



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-14

Date: April 26, 2016

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

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Date: April 26, 2016

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
Asceleta Hammond

INVOCATION BY:

Dr. Greg Fitch
Hospital Chaplain

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

Names of Comms.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES				
April 26, 2016				
PAGE 1				
<u>APPROVAL OF MINUTES</u>				
MOTION: To approve the Regular City Commission Meeting Minutes of April 12, 2016, as submitted.				
VOICE VOTE				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	
<p>There were no revisions to the minutes.</p>				
<u>APPROVAL OF THE AGENDA</u>				
MOTION: To approve the City Commission Meeting Agenda of April 26, 2016, as submitted.				
VOICE VOTE				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	
<u>CONSENT AGENDA DISCUSSION</u>				
Mayor Fisher stated the Commission would pull Item 10 from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.				
<u>PROCLAMATIONS</u>				
<i><u>Voices for Children of Broward County and Child Abuse Prevention Month</u></i>				
Mayor Fisher, on behalf of the City Commission of Pompano Beach, read and presented to Erica Herman, Executive Director of Voices for Children of Broward County, a proclamation proclaiming April 2016 as "Voices for Children of Broward County and Child Abuse Prevention Month." He encouraged all citizens to recognize this month by dedicating themselves to the task of improving the quality of life for all children and families.				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

April 26, 2016

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PROCLAMATIONS - CONTINUED

Erica Herman, Executive Director of Voices for Children of Broward County and Child Abuse Prevention thanked the City for recognizing April as Child Abuse Prevention month.

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.

Historic Designation for the Ali Cultural Arts Building – Hazel K. Armbrister, 1808 Northwest 6th Avenue, Pompano Beach, stated that it has been nine (9) years since she had asked the Commission to intercede to save the Ali Building. In addition, she stated that they had provided proper documentation justifying the reasons to preserve the building, as well as requesting that the building be designated as a historical site in the City of Pompano Beach. However, she indicated that as of today nothing has been done. Therefore, she requested that the Commission accept the fact that the Ali Building located at 353 Martin Luther King, Jr. Boulevard be designated as a historical site in the City of Pompano Beach.

Mayor Fisher and Vice Mayor Burrie indicated that they thought the designation was already done.

Dennis W. Beach, City Manager, acknowledged that there was an application to move it through the process, but it was determined that if it received the historic designation prior to the improvements made to the building it would complicate modifications to the building. Therefore, the application can now move forward.

Mayor Fisher explained that now that the construction has been completed the City would be able to move forward with the designation.

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

April 26, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Green Team’s Beach Cleaning – Adriana Chambliss, 3125 Estates Drive, Pompano Beach, FL 33069, Owner and Director of Summer Camp in Pompano Beach indicated they have established a group of students and older campers to promote protection of the environment in the City of Pompano Beach, specifically at the beach. Therefore, the “Green Team” has been actively cleaning the beach and finding ways to persuade the beachgoers in maintaining a clean beach.

Ms. Chambliss indicated that Ashbritt Inc. donated eight (8) trashcans, which the campers have turned into art. The following children introduced their activity involved with this venture, as well as requested the Commission’s permission to place the trashcans around the beach area: Walker Peterson, Ali Conrad, Andre Zaldivar, and Kelly Mahon.

Mayor Fisher requested that Robert McCaughan, Public Works Director, take ownership of the cans and place them on the beaches on behalf of the “Green Team” who is providing an awareness program to the City.

Comr. Hardin requested the opportunity to recognize the grandmother of Andre Zaldivar, who recently passed away. He said she was a great inspiration in his political career and provided tremendous assistance in her community; therefore, she will be missed. He then offered his condolences to all her family members.

Mayor Fisher on behalf of the citizens and commission of the City of Pompano Beach thanked the young people for making this annual program, which the City appreciates.

Pompano Beach Fishing Pier – Ben Mostkoff, Business Development Manager, Shoreline Foundation, Inc., 2781 Southwest 56th Avenue, Pembroke Park, FL 33023, indicated that he wanted to set the record straight. He mentioned that at the last commission meeting, staff presented information that led the commission to believe that the most qualified team was selected by the process for the replacement of the Pompano Beach Fishing Pier. In fact, he stated that from their perspective, that is not what occurred.

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

April 26, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Mr. Mostkoff referred to the handout information he distributed to the City Commission earlier, which provided a background on their operations, which included a 30-year operation in providing marine infrastructure construction in Broward County.

In sum, Mr. Mostkoff complained of the City's selection process to decide on a construction manager at-risk firm that has never built a fishing pier. Therefore, he requested that the Commission revisit the issue to make the right selection.

Comr. Phillips asked if the City has the capacity to revisit the issue based on the information provided by Mr. Mostkoff.

Mayor Fisher responded that Otis Thomas, Purchasing Director could provide the Commission with the documents with which the bid was based, as well as what were the criteria.

Comr. Dockswell requested staff's response to some of the critique made by Mr. Mostkoff at the presentation, as well as to the email he received most recently.

Dennis W. Beach, City Manager responded that Horacio Danovich, CIP Manager, who was not part of the selection evaluation committee; however, he is the project manager for the pier and can describe the process and or the rationale of the committee, as well as what the City has gone through to date.

Horacio Danovich, CIP Manager, explained the process used to evaluate the specification packages. This included, putting the package in the market place, and selecting a team of individuals that possess the necessary credentials to evaluate the packages for completeness. They shortlisted the top three (3) firms and recommended a presentation from them. Upon completion of the presentations, four (4) out of the five (5) evaluation members voted for the firm staff recommended to the Commission.

In sum, Mr. Danovich indicated that the process was proper, open, and transparent. Also, the committee was on target when four (4) out of the five (5) selected the recommended firm.

Names of Commrs.	M	S	Y	V

CITY COMMISSION MEETING MINUTES April 26, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Comr. Dockswell asked if this is the only forum/meeting that any member of the prevailing side (the Commission) could make a motion to reconsider the subject matter.

Mark E. Berman, City Attorney, responded yes and it should be the next available opportunity to reconsider. In addition, they do have the right to protest the bid. However, he is unsure there is a timely protest available to them.

In sum, Comr. Dockswell suggested that either the Commission request a protest to the bid or they are allowed some time to consider the information, recently provided by Mr. Motskoff, to come up with the best course of action.

Mr. Danovich in response to Comr. Dockswell’s question indicated that he has sufficient backup material on the work that Whiting Turner has done along with their subcontractors justifying the selection that was done by the reviewers. He then provided background information on the selected firm that has a proven record of accomplishment.

Mayor Fisher indicated that if the company wishes to put forward a protest they could do so within the proper time line.

Mr. Danovich explained that the window for protest was five (5) days and that time has already expired.

Comr. Hardin indicated that he had sent an email to the City Manager for a response and asked when he can expect it.

Mr. Beach replied that he would provide a response to the Commission.

Comr. Moss indicated that this is too big a project for the Commission just to “go charging forward” and suggested that perhaps they need to take a more in-depth look at the process. Therefore, it might not be a bad idea to put it on hold or rescind the decision.

In sum, Mr. Beach indicated that it is a common practice of firm(s) to protest the decision to award bid(s) to the most qualified company.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 6</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p><u>Pompano Beach Fishing Pier</u> – Tony Royo, President, Shoreline Foundation, Inc., 2781 Southwest 56th Avenue, West Park, FL, stated that the most bothersome issue is the process. He then explained that he was a local contractor in Broward County for over 30 years and while a pier construction job comes out on a regular basis, their company is specialized in marine construction. He then provided his accomplishments at building piers.</p> <p>In sum, Mr. Royo complained that he did not get the opportunity to put a price in to bid for the job. He stated that he responded to the Request For Proposal but due to the qualification process, they were not invited to bid. He mentioned that there is no need for a construction manager to build a fishing pier. Besides, the City should put the job out for competitive bids so his company could have an opportunity to compete for the job.</p> <p><u>Old Pompano Area Issues</u> – Douglas K. Matthes, 500 Northeast 6th Street, Pompano Beach, FL 33060, complained that Old Pompano continues to be a disaster area. He included locations such as Kester Park functioning as the Kester Park athletic facility, which has acres of dead grass and dirt from overuse. In addition, the current issue of the City’s magazine indicated that there is no soccer at the facility; however, in reality it is a major activity at the park. On the other hand, the Weaver Park designated for soccer goes unused.</p> <p><u>Trash Dumping</u> – Mr. Matthes stated that the trash dumping has worsened with multiple problems, to include having piles of yard trash illegally dumped and trash left around the streets for weeks due to the changes in the waste contract. Furthermore, the clamp truck no longer picks up vegetation trash, which currently has special preparation criteria that are unreasonable to the residents. In sum, Mr. Matthes complained that not enough information was provided to the residents regarding the changes in the trash schedules. Finally, he stated that there has been an increase in trash rates with no explanation.</p> <p><u>Commercial Vehicles</u> – Mr. Matthes complained there are commercial vehicles parked on various properties mainly on weekends and people are parking on the sidewalks, which is a violation of Florida law. Therefore, required attention is necessary to these issues with more active code compliance, parking enforcement, and a “no truck” sign put back on northeast 5th Avenue.</p>				

Names of Commrs.	M	S	Y	V

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AUDIENCE TO BE HEARD – CONTINUED

Street and Driveway Flooding – Mr. Matthes complained that there are streets and driveways flooding caused by various City projects, which perhaps were done without plans or permits. He alleged there is no enforcement of city engineering standards.

In conclusion, Mr. Matthes complained that key city administrative staff lacked public service management skills. Therefore, he suggested that a moratorium be placed on all capital projects until all existing problems are 100% resolved.

Upcoming Cultural Arts Events – Alyona Ushe, President, NCO of Creative City Collaborative (CCC) of Pompano Beach Arts, 1801 Northeast 6th Avenue, Pompano Beach, FL 33060, introduced Sharon Stone-Walker, CCC Director of Community and Business Development.

Sharon Stone-Walker indicated that she met with most of the members of the Commission and she expressed her desire to create a united front in Pompano Beach.

Ms. Ushe announced that the Amphitheater is exploding with various activities and is hosting two (2) shows per month. Actually, there are bookings into next season already. For this week, they will be featuring R&B artists Keith Sweat & Silk.

Ms. Stone-Walker stated that they are looking for local DJ's, visual arts, dance, and digital media to do collaborations with the Community Redevelopment Agency (CRA). She announced that on Saturday, April 30, 2016, they would be doing the "Ali After Hours" to commence at 9:30 p.m. after the Keith Sweat & Silk concert.

Comr. Phillips commended the group for doing a good job to promote the spirit of inclusion.

Upcoming Events – Frank N. Sellers, 299 North Riverside Drive, #201, Pompano Beach, FL, 33062, provided the following information on upcoming events:

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<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 8</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <ol style="list-style-type: none"> 1) Saturday, May 7, 2016, from 11:00 a.m. – 3:00 p.m. there will be a Derby Day, which is a horse show and fair hosted by Sands and Spurs Stables. 2) Pompano Beach Elks will be hosting a Memorial Day service on Sunday, May 29, 2016 from 11:30 a.m. to 2:00 p.m. He stated that the service would be opened to everyone in the City. 3) As a member of the Broward Veterans Coalition, Mr. Sellers requested City agencies that can step forward to support the first annual Veterans' Expo. It will assist veterans to find jobs, housing, health care, and education in writing a resume. The event will be held at the Elks Lodge on Thursday, May 26, 2016 from 9:00 a.m. to 3:00 p.m. Also, it will be a free event. <p><u>Expenditures of City Funds</u> – Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach, FL, complained about the following funding by the City:</p> <ul style="list-style-type: none"> • The City has supplemented the talent agency for the Amphitheater for approximately \$825,000 in the last eight months. • Mr. Ryan questioned the financial arrangements and structure of the Sample McDougald House, and the Brazilian Businessman Association. He complained that lots of money is going elsewhere. • Mr. Ryan indicated that the dedication of the fire station, which he alleged is a fraud that is similar to the reused water dedication. • Mr. Ryan mentioned the contracts for structural, sewage, and drainage problems as well as the million dollar doors. • Mr. Ryan indicated that the new parking garage concrete wings have gone up and wondered how much the City paid for those. He indicated that the City of Hollywood has built the same capacity for \$19,000 a space, while the City of Pompano Beach spent \$29,000 a space. 				

Names of Commrs.	M	S	Y	V	V

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AUDIENCE TO BE HEARD – CONTINUED

- Mr. Ryan asked how much money the City lost because of the tinkering of the meter system that was not reported earlier, as well as who paid for the replacements of the parking meters.
- He stated that \$500,000 has been spent to drain the lakes at the golf course.

Finally, Mr. Ryan complained that the City is spending money and the citizens are unaware of what is happening with the finances. Therefore, he suggested that the City publish the expenditures in the City's magazine.

Mayor Fisher noted that the City does post all the budget books online for the public to review.

Mr. Beach confirmed the books are published online, as well as all the contracts are presented publically.

Improvement of Roads – Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, asked about the current process the City has in place to assess what roads to improve. In addition, he complained that the road where the old Walmart used to be located off Copans Road and Northwest 3rd Avenue really needs repaired.

Railroad Tracks – Mr. Thrower indicated that the Railroad tracks near Hopewell Baptist Church on Northwest 15th Street are still incomplete.

Mayor Fisher indicated that City Manager Beach received some feedback from County Administrator Bertha Henry and could provide a copy of that email, which outlines what the process will be. Finally, the Commission is working closely with Broward County and the CSX to get the improvements accomplished.

Additionally, Mayor Fisher stated that if there are hazard issues on Northwest 3rd Avenue near Fire station 61, then perhaps City Manager Beach might need to organize to have that area repaired as soon as possible.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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PAGE 10

AUDIENCE TO BE HEARD – CONTINUED

Dennis W. Beach, City Manager indicated that the City could take care of that issue. Furthermore, a pavement assessment is done every three to five years and the priorities for road resurfacing is based on that assessment. Nevertheless, if there are emergency issues then staff will address those immediately.

Sales Surtax Update – Mr. Thrower asked about the status on the approval of the sales surtax.

Mayor Fisher explained that Broward County is working on the issue.

Comr. Phillips reported that there has been some “movement” on Northwest 15th Street, even though it is not as much as the residents’ desire, but information has been forwarded to Reverend Stanley of Hopewell Baptist Church.

Comr. Phillips stated that he resides in Kendall Lakes; therefore, he desires to see something done with the repairs of Northwest 3rd Avenue. Notwithstanding, on the same road, speed is of great concern to him and other residents in the neighborhood.

Sober House – Bonnye Daise, 131 Northwest 15th Court, Pompano Beach, FL 33060, asked if the sober home located at 123 Northwest 15th Court, Pompano Beach, goes by rules as a home or a business.

Mayor Fisher replied that there have been communications involving Ms. Daise on the email chain, which indicate that the owners will need to obtain a Business Tax Receipts license in order to operate.

Ms. Daise indicated that she is satisfied that the Commission is showing interest in this property to ensure they are allowed to operate a sober home legally.

Names of Comms.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Ted Nugent Concert – Sarahca Peterson, 2051 Northwest 1st Avenue, Pompano Beach, FL, 33060, stated that there is an artist, Ted Nugent, who will be featured on July 22, 2016, at the Pompano Amphitheater. She complained that this artist’s platform is geared towards division, it is sexist, racist, anti-Semitic and it does not operate in the spirit of inclusion, which the City of Pompano Beach is founded on and moving toward it. She then read an email she received from a pastor, who wrote:

“My concern is that this particular artist public and flippant use of the derogatory word “nigger” and anti-Semitic comments and overall sexist and racial messages is being featured at a Pompano Beach City facility. Even today the railroad tracks seem to be a constant landmark and divide for not only race but socioeconomic and education as well. Pompano has come too far.”

Finally, Ms. Peterson urged the Commission to disallow this artist to play at a venue that taxpayers fund. Therefore, she hopes that the City Commission will do the right thing.

Mayor Fisher asked if the City controls the booking of the amphitheater.

Dennis W. Beach, City Manager responded that these acts are booked through the firm the city has employed to do it. He is unfamiliar with this particular event. However, the selection of the performers is not something that would require his approval or the Commission’s approval for that matter.

Comr. Phillips elaborated that the City Officials do not approve the hiring of performers. However, as a commissioner, he could be a voice for the disgruntled residents. Therefore, he thanked Ms. Peterson for bringing this information to the Commission’s attention. Nevertheless, the Commission may not be in a position to make any changes at this time, but assured Ms. Peterson that the affected residents have the right to protest.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 12</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p><u>Pompano Beach Fishing Pier Ranking</u> – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, noted that he was the only person who spoke last week about the fishing pier on the agenda at the commission meeting. He asked if the vote was legally plaudit and that staff intentionally omitted from the public’s backup the supporting ranking documents. The people were not allowed to see the backup that is normally provided. Therefore, he requested that the Commission void the last meetings vote and reconsider the issue about the pier for one basic reason; there was no sunshine, because the public could not see the ranking as it was not on the available website for public accessibility.</p> <p>Mayor Fisher indicated that Mr. Terwilliger has a right to his personal opinion; however, the backup that the Commission sees is the same one the public sees on the City’s website and the Commission did have the supporting documents.</p> <p>Asceleta Hammond, City Clerk indicated that she would check into the matter to determine Mr. Terwilliger’s allegations that the ranking information was not included in the backup that was available on the City’s website.</p> <p>Mark E. Berman, City Attorney, confirmed that his office does not review the documents posted online; however, if it is not in the backup the materials are available upon request. The online information is a convenient service provided to the public, therefore, if there was an error where the information could not be seen then the documents are available upon request from the City.</p> <p><u>CONSENT ITEMS</u></p> <p style="text-align: center;">TIME 01:01:24 ITEM 1</p> <p>A request from Irene Fletcher to sell her cemetery plot in Block 12, Lot 7, Plot 19 in the North Lawn back to the City of Pompano Beach. Burial Right Agreement #3232. (Fiscal impact: \$225)</p>				

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

CITY COMMISSION MEETING MINUTES April 26, 2016

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CONSENT ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2016-179 and incorporate the changes staff made to the backup.

Greg Harrison, Assistant City Manager, noted that the backup packet provided earlier to the Commission was amended and the following changes have been made, as well as the original corrected pages have been provided to the City Clerk:

- On Page 5, paragraph 2.3.4 is not applicable in the contract, therefore, the paragraph has been deleted.
- On Page 21, #3, at the end, the year was left blank after “20__” which should read, “2016”
- On Page 22, #9, the blanks in the send line should read, “...January 10, 2007 at Boca Raton, Florida, ...”

Mr. Harrison mentioned that the request was about acquisition of Parcel 2 on the map, which he had highlighted the parameter around the utilities, public works, general services administration, and solid waste facilities from which the City is currently operating. Therefore, parcels 1, 2, 3, and 4 are sandwiched between City properties. In addition, the project was in the strategic plan for several years; therefore, staff would like to pursue the purchase of the property in order to take the first step in a process for the next several years, to upgrade those facilities. The facilities are “key” to the operations of the City, and the general services warehouse, in particular, has many serious problems, which staff has explored the possibility to move it into a leased space.

Additionally, Mr. Harrison indicated that the key directors for the different services mentioned earlier would coordinate to have an architect design the type of facility that would serve the City for years to come.

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 17</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Douglas Matthes, 500 Northeast 6th Street, Pompano Beach, FL, indicated he did not see the map in the backup online. Furthermore, he noted that the item for purchase is a tenth of an acre by 130 feet with a 1,800 square foot warehouse on it for \$250,000. However, the Property Appraiser’s office appraised the property at a value of \$168,000. He indicated that the land on the west and south side of the property is owned privately. The property is a small isolated lot westerly behind one of the water tanks and is not central to the public works compound, which is further south. The City owns the property to the north and behind the water plant, which consists of several acres with some outdoor storage but it is mostly vacant land.</p> <p>Mr. Matthes indicated the subject land value is \$35,400 on the Broward County Property Appraiser’s site. He indicated that the backup did not say whether the warehouse would remain, it would be torn down, or to define its condition. Therefore, he stated if the City needs a warehouse then it is more likely to be less expensive to build one on its own specifications and on City-owned vacant land on the north end.</p> <p>Mr. Matthes mentioned that the backup provided that it is a scope of project and the development of a master plan of a municipal services complex. Therefore, until a plan is developed, completed, and approved it is premature to purchase land and or buildings that may or may not be useful. In addition, the backup identified the funding sources to be \$250,000 from the utility retained earnings, which appears to be a violation of the City Charter Section 233.01. Therefore, it needs a legal opinion and explanation. Utility funds must be exclusive for utility purposes and cannot be used for other city functions, which includes the public works complex.</p> <p>Mr. Matthes had indicated earlier that the map was not included; however, Asceleta Hammond, City Clerk confirmed that the map was posted with the backup displayed as page 33.</p> <p>Mayor Fisher asked if approved, according to Mr. Matthes’ opinion, would the City be in violation.</p>				

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 18</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Mark E. Berman, City Attorney, responded that Mr. Matthes cited the section that prohibits transfer of funds from the water and sewer funds into any other fund of the City. However, the subject under discussion is not a transfer of a fund from one to another. Rather, it is the use of City utility funds for utility oriented project to expand the City’s utility facilities.</p> <p>Additionally, Mr. Berman stated that the properties are also needed to secure properly the complete water and utility facilities. Therefore, the City will be able to secure its water plant and other utility facilities, which is also important to acquiring the property.</p> <p>Comr. Phillips stated that although he may have some reservations/concerns, the City need to move forward with this activity and noted his reasons. One of the important factors is that the City is growing and there is a need to secure the land for the utility department. His concern is about properties that the City acquire and who the real estate broker would be, as well as how quickly the City is moving with this phase of the project.</p> <p>Mr. Harrison responded that there is no real estate broker involved.</p> <p>Comr. Dockswell clarified that at his request, Mr. Harrison sent him a list of unfunded projects of the City. It has many items to include a safety complex, renovations for the amphitheater, a number of park items, the Apollo Skate Park, McNair Park Redevelopment, Mitchell Moore Improvements, community centers and other centers, the pier replacement and many more. He is trying to get a sequence, as the Commission did not prioritize all the items on the list. However, staff selected to work on this particular item from the list and asked for the reason for doing so.</p> <p>Mr. Harrison responded that the situation came up due to the security questions surrounding the parameter of the facility. Therefore, it was obvious that in order to secure it, the private property owners would be in the middle of the secured area. Mr. Brown and his team checked into it and discovered during that time one of the owners was in the process of selling to his tenant. Therefore, staff decided to speed the process to bring the item before the Commission to avoid making a deal after the fact. Mr. Harrison then explained how staff has been working to acquire the parcels.</p>				

Names of Commrs.	M	S	Y	N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 19</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Comr. Dockswell stated that since the City is not in a rush, we should just keep an eye on the parcels to acquire them. However, he agreed with Mr. Matthes that the City is proposing spending \$250,000 for a \$35,000 value land. Although there is a building on the land, the City may never use it.</p> <p>Mr. Harrison clarified that the property in 2007 was sold to the current owner for \$265,000. Furthermore, the City is competing for a parcel and this is the best estimate dealing with the competition to obtain the property.</p> <p>Dennis W. Beach, City Manager, clarified that the Commission did not authorize the Public Works Complex; therefore, it would not be constructed without involvement, authorization, and concurrence by the commission. However, whether or not the complex is expanded, the property should be acquired because of its proximity to the City-owned property. He is confident that, should the project get done ten (10) years from now, the property will not be less expensive at that time. Therefore, he recommended that the City acquires the subject property and continue to pursue the balance of the property with or without contemplating the expansion of the public works facility.</p> <p>Mayor Fisher indicated that the unfunded projects are what everyone wants to get funds to complete. However, this particular funding mechanism is much different and he explained the reasons for the difference. The City has been competing for the available piece of property with the private sector and should try to secure it for security purposes.</p> <p>An extensive discussion followed among the Commission regarding the viability of purchasing the property at the appraised value versus the current selling price.</p> <p>In answer to Comr. Moss’s question on the balance of the utility fund, Mr. Harrison replied it is approximately \$30 million.</p> <p>Mr. Berman in response to Comr. Dockswell’s question, indicated that he did not find any information on how high over the county appraiser’s value the city could go. He explained that in the Code, there is a requirement to pay a fair value to purchase utilities but this is not to purchase utilities per se.</p>				

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Page 4 – The total required contribution is \$9.8 million and the estimated amount from the State is \$1.7 million with a total contribution going into the plan of \$8.1 million. This is a marginal increase of approximately \$30,000 than it was last year.

Page 5 – There is a historical view of the funding requirements for the Plan, which is divided into what would be paid for Police versus Firefighters. For FY 11/12 through FY 13/14, the charts indicate that they are still recovering from the market downturn in FY 08/09. However, for the past three years the contribution amounts have been steady.

Page 6 – The Funded Ratio in 2015 is approximately 72% and has been gradually increasing over time mainly due to strong market performances, which counterbalances the fact that during this period they have been lowering their discount rates to a more conservative estimate. The Plan is being valued at approximately 7.50% expected return on assets, which generally increases the liability and lowers the funded ratio. Additionally, in comparison with the Florida plans slightly below average compared to the others, but is still trending up in the right direction.

In fact, Mr. Harris indicated that not all the plans use 7.50% discount rate. Some are using slightly higher rates, which would allow them to reflect a slightly greater funded percentage.

Comr. Hardin asked if Mr. Harris could provide an average of what the other plans use. Mr. Harris replied he did not have it on hand, but the general national average is approximately 7.7%. Notwithstanding, he noted that the City's plan is in good shape.

Page 7 – For the Funded Ratio of the plan the actuary will produce 72%. The GASB requirements that the City included in its Comprehensive Annual Financial Report (CAFR), which requires not using an actuarial value of assets, but rather using a market value of assets, as well as using various discount rates. Moreover, the state has its own set of requirements of listing for funding, which Mr. Harris provided in details.

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REGULAR ITEMS - CONTINUED

Pages 7-8 – The Legislation – Mr. Harris indicated that senate bill SB 534 was passed several years ago. Therefore, what is reported to the state can be seen on their website – the 66% and the 53%. The final number is not available, which is approximately 80%, which the actuaries provide for balance. The State only requires selling 200 basis points lower.

Mr. Harris indicated that recent legislation enactment indicates that starting with the next valuation cycle will determine the contribution for fiscal year 2017/2018. Furthermore, all public plans in the State of Florida will be required to use the mortality table that the Florida Retirement System (FRS) uses. Therefore, different cities will see different impacts of how the contributions would increase because of the law. Therefore, the impact for Pompano of moving to the table for the Police and Firefighters’ plan will be a \$2.4 million increase in the contribution reflecting that more conservative mortality table will also have a six-point detriment to the funded ratio, which would decrease six basis points as well.

Comr. Phillips asked if the City would pay an additional \$2.4 million.

Mr. Harris replied yes, which would be a total of approximately \$10.4 million for the Police and Fire pensions.

Mr. Harris stated that another impact is the use of the State Premium Tax revenues. A new legislation has come out on how that could be used to fund benefits. For the firefighters there is no impact, however, for the police, they no longer have bargaining representation but they are working with the City to determine how that could be negotiated to be used. It would be approximately \$125,000 per year ongoing if revenues stayed where they are. The default if nothing happens will be a 50-50 split for the City, and the shared plan for police use.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, noted that on page 3 of the presentation Mr. Harris mentioned that the contribution to the police for next fiscal year will be approximately \$3.7 million and that there were seven (7) active members. Mr. Terwilliger asked if that was correct.

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REGULAR ITEMS - CONTINUED

Mr. Harris replied that is correct. However, many inactive members have been receiving benefits as well.

Mr. Terwilliger concluded that for the seven (7) members at \$3.7 million it would equate to \$500,000 per active member and asked what the use of \$500,000 per year is.

Mr. Harris responded that the use of \$500,000 per year is to pay a portion to police officers accruing benefits and the remainder of the money would pay off the unfunded liability that exists through the plan. In sum, a significant amount would pay for prior years unfunded liabilities.

Comr. Dockswell clarified that the statement regarding active police officers in the plan decreased from thirteen (13) to seven (7). Therefore, it would mean those active employees, and the many more that are retired are still collecting benefits.

Mr. Harris replied that is correct.

Comr. Dockswell asked if the millions of dollars are going to previous unfunded liabilities, or would it go to payout current benefits as well.

Mr. Harris replied yes. It would be for current benefits to the extent that any that are unfunded and continue to accrue benefits would be paid off as well.

Comr. Dockswell indicated that on page 7 regarding the GASB rules and Florida rules the chart is showing a 79.7% funded ratio, but with the discount rate it shows 8.50% and further on the page it shows 70.7% with the discount rate of 9.50% and asked if that could be a miscalculation.

Mr. Harris responded that it is not a miscalculation and explained the reason, which in sum, they went from valuation to prescribe.

Comr. Dockswell asked if the City should expect, all things being equal, at the least approximately \$1 million increase to its required contribution because of using the FRS mortality tables next year.

Mr. Harris replied yes.

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CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS - CONTINUED</u>				
Comr. Phillips indicated he did not see the total amount in the fund.				
Mr. Harris responded it was not included but it is approximately \$230 million.				
MOTION: To accept the report.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
Comr. Moss indicated that former Vice Mayor George Brummer in his younger years was the chief actuary of the Nyhart company.				
P.H. 2016-63; RES. NO. 2016-181: TIME 01:51:58 ITEM 13				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CITY RESOLUTION NO. 2016-72, WHICH ALLOCATED A MAXIMUM OF ONE HUNDRED FORTY FIVE (145) FLEX UNITS FOR A PROPOSED MIXED USE REDEVELOPMENT PROJECT TO BE LOCATED ON THE NORTHWEST CORNER OF NORTH FEDERAL HIGHWAY AND NE 2ND STREET; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				
MOTION: To approve Resolution No. 2016-181 upon 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 April 26, 2016</p> <p>PAGE 26</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>Mark E. Berman, 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. Berman 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.</p> <p>Asceletta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.</p> <p>Mayor Fisher announced that in the abundance of caution, he would abstain from voting on Agenda Item 13 on tonight's agenda under Section 286.012 and Section 112.3143 of the Florida Statutes. He declared that he would also file with the City Clerk, fifteen (15) days after the meeting, the appropriate memorandum disclosing the nature of the possible voting conflict, as required by law.</p> <p>Additionally, Mayor Fisher indicated that Fisher Auction Co., Inc. has partnered from time to time, although not currently, with Brenner Real Estate Group and its affiliates in the auction sales of properties. Therefore, he will not debate or discuss the item. He then turned the gavel over to Vice Mayor Burrie.</p> <p>Robin M. Bird, Development Services Director, stated that the property known as 225 North Federal Highway is where the Everest University is located, which has a large parking lot and a vacant parcel to the north. The proposed Resolution amends Section 8 of Resolution 2016-72, which allocated 145 flex units for a mixed redevelopment project known as the Atlantic Tower. Section 8 of the Resolution required a Unity of Title, which poses a problem with financing a building independently of the other properties. Therefore, staff has determined that the applicant could meet the code requirements by having the Declaration of Restrictive Covenants amended so the property would have a unity of use throughout the property.</p>				

Names of Commrs.	M	S	Y	V	V

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REGULAR ITEMS - CONTINUED

Angela Hill, 780 Southeast 22nd Avenue, Pompano Beach, FL 33062, stated that the matter before the Commission is being brought forward by staff in an effort to thwart the legal argument that has been made towards a tennis court erected by one of her neighbors. She noted the City was made aware of it when they filed an appeal last year regarding the director's decision to allow the court to move forward.

Ms. Hill indicated that when she and her neighbor purchased their home at 760 Southeast 22nd Avenue, there was no tennis court across the canal in view so they could see through to the canal/intercostal. However, they received information that the tennis court was being built, which created the issue. She met with Robin Bird, Development Services Director, to bring to his attention the 25-foot setback in the property for anything to be built. The City pulled the permit because it was issued in error. However, the homeowner made a big deal about it, which led to the City reversing its decision to grant the permit to the homeowner.

Ms. Hill stated that she met with Robin Bird along with her neighbor, Karen Tynan, to discuss the setback allowances. In sum, she had decided to compromise and accept a 15-foot allowance. However, a decision was made by the City to allow the homeowner to move forward with a 10-foot instead. Ms. Hill stated that she contacted all the commissioners to include her own, Comr. Dockswell, but she was advised to take the matter before the Zoning Board of Appeals (ZBA).

Ms. Hill mentioned they engaged the services of an attorney and went to the Zoning Board of Appeals, where the matter has been prolonged for quite some time. Notwithstanding, she indicated that the opposing side and staff already knew the argument of her attorney that they were intending to state as fact. At the ZBA meeting, the attorney for Mr. Bird stated that she did not have standing to bring the matter forward because she was not the homeowner. Ms. Hill concluded that would be true if it was a legal structure, but it was built illegally and that is the crux of her contention regarding the matter.

Names of Comms.	M	S	Y	N

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REGULAR ITEMS - CONTINUED

Finally, Ms. Hill stated the ZBA ruled that she did not have standing. Consequently, she and her neighbors are taking the matter to the Circuit Court, because she believes that they do have standing. Ms. Hill appealed to the Commission not to rule on the proposed change of this particular zoning rule regarding sports courts, until after they have had their day in the circuit court and the legal process is exhausted.

Mayor Fisher asked if the City would be thwarting the rights of Ms. Hill and her neighbors who are pursuing this matter in the courts.

Mark E. Berman explained that the matter was an appeal of the determination or decision or interpretation of the Development Services Director before the ZBA. He understands these proposed modifications are to bring clarity so that there is no question as to how someone would interpret it. Therefore, the Development Services Department is recommending the changes so that there is no question as to its interpretation. However, during the appeal process, should the City change its code, the court would be bound by the current code of the City, in terms of their interpretation. Therefore, the issue would be moot.

In sum, Mr. Berman indicated that the City can change its code to reflect more accurately the intent of the code so there is no question for interpretation.

Ms. Hill stated that if the City Commission ruled to make the proposed changes, it would require exemptions that include violating the 15-foot setback from the rear of the property, which is against the water as well. Therefore, someone will be allowed to build a sports court with a 14-foot fence that is 5 feet from the water. Ms. Hill stated that when she had built her pool she was not allowed anything over 36 inches that was 5 feet from the water.

Furthermore, Ms. Hill indicated that this includes a chain link fence with no hedging required. As well as there is no accommodation for rules of play times, no lighting restrictions, and no noise abatement restrictions, which will open a "Pandora's box." These ordinances have been in place for many years and because of one homeowner, the City is planning to "scrap them all."

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REGULAR ITEMS - CONTINUED

Ms. Hill stated that this is affecting not only her but also all her neighbors on the water. In fact, they have spent over \$60,000 in lawyer's fees to get this matter resolved, and she cannot understand why the City would change the rules in the middle of the game.

Tony Hill, 760 Southeast 22nd Avenue, Pompano Beach, FL, stated he is disappointed that he had to attend this meeting for this item. The matter under discussion has cost them a lot of money and anguish. The fact is, if the City is clarifying an existing law they are not in violation of state law. He indicated he was advised if they make up a new law then it is not allowed.

Mr. Berman said he would not provide advice contrary or consistent with Mr. Hill's counsel. Therefore, the legal advice from his counsel is the advice.

Mr. Hill indicated that previously, they had met with the Mayor and Comr. Dockswell and all they have been asking for is a fair hearing. Moreover, if the homeowner had built a tennis court that was legal within the setbacks that followed the zoning code, then they would have nothing to say about the matter. The fact is he did it. Instead, Mr. Bird made up the rules to allow the tennis court, which is the part they are contesting.

In addition, Mr. Hill indicated that they were railroaded at the ZBA meeting and were told they could not contest anything, and that they had no place in the City to complain. Therefore, they appealed to the circuit court. However, he believes this is a clear attempt to try to circumvent what they are doing and he explained his reasons. First, the way the proposed changes are written does not include any rules of play and it is open for a person to do whenever and whatever they want to do on a sports court. In fact, a sports court in a condominium development or at a park requires hours of play, and hours for the lighting. There are also buffer zones between residential and parks so there is not tennis court 5 feet from a bedroom window. However, this item would allow somebody to have a tennis court 5 feet into the property.

Mr. Hill indicated that fences have been allowed to be six (6) feet tall for many years and now Mr. Bird wants to change that to allow 14 feet high fences. In fact, there is no definition of a sports court being offered by staff. In addition, the setbacks for the accessory use structures under the zoning

Names of Comms.	M	S	Y	V N

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REGULAR ITEMS - CONTINUED

code is all 15 feet. However, staff is suggesting 5 feet. Therefore, in the zoning code this court would be the only thing allowed 5 feet from the water and 14 feet high. Moreover, a normal tennis court is 60 x 120 feet, which is bigger than a 75 x 100 feet lot that is zoned RS-2. A special permit is required to build a tennis court, but this would allow someone in a residential neighborhood to get a permit arbitrarily.

Mr. Hill stated that another point to note is in the zoning code under the general standards for accessory uses and structures, where it specifically has some criteria to allow an accessory use structure. However, the way the proposed ordinance is written it violates three out of four of the rules. Therefore, he urged the Commission to vote against these changes.

John Gassett, 2517 Southeast 14th Street, Pompano Beach, FL 33062, stated that he lives on the water but he would not want to see a 14-foot wall when he looks out at the back of his house, because they bought their house with the ability to have a water view. Therefore, he urged the Commission not to allow this item to move forward.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated he did not hear any statement of a pressing need to make these changes and there is no imminent danger. It appears that there is no need for the Commission to act immediately and it would not hurt if they waited. Therefore, he suggested that the Commission consider tabling this ordinance and wait until after the circuit court ruling is satisfied. Staff can then bring it back for further consideration.

M. Ross Shulmister, 560 Southeast 12th Street, Pompano Beach, asked if there is some place in the code, in which it governs lighting that spills over on to other properties.

Mr. Bird responded in the lighting section of the code it allows for less than a foot-candle to spill over to neighboring properties. In addition, there is a noise ordinance that covers certain decibel during the day and after 11 o'clock, the decibels go down.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

April 26, 2016

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REGULAR ITEMS - CONTINUED

Ms. Hill stated that Mr. Shulmister sits on the Zoning Board of Appeals; therefore, the Commission should not allow him to speak on this matter. In fact, he wrote a 12-page dissertation on why they did not have standing for something that was illegal. Therefore, she expressed her frustration at being railroaded in this matter.

Vice Mayor Burrie asked how many homes are there in the City that have a tennis court.

Mr. Bird replied that he does not know.

Vice Mayor Burrie asked how many applications the City has had to build a tennis court.

Mr. Bird replied this is the first one he has had.

Vice Mayor Burrie indicated that she has agreed to most of the suggested changes by Mr. Bird for the zoning code because they make sense. However, there is too much argument on the part of the residents that have appealed to the Commission, so she could not vote for this change at this particular time. She stated that there are too many unanswered questions.

Mr. Bird indicated that the code should be considered as it is today. Currently, if a volleyball court is built in a person's backyard, a permit may not be required for digging it out to put sand in. However, the code has an exemption for recreational courts. Therefore, a person could go zero lot line and there would be no maximum height as it is today. The concern is, there are no restrictions in the backyard once anybody digs out anything and calls it a court. Whether they apply for a permit or not they could be at zero lot line and go with the height exemption. Notwithstanding, during the rewrite of the code there was a specific exemption that was put in by the consultants who foresaw that people would have recreational facilities at their house. Therefore, there is no specific definition for courts, which leaves it up to the director to determine whether it is a permitted accessory use.

Names of Comms.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 38</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>In sum, Mr. Bird indicated that in this case, there is nothing to block the view of a neighbor directly adjacent to them. The height was determined from the height of a tiki hut, which the commission passed previously. So regulations were found that staff could liken it to restrain what is currently in place.</p> <p>Comr. Phillips indicated that he trusts Mr. Bird's decision-making skills in the zoning arena; however, he is hesitant to move this item forward because it is in the courts, and the time involved for a court ruling is not made clear. Therefore, it would appear that the City could circumvent that outcome by enacting these changes. Notwithstanding, the affected parties have spent a lot of money on this matter. However, this is not to say that the City's administrator does not have a standing position.</p> <p>An extensive discussion followed among the Commission and Robin Bird regarding the City's current code to allow setback and fencing on the canal and adjacent properties for property owners desiring to construct an athletic court or similar structures such as a pool, shed, and so forth.</p> <p>Comr. Moss asked what if the item was postponed to a future date would any pending permits be impacted.</p> <p>Mr. Bird replied he did not think so. However, should there be a new application prior to the courts settling the subject matter under discussion, then he will need to declare a zoning in progress on the Planning and Zoning Board's action.</p> <p>Mayor Fisher concluded that if the Commission decided to table the item there would be no definition on when the item would be re-heard. However, if the item was stricken, it would not give Mr. Bird the zoning in progress opportunity if an applicant should come through.</p> <p>In sum, Mr. Berman mentioned that if the Commission tabled the item for six (6) months, in an abundance of caution, the City would re-advertise the ordinance.</p>					

Names of Comms.	M	S	Y	N
ROLL CALL				
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

Mayor Fisher suggested tabling the item for a six (6) month period and revisit it at that time.

Mr. Berman suggested that in the meantime staff and his office could review the matter to determine any other changes that may be more acceptable to everyone.

MOTION: To table the Ordinance for six (6) months.

There was no discussion on the tabling of the ordinance for six (6) months.

REPORTS

City Manager – Infrastructure Surtax Vote Update – Dennis W. Beach, City Manager provided an update on the infrastructure surtax vote that municipalities were considering around the County. He recalled discussions on the possibility of a one-cent infrastructure surtax to be placed as a referendum on the November 8, 2016 election, which will require at least 51% of the municipalities with the population in Broward County. As of this date, the cities of Pompano Beach, Deerfield Beach, Fort Lauderdale, Hollywood, Davie, Tamarac, Weston, and Pembroke Pines have all passed resolutions unanimously except Pembroke Pines passing with a 4-1 vote. Other cities that will be discussing this matter at their meeting will include Sunrise, Cooper City, Lauderdale Lakes, and Lighthouse Point. Therefore, as of today 48.6% of the communities have voted to pursue the infrastructure surtax, with the possibility of another 8% adopting a similar resolution, which will get to the majority necessary for the issue to be placed on the referendum.

Mayor Fisher understands that the County is considering their transportation tax.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 40</p> <p><u>REPORTS - CONTINUED</u></p> <p>Mr. Beach indicated that the county has consistently stated that if the municipalities are successful at getting the percentage they need for the infrastructure surtax to be placed on the referendum, then they would not place a county tax on the ballot.</p> <p>Vice Mayor Burrie confirmed that at an MPO meeting she attended, the County indicated that if the municipalities get the percentage for the infrastructure surtax, then the County would not place an item on the ballot.</p> <p><u>City Attorney</u> – No Report.</p> <p><u>City Clerk</u> – No Report.</p> <p><u>Commissioner Barry J. Dockswell</u> – No Report.</p> <p><u>Commissioner Rex Hardin – Demise of Edward Lee “Bud” Garner</u> – Comr. Hardin expressed condolences to the family of Bud Garner, who passed away earlier this month. He was the City’s historian and pioneer, and will be sadly missed.</p> <p><u>Bulk Pickup</u> – Comr. Hardin complained about the bulk pickup that he stated was out of control. In fact, there are piles throughout the Old Pompano area, and people contacting him on a daily basis regarding the issue. He is unsure what is causing the problem and cannot get any firm answers on the questions he is asking about the bulk pickup issues.</p> <p>Dennis W. Beach, City Manager indicated that this issue has been discussed with staff on a regular basis. The issue currently taking place with the bulk pickup is that the customers are still doing what they have always done. They are putting bulk trash out whenever they want to, as much as they want to, and in whatever condition they want to put it in. Consequently, Waste Management is holding the customers to the four (4) cubic yards and how it is presented. Therefore, they are red tagging those piles that do not comply with the new pickup requirements. In the meantime, the customers are resisting and they are continuing to put pressure on everyone to go back to doing business as was done in the past, that is, if they “put it out the City would pick it up.”</p>				

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 41</p> <p><u>REPORTS - CONTINUED</u></p> <p>Finally, Mr. Beach indicated that it will take time for people to get adjusted to the new process, as well as it will take some consistency in how the City manages it. He explained the options that are currently available to the customers. In closing, he solicited the Commission's patience with the new process and promised to get further information out to them.</p> <p>Mayor Fisher stated that he understands the adjustment to the new process, but suggested that Waste Management should at least pick up the newly defined amount instead of just red tagging the entire piles and leaving them out.</p> <p>Comr. Hardin stated that the residents are paying for four (4) cubic yards to be picked up, which is not taking place. Moreover, educating the public should have been done prior or during the time the contract was executed.</p> <p><u>Commissioner Barry Moss – Point Blank Operations</u> – Comr. Moss indicated that he had the opportunity to visit Point Blank Enterprises operations and commented that they have a very impressive facility, employing 1,150 employees. Finally, he thanked Chadia and Jay Ghanem for making the arrangements and accompanying him on the tour of the facility.</p> <p><u>Welcome Q-Straints</u> – Comr. Moss welcomed Q-Straints, a new company to Pompano Beach, which will be operating out of District 5. The operation, which will employ 150 employees, manufactures devices that secure wheel chairs in place for public transportation.</p> <p><u>Zoning Board of Appeals (ZBA)</u> – Comr. Moss stated that the Commission has discussed certain zoning requirements that would prohibit certain types of businesses in certain types of neighborhoods. In Palm Aire, they had decided that certain less desirable businesses would not be allowed to operate in desirable neighborhoods and thrift stores is one such business. However, at a recent ZBA meeting they approved a thrift store to be opened in the Community Redevelopment Agency (CRA) area in a shopping Center in the northwest area. Upon checking into the allowance, he was told by the CRA that it was mistakenly done. Currently, thrift stores are allowed at Atlantic Boulevard and Powerline Road. The concerns that residents of the Palm Aire and Collier City area have – if thrift stores are not good enough to be on Atlantic Boulevard east of I-95 then they should not be good enough to be on Atlantic Boulevard west of I-95.</p>				

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES April 26, 2016</p> <p>PAGE 42</p> <p><u>REPORTS - CONTINUED</u></p> <p>Comr. Moss suggested that the CRA personnel discuss and educate the members of the ZBA on businesses that would improve the neighborhood and those that would not.</p> <p>Comr. Hardin asked if the Commission could appeal the ZBA.</p> <p>Mark E. Berman, City Attorney replied no. Rather, any appeal would be done at the Circuit Court level. The right to appeal the Commission was removed from the City's Code several years ago.</p> <p>Comr. Moss noted that the ZBA consists of five (5) regular members and three (3) alternates and all except one resides east of I-95. He concluded that most of the Boards are lopsided with membership composition.</p> <p><u>Commissioner Edward Phillips – Certain Businesses Allowed in Certain Neighborhoods</u> – Comr. Phillips stated that he supports Comr. Moss concerns and comments regarding the approval of certain businesses in certain neighborhoods to include thrift stores in certain neighborhoods.</p> <p><u>Kudos for Blanche Ely Museum Funding</u> – Comr. Phillips offered kudos to the City of Pompano Beach for passing a matching grant fund for the Blanche Ely museum.</p> <p><u>Kudos for Summer Youth Program Funding</u> – Comr. Phillips praised the Commission for approving funding for a summer youth program that puts inner-city kids to work in the City of Pompano Beach.</p> <p><u>Kudos for the Youth Track Leagues</u> – Comr. Phillips commended the Commission for approving the amendment of an agreement with the Xpress Youth Development Institute, Inc. to provide leadership, administrative and coaching services to competitive youth track leagues in the City neighborhoods.</p>				

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

April 26, 2016

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REPORTS - CONTINUED

Construction Managers – Comr. Phillips noted that most recently there appears to be a steady increase of employing construction managers for the various projects coming on stream, which adds to the overall cost of the projects. Therefore, he asked if staff could predetermine for the larger projects the need for construction managers. He urged the Commission to pay more attention, if possible, to the consistent upbringing of construction managers in connection to city related projects.

Nuisance Abatement Board – Comr. Phillips stated that the City and staff worked hard to amend the nuisance abatement board, but to date he has not heard of any applicants and wondered when this would commence. He is anxious to get something started.

Mayor Fisher asked for an update on getting applicants for the Nuisance Abatement board.

Asceleta Hammond, City Clerk reported there were no applicants on file at this time.

Mayor Fisher suggested that perhaps the City could advertise, or each Commissioner and the Mayor needed to reach out to appoint someone to serve on the Board.

Comr. Hardin indicated that there are criteria for persons to serve on the board.

Mark E. Berman, City Attorney confirmed that there are some basic professional criteria, which include utilizing a cross section of residents from the community. A copy of those criteria will be provided to each member of the Commission, who could speak with residents within their respective districts to determine those interested to serve. Thereafter, those names should be provided to the City Clerk to cultivate persons to fill the positions.

In response to Comr. Dockswell’s question regarding the Unsafe Structures Board, Mr. Berman responded that previously the unsafe structures board sat as the nuisance abatement board at the same time. However, presently, there is a need for two separate boards.

Names of Commrs.	M	S	Y	V

CITY COMMISSION MEETING MINUTES

April 26, 2016

PAGE 44

REPORTS - CONTINUED

Mr. Berman stated that he would get the Nuisance Abatement Board's criteria to the Commission by April 27, 2016.

Memorial Day Event – Comr. Phillips asked about the Memorial Day event and how much the City gets involved to advertise it and other activities involved to commemorate the day.

Mayor Fisher recalled the Commission requesting that staff get involve with the publication and promotion of the event. However, there are certain organizations that sponsor the event, for example the VFW Post and the American Legion Post. Therefore, staff will need to coordinate with them to get some public relations (PR) established.

Comr. Hardin indicated he had brought up the matter previously and recalled asking Sandra King, the Public Communications Officer to take a more active role in trying to reach out to those organizations to make sure that the day was commemorated in the best possible way.

City Manager Beach will provide a report on this matter.

Upcoming Events at the Ali Building – Comr. Phillips indicated that the upcoming weekend would be very active in the City, particularly in District 4. There will be an after party for the Keith Sweat & Silk event at the Ali Building, which will commence at approximately 10:00 a.m. It will be a great event.

Vice Mayor Charlotte J. Burrie – Increase in Businesses on Federal Highway – Vice Mayor Burrie indicated that the City is getting businesses on Federal Highway and while it is not helping the inside of the residents, it is helping on Federal Highway.

Fire Station Ribbon Cutting and Dedication – Vice Mayor Burrie announced that on May 6, 2016, at 9:30 a.m. there will be a ribbon cutting and the dedication of the fire station for Cresthaven and the Highlands located on Northeast 12th Avenue.

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

April 26, 2016

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REPORTS - CONTINUED

Mayor Lamar P. Fisher – 911 Broward Dispatching Issues – Mayor Fisher indicated that he is aware that the City Manager is working on the 911 communications issue with the Broward County system. However, the City needs to continue to look at reaching some resolution with the issues. In fact, a classic example happened recently when a plane went down in the City and the dispatcher originally dispatched an address to the 1900 block of 26th Avenue instead of the 900 block. However, as the engines continue to go to the 1900 block they saw smoke and stopped to go in the direction of the smoke. This event could have caused many more injuries to people due to the incorrect dispatching instructions.

Additionally, Mayor Fisher stated that the County will have to step up its regional communication issues or the City would investigate the possibilities of other venues. Finally, he indicated that people lives are in danger when the dispatcher is putting the emergency crew in the wrong area.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:02 p.m.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, CITY CLERK



City of Pompano Beach Police and Firefighters' Retirement System

Overview of Valuation Results
as of October 1, 2015

City Commission Meeting
April 26, 2016

Annual Contribution Requirement Firefighters – City

- The contribution requirement for the City on behalf of firefighters for the fiscal year ending September 30, 2017 is as follows:

Firefighters	FYE 9/30/2016	FYE 9/30/2017	Increase (Decrease)
Required City/State Contribution	\$ 4,960,961	\$ 5,130,532	\$ 169,571
Estimated Amount of Ch. 175 Revenue to be Taken as a Credit	821,230	821,230	0
Required City Contribution (paid in one installment on 12/31)	\$ 4,139,731	\$ 4,309,302	\$ 169,571
% of Expected Payroll	33.6%	34.8%	1.2%
Expected Payroll	\$12,326,343	\$12,380,346	0.4%

Annual Contribution Requirement Police Officers – BSO

- The contribution requirement for BSO on behalf of police officers for the fiscal year ending September 30, 2017 is as follows:

Police Officers	FYE 9/30/2016	FYE 9/30/2017	Increase (Decrease)
Required City/State Contribution	\$ 4,849,391	\$ 4,722,015	(\$ 127,376)
Estimated Amount of Ch. 185 Revenue to be Taken as a Credit	926,201	938,248	12,047
Required City Contribution (paid in one installment on 12/31)	\$ 3,923,190	\$ 3,783,767	(\$ 139,423)

- The contribution requirement for FYE 2017 is increased to \$3,887,235 if the contribution is satisfied by making quarterly payments throughout the fiscal year.
- Plan closed to new Police Officers since 1999
- Active Police Officers in Plan decreased from 13 to 7

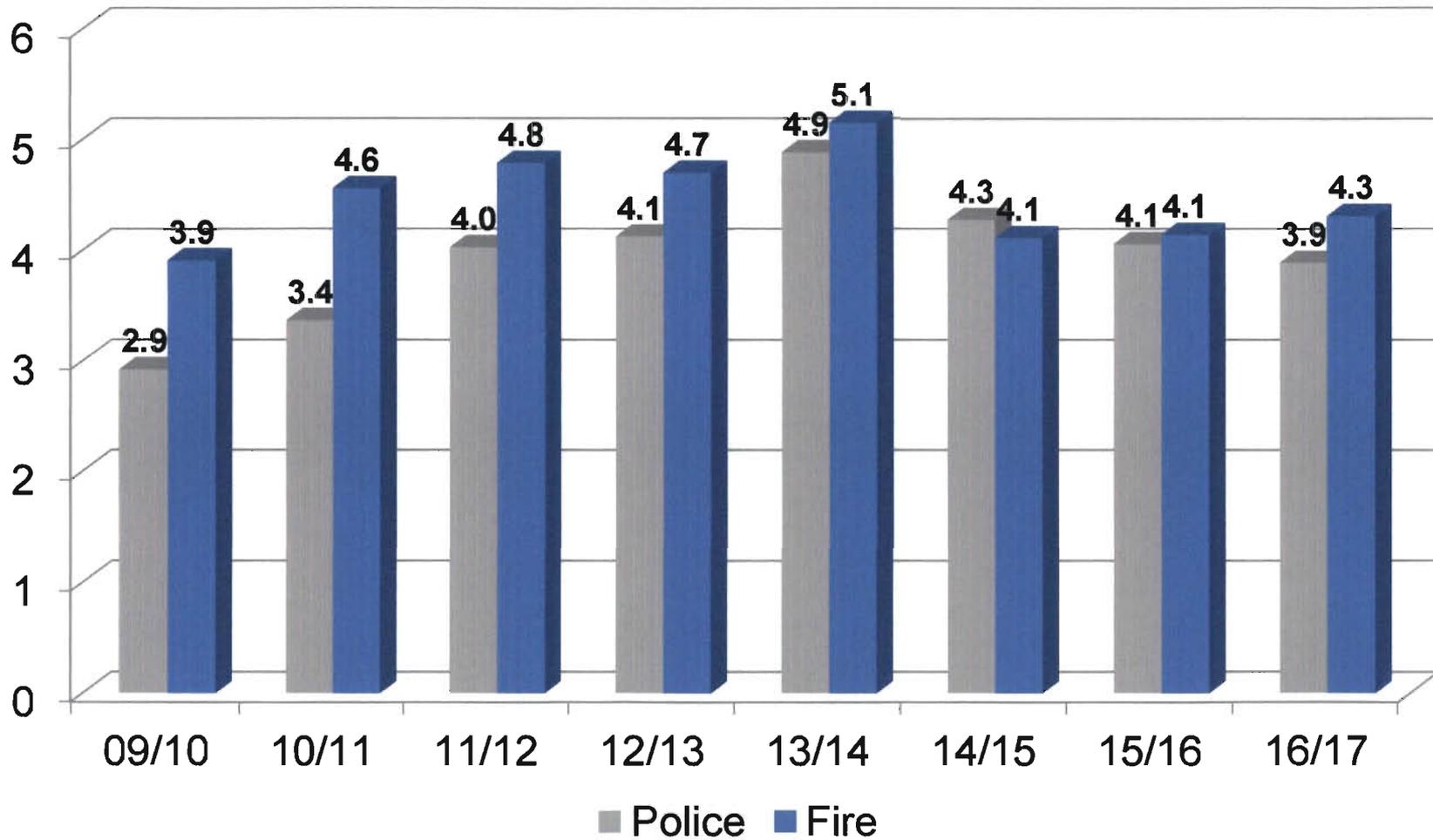
Annual Contribution Requirement Total

- The contribution requirement for the City and BSO for the fiscal years ending September 30, 2017 and September 30, 2016 is as follows:

	For FYE 9/30/16 Based on 10/1/14 Valuation *	For FYE 9/30/17 Based on 10/1/15 Valuation *	Increase (Decrease)
Required Total Contribution	\$ 9,810,352	\$ 9,852,547	\$ 42,195
Estimated Chapter 175/185 Credit	\$ 1,747,431	\$ 1,759,478	12,047
Required Employer Contribution	\$ 8,062,921	\$ 8,093,069	\$ 30,148

* Assumes lump sum payment on 12/31

Funding Requirement (\$ millions)



- The funded ratio is one measure of the health of the retirement system
 - This ratio shows the percentage of the actuarial accrued liability that is covered by the actuarial value of assets

Date	Pompano Beach Police & Fire ⁽¹⁾	Florida Public Safety Plans ⁽²⁾ (All)	Florida Public Safety Plans ⁽²⁾ (Assets > \$100MM)
10/1/2015	72.2%		
10/1/2014	70.7%	84%	75%
10/1/2013	68.5%	78%	74%
10/1/2012	66.1%	75%	71%
10/1/2011	69.0%	75%	68%

(1) Pompano Beach Police & Fire lowered its valuation rate 20bp each year through 2013. Each change lowered the funded ratio approximately 2%.

(2) Plans covering police and/or fire with valuation dates 9/30 – 1/1, as reported by the Department of Management Services

- GASB rules and Florida rules

Funded Ratio	Source	Discount Rate	Assets	DROP Account	Mortality
72.2%	Valuation	7.50%	Actuarial	Excluded	Valuation
66.2%	GASB	6.50%	Market	Included	Valuation
72.9%	GASB	7.50%	Market	Included	Valuation
79.7%	GASB	8.50%	Market	Included	Valuation
53.3%	SB 534	5.50%	Market	Included	Prescribed
66.4%	SB 534	7.50%	Market	Included	Prescribed
79.7%	SB 534 ⁽¹⁾	9.50%	Market	Included	Prescribed

(1) Used to present unbiased impact of 200 basis point change in discount rate (legislation only requires 200 basis point decrease)

- Starting with 10/1/2016 valuation (to determine contribution for FY 17-18) plans must use FRS mortality tables
- Impact⁽¹⁾
 - Contribution: \$2.4 million increase (Fire & Police)
 - Funded ratio: 6.3 basis point decrease

⁽¹⁾ Based on 10/1/2015 actuarial valuation

- Changes use of State Premium Tax Revenues
- Impact
 - Fire: no impact (use of money already negotiated)
 - Police: to be negotiated
 - \$215,000 of current reserve
 - \$124,000 annually of future excess revenues⁽¹⁾
 - “default” is 50/50 split

⁽¹⁾ Based on 2015 receipts of \$1,000,407

Questions?

