



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-17

Date: May 24, 2016

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Request for a budget transfer in the amount of \$22,690 for emergency operations equipment and service maintenance to maintain the Emergency Operations Center.	11
Approve ranking order for RFP E-18-16 Construction Engineering and Inspection Services for the SW 36 Avenue Sidewalk Project – Local Agency Program (LAP), and authorize staff to negotiate a contract with the highest-ranked firm, Calvin Giordano & Associates, Inc. (No cost at this time)	11
Authorization for City staff to purchase a new Showmobile to replace the Showmobile destroyed in the tornado on February 16, 2016. The Showmobile will be purchased from Century Industries via pricing per Federal GSA Contract GS-07F-9321G. Approval of attached budget adjustment to transfer disaster reserve funds to the February 2016 Tornado Fund for replacement of the Showmobile. (Fiscal impact: \$142,366)	11
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Approval of a transfer in the amount of \$1,998,542 from General Fund reserves to the Capital Improvement Fund.	23-25
Consideration to award Bid #E-16-16, SW 36 th Avenue Sidewalk Project (LAP) to the lowest responsive, responsible bidder, ENCO, LLC, in the amount of \$628,755.50.	25-26



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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-17

Date: May 24, 2016

Commission Meeting Room

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

ROLL CALL:

Present:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

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:

Mayor Lamar Fisher

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

Names of Comdrs.	M	S	Y	N	V	V
CITY COMMISSION MEETING MINUTES						
May 24, 2016						
PAGE 1						
<u>SPECIAL RECOGNITION</u>						
Mayor Fisher announced the passing of John Gillespie, Attorney, Shelley Griffin Davis, daughter of former Mayor "Bill" Griffin, and Marshall Mosley, active resident, and prayed for their families.						
<u>APPROVAL OF MINUTES</u>						
MOTION: To approve the Regular City Commission Meeting minutes of May 10, 2016, as submitted.						
<u>VOICE VOTE</u>						
Dockswell					X	
Hardin	X				X	
Moss					X	
Phillips		X			X	
Burrie					X	
Fisher					X	
There were no revisions to the minutes.						
<u>APPROVAL OF THE AGENDA</u>						
Mayor Fisher indicated that item 14 would be tabled for sixty (60) days.						
MOTION: To approve the City Commission Meeting Agenda of May 24, 2016, as amended.						
<u>VOICE VOTE</u>						
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 Items 3 and 8 from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.						

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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PROCLAMATIONS

Broward Housing Solutions® Day and Mental Health Month

Mayor Fisher, on behalf of the City Commission of Pompano Beach, read for the records a proclamation proclaiming the month of May as National Mental Health Awareness for Broward Housing Solutions®.

Lisa Veechi, CEO/President of Development of Broward Housing Solutions®, thanked the City for its generous funding to build the three different homes for the underprivileged in Pompano Beach.

SPECIAL PRESENTATION

Blanche Ely High School Youth Leaders in Community Health

Mayor Fisher announced that the Blanche Ely High School youth leaders in the community would present a “Good Neighbor Store” project as well as recommendations.

Adele Lasana Bar, YMCA, Community Innovations Program Director, as well as the Good Neighbor Store lead advisor, stated she has been working with the youths along with Tanya Burgess, youth advisor at the Blanche Ely High School, on the Good Neighbor Store initiative. She introduced and provided detail of the partnerships involved in working together to encourage youths and storeowners to build healthier communities. Among the organizations participating in the project are the YMCA, Florida Department of Health in Broward County and the Broward Regional Health Planning Council. The message the students are conveying is “Go Slow Whoa” for healthier habits.

The following young people presented how they have been working on this project:

Cindriana Brazil, spoke about the store assessment.

Lakisha Alshonor and Jennie Pierre Louis spoke on the five strategies they used as recommendations to the store to include placement, promotion, products, people, and price.

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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SPECIAL PRESENTATION - CONTINUED

Ramanie Gustav thanked the City Commission and the audience for providing them with the opportunity to present their initiative for this project.

Mayor Fisher thanked the young people for sharing the important aspect of what is needed for healthier communities and to Comr. Phillips for bringing this effort to the City's attention.

Unity in the Community Scholarship Awards

Mayor Fisher along with Carolyn Mann, President of Unity in the Community presented scholarship awards to the following students who were the recipients of the William R. Clark Memorial Scholarship for \$1,000 each. Mr. Clark was the first president who started Unity in the Community several years ago. In addition, Ms. Mann recognized several of the Board members in attendance to include Carol Waldrop, Ronald "Ron" Boehl, Michael Binger, and Paul Laya.

Diana Constant, graduate of Blanche Ely High School who will attend Nova Southern University to major in Nursing.

David Lewis, graduate of Blanche Ely High School who will attend Broward College to major in Nursing.

Gabriel Mason, graduate of Blanche Ely High School who will attend Bethune Cookman University to major in Physical Therapy.

Juliette Selmecci, graduate of Cardinal Gibbons High School who will attend the University of South Florida to major in Nursing.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 4</p> <p><u>AUDIENCE TO BE HEARD</u></p> <p>Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name, and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.</p> <p><u>Consent Agenda Items</u> – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, complained that the Commission has instructed staff and the City Manager not to place high value items on Consent Agenda to which they have not complied. He indicated that Consent item 4 for \$142,000 should not have been placed on the Consent Agenda due to its high value amount. Finally, Mr. Terwilliger recommended that staff, as well as the City Manager follow the Commission directives or face some kind of penalty.</p> <p><u>Presentation of Awards</u> – Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach, complained that the awards presented to City employees and others could be done at another venue instead of enhancing the Commission’s image.</p> <p><u>Amphitheater</u> – Mr. Ryan complained that the City Commission has spent \$1 million to subsidize the Amphitheater prior to year-end.</p> <p><u>Negative Actions by the City</u> – Mr. Ryan complained about the following actions:</p> <ul style="list-style-type: none"> • The purchase of a truck for \$387,000 with cameras and so forth, with no discussion of refitting the old one • The City spent \$100,000 for private causes • The City increased taxes in the last eight (8) years by 43% through the increase in millage rates • The police told him that the City is not number one in crimes but maybe it is number two due to robberies, gangs on the streets, drugs, homeless, and homicides. 				

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

May 24, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Finally, Mr. Ryan stated there are big problems in the City and it is time the City Commission pay attention to the utility problems and the other problems that are affecting the City. In sum, Mr. Ryan indicated a picture is being painted but it is not a reality.

Mr. Ryan concluded that the City is the “step sister” of the County due to lack of County officials as well as School Board officials residing in the City of Pompano Beach. Therefore, he urged the City Commission members to move up to run for higher offices.

Current Events and Issues in the Old Pompano Area – Douglas K. Matthes, 500 Northeast 6th Street, Pompano Beach, FL 33060, complained about a number of issues residents are experiencing within the Old Pompano area to include traffic and crime and provided for the records a list of these issues and his recommendations.

Misconception of Crime in Old Pompano Neighborhood – Paul A. Laya, 439 Northeast 1st Street, Pompano Beach, FL, indicated that the concerns that have been communicated through the community forum “Next Door” on the increase of crime in Old Pompano. On a daily basis, he would hear of home burglaries, theft of personal property, vandalism, complaints about the two Kester and Founders parks having high incidents of crime.

Mr. Laya indicated that he is aware of the work the Broward Sheriff’s Office (BSO) is currently trying to do in order to keep this problem of crime in check. In fact, he received an update from the Lieutenant on May 2, 2016, who attended an Old Pompano Civic Association meeting, where Mayor Fisher, Commissioner Hardin, and Captain Adkins were in attendance as well. Therefore, he understands that both the City along with the BSO do care.

Furthermore, Mr. Laya indicated that some residents from Old Pompano have and will be expressing their personal experience and frustrations with crime and the overwhelming perception that BSO does not care. However, Mr. Laya indicated that he has been working with BSO for the past five (5) years to clean up the area. Therefore, it would be good for BSO to provide the public with a report on their efforts to help to combat crime in the Old Pompano area.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

May 24, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Mayor Fisher indicated that quite a number of residents from Old Pompano were attending the meeting, as well as he has been made aware of the concerns through the neighborhood talks. Therefore, he invited Major John Hale, Police Chief of BSO to provide an update on where the City is regarding to crime incidents.

Major John Hale, Police Chief, BSO, indicated that they do care about the crime rate occurring and he does understand some of the frustration expressed earlier about it. He then provided a brief background indicating that the City in 2014 had the lowest part one-crime rate over the past ten (10) years.

However, in 2015 a drug referred to as “Flakka” was the poison that became an epidemic in the City of Pompano Beach. Unfortunately, this situation hit the City very hard, as people were literally dying in the streets. The media showed videos of people going crazy at intersections, whose body temperature spiked due to their ingestion of flakka. Subsequently, the crime rate increased during this time because of the narcotic wave.

Nevertheless, the elected body of the City of Pompano Beach and the BSO worked tirelessly to combat the flakka epidemic. In fact, they were the first ones to hold an education seminar on the poison coming out of China to the cities’ streets. BSO and the Drug Enforcement Administration (DEA) put together a contingent that actually travelled to China to meet with the Chinese government, who eventually shut down the flakka labs in China. After this effort, the flakka epidemic literally “dried up on the streets.” An article in the Sun Sentinel has reported that most of these addicts have resorted to heroine and fentanyl, which is a deadly combination of drugs. Actually, just today, one person died in Founders Park and several have died in the past weeks.

Chief Hale indicated that they are aware of the desperate measures some addicts will resort to get money to purchase these narcotics. Nevertheless, BSO and City officials are very understanding of the frustration of residents who are burglarized due to this epidemic. Moreover, he stated that the increase in crime is not isolated to the City of Pompano Beach but rather all along the eastern area of Broward County as well as the corridors of the I-95, which is being associated with the correlation with the narcotics activities.

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Major Hale reported that in the Old Pompano area during March and April there was a spike in crime of 13 car burglaries in March and 12 in April, which occurred at nights in the neighborhoods and in the parks. Therefore, with all the other crimes taking place throughout the City, they are busy combating these by making arrests of offenders. In fact, in the month of May they received only two (2) reports of car burglaries on residential properties and one (1) residential burglary.

In sum, Major Hale indicated that they are well aware of the troubling areas where the crime is occurring, and they “feel the pain” of the residents.

Nevertheless, there are countywide resources, and countywide burglary apprehension teams that the Sheriff has put into place to assist target areas throughout the county that are experiencing spikes of crime. In addition, a homeless outreach team targets the Old Pompano area where most of those issues occur.

Major Hale indicated that Captain Kerry Marks, Area Eastside Commander in charge of the operations and Detective Sgt. Kevin Swanson are available for specific questions regarding individual cases, and encouraged residents to speak with them individually to gain the facts.

In closing, Major Hale noted that the “Next Door” app is good, but asked that residents dial 911 before going to post something on the app.

Traffic and Crime Increase in the Community – Sheeri Nies Galiette, 1260 Northeast 2nd Street, Pompano Beach, FL, indicated that she has resided in the City for over forty seven (47) years and has seen many changes in the area. The changes are alarming in the Old Pompano area and she welcomed the crime update from Major Hale, which was concerning to her.

Traffic Issues – Ms. Galiette expressed concern with the land use changes and the increase in traffic that has made her street dangerous to walk on. She indicated that more people from the neighborhood needed to attend the meetings to express their concerns.

Status on the Pier Project – James Santomassimo, 1115 W. Cypress Drive, Pompano Beach, FL, asked about the pier project.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Horacio Danovich, CIP Manager, reported that for the fishing pier project staff is negotiating a contract with the number one ranked firm. He indicated that he and the City Attorney would be meeting to go through some of the elements of the contract, which will be brought before the Commission in the near future.

Mr. Santomassimo indicated that he does not understand why the project is proceeding, because he sent letters to the Commission and City Manager Beach to express concern with the City awarding a contract to an entity that has never built a pier, nor has the subcontractor.

Mr. Danovich replied that the company has been involved with piers. However, Mr. Santomassimo disagreed and he explained what actually took place with the company, because he did some research on the references they provided regarding working on prior piers.

Mr. Santomassimo indicated that he disagreed with employing a construction manager for the project and provided his reasons for disagreeing. He expressed disappointment that no one on the Commission has questioned this action.

Mayor Fisher requested that Mr. Danovich explained the details to Mr. Santomassimo.

Comr. Phillips expressed similar concerns with the Construction Management component of the project. Nevertheless, the Commission would need to be aware of what the construction manager would do.

Mr. Santomassimo indicated that he has extensive international construction management knowledge and skills, but what the City is embarking on for this project is not construction management, as there are too many loopholes. He has already met with the Assistant City Manager to explain some nuances where the City could save money.

Child Abuse at Pompano Elementary – Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL, distributed another one of his reports on Child Abuse in Pompano Beach Elementary School, of which a copy is available at the City Clerk’s office.

Names of Commrs.	M	S	Y	N
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 9</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>Mayor Fisher indicated that he respects Mr. Jovanov’s opinion to attend the meetings and provide comments on items. However, frankly, his comments are beginning to get a little scary when he states words such as “children tied to a whipping post; human trafficking; and they are only used for punishment.” It becomes concerning when someone uses the podium for accusations. Therefore, he recommended that if Mr. Jovanov has proof of the items he mentions in his reports that are happening and occurring, he should meet with the authorities such as the Broward Sheriff’s Office and the School Board to ensure that the issues mentioned are addressed.</p> <p>Mr. Janovov responded that there are no “broken bones, just mental abuse,” and he tried reaching out to the respective authorities for over five years but it has continued. Nevertheless, he will take the Mayor’s suggestion to reach out to the appropriate authorities regarding the matter.</p> <p>Mayor Fisher explained to Mr. Louis that there is a policy to sign up to speak under Audience to be Heard prior to the start of the meeting.</p> <p><u>Crime, Diversity and Zoning</u> – Dominique Louis, 400 Northeast 2nd Street, Pompano Beach, FL, addressed the following three items:</p> <p><u>Crime</u></p> <p>Since he moved to the City in 2006, he has experienced a number of crimes, to include personal injury, robbery of his household and plant items. However, he has seen little progress in this area. He is aware that everyone is doing whatever he or she can, but crime is certainly a problem. Furthermore, when the City denied the Green Children House School in Old Pompano, in the future residents will see the big problem this will have on the community.</p> <p>Additionally, Mr. Louis clarified that the previous speaker who mentioned children being whipped, tied to a pole, or raped of their education was speaking metaphorically of what is happening, which he explained in detail.</p> <p><u>Diversity</u></p> <p>Mr. Louis stated it is important for the City to have diverse representation. He noted that when he sees people that have been part of the City for decades and there is only one official person that looks African-American, yet 35% of the</p>			V	V

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

May 24, 2016

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AUDIENCE TO BE HEARD – CONTINUED

City is made up of African-Americans and Latinos then the City “is not getting it.” Moreover, different things are happening around the City such as flex housing. Historically there are parts of the City that have been under-represented and neglected and when there are things happening from environmental racism, which makes one wonder. Finally, he stated that if the same rules apply to allow flex units in Districts 4 and 5, then it should be the same for Districts 2, 3 or even 1, which is not the case.

Zoning

Mr. Louis indicated that the zoning appears hypocritical, when on the same block where the Mayor had his project and sold it to developers, yet he cannot do the same rezoning for the children of the City.

Mayor Fisher, for correction for the record, stated that the Fisher family had nothing to do with the development of the project of townhomes on First Street and Fifth Avenue. In fact, he indicated that when he was elected to office he wanted to change the zone to Residential Office (RO) to preserve his grandparents’ home along with those homes located on the same block, but the Old Pompano Association pushed back on it. Ironically, he had indicated then that the area was zoned RM-20 and perhaps someday a developer could come in and build townhomes there, which was what happened later. Therefore, his family did not do that project. Upon the passing of his grandparents, the estate sold the home and a developer bought the property along with the other homes and developed the current townhomes located in the area.

Comr. Phillips encouraged Mr. Louis to continue to come to the meetings and that he has been listening to his comments.

CONSENT ITEMS

TIME 00:55:30

ITEM 1

Approval to award Bid #E-28-16, Cartridge Filtes to the lowest responsive, responsible bidder, American Melt Blown & Filtration, Inc., in the amount of \$31,800 annually.

Names of Comms.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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CONSENT ITEMS – CONTINUED

TIME 00:55:30 **ITEM 5**

Approval to replace tornado-damaged fencing at various locations for the Public Works Department, from Bauer Construction, per Broward County Contract #X1133902B1, at a total cost of \$31,614.90.

RES. NO. 2016-191: **TIME 00:55:30** **ITEM 6**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT APPLICATION IN AN AMOUNT OF UP TO \$150,000 TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, FOR THE PURPOSE OF OBTAINING FUNDS FOR ARTISTIC, CULTURAL AND EDUCATIONAL PROGRAMMING AT THE POMPANO BEACH AMPHITHEATER AND THE NEW POMPANO BEACH CULTURAL CENTER; AND CONFIRMING THE CITY'S CONTRIBUTION OF UP TO \$150,000; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: None at this time, if awarded match of grant funds from working capital reserve)

RES. NO. 2016-192: **TIME 00:55:30** **ITEM 7**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2016-177 AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF SCHOOL BUSES FOR CITY RECREATIONAL PURPOSES; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: None at this time)

Names of Commrs.	M	S	Y	N
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 14</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Comr. Phillips suggested tabling the item if there was no immediate need to approve it at this time as there are other factors impacting it. If tabled, they would allow the Economic Development Council (EDC) to vet and bring back the item under a regular agenda.</p> <p>Karen Friedman, Principal Planner, indicated that the item is an application, which Development Services prepared to be submitted to the Broward County Planning Council to amend the City’s unified flexibility zone map. She indicated that in 2010 the City unified the map with the intention of increasing mixed-use development along the transit priority corridors. Originally, staff planned to review for deletion or addition two (2) particular projects. However, with all good planning effort, they took a comprehensive review of the locations on the unified flex map and came up with a recommendation for seven (7) areas to be deleted and three (3) areas to be added to the unified flex zone. This would enable application for flex units.</p> <p>Additionally, Ms. Friedman outlined and explained in detail the seven (7) recommendations of deletion, as well as the three (3) additions.</p> <p>Comr. Hardin indicated that he does not have a concern with most of the proposal. However, he felt angst with the addition of the South Dixie Highway corridor, which is the prime industrial area. He is concerned that with the potential of a prospective development from an enterprising individual who desires to build flex units, which may not fit the vision for that area. Therefore, he asked if someone desires to add housing units in the area could the City refuse the application.</p> <p>Ms. Friedman responded that in adding the South Dixie Highway to the flex table it is the first step in getting residential units into the area. However, the area that staff is recommending has a B-4 zoning, which does not allow for residential uses. Therefore, the second step, which staff has been working with the Economic Development Council, is preparing an overlay district to allow residential development with very strict design controls allowed in the B-4 area. Therefore, until the zoning changes are made the City would not be able to allocate flex units to the area.</p>				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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CONSENT ITEMS – CONTINUED

In sum, Comr. Hardin is ensuring that the City is not “boxing itself into a corner” with some of these recommendations.

Robin M. Bird, Development Service Director, indicated that currently staff is still working on how to create new rules for flex units. However, there is the protection over time with the B-4 and if it is not exactly what the City wants, it will not happen. There will be a delicate blend before anything is done in the area and he explained what the intent was for the area.

Comr. Hardin asked for a timeframe for changing the zoning in that area.

Mr. Bird responded that it is approximately one year.

Vice Mayor Burrie indicated as it relates to the Citi Centre, staff had indicated that to the northern, western and the eastern portions of the property, the northern end of the property across Copans Road will be all single-family homes. However, the eastern portion is Federal Highway and the western is the golf course, therefore, she does not understand how this would be relevant to allow multi-family in with the designated single-family zone.

Mr. Bird responded that it would not go into the single-family zone. Actually, when the City did the unified flex zone map prior, staff did not allow planned commercial developments to be included. The same problem existed with Hidden Harbor that is now going through a Land Use Planned Amendment, because they were a PCD, and they could not go for flex units.

Additionally, Mr. Bird indicated that for the Centre, it has sixty thousand (60,000) square feet of entitlements they currently have on their master plan that they have not built. In fact, there have been inquiries for a proposed hotel to overlook the golf course.

Mayor Fisher stated that he liked the certain area deletions of the single-family component, which will protect the single-family in areas such as Old Downtown, the Garden Isles, Avondale, and Fairview, which is a good move.

Names of Commrs.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 16</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Mr. Bird indicated that the City Manager had questioned whether to place the item under consent; however, Mr. Bird said he allowed it to move forward under consent because of the type of item that it is and how it was handled in the past. While there may be some time to table the item to bring back it under regular agenda, there is not enough time to address the problems for Northwest 27th Avenue to allow for the houses and the property transfer, which was one of the key components why staff commenced reviewing this matter.</p> <p>Mayor Fisher indicated that he was also concerned that the item was brought under consent agenda.</p> <p>Comr. Phillips referred to Exhibits 1, Page 1, and Page 4, which appears to have some contradictory statements being made. It indicates that the City is protecting residential neighborhoods, but when referring to the Old Downtown Pompano it indicates going up to Northwest 6th and MLK Boulevard, which he asked if that is correct. Also, Comr. Phillips requested that the maps be made clearer as the ones provided for this item was very difficult to read.</p> <p>Ms. Friedman responded that it is the current boundary of the Land Use Designation for the Transit Oriented District.</p> <p>Comr. Phillips indicated that he is concerned with removing and deleting flex units in that area. In addition, he asked if it would affect some of the existing projects that the City has in process.</p> <p>Mayor Fisher indicated that the TOC already has the ability to have those units; therefore, the flex units are not needed.</p> <p>Comr. Phillips explained why he is uncertain about the recommendation regarding this area. He reiterated that his concern is that once the City starts taking away the lower model income component then they return to market value rate housing. Therefore, he will be voting against the item unless it is tabled and the item goes before the EDC for further discussion.</p>				

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

May 24, 2016

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CONSENT ITEMS – CONTINUED

Comr. Hardin indicated that whether the item is on consent or regular agenda, the Commission is having a remove open discussion on it.

Comr. Phillips made a motion to table the item to a later date and to be taken off consent agenda to allow more time for review. The motion died for lack of a second.

Terry A. Williams, 757 Northwest 15 Street, Pompano Beach, FL, expressed concern regarding land usage, as it appears to be similar to eminent domain. For many years the northwest area has been rezoned and developers are given opportunities to build with not much to show. She opined that the original plan of the City is now being changed, which should allow for a challenge. Therefore, she requested that the item be tabled, and the City consults the community regarding the decision on flex and that un-flex, especially in the Collier City area.

Mayor Fisher indicated that the City is not doing any land use changes on this particular item, rather it is about the flex and reserved units.

Phyllis Smith, 2437 Northwest 4th Court, Pompano Beach, FL, President of the Collier City Civic Association, indicated that they heard about the plans but have not seen it to date and would like the opportunity to see what will be done to Northwest 27th Avenue.

Additionally, Ms. Smith indicated that Comr. Moss spoke about the item over the phone with her, and that a meeting is planned with the residents of the area. However, she will not be able to attend, due to a family reunion commitment and the fact that it is a holiday weekend, where most people will be travelling out of town. She requested the meeting be held another time, which Comr. Moss was unable to change. Nevertheless, she requested that the Commission table the item to allow the members of her community to review the plans prior to moving forward. Notwithstanding, she really wants the community to move forward. In fact, she would love to see a traffic light between Northwest 27th Avenue and Martin Luther King Boulevard. In addition, the area where construction has commenced has been very dark for years and many accidents have occurred since then.

Names of Comdrs.	M	S	Y	V

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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CONSENT ITEMS – CONTINUED

Comr. Moss stated that there are no plans to place this particular building on the lot. The item will enable the City to make some plans, which is what the meeting he has planned for Saturday will address. Nevertheless, he would meet with Ms. Smith personally prior to her leaving town, as well as meet with the group to explain what this will mean for the Collier City neighborhood.

Ms. Smith invited Comr. Moss to their meeting, which will be held at 7:00 p.m. on Wednesday, May 25, 2016.

Comr. Dockswell indicated that perhaps he is missing something. He views the item as a natural clean up to the unified flex zones that were created previously. Perhaps it would be best for the City to pass the item, but there are a number of people expressing a feeling of being railroaded. Therefore, the Commission should consider tabling the item. In sum, he believes it is a good thing and there was no specific reference that there would be a problem.

Mayor Fisher understands Comr. Phillips concerns, but he does not believe anyone is being railroaded.

RES. NO. 2016-194: TIME 00:55:30 ITEM 9

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

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.

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

Robin M. Bird, Development Services Director, stated that the proposed plat was for a 5.1440 acre property located at the terminus of Northwest 15th Street. The owners are 16th Street Pompano, LLC. The plat will restrict development to 80,000 square feet of industrial uses on Tract "A." The industrial uses may have up to 30%-50% ancillary office or up to 30% ancillary commercial use per bay or single tenant building upon satisfaction of transportation concurrency fees.

Additionally, no freestanding office, freestanding banks or drive-thru facilities are permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts. The request was heard at the March 23, 2016 Planning and Zoning Board meeting where they unanimously recommended approval with four (4) conditions. However, all conditions were met.

Comr. Phillips asked about the distance of Markham Elementary School from the property. As well as, does the property abuts the Regency apartments.

Mr. Bird replied it is approximately 1,200 feet. The Regency apartments are immediate east of the subject property.

Comr. Phillips asked if the applicant had an opportunity to speak with the residents within the area.

Names of Commrs.	M	S	Y	N
			V	V

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Brian Donovan, Deputy City Manager, indicated that periodically staff does its own internal audits of its revenues and expenditures, paying particular attention to the revenues/expenditures that fall under specific State Statutes or City Ordinances. A recent analysis has determined that one of the revenue streams was classified as special revenue rather than a portion of it. Consequently, staff concluded that since the inception of that revenue, it has been determined that about \$2 million has been residing in the designated portion of fund balance, which should be in the undesignated portion. Therefore, rather than making a transfer, staff recommends utilizing the \$2 million for the following projects; Southwest 36th Avenue, Briny Avenue, Furnishing the Cultural Center and Replacing the Community Park Shelters.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated that staff and administration, to include the legal department and the outside counsel, for years have deposited certain funds into the Building Department fund. Therefore, he wanted to know the mystery person who, "Ascertained that approximately \$2 million deposited into the building fund reserve account over a period of time should have been deposited into the general funds reserved to be utilized for any legal municipal purpose."

Mr. Terwilliger asked why is it now discovered, after decades ago, that the funds are needed to be deposited into the general fund. It appears that the transfer is a thinly veiled attempt to raid a reserve account so that it can be spent.

Mr. Terwilliger concluded that the money should remain in the reserve account.

Mayor Fisher asked if it is legally acceptable to do this transfer.

Mark E. Berman, City Attorney replied that it is, if the proper determination had to be made.

Dennis W. Beach, City Manager, indicated that he is unsure if the City Attorney's office was involved in the matter; however, the matter included the Finance Director and the Budget Office.

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

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REGULAR ITEMS - CONTINUED

RES. NO. 2016-199: TIME 01:38:50 ITEM 18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **COLLEEN MURPHY** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF JOHN WAY, ALTERNATE 1; SAID TERM TO EXPIRE ON NOVEMBER 26, 2016; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-199 upon reading.

ROLL CALL

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

There was no discussion on the item.

RES. NO. 2016-200: TIME 01:39:22 ITEM 19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KATHERYN GILLIS** TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 27, 2019; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

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

CITY COMMISSION MEETING MINUTES **May 24, 2016**

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REGULAR ITEMS - CONTINUED

MOTION: To adopt Resolution No. 2016-200 upon reading.

Comr. Moss nominated Nancy Grant for this position, however, he was the only voting member for this nominee.

There was no discussion on the item.

RES. NO. 2016-201: TIME 01:40:21 ITEM 20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DANIEL HORAK** TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 27, 2019; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-201 upon reading.

Comr. Moss nominated Nancy Grant for this position; however, he was the only voting member for this nominee.

There was no discussion on the item.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Commissioner Barry J. Dockswell – Remote Wireless Cameras for City Use – Comr. Dockswell indicated that over time there have been numerous complaints regarding illegal dumping, homelessness, and criminal activities. Therefore, he suggested that there could be two or three wireless type cameras set up to get relayed information in real time recorded or to have it set up for a few days and then check to see what has been recorded. It would be to the City and BSO’s advantage if there were a couple of wireless recording units that could be deployed around the City to catch people in the act of illegal dumping or similar types of problematic activities. Therefore, he wondered if a more organized effort needed to be done to create a stable of remote camera facilities to have at our disposal.

Vice Mayor Burrie indicated that she would definitely support mobile cameras. She explained that there was a spot either in the Cresthaven/ Highland area where illegal dumping was taking place and the person who lived across the street that kept calling it in offered to turn her cameras around, which resulted in the person who was doing the illegal dumping being caught.

Mayor Fisher directed City Manager Beach to look into the possibility of having surveillance cameras set up remotely.

Commissioner Rex Hardin – Beautification of the City – Comr. Hardin indicated that on the south side of Atlantic Boulevard there is a wall west of Dixie Highway protecting the canal, which is quite sparse with a railing on top. It is not aesthetically pleasing, and since it is part of the entrance to the City of Pompano Beach, perhaps some consideration could be given to have the Public Art Committee look into getting some type of mural placed on the wall. Therefore, he suggested that City Manager Beach find out who owns the wall in an effort for the City to take ownership to beautify it.

Transfer of Funds for Capital Improvement Projects – Comr. Hardin pointed out that the money that was discussed earlier for transfer will be going to projects that have been identified throughout the City that are important. The funds are actually improving the community and not being spent uselessly.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Commissioner Barry Moss – Career Day – Comr. Moss reported that he attended career day at the Charles Drew Elementary School, where the children were very attentive to the information he provided on governance of the City.

Collier City Community Meeting – Comr. Moss reiterated that on Saturday, May 28, 2016, from 10:00 a.m. to noon, at the McNair Center, County Commissioner Mark Bogen and he would be meeting with the residents of the Collier City neighborhood to discuss certain issues, particular the possibility of putting housing on Northwest 27th Street.

Stone Figures near Commission Chambers – Comr. Moss asked about the two figures in stone located in the front of the Commission Chambers but no one seemed to know anything about them. He wanted to know how the stones were placed there and why.

Commissioner Edward Phillips – Re-establishment of the Scholarship Program – Comr. Phillips indicated that the community would like to thank the City Commission for re-establishing the scholarship program. He said he received accolades of the wisdom of the Commission for approving this action.

Absence of Development Director at Commission Meetings – Comr. Phillips reported that oftentimes at the Commission meetings, the Community Development Director is not present. However, most of the other department directors are normally in attendance. He thinks this is important because Community Development has direct impact upon his community. He is unsure if the Director's absence is intentional or not.

Florida Power and Light (FP&L) Towers – Comr. Phillips asked if the City had the opportunity to reach out to FP&L to ask them to explain the dynamics of the huge towers they are building as to the design of why and where they are going.

Dennis W. Beach, City Manager indicated that the inquiry has been made and the City is expecting a response.

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 32</p> <p><u>REPORTS - CONTINUED</u></p> <p><u>Comments on Pompano Beach Elementary School</u> – Comr. Phillips commended Mayor Fisher for his stance on certain information being brought before the Commission, particularly, the situation with the children in the school system. He does not think it is appropriate or right for someone to come before the Commission regularly to attack the Pompano Beach Elementary School, especially since the principal and staff is doing their best to improve the school. The comments are demeaning to the children, parents and the school. Therefore, he reiterated his commendation to the Mayor for telling this person in a nice way that it is inappropriate to make those types of comments.</p> <p><u>Demise of Marshall Mosley</u> – Comr. Phillips announced that his friend, Marshall Mosley passed away, which has saddened him, because he was the general in his last election campaign and he will be sorely missed.</p> <p><u>Commissioner Barry Moss – Comments on Pompano Beach Elementary School</u> – Comr. Moss echoed Comr. Phillips comments regarding comments made in degrading the school. He indicated that he serves two hours per week at the school and he sees “no whipping posts and no one being poisoned.” In fact, the children at that school are getting a lot of tender loving care from many dedicated teachers who are doing everything to assist them to achieve good grades. Therefore, the comments being made by the speaker earlier is inappropriate and insulting.</p> <p><u>Vice Mayor Charlotte J. Burrie – Comments on Pompano Beach Elementary School</u> – Vice Mayor Burrie echoed Comr. Phillips comments as well. She indicated that she advised the speaker to take his complaints before the Broward County School Board and not before the City Commission, but he brings them up at approximately every Commission meeting.</p> <p><u>Comments on Consent Agenda</u> – Vice Mayor Burrie recalled some time ago the Commission set a policy that anything over \$100,000 would go on regular agenda, this has not been happening, and the Commission is being reminded about this on a consistent basis by certain members of the public. The Commission could decide that whether they desired to reset the policy since most of the current Commission was not serving when the policy was done.</p>				

Names of Comms.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES May 24, 2016</p> <p>PAGE 33</p> <p><u>REPORTS - CONTINUED</u></p> <p>Therefore, she suggested that the Commission could direct the administration to put any item with over \$100,000 under regular agenda.</p> <p>Dennis W. Beach, City Manager is unaware that a policy of \$100,000 was ever set. He understands that it was more in the vicinity of \$500,000. He explained that what guides the consent agenda more than anything else is whether it is about the subject that the Commission had previously addressed.</p> <p>Vice Mayor Burrie appreciates the City Manager's explanation and hopes the public understands it. The items on consent agenda involving \$100,000 have been discussed at the Commission level prior.</p> <p>Mayor Fisher indicated that as mentioned by Comr. Hardin earlier, the Commission has the right to pull and discuss any item under consent agenda. Moreover, most times the public has asked individual commissioners to pull items for discussion, which has been done.</p> <p>Comr. Hardin does not recall a policy being set regarding consent agenda items and he does not think a policy needed to be established. Because if it is under consent agenda the full backup is provided and it is open for discussion and anyone from the public can ask to pull an item for discussion, which the Commission has always done upon request.</p> <p>Mayor Fisher reminded everyone that approximately one year ago, the Commission changed the policy on the Agenda, and it is stated that under Consent Agenda, if an item is not pulled then the public has the right to come up and speak about that item.</p> <p>Vice Mayor Burrie indicated she brought up the subject matter for discussion so it could be "laid to rest" and not to pass another policy for items of \$100,000 or more.</p> <p>It was the consensus of the Commission to continue to handle consent agenda items the way it has been handled currently.</p>					

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Mayor Lamar P. Fisher – Public Relations (PR) for the City – Mayor Fisher indicated that Susan Gingrich brought to the Commission’s attention that she was flying somewhere out west and noticed on the In Flight magazine there was an article on oceans and there was mention of the City of Pompano Beach. The City is on the In Flight magazine throughout the country. Therefore, he thanked the tourism director for getting the City’s PR working.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:10 p.m.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, CITY CLERK