



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2015-25

Date: July 28, 2015

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RES. NO. 2015-370: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER #1 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND SHIFF CONSTRUCTION & DEVELOPMENT, INC. (Fiscal impact: \$180,000 from Building Funds Balance and \$120,000 from General Fund)

10-15

Approval to purchase barricade and flasher rental, as needed for the Public Works and Utilities Departments, per the City of Fort Lauderdale Cooperative Bid #453-11532 from the awarded vendors MOTPlans.com LLC, Bob's Barricades, Inc. and Roadsafe Traffic Systems, Inc., in the estimated total amount of \$98,000.00.

15

Approval to award Bid #E-34-15, Mulch (Cooperative), to the low responsive bidders, Advanced Mulch (Item 9), Adwood (Items 1,2,6,12), Amerigrow (Item 5), Bliss Products (Item 7), Eastcoast Mulch (Items 8,10,11), and Superior Mulch (Items 3,4,13) as prime contractors, and to the other responsive bidders as alternate contractors, for annual open-end contracts. The estimated cost to the City for mulch is \$54,000.

15

Approve selections for utility wrap Call to Artists and authorize staff to award contracts in the amount of \$200 per box (\$500 minimum) to the 8 selected artists. Also, authorize staff to award contracts to the six finalists in the event an artist is no longer available or cannot comply with design terms. (Cost: \$200 per box, per artist/\$7,600 from the budgeted Public Art Fund account.)

15-17

RES. NO. 2015-371: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK AUTHORIZATION NO. 10 IN THE AMOUNT OF \$59,264.80, PURSUANT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. FOR PREPARATION OF THE APPLICATION MATERIALS FOR RENEWAL OF THE CITY'S REUSE TREATMENT FACILITY OPERATING PERMIT; PROVIDING AN EFFECTIVE DATE.

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RES. NO. 2015-372: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR WATER TREATMENT PLANT SECURITY ENHANCEMENTS BETWEEN THE CITY OF POMPANO BEACH AND HOLB-SIERRA CORP.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$238,999)

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BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE' (AAC)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE AND ESTABLISH SUPPLEMENTAL CRITERIA FOR PROJECT REVIEW; BY AMENDING SECTION 155.2405., "PLANNED DEVELOPMENT," TO MODIFY PROCEDURES AND STANDARDS FOR PLANNED DEVELOPMENT APPLICATIONS, REVIEW AND APPROVALS; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY THE APPLICABILITY OF MAJOR SITE PLANS AND TO MODIFY STANDARDS FOR MAJOR AND MINOR SITE PLAN REVIEW; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY THE APPLICABILITY OF MAJOR BUILDING DESIGN AND TO MODIFY STANDARDS FOR APPROVAL REVIEW STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO REVIEW STANDARDS; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," TO MODIFY COMPLIANCE PERMIT REVIEW STANDARDS; BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO MODIFY THE APPLICABILITY TO OBTAIN A ZONING USE CERTIFICATE, AND THE EFFECT OF APPROVAL OF SAME, AND TO MODIFY THE EFFECT OF A REVOCATION OF A ZONING USE CERTIFICATE; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION 155.2424., "APPEAL," TO MODIFY THE TYPES OF DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR THAT MAY BE APPEALED TO THE ZONING BOARD OF APPEALS; BY AMENDING SECTION 155.3602., "GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS," TO MODIFY REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT PLANS; BY AMENDING SECTION 155.4214., "COMMERCIAL: ANIMAL CARE USES," TO REVISE SETBACK STANDARDS FOR ANIMAL EXERCISE AREAS, OUTDOOR RUNS AND PENS FOR AN ANIMAL SHELTER OR KENNEL; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO REVISE DEFINITION OF A GASOLINE FILLING STATION; BY AMENDING SECTION 155.4220., "COMMERCIAL: OFFICE USES," TO REVISE STANDARDS FOR PROFESSIONAL OFFICES IN MULTIFAMILY RESIDENTIAL DISTRICTS; BY AMENDING SECTION 155.4221., "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO MODIFY STANDARDS FOR BANK OR FINANCIAL INSTITUTION USES; BY AMENDING SECTION 155.4222., "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE REQUIREMENTS FOR GROCERY OR CONVENIENCE STORES WHICH SELL GASOLINE AND SIMILAR FUELS; BY AMENDING SECTION 155.5101., "ACCESS AND CIRCULATION," TO MODIFY VEHICLE STACKING SPACE REQUIREMENTS FOR DRIVE-THROUGH AND RELATED USES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE QUANTITY AND SIZE OF OFF-STREET PARKING SPACES,



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AND TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AREAS AND VALET PARKING PLANS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING DEFINITIONS FOR BANKS OR FINANCIAL INSTITUTIONS AND FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO REDUCE THE BUILDING PERMIT FEE FOR MULTIPLE TEMPORARY TENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

36-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY AMENDING SECTION 115.18, "MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," TO EXCLUDE PORTABLE VENDING CONCESSIONAIRE AS DEFINED IN SECTION 115.19; BY CREATING SECTION 115.19, "PIER AREA PORTABLE VENDING," TO PROVIDE DEFINITIONS, APPROVALS, PROCEDURES, REGULATIONS AND STANDARDS FOR PORTABLE VENDING IN DESIGNATED LOCATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

37-41

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.20, "GENERAL," SECTION 152.21, "DEFINITIONS," SECTION 152.22, "APPLICABILITY," SECTION 152.23, "DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR," SECTION 152.24, "PERMITS," SECTION 152.25, "SITE PLANS AND CONSTRUCTION DOCUMENTS," SECTION 152.26, "INSPECTIONS," SECTION 152.27, "VARIANCES AND APPEALS," SECTION 152.28, "VIOLATIONS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," SECTION 152.30, "SUBDIVISIONS," SECTION 152.31, "SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS," SECTION 152.32, "MANUFACTURED HOMES," SECTION 152.33, "RECREATIONAL VEHICLES AND PARK TRAILERS," SECTION 152.35, "OTHER DEVELOPMENT," AND SECTION 152.36, "APPLICABILITY," TO CLEARLY DEFINE THE SCOPE, INTENT AND MINIMUM REQUIREMENTS AND TO DELETE REFERENCES TO FLOODWAYS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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ORD. NO. 2015-73: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND ADDENDUM NO. 11 TO CONTRACT FOR COLLECTION AND DISPOSAL OF SOLID WASTE BETWEEN THE CITY OF POMPANO BEACH AND WASTE MANAGEMENT INC. OF FLORIDA D/B/A SOUTHERN SANITATION SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

42-46

RES. NO. 2015-377: 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 LANDSHORE ENTERPRISES, LLC FOR EMERGENCY REPAIRS TO THE BANKS OF SEVEN LAKES AT THE MUNICIPAL GOLF COURSE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Up to \$600,000 from Fund Balance)

47-54

RES. NO. 2015-378: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2015 THROUGH 2019 TO INCLUDE A PROJECT FOR REPAIRS TO THE MUNICIPAL GOLF COURSE; ESTABLISHING THE APPROPRIATE BUDGET FOR FY 2015; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Up to \$600,000 from Fund Balance – General)

54-55

RES. NO. 2015-379: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PINNACLE CONSTRUCTION SUPPORT GROUP, INC. N/K/A PINNACLE/CSG, INC. PROVIDING FOR MODIFICATION TO THE SECOND FLOOR BUNK BATHROOMS AT FIRE STATION NO. 11; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$55,100)

55-57

RES. NO. 2015-380: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE A LETTER RELATING TO A GRANT APPLICATION TO THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE PURPOSE OF OBTAINING FUNDS FOR CONSTRUCTION OF BRINY AVENUE; AND CONFIRMING THE CITY'S CONTRIBUTION OF \$2,500,000; PROVIDING AN EFFECTIVE DATE.

57-58

RES. NO. 2015-381: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ALLOCATION OF \$312,500 TO THE SHIPWRECK PARK, INC. TO BE USED TO DEVELOP, MANAGE AND

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MARKET AN ARTIFICIAL REEF OFF THE COAST OF POMPANO BEACH IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL RULES AND REGULATIONS; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-382: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID HALL TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2018; PROVIDING AN EFFECTIVE DATE.

62-63

RES. NO. 2015-383: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KENNETH KOCH TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD AS A GENERAL CONTRACTOR FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 8, 2018; PROVIDING AN EFFECTIVE DATE.

63

RES. NO. 2015-384: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GAIL A. DEANGELIS TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD AS A REAL ESTATE PROPERTY MANAGER FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 8, 2018; PROVIDING AN EFFECTIVE DATE.

64

RES. NO. 2015-385: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Fiscal impact: This yields \$13M in revenue for Fire Operations)

64-65

RES. NO. 2015-386: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE.

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

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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 Beach
Gordon B. Linn
Asceleta Hammond

INVOCATION BY:

The Honorable Lamar Fisher, Mayor

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

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
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<u>APPROVAL OF MINUTES</u>				
MOTION: To approve the Regular City Commission Meeting Minutes of July 14, 2015, as submitted.				
<u>VOICE VOTE</u>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
There were no revisions to the minutes.				
<u>CONSENT AGENDA DISCUSSION</u>				
Mayor Fisher stated the City Commission would pull Items 2, 5, and 10 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 July 28, 2015, as submitted.				
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
<u>SPECIAL PRESENTATIONS</u>				
<u>National Rebuilding Day</u>				
Sandra Veszi Einhorn, Executive Director of Rebuilding Together gave a presentation regarding the success of National Rebuilding Day, which took place the last Saturday in April 2015. There were over 400 volunteers, which was the largest National Rebuilding Day in Collier City.				



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Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 2</p> <p><u>SPECIAL PRESENTATIONS - CONTINUED</u></p> <p>Finally, Ms. Einhorn acknowledged the many volunteers who assisted with assessment of the homes, working with the work scopes, helping with the material delivery and the actual completion of the work. She also, acknowledged Miriam Carrillo and Mark Korman, city staff members of the Office of Housing and Urban Improvement, who were on point, easy to contact, for being friendly, as well as being open to the partnership.</p> <p>Mayor Fisher recognized Comr. Dockswell because several years ago, he brought the program to the City and this is the second round, which has made a tremendous impact on the City at large. Therefore, he expressed special thanks to Comr. Dockswell for his vision and for making it a reality.</p> <p>Comr. Moss thanked Comr. Dockswell for his input. He indicated that he visited approximately ten (10) sites on the day work commenced and he was very impressed with the enthusiasm and the work that was done. Therefore, he invited the group to come back to District 5 any time they so desired.</p> <p>Ms. Einhorn announced that they would return to Collier City early in September to work on an elderly veteran's home.</p> <p><u>Legislative Update</u></p> <p>State Representative Gwyndolen "Gwyn" Clarke-Reed provided the Commission with a brief legislative update. She indicated that the session ended early without a budget as well as plans to hold several special sessions.</p> <p>Representative Clarke-Reed announced that this would be her last year as the City's State Representative. Notwithstanding, they were able to get movement on the Sober Homes, which is being discussed as the "residents in recovery" issue. Representatives Hager and Harold had the bill in the House. It is a voluntary certification program for those places that will be deemed Recovery Centers. So, there will be a level two (2) background check conducted on the owners as well as the employees for those types of residences. She is hoping when they return to regular session they will see another bill or some amendments made to make things better.</p>				



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Names of Commrs.	M	S	Y	N

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SPECIAL PRESENTATIONS - CONTINUED

Additionally, Representative Clark-Reed indicated that her Civil Citation House Bill 99/Senate Bill 378, passed.

Representative Clarke-Reed also announced that the Tax Free weekend would take place August 7 through August 16 for a total of ten days. She encouraged parents to get all their back-to-school shopping done during these days.

Finally, Representative Clarke-Reed reported that the City's lobbyists, Yolanda Cash and Mario Bailey from Becker and Poliakaff, as well as Russ Klenet were on top of things during the sessions. The allocations that the City put in were:

- New Construction of which \$500,000 was awarded
- Beach Re-nourishment, an overall amount of \$2.7 million, which the City will receive a portion
- SHIP program received funding of \$501,032

Mayor Fisher thanked Representative Clarke-Reed for her efforts.

Vice Mayor Burrie thanked Representative Clarke-Reed and her colleagues for their efforts on the Sober Home Bill and appreciates the constraints that they have experienced doing the best they could with this bill.

Representative Clarke-Reed thanked the City for allowing her the privilege to represent the City of Pompano Beach for the past seven and a half years.

Mayor Fisher recognized Yolanda Cash and Mario Bailey of Becker and Poliakaff, and stated that they have been very special to the City over the years and encouraged them to continue the great work.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

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SPECIAL PRESENTATIONS - CONTINUED

All Aboard Florida

Ali Soule, Public Affairs Manager for All Aboard Florida provided the Commission with an update regarding the passenger rail project. She indicated that construction is underway on three South Florida Stations and currently they are ready for double tracking the corridor and upgrade the grade crossings. Ms. Soule informed that one month ago, All Aboard Florida selected Archer Western as their rail infrastructure construction manager.

Additionally, Ms. Soule indicated that by mid-September their crews would start working within the Pompano Beach city limits. There will be flexibility in the construction schedule and sequencing so that they can reduce impacts to the travelling public and to the stakeholders and visitors to the City.

Ms. Soule indicated that they would communicate to City staff any adjustments needed as well as date changes. The scope of work would include double tracking the corridor within the FEC right-of-way and upgrading the grade crossings to meet the highest safety standard set by the Federal Railroad Administration. As well as making the upgrades to include the quiet zone improvements, which are funded through a partnership with the Broward Metropolitan Planning Organization (MPO). Service will commence early 2017, however, the horns from the freight and passenger trains will no longer exist unless there is an emergency on the tracks.

Ms. Soule pointed out that work will take approximately 103 hours and they do not plan to close two adjacent crossings or two crossings that share the same detour route at the same time.

Finally, Ms. Soule stated that she has been in touch with Sandra King, Public Communications Manager for the City on how they will get the information out to the residents, businesses, and tourists. They are also working with Broward County, Broward County Transit, Florida Department of Transportation, Broward MPO, and the Broward County Sheriff's Office (BSO), City of Pompano Beach Fire and EMS departments to ensure they are aware of all the closures and detours.

Names of Commrs.	M	S	V Y	V N

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SPECIAL PRESENTATIONS - CONTINUED

Mayor Fisher urged the City Manager to ensure that this period would be as painless as possible.

Comr. Hardin asked when the quiet zones would go into effect.

Ms. Soule replied that because the Broward MPO is taking the lead and the City of Hollywood is the lead agency to assist with moving the process forward, the question would be best served by Greg Stewart, Executive Director of the Broward MPO.

Comr. Dockswell asked if there is a schedule set for when the first train would commence running.

Ms. Soule replied early 2017 between Miami and West Palm Beach and by end of 2017, they would be operational to Orlando.

PROCLAMATIONS

Mayor Fisher read a proclamation on behalf of the City Commission and residents in extending our deep appreciation for Captain Kennard Campbell's distinguished policing service. He also expressed best wishes to Mr. Campbell for continued success in all his future endeavors.

Captain Kennard Campbell expressed his thanks to the City Commission and Officials for allowing him to serve in the capacity for the past seven years in the City of Pompano Beach.

SPECIAL RECOGNITION

City Attorney Retirement

Mayor Fisher invited the City Commission to join him as he made a presentation to City Attorney, Gordon B. Linn. Mr. Linn was recognized for his services of over twenty-four years, when he commenced his tenure as the Assistant City Attorney in July 22, 1991. Later he was appointed as the City Attorney in July 25, 1995, with the City of Pompano Beach.

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SPECIAL RECOGNITION - CONTINUED

Additionally, Mr. Linn has worked with many City Commission members over the years and has had the privilege to see the City grow, and kept the Commission out of trouble. Therefore, it is a bittersweet time that a token of their appreciation is being presented to him.

Mayor Fisher presented an engraved clock to Mr. Linn and the words read, "Gordon B. Linn, City Attorney, in appreciation for your twenty four years of dedicated service with outstanding contributions to the City of Pompano Beach."

Finally, Mayor Fisher expressed to Mr. Linn best wishes of success in his future endeavors.

Gordon B. Linn, City Attorney stated that it has been an honor and a privilege to serve as the City Attorney for many years. As well as, it has been rewarding and challenging. He also thanked the present and past commissions, city staff, especially his immediate staff for their cooperation and consideration extended to him. He said it has been great. While he encountered some very long and difficult lawsuits for the City, especially the Yardarm case, the City is currently in good shape and he encouraged his successors to continue to keep it that way.

AUDIENCE TO BE HEARD

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



City of Pompano Beach, Florida

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<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 7</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p><u>Trash Collection</u> – Douglas K. Matthes, 500 Northeast 6th Street, Pompano Beach, FL, stated that there are numerous City ordinances and standards not enforced. He complained that the City management appears to be incapable of planning and managing projects of all types. He stated that the City has a significant management problem that needs to be addressed. One such problem is with the trash collection. Mr. Matthes complained that the ordinance is unrealistic for the environment and not resident-friendly and explained his reasons. As well as provided several examples of how the ordinance has proven to be unrealistic.</p> <p>Finally, Mr. Matthes inquired if the ordinance will be enforced with the new trash contract. He indicated that each issue needed to be addressed now, and each resident be provided with realistic guidance on how to handle legally the changes, especially items such as palm fronds and the fact that the ordinance bans yard work on weekends.</p> <p>Mayor Fisher directed Robert McCaughan, Public Works Director to meet with Mr. Matthes on the various issues he pointed out earlier.</p> <p><u>Removal of Fencing</u> – Naomi Gayle, 643 Northwest 3rd Way, Deerfield Beach, FL, stated that she received a courtesy notice regarding her daughter’s property, located at 2300 and 2308 Northwest 4th Street, Pompano Beach, FL, which are adjoining lots 113 and 114.</p> <p>She noted that on June 29, 2015 courtesy notices were sent out stating that there was an inspection of the premises on June 29 and that the property is in violation of a zoning ordinance 155.5302 C.1.a. – Fences and Walls. The ordinance has a general requirement for fences and walls, and states that fences are prohibited on vacant lots. Mario Sotolongo, Code Enforcement Manager had provided details of the ordinance to Ms. Gayle, at which time she learned that there is a relatively new change to the fencing ordinance and that the Development Services Director or his equivalent may waive all or part of the standards of this section.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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PAGE 9

AUDIENCE TO BE HEARD – CONTINUED

Mr. Jovanov indicated that the City’s recent denial of the Green Children’s House for the improvement of the dismal state of education in Pompano Beach is further evidence that Pompano Beach is not the place for educating children.

Finally, he mentioned that on July 12, 2015 there was an article in the Sun Sentinel newspaper regarding schools failing in the City. In addition, he said that US Supreme Court Justice Sonia Sotomayor in her appearance on June 1, 2015 at the Pompano Beach Middle School had alluded to “bad grades will follow children for the rest of their lives.” He said that Pompano Beach Middle is a “D” school.

Comr. Phillips stated that it would be encouraging if there were residents with positive solutions to the City’s problems. He noted that on June 25, 2015, there was a meeting with all the principals within the borders of Pompano Beach in an effort to encourage them to do better. Therefore, it behooves everyone to make what is wrong right.

Schools Failing in Pompano Beach. Dominique Louis, 307 Northeast 1st Street, Pompano Beach, FL, Founder of Green Children’s House, a Montessori school, indicated that there is a problem within the City regarding education. Cypress Elementary is a D school, Charles Drew Elementary is a C, McNab Elementary is a C, Pompano Beach Elementary is an F, Pompano Beach Middle is a C, and so the average of these schools grades is a 1.5. These schools are failing the children of the City.

According to the US Census Data of 2014, the average age of the community is 38 years old. Notwithstanding, there is an opportunity to make a difference, which they have been doing for the last eight years. However, he urged the Commission to think about the education for the children. He pointed out that they cannot be for education and against it at the same time. The City has a unique opportunity and those who are for the Charter school to include his family sees the City Commission as part of their allies and not someone that will work against them. Therefore, he urged the Commission to consider their innovative approaches as well as their animal therapy program that they are required to discontinue due to the city ordinance not allowing wild stock and sheep.



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Names of Commrs.	M	S	Y	N

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CONSENT ITEMS - CONTINUED

Vice Mayor Burrie indicated that the explanation provided by Mr. Bird is logical but she inquired if the persons who were responsible for the design did not take any of the current improvements into consideration, and eliminated most of the things that are being added.

Mr. Bird replied they were programed but it would have been best if earlier on when this was noticed for the change orders to come out incrementally rather than in a lump sum. Notwithstanding, some of the changes were found out during the construction process.

Comr. Dockswell indicated that this is a terrible situation, but he is reluctant "to keep beating on it." Nevertheless, he had spoken with City Manager Beach earlier and he is aware of the problem and intends to address it.

Mr. Beach indicated that there are a number of issues at the management level with the project and the change order is just one of them. However, he recommends that the Commission approves the change order but the administration will be performing a detailed analysis and auditing of the project to ensure that the pricing structure is appropriate but more so to determine where the failures took place of getting this to the commission at the appropriate time for discussion and decision-making.

Additionally, Mr. Beach stated that the process is underway and when those determinations are made and the City finds how they arrived at where they are today, then whatever appropriate steps will be taken will be shared with the Commission and to be mutually accepted and discussed further if necessary.

Comr. Hardin asked if the item were not approved tonight, what would happen. He also asked if the work has been completed.

Mr. Beach replied that not all of the work has been completed. Therefore, if the item fails, there are resources in the budget to expend the funds appropriated for it. Nevertheless, he believes what will be done eventually, is the issue will end up in litigation with the contractors regarding these change orders.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS - CONTINUED

Comr. Hardin indicated that he understands the dilemma that the commission is faced with, which should not be. Nevertheless, some of the information provided in the backup is clearly a designer's misjudgment. For example, fire alarms were not there when the plans showed that they existed already. He then questioned if anybody takes the responsibility for what they do and especially with these types of errors.

Mr. Beach replied that staff's intentions are to determine what occurred, determine who is accountable and who is to be held accountable for what occurred. There are design issues, which are a component of the problems that the City has experienced with this project, but they are not the main source of the problem. Notwithstanding, staff will enter into a very exhaustive process of making this determination because clearly that will not happen again.

Comr. Moss stated that he understands the opening of a wall and finding asbestos that was not expected, or if there was a mold problem that was not expected, then it would justify the cost. However, after his eight months of observation, this has become the rule rather than the exception. Therefore, he is concerned. He would suggest that the Commission reject these types of items so that the problem could get resolved prior to staff bringing it before the commission for approval.

Comr. Phillips stated that he has always had some concerns with change orders but there are exceptions, and he has confidence in Mr. Bird. Nevertheless, he believes part of the problem is someone determined the "bill would be too much." He would support the idea that the commission be informed incrementally. In fact, he would support that a complete figure be provided to the commission prior to avoid this backend discussion, which can be a problem.

Mayor Fisher concurred with what the other commissioners spoke about earlier. However, he does not think this is a contractor's fault because they did what they were told to do without the commission's approval. Rather, it could be City staff was not managing the project properly. Nevertheless, personally, he indicated that is strike two as there were some issues with the Brummer Park, and now there is an issue with this project.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS - CONTINUED

In addition, change orders are coming before the commission after majority of the work is done. Therefore, he finds this situation unacceptable.

Additionally, Mayor Fisher stated that the message is being sent to the City Manager as this is number two and he is unsure how many other projects are out there. Therefore, he is looking to him to correct the problem now. If not, the commission needs to look at the management level to see where changes need to be made. While this is not a threat to the City Manager, however, he opined that something has to give so that staff and others know exactly what is going on. Finally, this is the City's project and the "buck must stop somewhere."

Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL, stated that at the time when he served on the budget advisory committee they discussed construction change orders at length and some careful notations were made about the City's policies and with the administration as it relates to change orders. There appears to be an "open season for change orders."

Douglas K. Matthes, 500 Northeast 6th Street, Pompano Beach, FL, suggested that the commission disapprove the item and provided his reasons for it. Therefore, he suggested that the commission pass a regulation for any project that goes 2% over budget should get prior approval from the City Commission.

Jim Santamassimo, 1115 West Cypress Drive, Pompano Beach, FL, asked if the project was done via a "JOC," which Mr. Bird replied yes. Mr. Santamassimo explained what a JOC is, which is setting unit prices, and a method of doing jobs for up to \$15,000. He indicated that this job could have been done as a Guarantee Maximum Price (GMP), which could be done on a competitive basis. Finally, Mr. Santamassimo promised to write a note to the commission the next day regarding the matter.

Names of Commrs.	M	S	Y	V N

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CONSENT ITEMS – CONTINUED

Comr. Phillips asked if the item was not approved and a lawsuit brought against the City, how much it would be spending one way or the other. Nevertheless, at this level he would support the item; however, he is confident that the City Management and staff will work to resolve this and other similar issues.

Mayor Fisher replied that the amount requested for the change order would be spent some way or the other. An amount of \$180,000 would come from the building fund balance, which is allowed.

TIME 00:51:51

ITEM 3

Approval to purchase barricade and flasher rental, as needed for the Public Works and Utilities Departments, per the City of Fort Lauderdale Cooperative Bid #453-11532 from the awarded vendors MOTPlans.com LLC, Bob’s Barricades, Inc. and Roadsafe Traffic Systems, Inc., in the estimated total amount of \$98,000.00.

TIME 00:51:51

ITEM 4

Approval to award Bid #E-34-15, Mulch (Cooperative), to the low responsive bidders, Advanced Mulch (Item 9), Adwood (Items 1,2,6,12), Amerigrow (Item 5), Bliss Products (Item 7), Eastcoast Mulch (Items 8,10,11), and Superior Mulch (Items 3,4,13) as prime contractors, and to the other responsive bidders as alternate contractors, for annual open-end contracts. The estimated cost to the City for mulch is \$54,000.

TIME 01:13:05

ITEM 5

Approve selections for utility wrap Call to Artists and authorize staff to award contracts in the amount of \$200 per box (\$500 minimum) to the 8 selected artists. Also, authorize staff to award contracts to the six finalists in the event an artist is no longer available or cannot comply with design terms. (Cost: \$200 per box, per artist/\$7,600 from the budgeted Public Art Fund account.)

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

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CONSENT ITEMS - CONTINUED

MOTION: To approve Consent Item 5

Vice Mayor Burrie stated that this is a great idea but wanted to know if this was a Community Redevelopment Agency (CRA) project.

Jennifer Gomez, Assistant Development Services Director, replied no it is not a CRA project.

Vice Mayor Burrie pointed out that on the map, north of 10th Street there is a place called Cresthaven, Highlands and Leisureville and there are numerous parks and there is nothing going on there. The boxes and even the art to be done are concentrated around the CRA areas and nothing going to the rest of the City.

Ms. Gomez explained that the project is part of a long-term effort to wrap utility boxes and there were funds placed in the CIP to continue to wrap the utility boxes throughout the remaining five years. This is stage one of the first effort. The areas of highest concentration include Atlantic Boulevard, MLK Boulevard, A1A and Federal Highway. They do go up to 24th Street and can go further.

Vice Mayor Burrie announced that part of the City does include north of 10th Street and Copans Road, which has parks and are taxpayers that do have boxes to be wrapped. Therefore, she would like to see her neighborhood included.

Comr. Hardin asked when the program expands out further from the projected selected areas will they be selecting new or different artists or will they be duplicating these throughout the City.



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CONSENT ITEMS – CONTINUED

Ms. Gomez replied that they were thinking of doing a second “Call to Artist” and after learning from their first experiences they could improve on the second and up to fourth phases. A bid will be done, which will be released in the near future for the actual vinyl wrap installation, which will be good for upcoming years.

Comr. Moss is appreciative of the work being done in the Collier City area but would like to see some of these activities go into the areas of Palm Aire, Cypress Bend and Gardens North, which are locations within the City.

Ms. Gomez thanked the Commission for their comments and indicated that they are being noted and will be related to the Public Art Committee.

Comr. Phillips concurred with Vice Mayor Burrie comments on the Leisureville area and would like to see that area included in this program.

RES. NO. 2015-371

TIME 00:51:51

ITEM 6

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK AUTHORIZATION NO. 10 IN THE AMOUNT OF \$59,264.80, PURSUANT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. FOR PREPARATION OF THE APPLICATION MATERIALS FOR RENEWAL OF THE CITY’S REUSE TREATMENT FACILITY OPERATING PERMIT; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-372

TIME 00:51:51

ITEM 7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR WATER TREATMENT PLANT SECURITY ENHANCEMENTS BETWEEN THE CITY OF POMPANO BEACH AND HOLB-SIERRA CORP.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$238,999)



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Names of Commrs.	M	S	Y	N

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CONSENT ITEMS - CONTINUED

RES. NO. 2015-373

TIME 00:51:51

ITEM 8

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2015-345, AND DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL FOUR PARCELS OF REAL PROPERTY LYING WEST OF NW 27TH AVENUE AND BETWEEN NW 6TH STREET AND NW 6TH COURT AND COMMONLY REFERRED TO AS 601 NW 27TH AVENUE, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-374

TIME 00:51:51

ITEM 9

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.

RES. NO. 2015-375

TIME 01:17:43

ITEM 10

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 NEPTUNE TECHNOLOGY GROUP, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$10,800 per year – approximately .05 cents/month per customer or .60 cents per year – commencing six months after implementation)



City of Pompano Beach, Florida

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

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS - CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-375 upon final reading.

Comr. Dockswell indicated he pulled the item because he publically wanted to commend Suzette Sibble, Finance Director who is always looking for ways to serve better the constituents and citizens. This is a great item would enable a homeowner to set up an alert so that if the water usage in any given month exceeds a set threshold they would be alerted via email. He explained that numerous citizens have experienced a water leak they were not aware of and have received an enormous bill. Therefore, this system will reduce those types of incidences.

Suzette Sibble, Finance Director, accepted thanks and thanked her staff for setting up the program.

Comr. Dockswell asked about the version that the City will be getting.

Kyle McPhail, Utility Billing Manager, explained that the beta version would save the city \$72,000 in installation costs, if the City report to Neptune on how the version is working.

In response to Comr. Dockswell's questions Mr. McPhail replied that the same program is implemented in five (5) other cities currently. Furthermore, the program will be very similar to the software the city is currently utilizing, where customer information can be viewed and staff will be able to walk him/her through the steps on how to pull up historically their monthly/daily usage.



City of Pompano Beach, Florida

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS - CONTINUED

Comr. Dockswell referred to Page 4, where it states, "...the maximum number of concurrent users Accessing the Licensed Materials ...does not exceed the Permitted Number at any time." He wanted to know how this system works.

Mr. McPhail will contact Neptune to clarify that item.

Comr. Hardin concurred with Comr. Dockswell that this is a great example of the City embracing technology to deliver better results for its customers, taxpayers and ratepayers. This is an example of doing a great job.

In response to Comr. Hardin's question, Ms. Sibble explained that the \$10,800 is an annual continuous fee. However, once the city implements there is a six-month period of no payment, after that there will be a monthly charge paid. The discounted rate is in place for now.

Comr. Moss concurred it is a good idea and asked if this would only be available to single-family home environment or would it be available for multi-family buildings.

Mr. McPhail replied that it would be available for all water customers. He also indicated that he has been using the company for years.

Comr. Moss referred to Page 9, where it states, "Licensee acknowledges and agrees that it shall be responsible for... providing the System Requirements, at its own expense." He asked if staff had any idea what those costs might be.

Ms. Sibble replied that the IT Department had provided their advice on the system capabilities being compatible with the City's. So, it is a simple process and hopes there are no added expenses to be associated with the process.

Vice Mayor Burrie stated that the residents living in the northern part of the City would not be able to apply this benefit as they receive their water from the County.

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	

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CONSENT ITEMS - CONTINUED

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, asked if the raw data from the output of this particular project would be available to citizens for the entire usage for all homes in the city. This could determine the homes that are occupied versus vacant within a geographical area.

Mr. McPhail indicated that a person would only be able to pull up information on the individual's account.

In response to Mr. Terwilliger's question, Mr. McPhail indicated that a person could place a public records request for the information in the system regarding other people's usage. The software is being data mined to gather other information from other customers, so they can compare single-family usage and multi-family usage, as well as businesses to businesses.

MOTION: To approve Consent Items 1, 3, 4, and 6-9.

There was no discussion on Consent Items 1, 3, 4, and 6-9.

REGULAR ITEMS

P.H. 2015-87; ORD. NO. 2015-69 TIME 01:27:27 ITEM 11

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A FIVE (5) FOOT UTILITY EASEMENT LYING WITHIN A PARCEL OF PROPERTY EAST OF NE 16TH AVENUE AND APPROXIMATELY 110 FEET SOUTH OF NE 2ND STREET AND COMMONLY KNOWN AS 28 NE 16TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Ordinance upon first reading.

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.

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 the property has an east-west utility easement on it and the carport currently encroach the utility easement. Therefore, the landowner wishes to enclose it, but the City cannot issue a building permit within a utility easement. Nevertheless, the utility companies have approved the abandonment of the 2-foot portion; therefore, staff recommends approval.

Camden Morgenstern, 408 Northeast 23rd Avenue, Pompano Beach, FL, stated that the resident desires to enclose the space for a master suite to their current two-bedroom home. Therefore, he respectfully requested the Commission's permission to enclose the carport accordingly.



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Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS – CONTINUED</u>				
Joseph J. Verdone, Certified Planner with Law Firm of Carlton Fields et al, indicated that they are seeking the commission’s approval for a no objection to the plat amendment.				
P.H. 2015-88; ORD. NO. 2015-... TIME 01:30:49 ITEM 13				
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 FOR ASSET MANAGEMENT HOSTING SOFTWARE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND PROJETECH, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$35,491.00 first year)				
The Ordinance was read by title only.				
MOTION: To approve Ordinance upon first reading.				
<u>ROLL CALL</u>				
Dockswell			x	x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x
A. Randolph Brown, Utilities Director, stated that this is the second reading of an ordinance for an Asset Management in a Cloud Services. It is a three (3) year contract that provides an 8% savings.				
P.H. 2015-83; ORD. NO. 2015-... TIME 01:31:44 ITEM 14				
AN ORDINANCE AMENDING CHAPTER 36, “TAXATION AND FINANCE,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 36.033, “SPECIAL PURPOSE ACCOUNTS,” TO DELETE THE BUILDING CERTIFICATION/EDUCATION MAINTENANCE ACCOUNT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.				



City of Pompano Beach, Florida

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

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REGULAR ITEMS – CONTINUED

P.H. 2015-84; ORD. NO. 2015-72 TIME 01:36:31 ITEM 16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND R.J. BEHAR & COMPANY, INC. FOR ENGINEERING SERVICES FOR THE LYONS PARK NEIGHBORHOOD IMPROVEMENT PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance No. 2015-72 upon second and final reading.

Robert A. McCaughan, Public Works Director, stated that the second reading of the ordinance is requesting the commission to approve a design contract between the City and R.J. Behar & Company, Inc. for the Lyons Park neighborhood improvements project. It addresses the stormwater, the water services and the sanitary sewer. The cost is set at \$507,371.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 28</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>P.H. 2015-89; ORD. NO. 2015-... TIME 01:37:42 ITEM 17</p> <p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMpano BEACH, FLORIDA, BY AMENDING SECTION 155.2203., "ZONING BOARD OF APPEALS (ZBA)" AND SECTION 155.2204., "PLANNING AND ZONING BOARD (P&Z)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE; BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO PROVIDE FOR ADDITIONAL NOTIFICATION TO THE CITY COMMISSION FOR REMOVAL OF BOARD MEMBERS FOR POOR ATTENDANCE AND ESTABLISH SUPPLEMENTAL CRITERIA FOR PROJECT REVIEW; BY AMENDING SECTION 155.2405., PLANNED DEVELOPMENT," TO MODIFY PROCEDURES AND STANDARDS FOR PLANNED DEVELOPMENT APPLICATIONS, REVIEW AND APPROVALS; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY THE APPLICABILITY OF MAJOR SITE PLANS AND TO MODIFY STANDARDS FOR MAJOR AND MINOR SITE PLAN REVIEW; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY THE APPLICABILITY OF MAJOR BUILDING DESIGN AND TO MODIFY STANDARDS FOR APPROVAL REVIEW STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO REVIEW STANDARDS; BY AMENDING SECTION 155.2413., "ZONING COMPLIANCE PERMIT," TO MODIFY COMPLIANCE PERMIT REVIEW STANDARDS; BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO MODIFY THE APPLICABILITY TO OBTAIN A ZONING USE CERTIFICATE, AND THE EFFECT OF APPROVAL OF SAME, AND TO MODIFY THE EFFECT OF A REVOCATION OF A ZONING USE CERTIFICATE; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUST-</p>				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

MENTS; BY AMENDING SECTION 155.2424., "APPEAL," TO MODIFY THE TYPES OF DECISIONS OF THE DEVELOPMENT SERVICES DIRECTOR THAT MAY BE APPEALED TO THE ZONING BOARD OF APPEALS; BY AMENDING SECTION 155.3602., "GENERAL STANDARDS FOR ALL PLANNED DEVELOPMENT DISTRICTS," TO MODIFY REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICT PLANS; BY AMENDING SECTION 155.4214., "COMMERCIAL: ANIMAL CARE USES," TO REVISE SETBACK STANDARDS FOR ANIMAL EXERCISE AREAS, OUTDOOR RUNS AND PENS FOR AN ANIMAL SHELTER OR KENNEL; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO REVISE DEFINITION OF A GASOLINE FILLING STATION; BY AMENDING SECTION 155.4220., "COMMERCIAL: OFFICE USES," TO REVISE STANDARDS FOR PROFESSIONAL OFFICES IN MULTIFAMILY RESIDENTIAL DISTRICTS; BY AMENDING SECTION 155.4221., "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO MODIFY STANDARDS FOR BANK OR FINANCIAL INSTITUTION USES; BY AMENDING SECTION 155.4222., "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE REQUIREMENTS FOR GROCERY OR CONVENIENCE STORES WHICH SELL GASOLINE AND SIMILAR FUELS; BY AMENDING SECTION 155.5101., "ACCESS AND CIRCULATION," TO MODIFY VEHICLE STACKING SPACE REQUIREMENTS FOR DRIVE-THROUGH AND RELATED USES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE QUANTITY AND SIZE OF OFF-STREET PARKING SPACES, AND TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AREAS AND VALET PARKING PLANS; BY AMENDING PART 5, "TERMS AND USES DEFINED, " BY REVISING DEFINITIONS FOR BANKS OR FINANCIAL INSTITUTIONS AND FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Names of Comms.	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

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REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To approve Ordinance as amended upon first reading.

Robin M. Bird, Development Services Director, indicated that he provided a list to the commission earlier, which he hoped they had a chance to review. A number of the changes are house cleaning and there are two changes where one compliments the other in particular, the convenience stores. Also, there is commission direction for parking space sizes, so staff is introducing a few things that are new and relative to compact spaces and garages.

Further, the supplemental criteria language changed; therefore, the commission should amend this during the motion to approve the ordinance. The change will allow the commission control over the supplemental criteria, which they will be able to review.

Comr. Phillips indicated that he has several things to discuss, however, he would stop by Mr. Bird’s office to discuss in detail. Nevertheless, he was trying to determine where it says, “The removal of Board members for poor attendance, does it apply to the Planning and Zoning Board or can this be done with all boards.

Mr. Bird responded it would be for those boards that he provides staffing, which is the Architectural Appearance Committee, the Planning and Zoning Board, the Zoning Board of Appeals and the Unsafe Structures Board. Typically, there is no problem with attendance, but this will now give the authority to the Chairperson or the Development Director to bring a problem to the attention of the Commission. Finally, Mr. Bird confirmed that most of the boards do consist of alternates.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 31</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Comr. Phillips asked for clarification regarding the section that states, “To Revise Standards for Professional Offices in Multi-Residential Districts.”</p> <p>Karen Friedman, Principal Planner, responded that there are certain standards in the City’s Zoning Code that reflect standards that the City is bound to by the Broward County Land Use Plan. So, it is one of those circumstances where the Broward County Land Use Plan has language specific to the allowance of offices in a more high-density residential district. The City’s zoning code was inconsistent at the time of the adoption of the new code. Therefore, several properties were rendered non-conforming and the intent is to make the code consistent with the Land Use Plan.</p> <p>Comr. Phillips asked if that would have the ability to intrude significantly into residential neighborhoods.</p> <p>Ms. Friedman replied it would not. There are very strict standards on allowance of any non-residential uses in the residential zoning districts and it is more so because of the land use plan than the zoning.</p> <p>Comr. Phillips asked for clarification on the section that states, “To modify standards for allowable administrative adjustments by amending Section 155.2424, appeals to modify the types of decisions of the Development Services Director...” and questioned whether this meant the Development Services department is being given more ability to make a decision.</p> <p>Ms. Friedman explained that the zoning code gives the Development Services Director the authority to render various waivers and decisions. However, the appeals language did not reflect all of those decision types. Therefore, it was unclear how an applicant could appeal certain decisions. The language is being modified so it is a general statement that if the Development Services Director makes a decision it would then be appealed to the Zoning Board of Appeals. Then that would eliminate the need to list all the various types of decisions by the Development Services Director.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 32</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Comr. Moss agrees with imposing some kind of requirement for people to show up for the Advisory Board meetings because this problem does exist throughout other Boards of the City.</p> <p>Additionally, Comr. Moss referred to the size of the parking permits. While this is something that is not mandatory, he is concerned that if a condominium association has parking spaces that are 10 x 20, the City would not come along and ask residents to change it.</p> <p>Mr. Bird replied that the zoning code is a minimum. Therefore, if parking were larger than the minimum, then lawfully it would be existing; so, the City would not ask the owner to change it.</p> <p>Comr. Moss indicated that prior to him joining the Commission there was a requirement for double striping in parking spaces. Therefore, he asked when a person redo his/her parking lot is that something they will be asked to do or will there be a requirement to get it done within a certain time period.</p> <p>Mr. Bird replied that double striping is required, which is retroactive, when people redo their parking lot.</p> <p>Comr. Hardin stated that he was concerned with the language that referred to the additional design by the Architectural Appearance Committee, and asked if this would be an amendment to be approved by the Commission.</p> <p>Mr. Bird clarified that it is subject to the Commission’s approval. It was approved prior by resolution, therefore, the language on supplemental criteria did not transfer. Subsequently, staff is now adding it in and will require the Commission to approve the motion as amended.</p> <p>Comr. Dockswell clarified that the discussion is about the section on Page 4 that states, “The AAC may adopt Supplemental Criteria,...” therefore, the easiest thing to do is to precede that phrase with, “Subject to City Commission approval.”</p>				

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

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REGULAR ITEMS – CONTINUED

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Mr. Bird replied that double striping is required, which is retroactive, when people redo their parking lot.

Comr. Hardin stated that he was concerned with the language that referred to the additional design by the Architectural Appearance Committee, and asked if this would be an amendment to be approved by the Commission.

Mr. Bird clarified that it is subject to the Commission’s approval. It was approved prior by resolution, therefore, the language on supplemental criteria did not transfer. Subsequently, staff is now adding it in and will require the Commission to approve the motion as amended.

Comr. Dockswell clarified that the discussion is about the section on Page 4 that states, “The AAC may adopt Supplemental Criteria,...” therefore, the easiest thing to do is to precede that phrase with, “Subject to City Commission approval.”

Names of Commrs.	M	S	V Y	V N
VOICE VOTE				
Dockswell	x		x	
Hardin			x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

MOTION: To amend Page 4, Section J. Supplemental Criteria to read, “Subject to City Commission approval, the AAC may adopt Supplemental Criteria, ...”

Comr. Dockswell expressed concerns regarding the Planned Development (PD) whereby a property owner goes to get a PD approved, previously they were required to provide a PD Plan and a PD agreement that had certain defined content; however, the proposal would merge them into one document. It appears that there is a little less specificity in what is being proposed than what was prior to considering this item. Therefore, he asked what would happen if a developer comes to Planning and Zoning or to the Commission and asks for approval of a PD. In addition, his desire is that staff and the commission know enough about the PD, as well as the neighbors and residents prior to giving up leverage to grant a PD to determine height, square footage and so forth. Finally, Comr. Dockswell asked if there was a way to put back the specificity clause in it.

Mr. Bird replied that staff discussed it and he believes that something can be added to that effect and possibly give the Commission options between now and the second reading. This will be included in the amendment prior to second reading. They also discussed the court’s decisions about limiting the view. The view corridors or shadow effects can be shown. Therefore, staff will meet with the City Attorney for the proper language on this.

Furthermore, Mr. Bird stated that it is important to note that staff is trying to get one document read for the PD and be a little bit efficient if nothing else, so that they only have to look for one document that goes along with the ordinance.

Names of Commrs.	M	S	Y	V	V

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REGULAR ITEMS – CONTINUED

Comr. Dockswell asked about the proposed change for the Animal Shelter or Kennel. He stated that the whole idea of this section is to ensure that a dog run is not too close to a neighboring property line to cause any disturbance. The previous standard was, if a dog run was to be on a parcel that abuts a residential property that the dog run had to be 100 feet away from the residential property. However, the proposal is to make that 50 feet, but it goes on to say that it can be as little as ten (10) feet away from the residential property line, if there is a six foot wall fencing of the dog run. This is very close to the residential property line.

Mr. Bird indicated that there is a Class B buffer, which requires a fence around the property. Therefore, the ten-foot CBS wall would be for the dog run, which would be the ten-foot setback. So, it is a double wall. However, if the sound would go over, the two fences may not make a difference in that particular case. The idea is to have a chain link fence for dog run 25 feet back or 50 feet back, but now it would be moved and there would be a CBS wall if the Type B buffer had a wood fence. Therefore, the person is guaranteed the CBS wall at that point.

Comr. Dockswell asked if it would render any existing kennel non-conforming if that were done.

Mr. Bird indicated that the only difference would be that it would return to what the City had in effect prior. Currently, it would not render them non-conforming, as this was how it was prior, which is non-conforming.

In sum, Comr. Dockswell expressed concern for single-family residential and asked if a dog kennel is allowed to be next to a single-family residential zoning.

Mr. Bird replied it is very unlikely. In any case, residential should be for all residential, whether it is multi-family or single-family.

Comr. Dockswell noted that at the top of Page 24, item e.(i) of the ordinance, he made the motion to change it to have a minimum of 25 feet rather than 10 feet from the property line where there is a dog run with a solid wall.

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS – CONTINUED</u>				
<u>MOTION:</u> To amend Page 24, Item e.(i) of the ordinance to change the language to read to have a minimum of 25 feet rather than 10 feet from the property line where there is a dog run with a solid wall.				
<u>VOICE VOTE</u>				
Dockswell	x			
Hardin		x		
Moss				
Phillips				
Burrie				
Fisher				

Comr. Moss asked if that would impact the new Doggie Day Care Center being expanded on Northwest 31st Avenue in Collier City. Those plans were approved previously.

Mr. Bird replied that it would have an impact to the east where originally it was proposed to have a senior housing facility. Additionally, in answer to Comr. Moss' question on the impacts it would have on the proposed owner for the Doggie Day Care Center, Mr. Bird replied that it would not impact the current plan.

Mayor Fisher asked, if the owner for this project has already gone through rezoning and will be allowed to build his new Pet Lodge, and if this amendment passes will he be required to use the 25 feet versus the 10 feet he had already planned on.

Mr. Bird replied that staff would have to review it at that point and report back at second reading or prior to then the commission could make the changes at second reading as well.

Comr. Moss suggested that staff conversate with the owner to ensure the change would not impact him and cost him extra monies, because the City changed the rule midway through his application.

Comr. Dockswell and Comr. Hardin withdrew their motions.

Comr. Phillips indicated that he knows some of the residents that live in the area with regard to the discussion of the Pet Lodge. Therefore, while he is concerned about the success of the business, he is also concerned about the effect it will have on the residents within that area as it relates to noise.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N
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CITY COMMISSION MEETING MINUTES **JULY 28, 2015**

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REGULAR ITEMS – CONTINUED

Therefore, as the City moves forward somehow a compatibility situation must be created. So, those residents residing in the area over the years are not significantly impacted because of the proposed business for the area.

Mr. Bird indicated that staff is not considering this one individual, but it came to the City’s attention that the current ordinance was for a rural and more restrictive than was initially in place. In sum, staff will check on all aspects and report back to the commission on its findings.

Comr. Phillips requested confirmation that this business would not have an impact on the Charles Drew Elementary School.

Mr. Bird replied that they have the same buffer that they would have had prior. The dog run would be allowed closer to Charles Drew but at that point it will be the parking lot that abuts the dog run not the school.

P.H. 2015-90; ORD. NO. 2015-... TIME 02:04:11 ITEM 18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, “BUILDINGS,” BY AMENDING SECTION 152.12, “BUILDING PERMIT FEES,” TO REDUCE THE BUILDING PERMIT FEE FOR MULTIPLE TEMPORARY TENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

ROLL CALL

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

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
JULY 28, 2015				
PAGE 37				
<u>REGULAR ITEMS – CONTINUED</u>				
Karen Friedman, Principal Planner, stated that the item is for a reduction in the permit fee for additional temporary tents. The fee would remain the same for the first tent. However, this action would allow those persons holding an event with additional tents a reduction in the fee since the inspectors would have already been out in the field inspecting the first tent.				
Comr. Hardin asked if there is any record as to how many tents are set up during the course of the year.				
Robin Bird, Development Services Director was unsure.				
P.H. 2015-91; ORD. NO. 2015-... TIME 02:05:59 ITEM 19				
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY AMENDING SECTION 115.18, "MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," TO EXCLUDE PORTABLE VENDING CONCESSIONAIRE AS DEFINED IN SECTION 115.19; BY CREATING SECTION 115.19, "PIER AREA PORTABLE VENDING," TO PROVIDE DEFINITIONS, APPROVALS, PROCEDURES, REGULATIONS AND STANDARDS FOR PORTABLE VENDING IN DESIGNATED LOCATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.				
The Ordinance was read by title only.				
MOTION: To approve Ordinance as upon first reading.				
<u>ROLL CALL</u>				
Dockswell			X	X
Hardin	X			X
Moss				X
Phillips				X
Burrie				X
Fisher				X

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 38</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Karen Friedman, Principal Planner, stated that the item requires a development agreement for the Pier development. Section 8.2 of the agreement committed the City to create design guidelines for having kiosks and concession stand at the pier property allowing the City one year to come up with the guidelines and regulations. This was a joint effort between staff and the Community Redevelopment Agency (CRA) to create standards that would enable the developer to create a plan that would work best for the pier and be as flexible as the pier development evolves. She provided a brief background on the design and set up of the kiosks (vending equipment), as well as the process involved to acquire the commission’s approval of a master plan and how to execute it.</p> <p>Comr. Moss asked if the kiosks are movable.</p> <p>Ms. Friedman replied that in order not to be subjected to an approval by the state being east from the coastal construction line; the City is only bound to permit a temporary structure. These structures mean they would not require approval from the Florida Building Code. Hence, the intent is not to create hot dog stands. Therefore, the vending equipment will have to remain in their designated locations and vendors will not be traversing up and down the sidewalk. In essence, the kiosks will have a permanent location but they can be movable in cases of a hurricane or the days they are not in operation.</p> <p>Comr. Dockswell stated that while it defines the area that the developer has this discretion to place the kiosks, it is just a legal description. He asked if there was an actual graphic available for the commission to see the area.</p> <p>Ms. Friedman replied that the legal description is the actual pier development area. The proposed text amendments get prohibited locations. Moreover, on the entire stretch of sidewalk they could place the four vending equipment anywhere they choose provided it is not within 10 feet of certain locations. It is not blocking access to a structure or playground. Therefore, it is purposefully not providing that map. It will allow them to apply to state within their leased area this is the location, which will be best served with the equipment.</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 39</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Robin Bird, Development Services Director, clarified that it is the entire area that is under the contract with the pier parking lot developer as well as their leased area on the beach side. The equipment being temporary, they might want to move them one time or another. So the length along Pompano Beach Boulevard where the restaurants are going and that portion that they have control over along pier street, only comes into a certain point that goes into the restaurants. Then there is the north south parking lot. There is no map to depict the placement of the equipment. Basically, it is the site plan or the master plan area for the parking lot development. This can be provided again with the backup.</p> <p>Comr. Dockswell requested, for the second reading, that staff provide a picture of the area within which the private partners can place the equipment. As well as, he desired to discuss what Pompano Beach Boulevard would look like if this were done.</p> <p>Ms. Friedman stated that there will be a maximum of four (4) vending equipment that would be permitted on the sidewalk and four (4) vending equipment permitted south on the beach or sand.</p> <p>Comr. Hardin asked if it would be located east of the coastal construction line.</p> <p>Mr. Bird replied yes. It is the coastal construction line, which is at the backend of the sidewalk for Pompano Beach Boulevard.</p> <p>Mr. Friedman clarified that the four that will be on the sidewalk will be located on the east sidewalk on Pompano Beach Boulevard. But they would not be on the east of the sidewalk.</p> <p>Comr. Hardin noted that since there is no map to look at, he asked if what staff was referring to was the entire area where the developer controls the concession area. In other words, it could be down by the existing concession stand, all the way to the pier and beyond the pier. He asked if that is correct.</p>				

Names of Commrs.	M	S	Y	V N

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REGULAR ITEMS – CONTINUED

Horacio Danovich, CIP Engineer, replied that it is the 1,800 linear feet that was defined from the north property line of Northeast 1st Street all the way to the north bathroom close to Northeast 5th Street, and all the way east to the erosion control line from the sidewalk area. So, it would be that rectangular area, which the developer controls where four of those kiosks would be on the sidewalk area and four on the sand area.

Comr. Hardin noted that currently bicycles and dogs are not allowed on the concrete, yet the City will be allowing people to set up 10 x 12 concession stands on the concrete, which he wanted to know how it would work.

Ms. Friedman indicated that staff measured the width of the sidewalk and there is five feet of clear area, so that is the amount needed for ADA compliance.

A discussion ensued among the Commission and Ms. Friedman on how the area would be able to accommodate, vendors, patrons and still leave room for ADA compliance.

Comr. Hardin asked prior to second reading can staff get some straightening out of the issues raised by the commission. He is looking for some options because he does not think this is good policy to move forward in the way it is currently outlined.

Dennis W. Beach, City Manager, recalled that it is part of the development agreement, which the City has with the developers. Therefore, staff will look at that as part of the discussion for the next meeting.

Comr. Phillips indicated that he has seen kiosks in another city, such as Philadelphia, therefore, if staff is going to be innovative and tourism-friendly then that may not be such a bad idea. Perhaps, it may have to be tweaked a bit but it has the potential to be a “significant draw card”. Therefore, he urged the rest of the commission to have an open mind to the idea as he has seen components of how it worked and thought it was innovative. While the concerns are valid and staff will have to do it within operational criteria, he cautioned the commission to give it a chance.



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Names of Commrs.	M	S	Y	N

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Mr. Bird indicated that should the Commission desire to put more thought into it, then they could do so. They are not obligated to pass this item tonight, but staff had an obligation to provide the information by end of July. Therefore, on second reading staff could provide more information or bring it back prior to the next reading.

Mayor Fisher suggested that the item be moved forward and if on second reading there is not sufficient information provided to the commission then it could be stricken. The next thirty days staff could meet with the developers and with CRA and return with answers and solutions to some of the questions and concerns.

Mr. Bird indicated that staff would provide more information in the backup as well.

P.H. 2015-92; ORD. NO. 2015-... TIME 02:20:12 ITEM 20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.20, "GENERAL," SECTION 152.21, "DEFINITIONS," SECTION 152.22, "APPLICABILITY," SECTION 152.23, "DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR," SECTION 152.24, "PERMITS," SECTION 152.25, "SITE PLANS AND CONSTRUCTION DOCUMENTS," SECTION 152.26, "INSPECTIONS," SECTION 152.27, "VARIANCES AND APPEALS," SECTION 152.28, "VIOLATIONS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," SECTION 152.30, "SUBDIVISIONS," SECTION 152.31, "SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS," SECTION 152.32, "MANUFACTURED HOMES," SECTION 152.33, "RECREATIONAL VEHICLES AND PARK TRAILERS," SECTION 152.35, "OTHER DEVELOPMENT," AND SECTION 152.36, "APPLICABILITY," TO CLEARLY DEFINE THE SCOPE, INTENT AND MINIMUM REQUIREMENTS AND TO DELETE REFERENCES TO FLOODWAYS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

Karen Friedman, Principal Planner, stated that the item was a joint effort between Development Services and Building Inspections as well as the City Attorney's office. Approximately one year ago, the Floodplain ordinance was amended and at that time it was determined that there is additional clarification that needs to be made and a couple of errors to be corrected. The City's Floodplain Administrator, Michael Radd is available to answer any questions that may arise.

P.H. 2015-93; ORD. NO. 2015-.. TIME 02:22:30 ITEM 21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND ADDENDUM NO. 11 TO CONTRACT FOR COLLECTION AND DISPOSAL OF SOLID WASTE BETWEEN THE CITY OF POMPANO BEACH AND WASTE MANAGEMENT INC. OF FLORIDA D/B/A SOUTHERN SANITATION SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance 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	

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To approve Ordinance as submitted upon first reading.

Robert J. McCaughan, Public Works Director, stated that the ordinance extends the City’s existing contract with Waste Management until October 31, 2015. He noted that the contract would expire July 31, 2015, so if possible, if the two readings could be done so a contract would be in place prior to implementing the new contract.

Additionally, Mr. McCaughan indicated that Addendum 9 of the contract established the end date of the contract, which is September 30, 2014. However, in October of last year the Commission passed Addendum 10 extending the contract to December 31 with an automatic renewal for 120 days, which was the expectation. Besides, there was only two 120-days renewal, which caused the City to be where they are currently. Therefore, staff is requesting another extension until October 31.

Mr. McCaughan noted a potential contract is coming that is very close to being finalized. Moreover, Waste Management has agreed with the contract that is currently in the City Attorney’s office under review. However, to his knowledge there are some minor issues that needs to be adjusted which correlate with Florida State Statues.

Continuing, Mr. McCaughan noted that after he reviews the contract with City Manager Beach he plans to acquire the commission feedback the week of August 17, then bring the item back to the Commission potentially in September.

Finally, Mr. McCaughan mentioned that should they not finalize the contract as planned, they would have to extend it again. Nonetheless, he thinks that the City is very close to getting a new contract with Waste Management.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 44</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked how long it would take before they can get the situation resolved in order to get new garbage cans. In addition, he asked when the residents would know about the backup that is done in the community, because he did not receive that information.</p> <p>Mayor Fisher replied that they hoped to have it done before October 31, but it is in the hands of the legal team; however, he is hoping to have it by then.</p> <p>In response to Mr. Thrower’s question on the backup, Mayor Fisher stated that is part of the bid process.</p> <p>Mr. Thrower stated that they would like to know what these people are doing within their community. He questioned, how long the other contract would be extended, because in the year 2020 there will be another contract coming up. Also, he would like to know if an extension is permitted, would that hinder the process.</p> <p>Mr. McCaughan stated that the current contract’s initial term is eight (8) years. Consequently, it will timeout with the disposal contract in the year 2022. Therefore, it is geared to time out at the same time the City would go out with the entire disposal and hauling together.</p> <p>Walter Syrek, 1311 NE 43rd Court noted that he understands that it is a temporary measure to extend the existing contract. However, he would like to make a point pertaining to the bulk collection services. He indicated that in Pompano Beach Highlands they have been fortunate because Broward County rebuild the streets and added beautiful swales. However, every time a tenant moves out absentee landlords would place unused furniture on the swales. Moreover, Waste Management would come to remove the furniture with the claw truck that ultimately endangers the swales leaving big gaping holes.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 45</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Additionally, Mr. Syrek indicated that Waste Management is currently overwhelmed with bulk pickup to the point where they are sending the claw truck on Friday evenings to get a head start. Therefore, this situation has led to everyone who lives in the Highlands would throw anything out on the swale, which has contributed to the deterioration of the infrastructure. He urged staff to speak with Waste Management about the current practices. Furthermore, sending around the truck at any time would create a negative behavior on the part of some people. Therefore, he hopes that the Commission could address the situation.</p> <p>Mayor Fisher suggested that Mario Sotolongo, Code Enforcement Manager, meets with Mr. Syrek because there are ordinances for that kind of behavior, so they could determine what could be done in the Pompano Highlands area.</p> <p>Comr. Phillips asked if the cost would vary in any shape, form or manner during the extension of the contract period.</p> <p>Mr. McCaughan replied, it would not.</p> <p>Additionally, Comr. Phillips stated that the comments made by Mr. Syrek earlier are heading in the right direction. In addition, within certain areas of his district he would desire to see bulk pickup done twice a month.</p> <p>Notwithstanding, there is a concern of where the bulk trash is coming from. In sum, Comr. Phillips stated that he supports the extension.</p> <p>Comr. Hardin noted that in the backup that the actual reinstatement stated that all the amendments should be part of Exhibit A; however, they are not there and all they have is the original contract. Besides, it would be great to have all the amendments to see how it has morphed to where it is currently.</p> <p>Additionally, Comr. Hardin stated that he has tried in the past to have the bulk pickup frequency changed. However, the past Commission did not see it fit to do that because there was no change in the actual dollars. He is hopeful that there would be some changes in the bulk pick up or possibly consider bulk pickup pricing or scenarios in order to have an idea of the cost.</p>				

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

PAGE 45

REGULAR ITEMS – CONTINUED

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City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
JULY 28, 2015				
PAGE 47				
<u>REGULAR ITEMS – CONTINUED</u>				
MOTION: To adopt Ordinance No. 2015-73 upon second and final reading.				
<u>ROLL CALL</u>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
 Robert A. McCaughan, Public Works Director, responded that there were no further comments at this time.				
RES. NO. 2015-377				
TIME 02:44:03				
ITEM 22				
<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 LANDSHORE ENTERPRISES, LLC FOR EMERGENCY REPAIRS TO THE BANKS OF SEVEN LAKES AT THE MUNICIPAL GOLF COURSE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Up to \$600,000 from Fund Balance)</p> <p>The Resolution was read by title only.</p>				
MOTION: To adopt Resolution No. 2015-377 upon reading.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss				X
Phillips			X	
Burrie		X	X	
Fisher			X	
 Horacio Danovich, CIP Engineer, stated that the Resolution is seeking the Commission's approval to move forward and repair some of the problems to the lake banks within the municipal golf course that was identified.				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 48</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>He presented a number of pictures that highlighted the seven lakes that are primarily affected and the holes present in the vicinity of each lake. In addition, the pictures revealed what is occurring to include severe erosion effects on the lakes. He mentioned that staff has provided their inputs and recommendations to address the agenda item. These include identification of severe erosion of the seven lake banks that is impacting car paths, structures and the greens.</p> <p>Furthermore, Mr. Danovich stated that they would like to conduct immediate repairs to approximately 5,800 linear feet of the lake banks. Besides, the repairs would not affect players. After the 5,800 bank re-stabilization, they will be stabilizing the remaining 3,500 linear feet of lake banks that are at risk of collapsing, which is where the additional \$190,000 will be utilized.</p> <p>Additionally, they have identified a number of bulkheads where there is a deterioration of the wood. Therefore, when the problem has been corrected, the contractor will implement a technology, which has a 20-year warranty. He explained that if no action is taken, there is a probability that the problem will compound. Consequently, if the Commission does not approve the request appropriating approximately \$600,000, there is a possibility that the golf course could go out of business “sooner rather than later.”</p> <p>Mr. Danovich indicated that the contractor selected to perform the job is Landshore Enterprise, LLC. It is a firm established in Fort Lauderdale and has been conducting business for over 10 years. Also, they have been providing the same type of services for golf courses in Florida, the Carolina’s, Illinois and the Bahamas.</p> <p>In addition, Mr. Danovich clarified that they chose not to bid because Landshore Enterprise has the exclusive use of a process that guarantees a 20-year lifespan, which no other company has. Also, they chose that route mainly due to the emergency and the timing. In order for them to have a bid, there must be a 120 days turnaround time from the moment the RFQ was put together and advertised, they are required to place it on the market for no less than 21 days plus the 7 days for advertisement. During this period a month would have been lost. In fact, an assessment was done in conjunction with a golf personnel and City Engineering staff.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

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REGULAR ITEMS – CONTINUED

Finally, Mr. Danovich mentioned that the team of contractors were present to answer any technical questions. They included, Boris Stan Belfer, Engineer of GGB Engineering, Inc., Andre van den Berg, President of Landshore Enterprises, LLC and Robert who all have their professional geological licenses to operate in the State of Florida.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach stated that there is a request for taxpayers to pay approximately \$600,000 in addition to the \$866,000 that the taxpayers have recently paid to cover the golf course losses. Furthermore, there is another demand for taxpayers to pay \$1.7 million to cover the year 2016 golf course losses. As a result, in 2 years taxpayers will pay over \$3 million to cover losses in an effort to have approximately 215 members play golf.

Continuing, Mr. Terwilliger noted that previous budgets have stated that the golf course should be “a self-sustaining entity”. In other words, the golf course should not cost the taxpayers any money. He alluded that the previous budget stated that “the golf course should increase golf play by 10% per year,” which has not happened. Moreover, he noted that the 2016 budget indicated that golf revenues have decreased by 14%. He determined that “golf is dying”; besides, other areas in the City and other cities have closed their golf courses and have saved money.

Mr. Terwilliger suggested that if the City desires to create jobs, developments and tourism in an effort to save money, and asked, “Why waste another \$600,000 plus the \$7.3 million that taxpayers have paid to cover golf course losses since 2012.” Therefore, he urged the Commission to turn the golf course into a youth soccer facility that will provide a future for the children. As well as an opportunity to attract tourist, provide jobs and redevelopment and create a new landmark for Pompano Beach citizens.

Dr. Richard Porraro, 2532 SE 13th Street, Pompano Beach, Florida, Chairman of the Golf Advisory Board, stated that he is in appearance to address any concerns about the golf course. He noted that there were updates on what has occurred at the golf course; however, he would like to revisit prior to City Manager Hargett. Prior to City Manager Hargett officiating the management, the golf course was self-sustaining and has continued to be self-sustaining until the City Manager felt that the golf fund should be sharing cost of the City that were not being utilized.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 50</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Subsequently, administrative fees were added to the golf budget and the increase in water has severely changed. Moreover, there has been an increase in golf play, not just for the 250 members but also for the part-time residents who play golf. Besides, the golf rounds and the income from those rounds have increased on a monthly basis. Additionally, he reiterated what Mr. Danovich stated earlier about the current situation of the course. He highlighted certain areas of the golf course that definitely needs immediate attention. He suggested that the Commission should seek assistance from the Department of Transportation (DOT) in funding some of the repair costs.</p> <p>Comr. Moss stated that he received a tour of the golf course and had seen the repair needs. However, there is no bid out for this particular job. He feels like it is an “old and tired trick and he is concerned about it.” Nevertheless, he sees the need for the repair, which he does not object to, but he objected to the fact that they did not go through the necessary procedures such as a bid process and proposals. He reiterated his concerns of spending significant dollars without going through the process.</p> <p>Comr. Hardin asked Mr. Danovich if the price to repair the golf course a good price.</p> <p>Mr. Danovich replied that his intern did a quick research in an effort to keep up. He referred to the Memo in the backup that provides the cost ranges that were estimated, which are almost in agreement with the proposal that they received. In addition, he noted that the research conducted by the intern estimated that the 5,000 linear feet would be in the cost range of approximately \$60-\$65 per foot to correct, which is in agreement with the current price that was received. Furthermore, they did not have sufficient time to conduct more research but the price is within that boundary.</p> <p>Comr. Hardin indicated that to piggyback on Comr. Moss’ comments stated that everything that is happening did not just come about recently. He asked, “How did the golf course repairs suddenly crept up on the City,” so now there is an urgency with no time for a bid.</p>				

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

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Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

Dennis W. Beach, City Manager replied that the ponds have not filled up all season, but due to a recent storm it resulted in the damage to the course. Therefore, that happened due to a low water table that they had during the summer.

Comr. Hardin asked would it make a difference to the golf course going forward whether it is a rainy or dry summer.

Mr. Danovich specified that the area that is going to be repaired by the firm would be protected. Also, other lakes within the golf course would have to be monitored. He explained that most times the deterioration of the banks is not seen over time, but the effects can happen overnight.

Comr. Hardin commented that he thought the City had a professionally designed and constructed golf course, which has suddenly started to fall apart. As a result, \$600,000 is required for renovation.

A representative of Jujubi Engineering Inc., who is an engineer, stated that he is teaching a course on erosion control for the Florida Department for Environmental Protection. He said they have to explain to City engineers and municipalities what could happen and explained the process in detail. He stressed that the more the City delays renovation, the more money it will cost to repair the banks of the lakes.

Comr. Dockswell asked how the lakes with the problems are distributed over the Pines course and the Palms course.

Mr. Danovich referred to an exhibit showing the seven lakes that are mostly on the eastside and is primarily affecting the 16, 17, 18, 8 and 9 holes, which are mostly affected.

In response to Comr. Dockswell’s question regarding all of the affected sites being located in the Pines area, Mayor Fisher mentioned that most of those lakes were on the Greg Norman course, which Mr. Danovich replied, “right.”

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

Mayor Fisher noted that Dr. Porraro stated that there was a couple on the Palms course where there is deterioration in the bulkheads.

Comr. Dockswell questioned if there are any suspicion that the current problems the city is facing are related to the redesign that Greg Norman did and the implementation that followed.

Mr. Danovich replied that he has no evidence that is actually what has caused the problems. However, the material that is below is fine sand material, which makes the area highly pervious and absorbing.

Comr. Dockswell inquired if the current problem has ever happened on the golf course in the past 20 years.

Mr. Danovich replied that he does not have enough history.

Comr. Dockswell agreed that the golf course has been absorbing millions of dollars over the years. Moreover, the city kept thinking that it is going to be sustainable but it has not. In addition, he was expecting a dramatic increase in golfers but he does not recognize that. However, he will support the item because it is an emergency. Nevertheless, he thinks that the Commission should give directions to the staff they put in place to plan with a timeline of when the golf course is going to be sustainable. Therefore, if that plan was not achievable, then they should find an alternative use for the land.

Comr. Phillips questioned why the water bill totaling \$700,000 for the golf course is so high. He suggested that they could possible place a large retention area where they can formulate a lake that could feed into some of the lakes. Moreover, at some point in time they are going to have to be fiscally responsible. He asked the engineers if they could create a larger swale area because they do not have any.

Mr. Danovich replied that they can but they would be required to evaluate the area, look at the topography and find opportunities to dig a lake to feed other lakes. However, it will come with a price and in order to dig a lake to feed other lakes it requires digging a lake between 25 to 50 feet in depth.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 53</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Comr. Phillips asked if the City could get any guarantees that the \$600,000 spent for this project will be the only funds that will be expended to fix the problems.</p> <p>Mr. Danovich replied he cannot confirm that and explained why.</p> <p>Boris Belfer, Engineer, GGB Engineering, Inc. 2699 Sterling Road, Suite C-202, Fort Lauderdale, FL responded to Comr. Phillip’s question by stating that based on the “observation of the different alternatives, existing technologies and materials, the innovative technology provides the most viable solution and yields the better guarantee given the existing conditions that currently exist.” Besides, it is the proper way to correct the situation for the biggest warranty, and reduces the risk and cost.</p> <p>Mr. Beach stated that it is difficult for someone to assure the Commission and anyone else that this is the end of this problem. The \$600,000 will get what is outlined in the proposal for this project. If another problem surfaces then that will be “laid in our laps at some time in the future.”</p> <p>Andre van den Berg, President, Landshore Enterprises, LLC 5601 Powerline Road, Suite 302, Fort Lauderdale, FL 33309, provided a brief background of their operations. He indicated that they have been in the industry for a while and that they design their own products. In addition, he stressed that their product is the best product that would work for the golf course.</p> <p>Comr. Phillips commented that Mr. Beach gave him some level of comfort; however, he agreed with Comr. Dockswell that the city “can’t keep bleeding with the golf course.”</p> <p>Vice Mayor Burrie reiterated the guarantee provided earlier was 20 years. In other words, they are not responsible for any other lakes except for the ones that they would repair for the \$600,000.</p> <p>Mr. Danovich replied, “all 9,300 plus feet.”</p> <p>Mayor Fisher asked if the Engineers would fill in the ground or start the process from where the erosion is currently.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

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REGULAR ITEMS – CONTINUED

Mr. van den Berg provided the technical detail as to the process involved in accomplishing this.

A lengthy discussion followed between the Commission and Mr. van den Berg on the technicalities of how the engineers plan to accomplish the restoration of the lakes and its banks. As well as the various challenges over time, that the golf course has faced to include the administrative and water costs and so forth.

In sum, Comr. Dockswell inquired how can the City’s golf course be made sustainable, and how do we compare with other municipalities’ golf courses budget and operation.

Comr. Hardin asked if the City had contacted the Greg Norman Company to alert them of the current situation.

Mr. Danovich responded that they have not.

Comr. Hardin suggested that perhaps staff might want to inform them of degradation of the lakes and solicit some input from them.

RES. NO. 2015-378

TIME 03:23:00

ITEM 23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2015 THROUGH 2019 TO INCLUDE A PROJECT FOR REPAIRS TO THE MUNICIPAL GOLF COURSE; ESTABLISHING THE APPROPRIATE BUDGET FOR FY 2015; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Up to \$600,000 from Fund Balance – General)

The Resolution was read by title only.

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

CITY COMMISSION MEETING MINUTES

JULY 28, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-378 upon reading.

Horacio Danovich, CIP Engineer, stated that this is a companion item to the preceding one, which was discussed at length. As customary, when an item is not on the CIP plan, staff asks the Commission’s authorization to include it in the CIP plans so staff can appropriate the funding for that particular project.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, asked the commission to consider making an amendment to the Resolution stating that the Golf Course should not receive general funds in excess of \$1.7 million for fiscal year 2016, \$850,000 in fiscal year 2017 and \$0 for the years after.

Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, stated that for quite a few times the golf course has been discussed at the Budget Review Committee meetings. Even so, there appears to be a “black hole” because for the last year the city has subsidized the golf course by one and a half million dollars and prior to that it has been a half million dollars. He asked why this enterprise is being subsidized while some other situation such as children’s education in Pompano, which is dismal, is not.

RES. NO. 2015-379 TIME 03:25:46 ITEM 24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PINNACLE CONSTRUCTION SUPPORT GROUP, INC. N/K/A PINNACLE/CSG, INC. PROVIDING FOR MODIFICATION TO THE SECOND FLOOR BUNK BATHROOMS AT FIRE STATION NO. 11; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$55,100)

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	

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-379 upon reading.

Horacio Danovich, CIP Engineer, stated that the Resolution is seeking the commission’s authorization to appropriate \$55,100 to conduct a repair on the six bathrooms at Fire Station No. 11. JCon was responsible to install the bathrooms, however, staff found that they were not installed properly and so repair has to be conducted. Of course, this will be considered in the discussion with the insurance company.

Mayor Fisher expressed wonderment that a contractor could do this to the City’s facility.

Comr. Phillips noted that there is a component in the insurance called Project and Completed Operations and inquired about it.

Mr. Danovich replied that staff hoped that will be a component, but all those details must be discussed with the City’s legal counsels as staff itemized them.

Comr. Phillips indicated that the City is spending monies but does not seem to be utilizing the tools available.

Dennis W. Beach, City Manager indicated that the City is in the middle of cashing in on a Performance Bond on this project. Therefore, Mr. Danovich is referring that the City will add this to that part of the Performance Bond.

Comr. Hardin asked if the City would be getting these monies back from the Bond, for the errors in the construction of the bathrooms.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

Greg Harrison, Assistant City Manager, stated that the Commission authorized the hire of Keller McIntyre to assist the City in identifying federal grants for various city projects. It is the first one that Keller McIntyre has led the City into, which is a very good project. There is a fifty percent grant on a \$5 million project on Briny Avenue from the Economic Development administration. There is a very good chance for the City to compete for this grant and being successful in obtaining it.

Comr. Hardin asked if this is to obligate the fund or if the grant is not realized then those funds can be used somewhere else.

Mr. Harrison stated that the Commission is authorizing the City Manager to sign a letter that will go to the Regional office of the Economic Development Administration stating that the City of Pompano Beach has committed these monies to this project if they will fund it.

Mayor Fisher noted that it is a promised project for Briny Avenue for approximately five years and hopes this will be granted so the City can finalize the project.

Comr. Moss asked if any other projects currently being considered must be cancelled to fund this.

Mr. Harrison replied that this has nothing to do with any other project.

Comr. Hardin indicated that this is “the tip of the iceberg” of what the City hopes this company can accomplish. If they can accomplish everything hoped for, then the City will need a lot of money to match.

Comr. Phillips stated that as the City proceeds on the beach, in, and around that area, would funds be available for expanding the bridges or the roadways. Also, can dollars be found to aid in expanding the bridges and or find a way to enlarge the roads without intruding on the City’s respectability of the residents and tourists in the area.



City of Pompano Beach, Florida

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	

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REGULAR ITEMS – CONTINUED

RES. NO. 2015-381

TIME 03:35:15

ITEM 26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING AN ALLOCATION OF \$312,500 TO THE SHIPWRECK PARK, INC. TO BE USED TO DEVELOP, MANAGE AND MARKET AN ARTIFICIAL REEF OFF THE COAST OF POMPANO BEACH IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL RULES AND REGULATIONS; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-381 as amended.

Greg Harrison, Assistant City Manager, provided a brief history on the ship called the Santé Manna that the City was excited about acquiring. There was a deal to purchase the vessel for \$312,500, which the City did not get because the owner back out at the last minute. At that time the Commission approved a public/private partnership with the Isle, which they would contribute \$312,500 and the City the same amount for that project.

Additionally, Mr. Harrison stated that in working with the Economic Development Council and the Tourism Committee, they wanted to keep searching to find a vessel. Subsequently, a vessel has been located that has been on a surplus auction with the City of New York. The auction information had the value of the vessel on a high of \$850,000 to be a continued use as a commercial vessel to a low of \$135,000 for scrap. No one has placed a bid on the vessel. Therefore, after meeting with the Economic Development Council and the Tourism Committee representatives the City asked if the City of New York would take \$100,000 for the vessel, which they accepted.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

In the meantime, the Commission had authorized the formation of a private foundation, which members would include Suzette Sibble, Finance Director and Greg Harrison, Assistant City Manager. The purpose of the foundation is to develop, manage, and market the artificial reef project. Therefore, this resolution is to request the Commission’s approval to allocate \$312,500 to the Shipwreck Park, Inc., which is the formal name of the 501(C) 3 Foundation. Mrs. Sibble will be able to set up procedures from which moneys could be drawn down on the \$312,500 based on simple situations.

Notwithstanding, the ship will have to be towed from New York to Florida to a dock, then cleaned and scuttled, as well as to go through the process a ship must go through to be sunken on the sea floor. Through the efforts of Ken Banks, the Broward County Environmental Protection Department has already issued a permit on the City’s behalf to sink the vessel.

Finally, Mr. Harrison indicated that they are ready to move forward with this project. Furthermore, the Isle has confirmed that they are ready to go and provide their \$312,500 to the Foundation. Additionally, they will be putting their \$50,000 portion to purchase the vessel out of New York.

Tom DiGiorgio, 24 Northeast 24th Avenue, Pompano Beach, FL, indicated that he was speaking personally and on behalf of the Tourism Committee, and the Economic Development Council. To recap, Dr. Bob Leeworthy has enumerated the economic benefits of the project in January. This is an outstanding deal and project, which is a great partnership to include the Broward County and the Isle. The project will be a real dynamic economic driver for the community.

In sum, Mr. DiGiorgio urged the Commission to support this venture.

Comr. Moss supports the concept of buying a boat and sinking it to create a park, but originally it was predicated on the price for the first ship, which was much higher than \$100,000. Therefore, he asked if there would be excess money left over in the Foundation after the setup of the current ship underwater.

Names of Commrs.	M	S	Y	V	N

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REGULAR ITEMS – CONTINUED

Mr. Harrison replied that there will not be any excess money left and explained the costs involved to include the towing of the boat from New York. In fact, the Foundation is tasked to seek other funds from the County and State for this project. As well as, come up with creative ideas to market the shipwreck park.

Comr. Hardin indicated that this project is an exciting one and the \$312,500 between the City and the Isle will not be enough to accomplish what needs to be done to make this an economic viable venture. The Shipwreck Park is a “cool” idea, which can be advertised to the diving community worldwide. Therefore, the diving community will know Pompano Beach as a destination place for diving. Comr. Hardin questioned how does the size of this ship compares to the Santé Manna.

Mr. Harrison replied approximately 15 feet longer but the same width. In addition, all the same participants are in place similar to what was done in February. However, they will be using a different contractor.

In response to Comr. Hardin’s question regarding the Isle’s financial commitment and the decisions made by the Foundation, Mr. Harrison replied the Commission would be provided with updates on the Shipwreck Park’s progress by the Foundation.

Comr. Dockswell stated that he will support this project but commented on the naming of the ship. While he agrees that the Isle has the right to name the vessel in its sunken incarnation, he opined that the City should have some sort of review and approval rights to it. In addition, Comr. Dockswell understands the reason to define an area with a number of sunken vessels and to give it a name, which Shipwreck Park maybe “cool” but if you google that name it is a very common, boring and undistinguished name. Therefore, he thinks the City should be able to do a lot better, for example, the “Pompano Triangle” would be a better name to market.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

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REGULAR ITEMS – CONTINUED

Mr. DiGiorgio stated that they had procured the domain names ShipwreckPark.org/Shipwreckpark.com so the actual websites have been established. Perhaps they could change the working names; however, they did not want to think of only one ship. Hopefully, the County will be able to provide matching funds of an additional \$312,500 for the long term marketing of the entire area, which would include way finding, art display underwater, etcetera, and as an underwater park and not just as a shipwreck. The emphasis is on the word “Park”.

Mayor Fisher noted that the Shipwreck Park Inc. is a non-profit for a good fund raising mechanism.

Mr. DiGiorgio confirmed that it is a true Foundation.

Comr. Phillips asked if the City received any funding from the Broward County Tourism.

Mr. Harrison replied we receive bed tax.

Mr. Beach added that the City does not get direct contributions from that organization but the recent Tourism Director works with them to ensure that Pompano Beach gets its share of publicity as well as whatever they are doing in terms of promoting tourism in Broward County.

Comr. Phillips asked if the Board that the City has could make suggestions to a better naming of the ship and things of that nature.

Mr. Harrison replied. “Certainly.”

RES. NO. 2015-382

TIME 03:54:44

ITEM 27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DAVID HALL** TO THE POMPANO BEACH POLICE & FIREFIGHTERS’ RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2018; PROVIDING AN EFFECTIVE DATE.

Names of Commrs.	M	S	V Y	V N
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. 2015-382 upon reading.				
<u>VOICE VOTE</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
RES. NO. 2015-383				
TIME 03:55:13				
ITEM 28				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>KENNETH KOCH</u> TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD AS A GENERAL CONTRACTOR FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 8, 2018; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				
MOTION: To adopt Resolution No. 2015-383 upon reading.				
<u>VOICE VOTE</u>				
Dockswell			x	
Hardin		x	x	
Moss			x	
Phillips			x	
Burrie	x		x	
Fisher			x	
There was no discussion on the item.				



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Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS – CONTINUED</u>				
RES. NO. 2015-384 TIME 03:55:42 ITEM 29				
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>GAIL A. DEANGELIS</u> TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD/NUISANCE ABATEMENT BOARD AS A REAL ESTATE PROPERTY MANAGER FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 8, 2018; PROVIDING AN EFFECTIVE DATE.</p> <p>The Resolution was read by title only.</p> <p>MOTION: To adopt Resolution No. 2015-384 upon reading.</p>				
VOICE VOTE				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
There was no discussion on the item.				
RES. NO. 2015-385 TIME 03:56:13 ITEM 30				
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Fiscal impact: This yields \$13M in revenue for Fire Operations)</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	

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REGULAR ITEMS – CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-385 upon reading.

Ernesto Reyes, Budget Director, stated that the Resolution establishes the Fire Assessment program for next fiscal year. Also, it provides for the proposed rates for residential of \$134 per unit, ten cents per square foot for industrial, twenty-three cents per square foot for institutional, nineteen cents per square foot for commercial and those rates are the same as in the current fiscal year.

Comr. Phillips asked if this is a prelude to approving the budget, or is it just for the rates that have nothing to do with the budget.

Mr. Reyes replied that this item would come back before the commission at the next public hearing in September for final approval.

RES. NO. 2015-386

TIME 03:58:33

ITEM 31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

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	

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-386 upon reading.

Dennis W. Beach, City Manager, stated that this Resolution is passed at this time each year to ensure the City keeps running in the absence of the August Commission meetings.

REPORTS

City Manager – No Report.

City Attorney – Gordon B. Linn, City Attorney wished everyone a happy and safe August away from his or her duties.

City Clerk – Asceleta Hammond, City Clerk wished the Commission a happy and safe hiatus.

Commissioner Barry J. Dockswell – Agenda Item 2 – Change Order – Comr. Dockswell in reference to Item 2 on the Agenda for the \$300,000 change order, requested a date as to the analysis of what happened in this case and what is being done about it.

Dennis W. Beach, City Manager, replied that he would provide the Commission with a projected date.

Timeline on Traffic Study – Comr. Dockswell requested a timetable on the traffic study parking and massing analysis that the City was planning to do. Therefore, he is looking for the traffic and parking study, as well as when staff believes the Local Activity Center (LAC), if one were done, would actually be done.



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Names of Commrs.	M	S	Y	N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 67</p> <p><u>REPORTS - CONTINUED</u></p> <p>Robin M. Bird, Development Service Director replied that he had asked to have this provided, which he thought was forwarded to the Commission. Nevertheless, he will check into it.</p> <p>Mayor Fisher stated that a timeline was provided.</p> <p><u>Appreciation of City Attorney Linn</u> – Comr. Dockswell expressed his appreciation to Gordon B. Linn as the only City Attorney he has known who has been working with the City long before he was elected to office as a commissioner. In addition, he has found Mr. Linn to be very intelligent, experienced, wise, calm, has great judgment, and stated it has been a real pleasure working with him as the City Attorney. He will be missed.</p> <p>Finally, he said Mark Berman is a great person and hope to see great things from him, but forewarned him that he has “big shoes to fill.”</p> <p>Gordon B. Linn, City Attorney thanked the commission for the sentiments expressed.</p> <p>Comr. Dockswell wished everyone a great August and will see everyone after Labor Day.</p> <p><u>Commissioner Rex Hardin</u> – Comr. Hardin wished everyone an enjoyable vacation.</p> <p><u>Agenda Item 2 – Change Order</u> – Comr. Hardin stated that based on the conversations that took place tonight, as well as conversations he has had earlier today with City Manager Beach, which he hopes Mr. Beach will make it clear to everyone that nothing like this happens again.</p> <p>Dennis W. Beach, City Manager expressed his appreciation for the comments on this matter, and stated that it is critical that the Commission recognized the situation.</p>				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 68</p> <p><u>REPORTS - CONTINUED</u></p> <p><u>Appreciation for City Attorney Linn</u> – Comr. Hardin expressed personal thanks to City Attorney Linn for doing a great job for the residents of the City and said he has kept “our fat out of the fire” for numerous occasions and that he will be sorely missed. Nevertheless, he has confidence that Mark Berman will rise and take over the office and put his mark on it. Gordon Linn will never be replaced.</p> <p><u>Commissioner Barry Moss – Appreciation for City Attorney Linn</u> – Comr. Moss congratulated City Attorney Linn on his retirement and thanked him for his graciousness to him while he was a “new kid on the block”. He then wished Mr. Linn good speed.</p> <p><u>Extending Hours of Serving Alcoholic Beverages</u> – Comr. Moss stated that there are people from the community who would like the City Commission to consider extending the hours of serving alcoholic beverages. He understands there were discussions on this in the past; however, if the City is planning on being a tourist destination, as well as to compete with other surrounding cities, then the City needs to reconsider this issue. Therefore, he asked what would be the procedure to get this issue reviewed to move forward.</p> <p>Mayor Fisher indicated that a workshop could be set up to discuss this further.</p> <p>Comr. Dockswell indicated that he would have preferred a consideration item on the Agenda but would not have a problem with a workshop.</p> <p>Comr. Phillips expressed reservations on it and is reluctant to move forward due to the impact it would have on the smaller businesses.</p> <p>Comr. Hardin preferred a consideration item on the agenda rather than a workshop.</p> <p>Vice Mayor Burrie understood that staff was to bring back some type of alternatives to the Commission for discussion.</p> <p>In sum, Mayor Fisher indicated that this will be a lengthy discussion, and this should be kept in mind if it will be placed on the Commission Regular agenda.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Advisory Board Functionality – Comr. Moss suggested that when the Commission return from its hiatus, they need to look at how some of the advisory boards work and do not work. There are appointed persons that do not attend meetings and a lot of time is wasted on these boards.

Commissioner Edward Phillips – City Rules and Procedures – Comr. Phillips stated that the residents from his community have expressed their concerns with the perception of the City operating by two sets of rules. However, after receiving a report from the City Manager’s Office today, it looks like the City is moving towards one set of rules and not two. The document he received stated that City staff met today and talked about procedures and change order policies and training updates. Therefore, this is encouraging to him as it moves fluently towards one set of rules. So, there will not be any question as to where the City is going and what is being done. Therefore, he commended the City Administration and its staff for having heard the Commission as they attempt to move fluently towards having one set of rules.

Work In Progress Program – Comr. Phillips announced that on Wednesday July 29, 2015 from 6:00 p.m. to 9:00 p.m. the work program for the kids would be holding a banquet at the E. Pat Larkins’ Center. Everyone is invited to attend to congratulate those kids for succeeding in the program. They also thanked the Commission for allowing them to be able to work during the summer.

Vice Mayor Charlotte J. Burrie – Appreciation for City Attorney Linn – Vice Mayor Burrie stated that she has had the pleasure of working with a few City Attorneys including working for one named Chase Adams. However, with City Attorney Linn, she has had the opportunity to work with him and against him and he is the only City Attorney that worked for her and watched out for her. She has enjoyed the years working with Gordon Linn and wished him all the best. She also thanked him for all his years of service.

Additionally, Vice Mayor Burrie announced that in November she would get to retire from her legal job and perhaps ride a bicycle as well.



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Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES JULY 28, 2015</p> <p>PAGE 70</p> <p><u>REPORTS - CONTINUED</u></p> <p><u>Mayor Lamar P. Fisher – Best Wishes to City Attorney</u> – Mayor Fisher wished City Attorney Linn all the best as well as an enjoyable retirement, and implored him to be safe on those wonderful bike rides across the world.</p> <p><u>ADJOURNMENT</u></p> <p>There being no further business, the meeting adjourned at 10:08 p.m.</p> <p style="text-align: center;"><u>LAMAR FISHER, MAYOR</u></p> <p><u>ASCELETA HAMMOND, CITY CLERK</u></p>				