-71; ORD. NO. 2015-58 TIME 00:38:56 ITEM 13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WINDSTREAM COMMUNICATIONS, INC. FOR TELECOMMUNICATION AND RELATED SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$70,000 per year for a five-year period)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2015-58 upon second and final reading.

Gene Zamoski, Information Technologies Director, stated that this is a renewal of the previous service agreement for voice and internet services with WindStream. It will provide the same pricing as previously contracted.

Names of Commrs.	M	S	Y	V	V
ROLL CALL					
Dockswell				X	
Hardin	X			X	
Moss				X	
Phillips				X	
Burrie		X		X	
Fisher				X	

CITY COMMISSION MEETING MINUTES JUNE 9, 2015

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REGULAR ITEMS – CONTINUED

P.H. 2015-74; ORD. NO. 2015-60 TIME 00:41:12 ITEM 15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE HABITAT FOR HUMANITY, BROWARD, INC. REQUEST LOCATED ALONG NW 1ST STREET, EAST AND WEST OF 28TH AVENUE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON APRIL 22, 2015; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2015-60 upon second and final reading.

Robin M. Bird, Development Services Director, stated that this is another area that the City once had many Habitat for Humanity houses built. It contains 1.95 gross acres and Habitat for Humanity, Broward, Inc., plans to build approximately twelve single-family residential homes abutting other single-family residential. There is commercial to the south and there will be a dedicated street at the end.

Walter Hunter, 1250 Northwest 27th Avenue, Pompano Beach, FL, supports Habitat for Humanity projects to a degree, as he was one of the individuals that assisted Habitat to acquire the first two homes built in Collier City. He thinks their current plan is a good thing to put more housing in the area, but he is concerned with the window sizes and the security of the new homes.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 16</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>However, Perry Ecton of Habitat for Humanity assured him that they are instituting changes to make the homes more secure. In addition, Habitat should be looking to use local contractors on these projects within the City. Finally, he would like to see people who live within that area of the City be given the opportunity to apply for housing.</p> <p>Perry Ecton, Executive Director, Habitat for Humanity, Broward, Inc., 3564 North Ocean Boulevard, Fort Lauderdale, FL 33308, thanked the City Commission for allowing Habitat to be part of the City. He stated he had spoken prior with Mr. Hunter and everything he said they are in agreement with him. Notwithstanding, he thanked Mr. Hunter for being one of the forefathers for Habitat in Collier City.</p> <p>Additionally, Mr. Ecton confirmed that they would be changing the window sizes due to safety and concerns for single mothers. As well as they will be looking at local contracting as they move forward, which they support local, small, minority and disadvantage businesses.</p> <p>Finally, Mr. Ecton addressed the outreach in Pompano Beach. He said that they have a subdivision of seventy-eight units for the City Commission’s consideration and they have agreed to do their next two open enrollments at the E. Pat Larkins Center, for February and March 2016.</p> <p>Comr. Phillips said he likes Mr. Ecton’s outlook at facilitating local participation. He also indicated that he prefers the people who live within the City to participate in the work.</p> <p>P.H. 2015-72; ORD. NO. 2015-61 TIME 00:48:56 ITEM 16</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: In-Kind Services of \$14,506.58 (no rain date) or \$19,520.41 (rain date) and payment to BSO for law enforcement services - \$5,971 (no rain date) or \$6,415 (rain date) from Special Services Account)</p>				

Names of Commrs.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES

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PAGE 18

REGULAR ITEMS – CONTINUED

Robert A. McCaughan, Public Works Director stated that the item is requesting the Commission’s approval of a Change Order valued at \$1.8 million to construct the Library Cultural Center. It is a Guaranteed Maximum Price (GMP) contract. However, the change order is necessary because of the changes in the scope of the project. Exhibit B in the backup is a summarized table that identifies where the \$1.8 million was derived from. The elements creating it were: design changes, project enhancements, structural design changes, and reduction of some value engineering. The project was approved with the understanding that they would adjust it where they could realize some savings.

Consequently, they were able to realize a savings of \$422,000, but the additions outweighed the deletions. Therefore, the design changes were the result of a review process to include the Architectural Appearance Committee recommended changes that were incorporated. There were structural design changes, which meant a change in the site resulting in a change in the storm drainage, and changing the Broward County’s permit equating to an amount of \$630,000. He then provided a list of other changes that added up to the \$1.8 million.

Additionally, Mr. McCaughan reported that the permit has been approved, construction has started and the substantial completion date is July 13, 2016. Broward County will be ready to move in and the Cultural Center will start getting its equipment in for operation.

Mayor Fisher indicated that the Commission received a copy of a memorandum, which should be noted in the records.

Dennis W. Beach, City Manager indicated that he prepared a Memorandum to describe to the City Commission the various sources of revenues, which will be used to fund the building. In as much as the General Fund occasionally funds the Capital Improvement Plan (CIP) it would not be the operations budget, but the capital budget that is already funded.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 19</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Comr. Phillips expressed concern with a pattern of the Commission receiving substantial change orders for projects. This actually puts those other bidding businesses at a disadvantage that perhaps could meet some of the criteria without the future changes in pricing; so they would not have the opportunity to contract with the City. Therefore, with the bid, a number is agreed upon but somehow that amount is changed through the change order process.</p> <p>Another component he is concerned about is the uncertainty of OHL Building Inc. commitment in terms of utilizing small or local participation.</p> <p>Mr. Beach pointed out the distinction between a change order that actually adds value to the project and a change order that is simply a higher price for the same product. The bulk of changes for this change order are additions to the scope of the project, which is an important distinction. Nevertheless, there are elements of the change order that include more money for what the City had originally received prices on, one of which is the structural steel. This was a debated issue among the contractor, the designers, the structural engineers, and the permit approval persons about what are those structural requirements. The bulk of the adjustments of \$1.8 million are enhancements to the original project approved by the Commission approximately one year ago.</p> <p>Comr. Phillips pointed out his concern is with the enhancements that are starting to become very expensive, which he is unhappy with.</p> <p>Comr. Moss mentioned that since he is a new commissioner he would be asking some elementary questions to assist him to make a more informed decision. He then outlined his understanding of the process to build a Library and Cultural Arts Center and the various series of requests to include qualifications, and contract proposals that are evaluated by a team of City employees who recommended the architect and developer. In addition, there are a number of Committees reviewing the information to include the Architectural Review and the County to establish the product. The product was the initial one given to the Commission. However, currently, there are increases to that amount to 12% of the basic price. He then asked the following questions:</p>				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

- 1) Are all of the contractors and subcontractors fully bonded?
Mr. McCaughan replied yes.

David Woodford, OHL Building, Inc., 1201 Pony Terrace, indicated that the job itself is fully bonded through his company. Individual sub-contractors will be bonded based on the risk that they would pose to the project. However, the major subcontractors would be bonded, but the smaller ones would not be.

- 2) Mr. Woodford in response to Comr. Moss's question replied that from the County and City's point of view the job is completely bonded through their company and explained the provision of the bonded process for a subcontractor.

- 3) Comr. Moss asked what is a multi-vista?

Mr. Woodford replied that it is a system used for photographing the project in record keeping documentation, so that it can be used as a referral basis as to the progress of the project for comparison reasons.

- 4) Comr. Moss asked why some of the items on the list were not proposed at the beginning of the project. For example, the use of water-cooled chillers as opposed to air-cooled chillers, which amounted to \$97,475.

Mr. Woodford replied that some of the items were priced to include value engineering items that would reduce the project back to the budget that the City and County had for construction. Therefore, most of the items on the list are items created by his company, the architect and engineers, so that they could provide the original budget. However, there are items such as the one in question, there is always a pro and a con. Consequently, with additional funds made available, the City and County chose to reject the previous one so the cost increased to the water-cooled chillers.

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 21</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>5) Comr. Moss asked about the upgrade to a full theatrical performance system to include sound, video, and communications system which is amounting to \$439,863, and why was it not included the first time around.</p> <p>Mr. Woodford explained that it was included in the overall original budget but was offered as a way to reduce the cost if the funds were not available. Therefore, the entire infrastructure would be in place and upon availability of funds, the theatrical performance system could be installed at that time. In fact, those items were listed in the original ordinance.</p> <p>6) Comr. Moss asked, “What is a lightning protection?”</p> <p>Mr. Woodford explained that it is a system going around the perimeter of the building to provide protection from lightning strikes.</p> <p>7) Comr. Moss asked about Item 22, “Additional requirements for specialty engineer design of connections in various structural steel elements.”</p> <p>Mr. Woodford replied that particular item was because of the structural steel on this project, which is complicated, as well as the additional design that is required by the sub-contractor working with the engineer, to finalize connections, structural members, and so forth. He said it was an item highlighted as an additional cost. It is typically not required on projects, but rather an item that could be discussed with the architect and owner to see if there was another route to take. If it were put in the design team, it would be a soft cost.</p> <p>8) Comr. Moss referred to Item 27 listed under Items Required During Plan Review and Value Engineering Acceptance/Rejection, which is to provide the structural steel required to support the curtain wall, amounting to (\$121,000).</p>				

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

Mr. Woodford explained that they had projected savings based on the preliminary drawings and that number is some of the savings reflected.

- 9) Comr. Moss requested an explanation for Item 32, “Revise high roof framing back to original design using W Shape members in lieu of the 12” x 8” x ½” tube steel currently shown.”

Mr. Woodford indicated this involved changes to the structural steel that they proposed but after going through the design process, it was not acceptable to change the steel; therefore, it was changed back to the original design by the engineer.

- 10) Comr. Moss inquired about Item 35, “Reduce CWF frames in accordance with isometric provided for the CWF-1 reduction. The savings is a projection based on all frames being able to be reduced by at least the same amount as the CWF-1 frame.” Cost is \$245,000.

Mr. Woodford replied that when they received the structural modifications the price was extremely high. Therefore, they reviewed a series of structural steel items to see if they could reduce the cost, and one of them was the CWF walls as stated on the plans. As a result, the structural engineer created an isometric.

- 11) Comr. Moss asked at what stage of the contract documents the GMP was established.

Tammy Good, City of Pompano Beach Engineering Division, Project Manager, replied that the GMP was established at 100% documents in June 2014. Since then there have been changes.

- 12) Comr. Moss asked if the architect consulted with the building department prior to coming up with the plans.

Ms. Good replied that they did a dry run but it was after the GMP was established. Therefore, it was not until permitting had taken place that the structural design changes had been vetted.

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 23</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>13) Comr. Moss asked why the City is requesting the installation of a full kitchen at this time to allow for full service, it is confusing, as Item 27 lists one price of \$158,856, and Item 44 lists (\$58,856); therefore, what is the actual price.</p> <p>Mr. Woodford explained that with the kitchen, the last price is for a design allowance, because there is quite a large range in the cost of kitchen equipment. Therefore, they developed a design to allow the kitchen to perform within the design criteria.</p> <p>Ms. Good indicated that they had \$100,000 allocated for the kitchen.</p> <p>Comr. Dockswell asked, “If you take the \$1.1 million worth of alternates that the City knew about last year, but decided not to include them, what is the rationale for putting in alternates that are process excluded to hold the price down?”</p> <p>Additionally, Comr. Dockswell understood that last year, the Commission approved a \$17 million project and one year later with the various changes, \$1.1 million of items that were eliminated are now returned for approval, all rolled up in a package.</p> <p>Finally, Comr. Dockswell stated that the one good thing that has happened in this exercise is that a memorandum was distributed to the Commission informing them of the items that will be delayed from the additional amount of \$1.8 million. However, this information was provided at the last hour prior to the meeting. Therefore, he felt like last year the Commission was led to “swallow the hook” and this year they are “being reeled in.” Therefore, he questioned why this is being done now.</p> <p>Ms. Good was unsure if she is the appropriate person to answer the question. However, when they established the GMP the contractor did establish a contract amount of \$19.5 million to build the project as stated in the contract documents. Thereafter, value engineering was done to try to deduct some alternates to get it within the budget at the time, which was \$17.099 million. In sum, staff wanted to put all the alternates on the table so that there is no negotiating between the owner and the contractor. Therefore, if the</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 24</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Owner/City/County wanted to readd those items they could do so without having to renegotiate. She equated this process as an “a-la-carte menu” which means the City does not have to add back those items, but there are numerous items they felt would enhance the project significantly.</p> <p>Comr. Dockswell understands that staff is still evolving the process to a first class one, and explained in detail the process. In sum, there is a need for staff to understand how to negotiate a contract, when to get a GMP, and how to ensure that the GMP remains a GMP. There is a need to do a better job of controlling the process.</p> <p>Comr. Hardin pointed out that originally, the project started out with \$13 million of County funds, but has been reduced to \$6.6 million, which is a big difference. In sum, Comr. Hardin felt part of what is happening is the City is trying to get a “Cadillac built at a Chevy price which will not happen.” Upfront costs to upgrade certain items is a decision they will have to make and live with as a judgment call, which ultimately will cost more money. Some of it has been driven by discussion with the County staff, which is somewhat out of the City’s control. Therefore, at this point the City Commission either settles for a subpar product or forges ahead. He believes it is time to forge ahead and get it done.</p> <p>Vice Mayor Burrie indicated that the dog park initial cost was \$51,000; however, after approval, the item went before the Architectural Appearance Committee, which resulted in a cost of \$150,000 for the dog park.</p> <p>Additionally, Vice Mayor Burrie understands in part that some of this increase came from the Architectural Appearance Committee (AAC). Therefore, she questioned if this could go before the AAC prior to the Commission approving them.</p> <p>Mayor Fisher stated that he had the same thought in mind regarding the AAC because they had an issue with the windows, so the City had to upgrade those. Notwithstanding, the Development Review Committee (DRC) had additional architectural features, the Planning and Zoning (P&Z) Board decided to do site plan changes with on-street parking. As well as, Broward County brought up certain criteria that the City was not aware that</p>				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

they had to abide by. Taking all this into consideration plus all the add-ons, which is a choice matter; this would be similar to getting a Cadillac versus the Chevrolet, as Comr. Hardin alluded to earlier.

Mayor Fisher noted also, that the City received two grants of \$500,000 each, and is getting ready to apply for another one for \$500,000, which could pay for the increased costs. He agrees with Comr. Hardin that this is a once in a lifetime project and the City needs to make it right. In addition, the City needs to work on the issues to find out why it would approve something only to have it return later.

Comr. Hardin understands the various committees made last minute changes to the plans approved prior by the commission, but they have actually made the project better. Also, part of the reason why we are in the current position is because the commission has been pushing to get things moving fast, furious and done. Staff sometimes “almost put the cart before the horse” because they are pressed to get things done.

Comr. Moss commented that people have seen where the price increased by 12% prior to breaking ground; therefore, it leaves the question as to how much more it will be on completion of the project.

Mayor Fisher asked if there are any other anticipated increases forthcoming.

Mr. Woodford replied no, as long as the scope stays the same.

RES. NO. 2015-330

TIME 01:22:05

ITEM 18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MARGARET WHITE** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
ROLL CALL				
Dockswell			X	
Hardin		X	X	
Moss			X	
Phillips	X		X	
Burrie			X	
Fisher			X	

CITY COMMISSION MEETING MINUTES JUNE 9, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-330 upon reading.

There was no discussion on this item.

RES. NO. 2015-331 TIME 01:22:37 ITEM 19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MICAH A. JOHNSON** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-331 upon reading.

There was no discussion on this item.

RES. NO. 2015-332 TIME 01:23:08 ITEM 20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HIBBARD CASSELBERRY** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.

Names of Commrs.	M	S	Y	V	V
CITY COMMISSION MEETING MINUTES					
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<u>REGULAR ITEMS – CONTINUED</u>					
The Resolution was read by title only.					
MOTION: To adopt Resolution No. 2015-332 upon reading.					
ROLL CALL					
Dockswell				X	
Hardin		X		X	
Moss	X			X	
Phillips				X	
Burrie				X	
Fisher				X	
There was no discussion on this item.					
RES. NO. 2015-333					
TIME 01:23:38					
ITEM 21					
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>COLLEEN MURPHY</u> TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF TOBI AYCOCK, AS ALTERNATE 1, SAID TERM TO EXPIRE ON JUNE 13, 2016; PROVIDING AN EFFECTIVE DATE.					
The Resolution was read by title only.					
MOTION: To adopt Resolution No. 2015-333 upon reading.					
ROLL CALL					
Dockswell	X			X	
Hardin		X		X	
Moss				X	
Phillips				X	
Burrie				X	
Fisher				X	
There was no discussion on this item.					

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

TIME 01:24:12 ITEM 22

A discussion item regarding a six (6) month moratorium for Health Care Use (155.4209), Check Cashing Store (155.4221.C), Convenience Store (155.4222.F), Liquor or Package Store (155.4222.K), Thrift Shop (155.4222.M), Pawn Shop (155.4222.L) and Dormitory (155.4303.II)

The item was read by title only.

Robin M. Bird, Development Services Director, stated that his staff has been working on several issues throughout the City with regard to the use applications. Therefore, they are asking the Commission to consider an ordinance to enact a moratorium within the City of Pompano Beach on the acceptance by the city of an application for or issuance of a permit for; Health Care Use, Check Cashing Store, Convenience Store, Liquor Or Packaged Store, Pawn Shop, Thrift Shop and Dormitory, for a period of six (6) months; providing for a study of these uses and their impact in related regulations, and providing an effective date.

Additionally, Mr. Bird stated that the Development Services staff reviewed the current zoning code regulations and has determined that the regulations needed to be revised to establish definitions, development, compatibility and use specifications, as well as possible distance separation requirements. He then provided a list of intentions that the moratorium would accomplish.

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, asked about the Health Care Use and if this included Urgent Care Centers and places of that type.

Mr. Bird replied that at this time it would be looking at all health care uses. There is an appeal process should someone feel there is a need in a certain area.

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<u>REGULAR ITEMS – CONTINUED</u>				
<p>Mr. Thrower indicated that Broward County Health is planning on doing “some stuff” and possibly setting up an Urgent Care Center in the Northwest area. Therefore, he hopes this will not affect those plans, because there is a need for an Urgent Care Center in that area. He supports the item and is happy that staff is bringing issues like these for discussion.</p> <p>Comr. Hardin proposed to move the item forward to the next regular agenda.</p> <p>MOTION: To direct staff to move forward with drafting an Ordinance for discussion at the next City Commission Agenda on June 23, 2015.</p>				
<u>ROLL CALL</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
<u>REPORTS</u>				
<p><u>City Manager – Ground Breaking Ceremony</u> – Dennis W. Beach announced that tentatively they have scheduled June 24, 2015, at 10:00 a.m. for the ground breaking of the pier development parking garage.</p> <p><u>City Attorney</u> – No Report.</p> <p><u>City Clerk</u> – No Report.</p> <p><u>Commissioner Barry J. Dockswell</u> – No Report.</p> <p><u>Commissioner Rex Hardin – Homeless Issues in the City</u> – Comr. Hardin gave kudos to the Broward Sheriff’s Office (BSO) for getting a dedicated person who will be concentrating on the homeless issues in the City of Pompano Beach. While this is a step in the right direction, he suggested that the City Manager might want to discuss with his troops to make this issue a group effort. In fact, every city employee should be keeping an eye out for these types of issues on the street.</p>				

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REPORTS – CONTINUED

Comr. Hardin reported since the last Commission meeting when this item came up for discussion, he witnessed at McNair Park a homeless male who was passed out on a bench with an empty bottle of liquor in front of him. Subsequently, he texted the picture to the Chief of Police and someone showed up shortly thereafter and took care of the situation.

Finally, Comr. Hardin strongly urged that it be impressed upon all city staff to keep a look out for homeless violators and report it as soon as possible.

Commissioner Barry Moss – Tour of Municipal Golf Course – Comr. Moss reported that he received an extensive tour of the Municipal Golf Course by Brian Campbell, and was impressed by the condition and the improvements being made, as well as with the plans for the future.

Collier City Library – Comr. Moss thanked the Friends of the Collier City Library for their invitation to Comr. Phillips and himself to attend and speak at their memorial to father’s event on June 8, 2015.

Commissioner Ed Phillips – City Contracts – Comr. Phillips requested that a concerted effort be made among all departments to ensure that all contracts are advantageous to the City. He then asked if the City is still working on revising its contract structure as it pertains to development agreements and contracts with other entities desiring to do business with the city.

Dennis W. Beach, City Manager responded that the City is in the process of reviewing the content of those contracts. He will be sending to the commission via email, an outline of some of those issues.

Precincts and Polling Places – Comr. Phillips requested that the City Clerk work with the Supervisor of Elections Office to review the assignment of precincts and polling places within his district. He indicated that there are people voting in precincts within his area, specifically at precincts 16C, who have to cross over Powerline Road to vote at a polling place, which is not in his district. He thinks this is correctable and there is enough time to do it before voting in 2016.

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REPORTS – CONTINUED

Additionally, Comr. Phillips mentioned that the voting process over the years have become complicated. However, they are trying to get people to go to specific places to vote instead of changing the polling location every other year. This defeats the purpose to make voting convenient and easy for people to do.

Youth Participation in Flakka (drug) Outreach – Comr. Phillips thanked those young people in the neighborhood who participated in the “Flakka” walk, which included over 100 young persons. He said the youth is paying attention and he is pleased to see them evolving and are no longer remaining on the sideline.

Furthermore, Comr. Phillips announced that on June 20, 2015, Ms. Joyce Jackson and her group would be doing a “Flakka” prayer outreach within the community. He said there need to be a concentrated effort by every resident, along with Broward Sheriff’s Office, to get people to understand that this issue is serious and that the City will not stand on the sidelines wishing, hoping and praying, but instead will be doing something about this terrible drug, “Flakka.”

Impact Fees – Comr. Phillips asked if the City still receives impact fees and if so, where do the fees go.

Comr. Moss requested a definition of an impact fee.

Mayor Fisher explained that impact fees are fees paid by the developer when they undertake a project. They pay impact fees to the schools, as well as other impact fees for parks, and so forth.

Robin M. Bird, Development Services Director, indicated that the City still collects park impact fees, as well as neighborhood impact fees, which the city has segmented into three (3) different locations, the east, central and west. In addition, community park impact fees are collected, which are associated with the county parks within the city. Those fees could be used not only for maintenance but also for new items, such as acquiring land, which are collected at the time of issuing a building permit.

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<p>CITY COMMISSION MEETING MINUTES JUNE 9, 2015</p> <p>PAGE 32</p> <p><u>REPORTS – CONTINUED</u></p> <p>Additionally, Mr. Bird stated that \$1,000 per unit impact fee is collected for a two-bedroom unit. These fees can go either up or down depending on the Cost of Living Index (COLI), which are automatically adjusted at the beginning of each year.</p> <p>Comr. Phillips stated that due to the increase in construction activities throughout the city, could the Commission get a report on past impact fees and the projected impact fees.</p> <p><u>Father’s Day Wishes</u> – Comr. Phillips wished everyone a Happy Father’s Day on June 21, 2015.</p> <p><u>Vice Mayor Charlotte J. Burrie</u> – No Report.</p> <p><u>Mayor Lamar P. Fisher – Children of the Arts Piano Competition</u> – Mayor Fisher read the following correspondence he received from two of the participants of the 2015 Children of the Arts Piano Competition.</p> <p style="padding-left: 40px;"><i>“Dear Mayor Fisher and Commission,</i></p> <p style="padding-left: 80px;"><i>Thank you for sponsoring the 2015 Children of the Arts Piano Competition. With your generous donations, many students including us were able to participate in this piano competition and have this experience. We will continue to study music. Thanks again.</i></p> <p style="padding-left: 40px;"><i>Sincerely,</i> <i>Madison and Michele Lang.”</i></p> <p>Mayor Fisher concluded that the City is making a difference in its young people lives, which makes it so meaningful.</p>				

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ADJOURNMENT

There being no further business, the meeting adjourned at 7:40 p.m.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, CITY CLERK