



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-03

Date: November 10, 2015

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-03

Date: November 10, 2015

Commission Meeting Room

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

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

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

and

City Manager
City Attorney
City Clerk

Dennis Beach
Mark Berman
Ascelela Hammond

INVOCATION BY:

Pastor George Rich
P3 Church

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

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

November 10, 2015

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PROCLAMATIONS

Holiday Boat Parade Day

Mayor Fisher, on behalf of the City Commission of Pompano Beach, read a proclamation proclaiming Sunday, December 13, 2015, as "Pompano Beach Holiday Boat Parade Day" in the City of Pompano Beach, Florida. He also urged residents to participate in the "Progress of Pompano" parade by decorating their vessels, residences and seawalls along the parade route, and joining the well-wishers along the Intracoastal Waterway. Subsequently, he presented the proclamation to Lisa Spinelli representing the Greater Pompano Beach Chamber of Commerce.

Gwen Leys, on behalf of the members of the Greater Pompano Beach Chamber of Commerce and the members of the Boat Parade Committee, thanked the Mayor and the Commissioners for their support of the Pompano Beach Holiday Boat Parade.

Hunger and Homelessness Week

Mayor Fisher, on behalf of the City Commission of Pompano Beach, read a proclamation proclaiming November 14-22, 2015, National Hunger and Homelessness Week in the City of Pompano Beach, Florida. He also encouraged all citizens to recognize that many people do not have permanent housing and need support from citizens, and the private and public nonprofit service organizations. He then presented the proclamation to Janice Lavrar, President of Episcopal Health Ministries, d/b/a St. Laurence Chapel.

Ms. Janice Lavrar, on behalf of the staff of St. Laurence Chapel and the clients, and to all people and organizations that in any way minister or provide services for the homeless, stated they are very thankful and proud to accept the proclamation.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES **November 10, 2015**

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SPECIAL PRESENTATIONS

Super Bowl Champions and Scholar Athletes Recognition

Mayor Lamar Fisher and Mark Beaudreau, Recreation Programs Administrator, along with City staff Scott Moore, Recreations Manager, Jonathan Nasser, Interim Recreations Manager, Pete Kimbrel, Football Commissioner, and Robert Pierre, Head Coach recognized the Scholar Athletes and Super Bowl Champions.

Mr. Moore reported that this year was the first year for the Football Eagles team with Pop Warner, the largest football organization in the world, for the first time in its history that a team in their first year has gone to and won the Superbowl. However, they will play one final game on November 21, 2015 at 2:00 p.m. where the Eagles will be playing for the champions of champions, which they will win. He recognized all the coaches who have volunteered their time in working with the kids.

Super Bowl Champions – Pompano Beach Eagles Jr. Bandits (ages 6-7) – Pete Kimbrel presented certificates and medals to the following participants:

Jaylen Harrison, Christopher Flowers, Ra’heim Williams, Shemar Aleene, David Lopez, James Coissy, Jamarcus Hires, Zokarion Jackson, Zhu’mareyun Daise, Timothy Flowers, Isahiah Melendez, Ladarious Smith, Jr., Robert Reese, Jaylen Mack, Lamarius Richardson, Robert Pierre, Jamarcus Noel, Anthony Emmanuel, Mathieu Joseph, III, Amari Ford, Samuel Stanley, III, Gary Hadley, Jr., Jermaine Williams, Jr., Amari Ermilas, James Baisden and Charlitte Ja’mari.

Additionally, Mr. Moore provided a brief background on the Pop Warner Scholastic Football Program. Thereafter, Pete Kimbrel recognized the following Scholar Athletes:

Pompano Chiefs

James Hill
Edward McIntosh
Isiah Thomas

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

November 10, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Drug Problems in the Community – George C. Dillard, 612 Northwest 7th Terrace, Pompano Beach, FL 33060, stated that he is concerned regarding his neighborhood and the drug problems that are currently very prevalent. He indicated that something needs to be done about this problem. He is a bit discouraged and quoted, “where there is hope there is no dope.” Therefore, he urged the Commission to do what is right for the neighborhoods.

Cheerleaders – Mr. Dillard indicated that the Cheerleaders from the various football teams in the City will be going to Orlando for the national championship and appealed to the Community leaders to assist the young people in their endeavors to participate in a positive way in the community.

Mayor Fisher informed Mr. Dillard that Comr. Phillips along with the Broward Sheriff’s Office are working diligently to clean up the streets within the neighborhoods and to get drugs such as flakka off the streets. The team is working hard to clean up the drug houses, and to increase the legislation possibly, to use some nuisance abatement. Therefore, he urged Mr. Dillard to be patient and if he has specific issues to communicate that to Comr. Phillips, the BSO or to him to get them addressed.

Consent Agenda – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated that on numerous occasions the Commission has asked staff not to put items under Consent Agenda relating to large sums of money. Nevertheless, staff continues to disregard the request, as it is evident tonight whereby they placed under Consent Agenda an item that includes approximately \$3 million. He then explained his opinion as to what a consent agenda should involve and how staff has failed to obey the Commission’s instructions.

Change Orders and Employee Parking – Mr. Terwilliger alleged that staff has brought before the Commission several million dollars of change orders for approval. He indicated that change orders have become the norm rather than the exception. Therefore, he wants to know what type of punishment that can be leveled at the incompetency of staff as detailed by the Inspector General. He then urged the Commission to represent the citizens of the City by terminating those due to lack of ability of skills to perform the tasks they have been employed to do.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

November 10, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Finally, he requested that the Commission not increase taxes to the citizens. As well as, staff needs to move from their reserved parking spaces by the City Hall back door so that the taxpayers can park there instead.

Education Workshop – Bruce Voelkel, 2200 Southeast 2nd Street, Pompano Beach, FL, thanked the City Commission for their leadership and hosting the educational workshop between the Superintendent and the School Board and the City Commission on October 29, 2015. Many citizens of Pompano Beach had the opportunity to express their concerns to the superintendent and his staff about the condition and academic levels of the schools within the City. He hopes there will be future meetings to see progress in the schools.

CONSENT ITEMS

TIME 00:43:21

ITEM 1

Approval of a request from Carol E. Davis and Nakia Ingraham to transfer ownership of various plots located in the Municipal Cemetery back to the City of Pompano Beach. (Fiscal impact: \$2,025.00)

RES. NO. 2016-52:

TIME 00:43:21

ITEM 2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. TWO IN THE AMOUNT OF \$114,120.00 PURSUANT TO THE CONTINUING CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. TO DEVELOP A WILDLIFE HAZARD ASSESSMENT AND MANAGEMENT PLAN FOR THE MUNICIPAL AIR PARK; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$14,657.00 Airpark, FDOT Grant \$8,333.00 and FAA Entitlement Funding \$91,130.00)

Names of Comms.	M	S	Y	N	V	V
CITY COMMISSION MEETING MINUTES						
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<u>CONSENT AGENDA - CONTINUED</u>						
MOTION: To approve Resolution No. 2016-54 as amended.						
<u>ROLL CALL</u>						
Dockswell		X			X	
Hardin	X				X	
Moss					X	
Phillips					X	
Burrie					X	
Fisher					X	
<u>VOICE VOTE</u>						
Dockswell						X
Hardin	X					X
Moss						X
Phillips		X				X
Burrie						X
Fisher						X

Comr. Hardin indicated that there are several projects in District 3, which there was significant input from residents who will be impacted where these projects will take place. Therefore, prior to moving forward with the design phase, he requested support to strike off some of the projects because the communities have emphatically indicated that they do not desire to have sidewalks in certain areas. Those areas are Northeast 11th Avenue on the east side of the street, and Northeast 4th Street on the south side of the street in the Old Pompano area, which is the street across from the High School area. There were some discussions on Southeast 2nd Street over in the Snug Harbor area; however, that should go on to the design phase so those residents would have a visual prior to agreeing to allow it. Therefore, Comr. Hardin requested if it is possible for the Metropolitan Planning Organization (MPO) to modify the plan to remove those two areas he mentioned earlier.

Mayor Fisher noted that the referenced sidewalks to strike are listed on Exhibit A, and are listed as items 4 and 5.

MOTION: To remove from Exhibit A items 4 and 5.

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

CITY COMMISSION MEETING MINUTES

November 10, 2015

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CONSENT AGENDA - CONTINUED

TIME 00:54:10

ITEM 9

Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2015. (Fiscal impact: \$1,135,195)

MOTION: To approve the item.

Comr. Moss stated that the amount of \$1,135,195, warrants an explanation and asked for clarification.

Ernesto Reyes, Budget Director, responded that this item is for those negative variances at the end of the year that are normal to have. Therefore, once the budget comes in staff will be able to determine the actual revenues and expenditures. So, monies will be transferred to correct the negative balances.

Comr. Phillips asked if by transferring negative balances around, would it affect the position of the total budgeted amount.

Mr. Reyes responded that staff is not transferring negative variances. Rather, they are moving money from where there is a positive variance to a fund where there is negative variances to correct for that.

TIME 00:43:21

ITEM 10

Approval of budget adjustment to appropriate and rollover funding totaling \$1,796,995 from Fiscal Year 2015 to Fiscal Year 2016 for capital outlay and operating expenditures.

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

Michael W. Smith, Human Resources Director, indicated this is the second reading of the ordinance that will implement the changes in the budget adopted on September 21, 2015. These are new positions and changes in positions, which were adopted in the budget and the backup information provides all the details of the costs.

Comr. Phillips asked when a lesser position is reclassified to a higher position, is there a person being considered at that time, or, is that newly graded position advertised.

Mr. Smith responded that a reclassification usually relates to a specific person being moved from one pay grade to another. Further, he stated in the particular group of jobs there are ten new titles, six of those individuals are existing personnel currently receiving assignment pay for performing that particular job so they are reclassified in that position. There is a part-time position moving to a full-time position and there will be three new persons hired.

Comr. Phillips indicated that there are concerns in his community to ensure that the positions reflect the composition of the overall city.

Mr. Smith indicated that it is one of the goals of the Human Resources department to ensure that the workforce reflects the community.

P.H. 2016-26; ORD. NO. 2016-...: TIME 01:02:59 ITEM 17

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 PROFESSIONAL SERVICE INDUSTRIES, INC. FOR ENVIRONMENTAL TESTING AND CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No cost at this time)

The Ordinance was read by title only.

Names of Commrs.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS – CONTINUED</u>				
The Ordinance was read by title only.				
MOTION: To approve the Ordinance upon first reading.				
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
John Sfiropoulos, City Engineer indicated that this item along with Item 25 establishes continuing contracts for environmental testing. Both contracts are the same except for the fee structure as outlined in the Exhibits. Finally, he stated that there are no costs at this time.				
P.H. 2016-25; ORD. NO. 2016-...: TIME 01:08:04 ITEM 25				
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 E SCIENCES, INCORPORATED FOR ENVIRONMENTAL TESTING AND CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)				
The Ordinance was read by title only.				
MOTION: To approve the Ordinance upon first reading.				
<u>VOICE VOTE</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
There was no discussion on this item.				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES November 10, 2015</p> <p>PAGE 25</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Michael Goldstein, Esquire, The Goldstein Environmental Law Firm, 1 Southeast 3rd Avenue, Miami, FL 33131, stated that he represents the applicant and is available to respond to any questions that the City may have regarding the application.</p> <p>Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, indicated that when the project was established there was a level of commitment made because of its location directly across from Collier City. Therefore, for the community in Collier City, although they met the statutory criteria requirements, there should be an economic impact on the community located across from the subject site, to include the elementary school, which could benefit from some support for their reading programs and so forth.</p> <p>Mr. Thrower hopes that the community in Pompano Beach can be assured of a commitment made to exercise economic equality. As well as, the company would reach out to the community and the Pompano Beach sub-contractors.</p> <p>Comr. Moss indicated that this project will be in his district and is seeking more information on the contaminants or why the request for the Brownfield designation. Also, he questioned whether the location discovered to be a Brownfield was prior or after the purchase of the land.</p> <p>Mr. Goldstein responded that this is an important and interesting project from an environmental perspective and meets the classic definition of a Brownfield site because it has actual contamination that complicates reuse and redevelopment of the land. He then provided details as to the complications involved specifically with the contamination.</p> <p>Additionally, he indicated that the applicant knew the issues involved with the contamination when they entered into contract. Nevertheless, the applicant has invested time and energy in continuing to comply with the environmental regulatory obligations. Therefore, this designation is necessary. Furthermore, the State of Florida legislature decided that these types of projects should be encouraged and where there are environmental liabilities and significant incremental construction costs, the developers are encouraged to stay on task to embrace these projects and not to look for Greenfield sites and contribute to urban sprawl.</p>				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES November 10, 2015</p> <p>PAGE 26</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Mr. Goldstein spoke at length on the economic development involved with projects such as these. Moreover, the applicant has been concerned and has invested in economic empowerment for the community. Nonetheless, the project is meritorious that they would be pleased to have the Commission’s support.</p> <p>Comr. Moss expressed concern of the severity of the contamination of the property and asked if people would be able to breathe if they walked over the subject area. In essence, he asked, how would it affect the people in the area?</p> <p>Mr. Goldstein explained that the groundwater contamination is limited to the shallow aquifer, not the deep one that is tied into the City’s production wells. Therefore, there is no threat from a ground water perspective. However, from a soil perspective, the remedial strategy which was first proposed and approved, the applicant who took ownership of the property was in the process of being implemented and will continue to be implemented through construction. As the Owner’s attorney and counsel, there is no human health threat from contamination to soil, which approved cleanup plan process. He explained in details the mitigation they have put in place and will continue to put in place to ensure the population is not at health risk.</p> <p>Mr. Goldstein then addressed the issue of contamination in air and indicated the arsenic type of contamination is not the type that volatilizes and becomes airborne in the ordinary course of business. Nevertheless, they do have a health and safety plan in place that will address the issue during construction.</p> <p>Comr. Moss stated that the Commission would not be against mitigating toxic chemicals in any of the districts. So, he is not against it, but rather desired a clearer understanding so that his constituents who live in the area understand the extent of the danger.</p> <p>Mr. Goldstein determined that there is some source removal plan in place for the project and explained how they plan to accomplish removing some of the hottest spots or highest concentration of impacted soil.</p>				

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REGULAR ITEMS – CONTINUED

Finally, Comr. Moss asked if the residents of Golf View Estates, Collier City and Palm Aire are endangered in any way.

Mr. Goldstein replied they are not. Moreover, he committed to follow up with providing the Commission, as well as the City Manager with a detailed but high-level briefing to address each point raised earlier with specificity. In addition, he will also provide Commissioner Moss and his constituents with information on how to access the various materials relating to the environmental issues that has been addressed over the years since the year 2003.

Additionally, Mr. Goldstein provided a brief response to the concerns of the community regarding economic opportunity. In fact, their focus was on the opportunity to bid on construction subcontracts because these can be lucrative. Also, they considered the community's message for a relationship with the developer who will be in the City for a very long time.

Comr. Moss requested that staff include him in future discussions regarding these issues earlier on because he did not have most of the information provided on this item until now.

Mr. Goldstein apologized to Comr. Moss, because he inadvertently had not reached out to the Commissioner for the district that would be impacted.

Comr. Phillips indicated that this is a great project for the district; however, he was disappointed that the commitments now being made were not done earlier. Therefore, it appears because something else will be required from the Commission the commitment is now being made. In addition, he understood that there would have been commitments to local and small business participation. Also, he is surprised to learn that a meeting was noticed and no one from the community attended.

Mr. Goldstein responded that with regards to the meeting being attended, in his experience with Brownfield designation, normally seven out of ten of these meetings people would not attend. Thereafter, a discussion ensued between Comr. Phillips and Mr. Goldstein regarding tax credits issued for cleanup for projects similar to this one.

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Comr. Phillips asked how long the cleanup would last after startup.

Mr. Goldstein responded that the cleanup would be done when the construction is in progress, which at the end of the construction schedule, possibly another twelve to eighteen months.

Comr. Phillips expressed concerns that the cleanup would be done during construction time.

Mr. Goldstein explained the process is typical for redevelopment type projects and indicated that in order for it to be viable the cleanup became part of the construction.

Comr. Dockswell questioned whether the project would be in an environment cleanup mode for perhaps eighteen months.

Mr. Goldstein replied yes. He clarified that his representations currently being made about the applicant's ability, willingness and commitment to get the job done as quickly as possible at this point is reliable. Notwithstanding, they will be entering into a contract, which is a binding enforcement agreement with the applicable regulatory agency, which is the Brownfield site rehabilitation agreement. There is an exhibit with a schedule of very tight timeframes for performance for each milestone, which remains until regulatory closure is obtained. Therefore, failure to comply with the timelines would result in the agreement being voided, they would lose the protection and benefits, as well would be subject to enforcement litigation and penalties.

In response to Comr. Dockswell's question on the airborne contaminants being monitored, Mr. Goldstein responded that they will be monitored because that is part of the site rehabilitation process and explained the process in the event the system does not work according to standard operational process.



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REGULAR ITEMS – CONTINUED

Robert A. McCaughan, Public Works Director, recognized Broward County staff Nicole Sharp, and David Stout of Environmental Protection and Growth Management who is in the audience.

Mr. McCaughan stated that the Segment II Shore Protection is for the beach renourishment, specifically for the City of Pompano Beach the southernmost mile of the beach, Southeast 4th Street through the City limit into Lauderdale-By-The-Sea. He noted that prior to the meeting he provided a memo to the Commission on the new Interlocal Agreement, which Broward County Commission met today to review and has approved with some changes that are minor in nature. He said that the underlined text has been added and the stricken through language have been deleted. Specifically, Broward County is still negotiating with the City of Fort Lauderdale and the language was changed to allow the other cities, to include Lauderdale-By-The-Sea and the City of Pompano Beach to move forward whether or not Fort Lauderdale decides to participate in the beach renourishment.

Additionally, since the backup was printed there has been additional information that was received. The bids closed November 4, 2015, and the County is still going through the contractor review process. The apparent low bidder is Eastman Aggregate with a low bid of \$37 million, which is on target with what Broward County proposed to be the cost estimate. Actually, two years ago, another beach renourishment was done in the City, which was a positive venture by Eastman Aggregate who has proven that they are a good contractor, knowledgeable, with zero incidents and worked well with the businesses and condominiums on the beach, as well as understand the turtle-nesting season on the beach.

More importantly, Mr. McCaughan stated that the project participation agreement from the Federal Government defines their cost share of \$30 million, which they have pledged. Consequently, this impacted the cost share that the City has to pay, of \$500,000 to \$2.58 million (without federal cost share). According to the Agreement, the City has three years to pay back the \$500,000 to commence October 2017, at the completion of the beach renourishment, and two years thereafter. Currently, FY 2017 program is \$1.5 million until the County receives those pledges from the State and the Federal Government, the City is required to pay the upfront costs.

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<p>CITY COMMISSION MEETING MINUTES November 10, 2015</p> <p>PAGE 32</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Mr. McCaughan explained that the one item that impacts cost that the City cannot determine at this time is the volume of sand that is placed on the beach. He then explained the process to scope the project. In addition, he stated that it has been defined that Southeast 12th Street will be the only access point that the contractor will use to place sand on the beach, but the staging area for the trucks to get on the beach is yet to be determined.</p> <p>Mayor Fisher noted that he received a text from Congresswoman Lois Frankel stating two days ago that they signed off on the City’s sand, and on behalf of the Commission, he publicly thanked her for her hard work and dedicated efforts representing the City, as well as other surrounding cities.</p> <p>Comr. Dockswell asked if Mr. McCaughan addressed the item he questioned him about earlier.</p> <p>Mr. McCaughan replied correct and restated that he had mentioned to Comr. Dockswell about what if there is a state declared storm. Besides, that will be a different process and a new situation; therefore, federal funding will be received to take care of a declared storm if it should erode that section of the beach beyond the established contour.</p> <p>Comr. Dockswell explained his concerns that it appeared that the City had, even though it was highly unlikely, it would be signing up for an uncapped liability. Currently, the item is presented as if \$2.58 million is the maximum the City would spend. But, in reality if much more sand is discovered to be needed on the job, the City of Pompano Beach would be in a position to forfeit its rights to cancel the agreement and obligate to pay whatever its share was however large it might grow to be. Therefore, he asked, theoretically, is this still the exposure that the City has.</p> <p>Mr. McCaughan replied no. He explained that Ms. Sharpe had confirmed there is a 20% cap on the volumes of sand that can be placed on the beach. Therefore, this would be discussed with the County if the City is experiencing changes from what established that volume. These percentages are defined in the contract, which were not included in the Commission backup. Mr. McCaughan noted that he would provide this contract to the Commission later.</p>				

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Mayor Fisher asked for a motion to amend the agreement to reflect the latest changes.				
MOTION: To amend the agreement to reflect the changes.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
RES. NO. 2016-63:				
TIME 02:00:07				
ITEM 29				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PRECONSTRUCTION SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BURKHARDT CONSTRUCTION, INC. FOR THE OVERHEAD UTILITY UNDERGROUNDING PROJECT ON A1A FROM HILLSBORO BAY TO TERRA MAR ROAD; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$503,512.50) The Resolution was read by title only.				
MOTION: To approve Resolution No. 2016-63 upon reading.				
<u>ROLL CALL</u>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	

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<p>CITY COMMISSION MEETING MINUTES November 10, 2015</p> <p>PAGE 34</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Horacio Danovich, CIP Manager, stated that the item is seeking the Commission’s authorization to engage Burkhardt Construction, Inc. to assist the City with the undergrounding efforts on A1A. Usually, this is a two-phase project. First, there is a preconstruction service that helps to define the Guaranteed Maximum Price (GMP) prior to construction. Therefore, Burkhardt will assist the City with this. He provided a brief history of activities to date and thus engaging the services of Burkhardt, which staff recommends.</p> <p><u>REPORTS</u></p> <p><u>City Manager – Scrivener’s Error</u> – Dennis W. Beach, City Manager noted that regarding Consent Agenda Item 13, in Section 3 of the Resolution there was a scrivener’s error, which should have read, “Resolution No. 2012-142 is hereby amended to increase City Manager’s threshold limit for approval of service agreement from \$25,000 to \$75,000.” However, the way it was read and adopted, it stated that “The authorities hereby granted to the City Manager to authorize approval of all service agreements up to \$75,000.” The correction does not need an action, but to be noted in the minutes.</p> <p>Mayor Fisher indicated that it actually did not require action as it was presented to the Commission on the dais prior to the meeting.</p> <p><u>City Attorney</u> – No Report.</p> <p><u>City Clerk</u> – No Report.</p> <p><u>Commissioner Barry J. Dockswell – Ongoing Consulting and Professional Services Contracts</u> – Comr. Dockswell indicated that several items on the agenda, specifically Items 17 through 25 for ongoing contracts for Consulting and Professional Services served as a reminder to him on how much more he needed to learn about the types of projects, methods of procurement, and the safe guards involved. Therefore, he had plans to be educated by staff but wanted to find out if there was a general interest to discuss this matter at a commission meeting.</p>				

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Additionally, Comr. Dockswell indicated that he would like to see a table with key projects that are under \$25,000 and those over \$75,000 under the CCNA rules or whatever differentiating factors for these types of projects. Another dimension on the table could be the methods of procurement, and the safeguards involved in those methods, so that he would understand those safeguards involved in each method and how they apply to these types of projects.

Dennis W. Beach, City Manager, stated that he has requested that the General Services Director start outlining some type of document that would describe all of Comr. Dockswell's comments. Therefore, staff would like to take steps to brief the Commission on exactly how it works and under what circumstances the processes are used.

Commission Meeting Times – Comr. Dockswell indicated that approximately one year ago, the Commission decided to change meeting times from 7:00 p.m. to 6:00 p.m. and it seems to be working out quite well. However, it seems unusual to have two meetings per month for the Commission to include the Community Redevelopment Agency (CRA) meetings, one to start at 6:00 p.m. and the other to start at 5:30 p.m. He wondered if there is a consensus to keep these two meetings at the current start time.

Mayor Fisher noted that collectively it was decided that the CRA meetings would move from 7:00 p.m. to 5:30 p.m., which he does not have a problem with the schedule as is.

Vice Mayor Burrie indicated that she had suggested changing the CRA meeting to return to its original time prior to changing to 7:00 p.m. However, after some discussion regarding changing the Commission meetings to 5:30 p.m. the consensus was to move the start time to 6:00 p.m. to accommodate the public. Nevertheless, she does not have a problem with this schedule.

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Commission Workshop on Flex and Reserve Units – Comr. Dockswell reminded everyone that on November 12, 2015, at 9:30 a.m. there will be a Commission Workshop in the City Commission Chamber regarding Flex and Reserve Units. Therefore, he urged everyone to attend. In addition, it will assist the commission to discuss and possibly reach a consensus on the tolerance level as a community, on the density, traffic congestion and so forth in order to acquire the amenities and redevelopment necessary for the City.

Mayor Fisher reiterated the invitation and indicated that this will affect the entire City not just one district.

Commissioner Rex Hardin – Report on Change Orders for City Projects

– Comr. Hardin stated that there are many city projects happening throughout the City. Therefore, he asked if it would be a “tall order” to go through those projects for the past year, and figure out from those projects how many had change orders versus how many did not have. Moreover, this would be a good source of information to present to the public so they can get a better understanding of the number of projects and the change orders involved to accomplish the projects.

Dennis W. Beach, City Manager indicated that could be done quite easily.

Consent Agenda Item 14 – Comr. Hardin indicated that he meant to pull this item for discussion regarding the McNair Park improvements. He gave kudos to the City’s purchasing staff for their diligent efforts to physically go out and contact thirty-one local firms. While the contract went to a company out of either Miramar or Pembroke Pines, he noted that the City staff made a gallant effort to get local firms to come in to participate in the paving job for the McNair Center; however, they could not get the interest of any local firm to perform the job. Although the Commission is vigilant on utilizing local firms, he wished the local firms would be more participative in City projects such as these.

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<p>CITY COMMISSION MEETING MINUTES November 10, 2015</p> <p>PAGE 37</p> <p><u>REPORTS - CONTINUED</u></p> <p><u>City's Physical Appearance</u> – Comr. Hardin stated that the City's appearance is looking much better than when he was first elected; however, he felt it could look even better and noted that there are some issues with the interchanges at the interstate. He is cognizant that it could be costly to fix things to include the interstate, interchanges, and things of that nature. However, the exit from I-95 into some communities, in some instances there is nice green grass and landscaping. In fact, the Mayor was instrumental to get some landscaping done for the I-95 exit to Atlantic Boulevard, but other areas such as the interchange waiting to exit from I-95 to Copans and Sample Roads, those areas still have scrub grass and needs some innovative ideas on how to beautify the areas. In addition, he stated that these are the gateways to the City and it is important for the appearance to be pleasing for tourists, as well as for the pride of the residing citizens.</p> <p>Finally, Comr. Hardin stated that throughout the City, some of the medians are brick pavers, concrete and various surfaces, which are not clean; instead, they have mildew along with gums. Perhaps, staff could organize to get those solid surface medians pressure cleaned.</p> <p>Mayor Fisher added that the signage is beginning to fade out, especially at the Turnpike interchange on Atlantic Boulevard. Therefore, the signs are not welcoming to the City of Pompano Beach.</p> <p>Comr. Hardin requested that City Manager Beach find out how funding could be realized to take care of these beautification issues.</p> <p>Finally, Comr. Hardin indicated that someone dropped off a newspaper clipping to him regarding "Good Will Spread at the Beach" relating to the City of Deerfield Beach. It appears that they have people stationed at Deerfield Beach that goes around and pick-up trash. It is also an ongoing project where they pick up trash, talk to people and they are keeping the place looking "spiffy." Actually, he had a good experience when he visited that City early one morning where he encountered someone who engaged him in conversation. Therefore, the attention to detail and the appearance of a City speaks very loudly about the type of community a person resides in.</p>				

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Consequently, he would like to see the City focus more on maintenance of the City, even though a good job is done with redevelopment. In other words, maintenance throughout the City must be kept up to pace with the redevelopment of the City.

Commissioner Barry Moss – City’s Physical Appearance – Comr. Moss echoed Comr. Hardin’s comments regarding the landscaping issues and particularly, the areas around Atlantic Boulevard on the Southside of the street between the Wal-Mart and the big box stores, the warehouses and the streets that gets overgrown and filled with trash. In fact, approximately two (2) million people come to visit the City and many utilize exits from I-95 and Atlantic Boulevard and travel down to Powerline Road. Therefore, that area should be concentrated on and ensure that it is always looking good.

Chicken Issues – Comr. Moss indicated that most recently he was traveling from City Hall on to Dixie Highway and encountered a mother hen and four little chicks on the street. Something needs to be done prior to having these chickens on City Hall campus.

Commissioner Edward Phillips – Chicken Issues – Comr. Phillips is aware that the City Manager is trying to address this issue but to no avail.

Lighting in Residential Neighborhoods – Comr. Phillips has concerns for the lighting in various residential neighborhoods throughout the City. Some lighting is inadequate in certain areas and is not bright enough. Therefore, perhaps some study could be conducted to determine if there need to be improvement with the lighting in these areas, especially on MLK Boulevard. Alternatively, perhaps some plans or procedure could be developed to improve the neighborhood lighting.

Mayor Fisher suggested that Comr. Phillips meet with Robert McCaughan, Public Works Director and provide him with the specific areas with inadequate lighting.

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Nuisance Abatement – Comr. Phillips commended city staff for the diligent and persistent efforts at renovating the nuisance abatement tool for combating crime in the neighborhoods. The Legal Department, Code Enforcement and BSO have developed a tool within the tools to address the drug issues affecting residents in his neighborhood. They are trying to eradicate/minimize the perception that there are drug streets in any part of the City.

Ali Building Grand Opening – Comr. Phillips thanked everyone who has been supporting the opening of the Ali Building. In fact, this week there have been a number of positive activities in the community. Perhaps, there might be the need to tweak some of those activities but at least there is movement, which is a positive thing.

Broward School Board and City of Pompano Beach Joint Meeting – Comr. Phillips thanked the City for bringing the additional attention on the plight and seriousness of how the City takes the school system and the importance it has on the residents of the City. The fact that the Commission organized a meeting with the School Board officials and that it was one of the finest turnout from the community deserves recognition. Therefore, the City and the Commission should be commended for the turnout.

Signs for Kendall Green – Comr. Phillips indicated that there are no signs in the Kendall Green community. However, there are signs in the Sanders Park, Kendall Lakes, and Liberty Park communities. Since Kendall Green is a huge development, he requested staff to look into the possibility of erecting a sign for this community as well.

Veterans' Day – Comr. Phillips wished a Happy Veterans' Day to all. He thanked the Mayor for his earlier recognition of all the veterans who served.

Spirit of Inclusion – Comr. Phillips stated that he is proud of the City for moving forward, and working hard for the spirit of inclusion.

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Small Business Participation – Comr. Phillips agreed with Comr. Hardin, who indicated earlier that the City staff should not be “beaten upon” when they go out of their way to contact local businesses to participate in City projects. While he appreciates staff going out of their way to make this happen, and considering there will not be 100% local and small business participation, but the fact that we all understand that the City must and should pursue after them is just as significant and important.

Vice Mayor Charlotte J. Burrie – Attending MPO Meeting – Vice Mayor Burrie indicated that the same time the MPO meets would be the same time the City would be holding its Commission Workshop, on November 12, 2015, at 9:30 a.m. in the Commission Chambers. Therefore, she will not be able to attend the MPO meeting.

Vice Mayor Burrie also indicated that a switch will have to be established as to who will attend the MPO or the Broward League of Cities because they are having their Board of Directors meeting at the same time, overlapping with the MPO meeting. She prefers to remain on the MPO Committee.

Neighborhood Lighting – Vice Mayor Burrie requested that if staff could find a different way to go about setting up neighborhood lighting, then it would be greatly appreciated. She understood that if people wanted lighting in their neighborhood they had to sign an easement allowing Florida Power and Light to locate the pole on the respective property. At the homeowners’ association meetings, she has tried several times to get residents in her neighborhood to sign the application form for lighting but not one person has signed up for it.

Therefore, she suggested that Comr. Phillips could take those applications for his neighborhood and get the residents to sign up for the easement to locate the lighting.

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Veterans'/Thanksgiving Day Wishes – Vice Mayor Burrie reported that she attended the Pompano Beach High School ROTC program that they have every year, which is superb. The students did a great job that was heart wrenching, as well as, they displayed over six thousand flags. The program was outstanding. She stated the moderator made a comment that she thought worth repeating for Veterans' Day. She said, "Do something nice for a veteran whether to say good morning, hello, buy him/her a cup of coffee, move out of the way and help them do something, but do something for a veteran tomorrow for Veterans' day." She then wished everyone a Happy Veterans' Day, as well as Happy Thanksgiving Day and for everyone to stay safe.

Mayor Lamar P. Fisher – Educational Component – Mayor Fisher noted that his colleagues already covered most of his announcements. Nevertheless, he reported that there was another Community Meeting this past week called Neighborhood United at the Women's Club and several of the commissioners attended, showing how the community is coming together for education. This meeting focused on Pompano Beach Elementary School, where Principal Steve Larson has recently come on board, and his efforts to bring the community together. As well as, the assistance of all the various agencies and city departments to include the Broward Sheriff's Office (BSO), the Fire Department and the Community Leaders. He said it was encouraging to see all the volunteers that were willing to help.

Mayor Fisher indicated that one of the most disturbing information he learned from the slide presentation was that in 2003, the poverty level of Pompano Beach Elementary was about 38% and today it is almost 100%. Therefore, the focus for those children is to get them fed, and "no child should go to bed hungry."

Mayor Fisher indicated that it was enlightening to see the issues children are struggling with, which includes most of the schools in the City of Pompano Beach. Therefore, he commended the Commission and the Community for getting involved with it.

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Thanksgiving Wishes – Mayor Fisher thanked Mary Phillips and the other organizations for all they are doing to provide a turkey meal to those people who are in need.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:50 p.m.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, CITY CLERK