

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02
Date: October 25, 2011

Commission Meeting Room

- S U B J E C T -	ORD. NO.	RES. NO.	PAGE
<p><u>APPROVAL OF MINUTES</u></p> <p>Regular City Commission Meeting October 11, 2011</p>			1
<p><u>APPROVAL OF AGENDA</u></p> <p>October 25, 2011 - City Commission Meeting Agenda</p>			1
<p><u>SPECIAL PRESENTATION</u></p> <p>Commissioner Woodrow J. Poitier's Birthday</p>			1
<p><u>AUDIENCE TO BE HEARD</u></p> <p><u>City Code and Staff's Treatment of the Public</u> – Karen Caruso, 400 North Riverside Drive, #101, Pompano Beach, FL 33062</p>			2-4
<p><u>Honesty and Ethics</u> – Ed Stanton, 1012 North Ocean Boulevard, Pompano Beach, FL 33062-4056</p>			4-6
<p><u>CONSENT ITEMS</u></p> <p>Approval of a budget adjustment to appropriate and rollover funding totaling \$829,452 from Fiscal Year 2011 to Fiscal Year 2012 for capital outlay, operating and special projects.</p>			6
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINDER TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, PALM BEACH COUNTY, LAKE WORTH DRAINAGE DISTRICT, AND THE CITY OF FORT LAUDERDALE REGARDING C-51 WATER SUPPLY & WATER QUALITY RESERVOIR PLANNING AND DEVELOPMENT; PROVIDING AN EFFECTIVE DATE. (No cost)</p>		2012-19	6

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02
Date: October 25, 2011

Commission Meeting Room

- SUBJECT -	ORD. NO.	RES. NO.	PAGE
<p><u>CONSENT ITEMS - CONTINUED</u></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD EXTENSION AND AMENDMENT TO AGREEMENT FOR INVESTMENT MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CUTWATER INVESTOR SERVICES CORP. F/K/A MBIA MUNICIPAL INVESTORS SERVICE CORPORATION; PROVIDING AN EFFECTIVE DATE.</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT; PROVIDING AN EFFECTIVE DATE.</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AN APPLICATION FOR AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN TO AMEND THE DESIGNATION FOR DR. MARTIN LUTHER KING JR., BOULEVARD FROM DIXIE HIGHWAY TO I-95, FROM AN 80 FOOT COLLECTOR TO AN 80 CONTEXT SENSITIVE CORRIDOR; PROVIDING AN EFFECTIVE DATE.</p> <p>Approval of a change order to World Electric Supply in the amount of \$50,094.00 for changes to the bollard lights awarded per Bid H-45-11.</p> <p>Approval to award Bid H-51-11, Polo Shirts with Embroidery and Screen Printing for the Fire Department (Rebid) to the low responsive bidder, Design Lab, Inc., for an annual open-end contract, at an estimated cost of \$25,023.10 per year.</p> <p>Approval to purchase quicklime, as needed, for the Water Treatment Plant, per the City of Tamarac Cooperative Bid #11-25B, from Chemical Lime Co. of Alabama, LLC, at an estimated total cost of \$450,000.00 per year.</p>		<p>2012-20</p> <p>2012-21</p>	<p>6</p> <p>7-10</p> <p>10-18</p> <p>18</p> <p>19</p> <p>19</p>

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02
Date: October 25, 2011

Commission Meeting Room

- SUBJECT -	ORD. NO.	RES. NO.	PAGE
<p><u>CONSENT ITEMS - CONTINUED</u></p>			
<p>Approval of budget adjustment appropriating funds from the Budgetary Retained Earnings to the Service Connection Reuse Account.</p>			19
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPLICANT-INSTALLED FACILITIES AGREEMENT FOR UNDER-GROUND CONVERSIONS; PROVIDING AN EFFECTIVE DATE.</p>		2012-22	19
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CITY/COUNTY RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS; PROVIDING AN EFFECTIVE DATE.</p>		2012-23	19
<p>Approve ranking order and short-list for RLI H-48-11 "Design-Build Services for the City of Pompano Beach Utility Field Services Complex," with the short-listed firms to be solicited for Step 2 proposals: D. Stephenson Construction, MBR Construction, Sikon Construction Company, and Turner Construction. (No cost at this time)</p>			20
<p><u>REGULAR AGENDA</u></p>			
<p>AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY LYING EAST OF POWERLINE ROAD AND APPROXIMATELY 95 FEET SOUTH OF NORTHWEST 18TH STREET FROM I-1 (INDUSTRIAL) TO I-1 (INDUSTRIAL) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL) OVERLAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2012-05		20-25

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02
Date: October 25, 2011

Commission Meeting Room

- SUBJECT -	ORD. NO.	RES. NO.	PAGE
<p><u>REGULAR AGENDA - CONTINUED</u></p> <p>AN ORDINANCE AMENDING CHAPTER 37, "POMPANO BEACH CODE ENFORCEMENT," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 37.10, "ESTABLISHING FINE AND LIEN," TO PROVIDE ADDITIONAL RESTRICTIONS AND REQUIREMENTS FOR ABATEMENT OF LIENS BY THE CITY'S SPECIAL MAGISTRATE FOR CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY CREATING THE POSITIONS OF CONSTRUCTION MANAGER AND PERMIT EXPEDITER, AND BY RECLASSIFYING THE POSITION OF ADVISORY BOARD SECRETARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DELETING IN ITS ENTIRETY CHAPTER 95, "FIRE PREVENTION," OF THE POMPANO BEACH CODE OF ORDINANCES; CREATING A NEW CHAPTER 95, "FIRE PREVENTION," PROVIDING FOR ADOPTION AND IMPLEMENTATION OF STATEWIDE FIRE CODES; PROVIDING STANDARDS AND REQUIREMENTS FOR FIRE PREVENTION AND SAFETY; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JJ LAND REALTY, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	<p>2012-06</p>		<p>25-26</p> <p>26-28</p> <p>28-29</p> <p>29</p>

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02

Date: October 25, 2011

Commission Meeting Room

- S U B J E C T -	ORD. NO.	RES. NO.	PAGE
<u>REGULAR AGENDA - CONTINUED</u>			
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING JANUARY 31, 2012 AS THE DATE FOR THE 2012 MUNICIPAL GENERAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.			30-32
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING JANUARY 31, 2012 AS THE DATE FOR THE 2012 MUNICIPAL GENERAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.	2012-07		32-33
Consideration for the dual naming of Northwest 2nd Street to add the the name of Reverend Ernest E. Graham Street as per Resolution 2003-98, Street Naming Policy.			33-34
Discussion of the master development of pier site, including parcels east and west of Pompano Beach Boulevard.			34-39
<u>REPORTS</u>			
<u>Assistant City Manager</u> – No Report.			39
<u>City Attorney</u> – No Report.			39
<u>City Clerk</u> – No Report.			39
<u>Internal Auditor</u> – No Report.			39
<u>Commissioner Charlotte J. Burrie</u> – No Report.			39
<u>Commissioner Barry J. Dockswell</u> – Moratorium on Renaming of Streets and Public Facilities within the City			39-40
<u>Commissioner Rex Hardin</u> – Halloween Wishes			40
<u>Commissioner Woodrow J. Poitier</u> – Greater Pompano Democratic Club Black and White Ball			40

City of Pompano Beach, Florida



City Commission Minutes

Agenda No. 2012-02

Date: October 25, 2011

Commission Meeting Room

- SUBJECT -	ORD. NO.	RES. NO.	PAGE
<u>REPORTS - CONTINUE</u>			
<u>Vice Mayor George Brummer</u> – No Report.			40
<u>Mayor Lamar P. Fisher</u> – Club Cinema Activities.			40-42
<u>ADJOURNMENT</u>			42

CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2012-02

Date: October 25, 2011

Commission Meeting Room

The Mayor called the meeting to order at 7:00 p.m. and presided as the chairman.

ROLL CALL:

Present:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Lamar Fisher
George Brummer
Charlotte Burrie
Barry Dockswell
Rex Hardin
Woodrow Poitier

and

Assistant City Manager
City Attorney
City Clerk

Phyllis A. Korab
Gordon B. Linn
Mary L. Chambers

INVOCATION BY:

Elder Robert J. Kintchen, Jr.
Christ Fellowship Church of God in Christ

PLEDGE OF ALLEGIANCE LED BY: *Mary L. Chambers, City Clerk*



City of Pompano Beach, Florida

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 1

APPROVAL OF MINUTES

MOTION: To approve the Regular City Commission Meeting Minutes of October 11, 2011, as submitted.

VOICE VOTE

Names of Comms.	M	S	V Y	V N
Burrie			X	
Dockswell			X	
Hardin	X		X	
Poitier		X	X	
Brummer			X	
Fisher			X	

There were no corrections to the minutes.

SPECIAL PRESENTATION

Commissioner Woodrow J. Poitier's Birthday

Phyllis Korab, Assistant City Manager, acknowledged Commissioner Woodrow J. Poitier's birthday on November 5 and wished him a Happy Birthday.

William Hopkins, Assistant City Manager, presented Comr. Poitier with a cake.

Mayor Fisher wished Comr. Poitier a happy birthday.

APPROVAL OF AGENDA

MOTION: To approve the City Commission Meeting Agenda of October 25, 2011, as amended by tabling Item 17 to the November 22, 2011 meeting.

ROLL CALL

Names of Comms.	M	S	V Y	V N
Burrie			X	
Dockswell		X	X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	

Mayor Fisher stated that there is one change to the agenda and that is to table Item 17 to the November 22, 2011 meeting and questioned if there were any additional changes.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V	V
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011					
PAGE 2					
<u>AUDIENCE TO BE HEARD</u>					
Phyllis A. Korab, Assistant City Manager, confirmed that the CRA Staff requested that the City Commission table Item 17 for 30 days.					
Mayor Fisher stated that the guidelines for "Audience-to-be-heard" are printed in the Agenda. All persons interested in speaking during "Audience-to-be-heard", once called, must state their full name and address for the record. Speakers will be limited to three minutes to speak on any matter, item or concern of interest, which is not on tonight's Agenda.					
Finally, Mayor Fisher requested that speakers refrain from any emotional outbursts of support or nonsupport of the issue the speaker is discussing.					
<u>City Code and Staff's Treatment of the Public</u> – Karen Caruso, 400 North Riverside Drive, #101, Pompano Beach, FL 33062, commented on the inconsistency in City codes and the attitude of one of the City's employees. In particular, in 2008, the LADO Del Rio Condominium Association requested to plant trees in the swale in front of the building; they were told it could not be done because this was City property. On the contrary, in 2011, the Association could not obtain a permit to resurface the condominium's parking lot unless they planted trees in the swale.					
Then, in 2009, when the LADO Del Rio Condominium Association was redoing their entire parking lot, they were told to change the perpendicular parking spaces to angle parking spaces. However, in 2011, they had to change the angle parking spaces back to the perpendicular spaces in order to comply with code, which made no sense.					
Additionally, in the summer of 2011, the president of the LADO Del Rio Condominium Association went to City Hall to obtain a permit to seal coat the parking lot at the Condominium, but was told a landscape architect was required to draw the plans. She said, "What plans, everything was up to code two years earlier?" So, being compliant, they hired a landscape architect at an additional cost of \$2,500, plans were completed and submitted to the City, but were not approved.					



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 3</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>Incidentally, the person that the president of the Association spoke with at the Building Department was invited to visit their property to see how much green space they already had, as well as the impact of the proposed additions and costs to them, not only in money, but also in parking spaces; however, she declined.</p> <p>Meanwhile, the landscape architect had to visit their property three times, as well as, take the revised plans back and forth before they were approved. So, due to the additional landscaping costs of \$4,100 for 7 Gumbo Limbo trees, 4 Sable Palms and 70 Jasmine plants, this project, which they assumed would just require obtaining a permit, now costs \$10,100, instead of the \$3,500 budgeted. Therefore, she questioned how something could be up to code in 2009 and not up to code in 2011.</p> <p>Now, while looking in the parking lot of the LADO Del Rio Condominium, Ms. Caruso said that she sees Palm Trees and Hibiscus to the south and no required Gumbo Limbo trees to the north. Nevertheless, her major issues are: 1) the need for some consistency in City code, because, “Like our trees, today you can’t, tomorrow you must”; and 2) clarification and consistency of what citizens and/or condominiums are permitted to do, not permitted to do, and expected to do on City property.</p> <p>In conclusion, Ms. Caruso stated that the way this whole matter was handled at the Building Department was that, the President of the Association had many questions and essentially, the attitude, in all instances, was “too bad, I am doing my job and all the concerns were not her problem. It has to be done.” Therefore, Ms. Caruso said, “She needs to work on her social skills.”</p> <p>On the positive side, Ms. Caruso thanked Shelley Bartholomew, City Manager’s Executive Secretary, for her assistance in directing her to Development Services Director Robin Bird. She then thanked Mr. Bird for not only returning her telephone call after hours the same day and listening to her concerns, but also responding to those concerns, taking notes and conducting himself in a very professional manner.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 4</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>Mayor Fisher requested that Mr. Bird provide the City Commission with an update on what actually occurred because what Ms. Caruso and the president of the LADO Del Rio Condominium Association went through seemed very unfair.</p> <p><u>Honesty and Ethics</u> – Ed Stanton, 1012 North Ocean Boulevard, Pompano Beach, FL 33062-4056, stated that a month ago, he filed a complaint against Mayor Fisher, alleging a violation of the Pompano Beach Code of Ethics. Therefore, Mr. Stanton commenced reading the portion of the code that he alleged Mayor Fisher violated.</p> <p>1. The Mayor’s Dishonesty</p> <p>a) Mayor Fisher lied when he stated that the lease for the Chamber required the Chamber to demolish the existing building and construct a new building, which would belong to the City at the end of 50 years.</p> <p>Mayor Fisher was a member of the Chamber when he urged the approval of the lease.</p> <p>b) Mayor Fisher signed the contract to purchase the Kraeer property on North Federal Highway. The contract was contingent upon the City approving the construction of a mixed residential/ commercial high-rise building and the allocation for very valuable reserved and flexed units to the project.</p> <p>Mayor Fisher lied when he stated he intended to construct a beautiful building on the property.</p> <p>Within months after his colleagues approved his request, which greatly increased the value of the property, Fisher flipped the contract, sold the property to a developer, today, years later, the property remains vacant. A Business Week Newspaper reported that Mayor Fisher made a profit of up to a Quarter Million Dollars on the transaction.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 5</p> <p><u>AUDIENCE TO BE HEARD – CONTINUED</u></p> <p>c) Mayor Fisher lied when he denied he had called former Mayor Rayson and requested his vote for vice mayor.</p> <p>d) More recently, Mayor Fisher lied when he publicly stated that he did not solicit business from Cornerstone, while Cornerstone was requesting \$1.2 million from the Federal Neighborhood Stabilization Project. After the loan was approved, Cornerstone rewarded Mayor Fisher for not opposing the loan request by giving him business, which many considered a bribe.</p> <p>e) Mayor Fisher lied when he publicly stated that others, not he, prepared the present redistricting plan. The plan discriminates against over 9,500 minorities, Black, Hispanic, Brazilian and White residents and violates the Federal Voter’s Rights.</p> <p>f) Mayor Fisher has been guilty, on several occasions, of violating State laws and continues to violate both State and Federal laws.</p> <ul style="list-style-type: none"> - The State Ethics Investigator found that Mayor Fisher had committed three violations of the State’s Ethics Statute. Mayor Fisher paid a fine. - The Broward State Attorney filed a complaint in court alleging Mayor Fisher violated the Sunshine Act. Mayor Fisher admitted his guilt and paid a fine. <p>g) Mayor Fisher later violated the Sunshine Act again by secretly requesting that former Comr. Larkins vote for his redistricting plan.</p> <p>h) Mayor Fisher violated the Federal Voter’s Act by preparing and voting for his redistricting plan.</p> <p>i) Mayor Fisher has improperly created a conflict of interest and then recused himself from voting on at least five occasions.</p> <p>Finally, Mr. Stanton stated that he has heard something, but nothing has happened to the complaint, which he filed a month ago.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
------------------	---	---	--------	--------

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 7

CONSENT ITEMS – CONTINUED

RES. NO. 2012-21: TAPE 1 – 331 ITEM 4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AUTOMATIC AID AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2012-21 upon reading.

ROLL CALL

Burrie		X	X	
Dockswell			X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	

Comr. Hardin stated that he supports mutual aid between the two cities. However, he noted that on Page 16 of the Interlocal Automatic Aid Agreement between the City of Pompano Beach and City of Lighthouse Point, it seems like the City of Pompano Beach will be dispatching a lot more personnel to Lighthouse Point, than they are sending to Pompano Beach. He asked if that is, in fact, the case?

Harry L. Small, Fire Chief, replied yes. He explained that their objective was to have the ability to use the City of Lighthouse Point Fire Rescue aerial ladder truck for potential commercial or high-rise fires in this City.

Comr. Hardin questioned whether the Pompano Beach Fire Rescue would respond automatically to any fires in the City of Lighthouse Point.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 8</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Chief Small replied that it is automatic in the sense that if the City of Lighthouse Point has a structure fire only, Pompano Beach Fire Rescue will respond. Additionally, he noted that Pompano Beach Fire Rescue currently assists Lighthouse Point Fire Rescue occasionally. In fact, in the last three and a half years, they have assisted Lighthouse Point with six fires, which included four residential and two commercial fires.</p> <p>Currently, if a fire occurs, Lighthouse Point contacts Broward County Mutual Aid network to request additional emergency resources. Then, Pompano Beach Fire Rescue is dispatched to assist them under mutual aid. Nevertheless, he clarified that Lighthouse Point Fire Rescue will automatically respond to Pompano Beach whenever there is a commercial or high-rise fire alarm.</p> <p>In addition, Chief Small stated that recently, Pompano Beach Fire Rescue and Lighthouse Point Fire Rescue were joined together on the same county radio frequency and BSO computer aided dispatch (CAD) system. Once resources are identified, a request is made of that agency and if available, the requested resource is dispatched. This can often be time consuming and create significant delays. Therefore, it is not automatic.</p> <p>Actually, Broward County’s goal is to eventually have all cities on the same radio frequency and CAD system. Ultimately, Pompano Beach Fire Rescue would like to have an agreement to share resources with the City of Fort Lauderdale.</p> <p>Comr. Hardin questioned whether Lighthouse Point Fire Rescue is staffed similar to Pompano Beach Fire Rescue.</p> <p>Chief Small replied Lighthouse Point Fire Rescue runs two people on their aerial ladder truck, whereas Pompano Beach runs three; however, the NFPA recommends four people.</p> <p>Comr. Dockswell asked what is the projected cost of this agreement to the City of Pompano Beach annually versus the City of Lighthouse Point per year.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 9</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Chief Small replied that he had not dollar quantified the cost, but felt it would be negligible. In fact, he does not really see where it would cost them anything at all. Actually, one of the reasons he proposed this idea with Lighthouse Point is, so that they could help each other and minimize the cost.</p> <p>Additionally, Chief Small stated that if either Lighthouse Point or Pompano Beach fire rescue is busy, they do not have to respond to a call and that latitude is in the agreement. Notwithstanding, the proposed contract can be terminated in 90 days by either participant. However, this is a cost effective way to share resources and benefit both communities.</p> <p>In response to Comr. Dockswell’s question, Chief Small replied that in the last three and a half years – from January of 2007, the City of Lighthouse Point has had 41 residential fire alarms, of which 4 were legitimate fires; and 42 commercial fire alarms, of which 2 were legitimate fires.</p> <p>Comr. Dockswell questioned whether Pompano Beach Fire Rescue could potentially be dispatched for all 40 of those calls, as they go from the current relationship to the proposed new one.</p> <p>Chief Small replied yes; however, that was 40 calls over almost four years. Nevertheless, they have estimated that Pompano Beach Fire Rescue will be dispatched to Lighthouse Point approximately 4-6 times per month. Likewise, Lighthouse Point will be expected to respond to Pompano Beach approximately 7-8 times per month.</p> <p>Comr. Dockswell stated that the fact that Pompano Beach Fire Rescue sends more people when they respond to Lighthouse Point is somewhat made up for by the fact that Lighthouse Point Fire Rescue will probably come to Pompano Beach more times per month.</p> <p>Chief Small stated that is a fair statement.</p> <p>Comr. Dockswell stated that while he supports mutual aid, helping each other and being good neighbors, he just would like to make sure this is not a lopsided deal.</p>				

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 9

CONSENT ITEMS – CONTINUED

Chief Small replied that he had not dollar quantified the cost, but felt it would be negligible. In fact, he does not really see where it would cost them anything at all. Actually, one of the reasons he proposed this idea with Lighthouse Point is, so that they could help each other and minimize the cost.

Additionally, Chief Small stated that if either Lighthouse Point or Pompano Beach fire rescue is busy, they do not have to respond to a call and that latitude is in the agreement. Notwithstanding, the proposed contract can be terminated in 90 days by either participant. However, this is a cost effective way to share resources and benefit both communities.

In response to Comr. Dockswell’s question, Chief Small replied that in the last three and a half years – from January of 2007, the City of Lighthouse Point has had 41 residential fire alarms, of which 4 were legitimate fires; and 42 commercial fire alarms, of which 2 were legitimate fires.

Comr. Dockswell questioned whether Pompano Beach Fire Rescue could potentially be dispatched for all 40 of those calls, as they go from the current relationship to the proposed new one.

Chief Small replied yes; however, that was 40 calls over almost four years. Nevertheless, they have estimated that Pompano Beach Fire Rescue will be dispatched to Lighthouse Point approximately 4-6 times per month. Likewise, Lighthouse Point will be expected to respond to Pompano Beach approximately 7-8 times per month.

Comr. Dockswell stated that the fact that Pompano Beach Fire Rescue sends more people when they respond to Lighthouse Point is somewhat made up for by the fact that Lighthouse Point Fire Rescue will probably come to Pompano Beach more times per month.

Chief Small stated that is a fair statement.

Comr. Dockswell stated that while he supports mutual aid, helping each other and being good neighbors, he just would like to make sure this is not a lopsided deal.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 10</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Furthermore, Comr. Dockswell stated that in District 1, there are a large number of high-rises below Atlantic Boulevard and according to the agreement, Lighthouse Point Fire Rescue would only respond with their aerial ladder truck for commercial or high-rise fires occurring north of Atlantic Boulevard.</p> <p>Chief Small stated that is correct, as the Lighthouse Point Commission was uncomfortable allowing their aerial ladder truck to go too far away from their town. However, he assured the Commission that he is representing the City well, and will not allow automatic or mutual aid to turn into foreign aid.</p> <p>Comr. Hardin stated that while he will vote in favor of this, there are comments out there that, “Lighthouse Point is a very affluent community and they should be able to afford to man their station the way Pompano Beach mans theirs, because there does seem to be a disparity as far as personnel.” However, he understands that everybody has a right to operate their city and departments the way they see fit. Nevertheless, they are talking about people lives and of course, it makes perfect sense that the whole county should be on the same radio frequency.</p> <p>Comr. Poitier asked how would the change from mutual aid to automatic aid impact the response time?</p> <p>Chief Small replied that it would probably save at least 15 minutes, which can make a big difference.</p> <p>RES. NO. 2012-: TAPE 1 – 645 ITEM 5</p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AN APPLICATION FOR AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN TO AMEND THE DESIGNATION FOR DR. MARTIN LUTHER KING JR., BOULEVARD FROM DIXIE HIGHWAY TO I-95, FROM AN 80 FOOT COLLECTOR TO AN 80 CONTEXT SENSITIVE CORRIDOR; PROVIDING AN EFFECTIVE DATE.</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
ROLL CALL				
Burrie			X	
Dockswell				
Hardin	X			
Poitier				
Brummer				
Fisher				

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 11

CONSENT ITEMS – CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2012- upon reading.

Vice Mayor Brummer pointed out that the Commission Agenda Summary Coversheet refers to Northwest 6th Street rather than Northwest 6th Avenue. He then asked, “What is a Context Sensitive Corridor?”

Jean E. Dolan, Principal Planner, replied it is a cross-section in the Broward County Trafficways Plan, which takes into account the atmosphere around what the City is trying to create. In this area, the City is trying to create a downtown walkable community, so a Context Sensitive Corridor allows the City to consider the context in which that road is placed. It is the same 80-foot right-of-way, but the cross-section inside that 80-foot is quite different from an area where they are just trying to move traffic as fast as possible. In effect, there will be a wider sidewalk, more of a pedestrian area, green space, on-street parking and less travel lanes than there would be in a regular 80-foot cross-section.

Vice Mayor Brummer questioned whether this would apply to Northwest 6th Avenue or Martin Luther King, Jr. Boulevard.

Ms. Dolan replied it would apply to Martin Luther King, Jr. Boulevard.

Vice Mayor Brummer asked, “What kind of corridor is it now?”

Ms. Dolan replied it is an 80-foot collector corridor.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 12</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Vice Mayor Brummer questioned whether this will be a means by which the number of lanes can be reduced.</p> <p>Ms. Dolan replied yes. However, she explained that the cross-section for Martin Luther King, Jr. Boulevard would have wider sidewalks, and two travel lanes.</p> <p>Vice Mayor Brummer stated that at one time, there was a suggestion that perhaps, a section of Martin Luther King, Jr. Boulevard should be turned into two lanes. However, it occurred to him that with this Context Sensitive Corridor, they are kind of walking into that and he thought it was pretty well decided that Martin Luther King, Jr. Boulevard would not be two lanes, but rather, it would be four lanes. Never mind what you do with sidewalks. Therefore, he wondered whether they are opening the door to something that was not intended by making this change.</p> <p>Moreover, Vice Mayor Brummer stated that he understood what Ms. Dolan meant by the context; however, he just wondered if this was a devious way of getting something that they already decided should not happen.</p> <p>Horacio Danovich, CRA Engineer, stated that the CRA has embarked into the redesign of Martin Luther King, Jr. Boulevard as a function of the improvements that they want for downtown Pompano Beach. The cross-section that they have proposed for downtown Pompano Beach does not include shrinking the road, but rather some adjustments or changes that would make it more pedestrian friendly.</p> <p>In addition, Mr. Danovich stated that as a function of the design that the CRA would like to do, they applied for one specific plat to the County, which was returned with specific comments that deviate from the desire of the community and the CRA Plan. In that, it would force the City to create right turn lanes and lose actual right-of-way for purposes that are not as specific to what they want for that area, which is to create a main street environment.</p>					



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 13</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Moreover, Mr. Danovich explained that the Context Sensitive Corridor is a new designation that Broward County has incorporated into the Land Development Code to create something similar to Sistrunk Boulevard in Fort Lauderdale or Atlantic Avenue in Delray Beach without having to go through variances. It would also allow the CRA to create this environment that they are proposing with wider sidewalks without having to lose right-of-way for other purposes.</p> <p>Vice Mayor Brummer stated that evidently, there is some change in this process, because there are some things that are possible now that were not possible before, or maybe some things that were required before would not be required now. Frankly, he would like to see some depiction of this, because none of that is in the Commission’s backup information. Actually, all he has is contextual.</p> <p>In addition, Vice Mayor Brummer stated that now, that it has been explained what contextual is, he can understand what staff is trying to do, but now he would like to see what the affect is, which he does not see in the Commission’s backup information. Nor does he see what this is going to do or not do to that street. Therefore, he is not happy with it. Neither is he happy in not seeing what the CRA will now be able to do, if this change goes through that they cannot do now and vice versa, what they can do now that they will not be able to do afterwards.</p> <p>Mr. Danovich stated that what they will be able to do that they were not able to do before is no turn lanes. He said, “With the cross-section that was proposed with the Downtown Pompano Beach presentation that is exactly what it will allow us to do.”</p> <p>Vice Mayor Brummer stated that he would like to see something depicted in picture or on a drawing as to what can happen. Additionally, Mr. Danovich indicated, “no turn lanes”; however, Northwest 6th Avenue is a busy street, so he wonders sometime whether there should be a turn lane going both north and south on that road.</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 14</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Finally, Vice Mayor Brummer reiterated that he, personally, would like to see some sort of diagram, rather than to hear what staff is saying because some things may either be omitted or included that are not there.</p> <p>Edward Phillips, Jr., 384 Northwest 19th Street, Pompano Beach, FL 33060, stated that he wholeheartedly agreed with Vice Mayor Brummer, as this sets the stage for some other backdoor mechanisms. Additionally, the community does not agree, by any means, with narrowing that road. In fact, there seems to be a godfather mentality that Mr. Danovich knows what is right for the community, which is a sore issue for many people.</p> <p>Further, Mr. Phillips suggested that the CRA create additional parking on Martin Luther King, Jr. Boulevard with some of the land they have acquired. He also desired to see some alternatives in terms of creating and utilizing parking spaces for proposed projects for that land.</p> <p>Lastly, Mr. Phillips opined that the bus terminal, on the corner of Martin Luther King, Jr. Boulevard and Dixie Highway, would adversely affect traffic, because when the bus stops and starts, the traffic backs up. He said, “When it backs up in our neighborhood, it gets to be a problem.”</p> <p>Mayor Fisher stated that he understood that this entire redesign was completely vetted with the Northwest CRA Advisory Board.</p> <p>Mr. Danovich stated that they have not gone to the Northwest CRA Advisory Committee to determine whether they would support a resolution for the Context Sensitive Corridor. However, the proposed original design has been vetted not only through the Northwest CRA Advisory Committee, but they have also had two public meetings regarding it.</p> <p>Additionally, Mr. Danovich stated that the Context Sensitive Corridor designation will not only allow the CRA to do this, but it would also allow them to create the downtown environment, which the other way, they would not be able to do it.</p>				

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 15</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Furthermore, Mr. Danovich stated that the CRA has not proposed to shrink the roads and frankly, this is not about that. This is about an application to the Regional Planning Council to enable the CRA to change a roadway designation that will give them a little more flexibility to create that environment.</p> <p>Mayor Fisher stated that the City is not narrowing the road; they are just allowing the opportunity, so they do not have to install a turn lane on Martin Luther King, Jr. Boulevard turning onto Northwest 6th Avenue. Therefore, they could keep the lane straight rather than install a turn lane.</p> <p>Mr. Danovich stated that if the City's traffic engineers determine that a turn lane is necessary to support the current traffic patterns projected, then a turn lane would be installed. On the contrary, if it is not required, or supported by any counts, they believe that the public will be better served with the Context Sensitive Corridor.</p> <p>Mayor Fisher stated that Broward County is providing that through this mechanism.</p> <p>Mr. Danovich confirmed that Broward County's mechanism and the Land Development Code would enable the CRA to do that. Otherwise, they would not be able to do it. Essentially, they would be forced to live and die by the County's specific requirements without challenging them.</p> <p>Comr. Poitier stated that he too would like to see a picture of what is proposed.</p> <p>Comr. Hardin questioned whether it was fair to say that maybe staff made a slight mistake early on in this process, because they did not think there would have to be a turn lane there.</p> <p>Mr. Danovich replied no, because staff performed a complete traffic study of the entire downtown Pompano Beach.</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 16</p> <p><u>CONSENT ITEMS – CONTINUED</u></p> <p>Comr. Hardin stated that when the City requested a Plat from Broward County, they were advised that a turn lane had to be installed, which prompted this action today.</p> <p>Mr. Danovich stated that is correct.</p> <p>Comr. Hardin stated, “So, in other words, we did not think we had to put a turn lane in, but we do.”</p> <p>Mr. Danovich stated that is correct. Nevertheless, he explained that Broward County has the ability to make some recommendations based on their experience dealing with certain intersections. However, staff proved to the County that the traffic counts for that intersection were insufficient to do that, but the County still requires it because they have the authority to do that. Therefore, the City would have to challenge the County in that regard. Incidentally, by doing the Context Sensitive Corridor as proposed, the City would not have to undergo that stage, if the traffic study does not support it. Otherwise, the County can force the City to do it.</p> <p>Comr. Hardin questioned whether this is anticipated to be used for anything else besides this turn lane.</p> <p>Mr. Danovich replied that the specific typical section that the CRA initially created would allow them to do that without any additional interruptions.</p> <p>Comr. Hardin stated if anything changes from the typical cross-section that the City vetted through the CRA Advisory Committee and the CRA Board, would it have to undergo the process of being vetted and so forth again.</p> <p>Mr. Danovich replied, “Only through our citizens, not to the County.”</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 17

CONSENT ITEMS – CONTINUED

Vice Mayor Brummer stated that he is not only focusing on the turn lane and neither is he implying that this is not good or wrong, he just does not know what this Context Sensitive Corridor Trafficways Plan designation allows the CRA to do now, that they could not do before. And, that is what he would like to see, whether it is a depiction or preferably a depiction of all the things that it allows the City to do or a list of them, because he suspects that a turn lane is not the only thing.

Additionally, Vice Mayor Brummer stated that actually, what he has heard from Mr. Danovich is that, the City needs this in order to have a downtown, and if they do not have this, then they cannot have a successful downtown. While that is fine, it does not tell him what rights, privileges, or whatever, this suddenly permits the City to do, which is what he is after. And, if he cannot get that, then he is not interested in it, because he does not know what else the CRA will be able to do. Notwithstanding, whether they bring it back to the County, the City, or the Advisory Board, the history has been that anything brought to the advisory board, they generally say, yes and the Commission does as well. Therefore, he is willing to table this item for two weeks so that Mr. Danovich can tell the Commission what this is all about.

Mr. Danovich stated that if this resolution is not approved tonight, they would not be able to attend the Regional Planning Council in January 2012.

Robin Bird, Development Services Director, stated that the key point is, not what it disallows the City to do, but rather what it does not require the City to do. The idea here is that, the County will require certain turn lanes, or, if there is another piece of platted property, because of the designation of the road, the County will require that much more from the properties on this roadway. Nevertheless, the City will still have the options, based on traffic counts, to put in the necessary turn lanes and traffic features to accommodate the traffic based on this designation. Actually, it does not change the width of the road, it just changes the designation of the road, so that it is not treated as a higher capacity roadway all the time.

Names of Comms.	M	S	V Y	V N
-----------------	---	---	--------	--------

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 18

CONSENT ITEMS – CONTINUED

Vice Mayor Brummer stated that he just would like to know what this does not require the City to do, because he cannot believe that, the only difference will be a turn lane. He said that there has to be something more, except he does not know what it is, but would like to see it depicted on a list.

In response to Mr. Phillips' question, Mr. Bird replied that the current designation is a higher capacity; however, the application is to reduce the road to a lower capacity.

Kenneth Rolle, 214 Northwest 8th Street, Pompano Beach, FL, stated that perhaps, the City should listen to the County in terms of whether a turn lane is required at Northwest 6th Street and Martin Luther King, Jr. Boulevard. However, he confirmed that there is a problem at that intersection because anytime Blanche Ely High School has a football or basketball game, or any other kind of a large sports activity, the traffic overflows tremendously.

MOTION: To table this item to the November 8, 2011 City Commission Meeting.

ROLL CALL

Burrie			X	
Dockswell			X	
Hardin			X	
Poitier		X	X	
Brummer	X		X	
Fisher			X	

Vice Mayor Brummer stated that he would hope that staff would use that two weeks to give the Commission that information, so that they really know what it can do and what it cannot do compared to what the present designation can do and cannot do.

TAPE 1 – 316

ITEM 6

Approval of a change order to World Electric Supply in the amount of \$50,094.00 for changes to the bollard lights awarded per Bid H-45-11.

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011				
PAGE 20				
<u>CONSENT ITEMS – CONTINUED</u>				
TAPE 1 – 316 ITEM 12				
<p>Approve ranking order and short-list for RLI H-48-11 “Design-Build Services for the City of Pompano Beach Utility Field Services Complex,” with the short-listed firms to be solicited for Step 2 proposals: D. Stephenson Construction, MBR Construction, Sikon Construction Company, and Turner Construction. (No cost at this time)</p>				
MOTION: To approve and/or adopt Consent Items 1-3 and 6-12.				
<u>ROLL CALL</u>				
Burrie			X	
Dockswell		X	X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	
<p>There was no discussion on Consent Items 1-3 and 6-12.</p>				
<u>REGULAR ITEMS</u>				
MOTION: To remove Item 17 from the table.				
<u>ROLL CALL</u>				
Burrie		X	X	
Dockswell			X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	
P.H. 2012-96; ORD. NO. 2012-05: TAPE 1 – 1,325 ITEM 13				
<p>AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY LYING EAST OF POWERLINE ROAD AND APPROXIMATELY 95 FEET SOUTH OF NORTHWEST 18TH STREET FROM I-1 (INDUSTRIAL) TO I-1 (INDUSTRIAL) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL) OVERLAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>				

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 21

REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2012-05 upon second and final reading, as amended.

Names of Comms.	M	S	V Y	V N
<u>ROLL CALL</u>				
Burrie		X	X	
Dockswell			X	
Hardin	X		X	
Poitier			X	
Brummer				X
Fisher			X	

Gordon B. Linn, City Attorney, advised this item is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subjected to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn and understands the rules which governs these proceedings. Thereafter, Mr. Linn outlined the order that they would follow: City staff would make its presentations followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Mary L. Chambers, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Jean E. Dolan, Principal Planner, stated that the property owner is requesting that the property at 1750 North Powerline Road be rezoned from I-1 to I-1/PCD. This will allow a waste-to-energy business, which converts fully treated wastewater effluent into two by-products: 1) methane, which is converted to electricity, and 2) an agricultural enhancement product, which is applied to the land as a natural fertilizer.

However, this use was not anticipated by the City's Code and thus was a candidate for use of the PCD Zoning District. Therefore, the Commission must waive the minimum parcel size of 7.5 acres for this 4.76-acre site for the rezoning to PCD. According to the Planning and Zoning Board/Local Planning Agency conditions of approval, the Applicant had to submit their plat application prior to second reading of the rezoning ordinance, which has been accomplished.

Names of Commrs.	M	S	Y	N	V	V
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011						
PAGE 22						
<u>REGULAR ITEMS – CONTINUED</u>						
Additionally, the City of Coconut Creek, in a letter to the City, raised concern about potential odor emanating from the site and proposed some language that they would like added to the ordinance, which the City Attorney has reviewed and requested a slight change. She then read the suggested language into the record as follows:						
<i>“Considering the potential for noxious odors and other nuisances associated with the waste to energy business approved by this Ordinance, the Property shall be subject to the Emergency Action procedures established by Chapter 96, Section 96.35 of the City Code in the event a City Code Enforcement Officer determines there is an immediate danger to health and life of individuals.”</i>						
MOTION: To amend the Ordinance by incorporating the above language, as read into the record.						
<u>ROLL CALL</u>						
Burrie		x				x
Dockswell						x
Hardin	x					x
Poitier						x
Brummer						x
Fisher						x
Comr. Dockswell stated that in recent weeks, he had ex-parte communication, by either email or telephone, with Roy Rogers who represents this project, and two of the City of Coconut Creek commissioners, which was all, in and around, Coconut Creek’s concerns and the best way for the City to respond to that.						
Erik Ranger, IBI Group, 12500 West Atlantic Boulevard, Coral Springs, FL 33071, stated that on behalf of the Applicant, they take no exception to the proposed modification.						
Vice Mayor Brummer stated that the last time, they were told that one of the by-products that come out of this is fertilizer. Therefore, he is no more in favor of this now, than he was four weeks ago, but the intervening period gave him the chance to look into some other things.						



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 23</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>One of the things worth noting is that, in February of this year, there was a fertilizer plant in South Carolina that blew up and the fire that resulted completely destroyed the plant. While he is not saying that will happen here, the probability is probably very low. Nevertheless, the City Commission should take into account that this can happen, because after all, fertilizer is something heavy in nitrogen. As a matter of fact, fertilizer has been used in many of the IED devices that have exploded in the Middle East. It was also used in Oklahoma City. Notwithstanding, this plant is about half a mile or so from Markham Elementary School as well as a residential area on the south side of Fifteen Street. So, it is close to some things that they really do not want to endanger.</p> <p>As far as odor is concerned, Vice Mayor Brummer stated that he has learned that a project like this never has an odor until after it is built. He then recalled what happened when the City entered into an arrangement with Ryder approximately 20 years ago, when the company built a plant in the southwestern part of Broward, in Pembroke Pines, and assured everyone there was no odor and of course, there was. In fact, the odor was so bad and so difficult to overcome that they ended up broke and being acquired by Waste Management. So, odors can come and that location can easily mix into the odors from the Water Treatment Plant, which is about three quarters of a mile or less away on Powerline Road.</p> <p>Moreover, Vice Mayor Brummer stated that he still believes that this does not belong on Powerline Road and that they should look for better things. Especially, since he does not know what a plant like that will do to property values in the area and nor does he want to contemplate what it will do to insurance costs, but it could have an effect. Nonetheless, it does not belong on Powerline Road. Essentially, the Commission should have higher ambitions and hopes for Powerline Road.</p>				



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 24</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Vice Mayor Brummer further pointed out that in the code, a fertilizer plant is prohibited in the I-1 zone and this PCD is a way to get around that. One of the things that they have found themselves doing, not so much perhaps this Commission, but prior commissions, was this kind of rezoning into a planned development that led them to look at the whole zoning code for revision, because they were seeing a lot of those things out east in the beach area.</p> <p>Essentially, that is what they have here, a PCD to get around the code. However, the code is quite clear, because among the permitted uses for the I-1 district is manufacturing, except explosives, ammunitions, fertilizers, insecticides and batteries. So, it is prohibited and this is a way to get around that, which they should not do because, it is a bad example and will surely be taken advantage of by others. And that is in addition to the fact that the City is waiving the minimum size of the lot, which again, the code requires.</p> <p>Finally, Vice Mayor Brummer stated that he does not think the Commission should do it. If they do, it shows that the Commission really does not care about what happens on Powerline Road and that is a bad signal as well. So, he urged the Commission to oppose the proposed ordinance and vote it down.</p> <p>Comr. Hardin stated that he does care about Powerline Road, as well as, how it looks.</p> <p>Comr. Dockswell requested that the Applicant comment on whether they are producing fertilizer or a component of fertilizer and what the flammability of it would be.</p> <p>Mr. Ranger stated that the purpose of the project is to extract methane from the sludge material and one of the by-products of the sludge after it is treated is fertilizer. However, they are not producing an actual chemical fertilizer product, which is more customary to what was just being discussed. Actually, it is considered a double “A” grade fertilizer product, but it is not a chemical type of fertilizer. So, while he cannot really speak in detail to the flammability of the product, he can simply say that, it is not nearly as flammable as a chemical fertilizer would be.</p>				

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

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 25

REGULAR ITEMS – CONTINUED

Vice Mayor Brummer noted that methane is a highly inflammable compound.

P.H. 2012-02; ORD. NO. 2012-06: TAPE 1 – 1,608 ITEM 14

AN ORDINANCE AMENDING CHAPTER 37, “POMPANO BEACH CODE ENFORCEMENT,” OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 37.10, “ESTABLISHING FINE AND LIEN,” TO PROVIDE ADDITIONAL RESTRICTIONS AND REQUIREMENTS FOR ABATEMENT OF LIENS BY THE CITY’S SPECIAL MAGISTRATE FOR CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2012-06 upon second and final Reading.

Suzette Sible, Finance Director, stated that this is the second reading of the proposed ordinance to provide additional restrictions and requirements for abatement of code liens by the City’s Special Magistrate.

Additionally, Mrs. Sible clarified some points raised at the first reading of the proposed ordinance, in which she may have implied that the insertion of language in the ordinance pertaining to a collection agency means that either the special magistrate would lose his power or there would be a reduction in his power over code enforcement cases. However, this is not what staff is trying to accomplish.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 26</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Instead, they are suggesting that if a property owner, who has been cited for violation, is non-responsive to the efforts of staff, as well as to an order by the Special Magistrate to appear for a hearing, the City would then refer the account to a collection agency. At that point, the magistrate would temporarily lose jurisdiction over the account, while the collection agency attempts to obtain compliance or collect on accrued fines.</p> <p>Nevertheless, if the collection agency is successful in negotiating a settlement with the property owner, the negotiated settlement has to appear before the magistrate for a formal approval. The magistrate is the one who initially imposes the lien, and legally, he is the only one that can satisfy or release the lien. In sum, the account will return to the magistrate at the back-end of the process for approval.</p> <p>Similarly, if the collection agency determines it is within the best interest of the City to seek legal action against the property owner, for example, a foreclosure action, which hopefully, will be a case of last resort, the magistrate will have to authorize the action as required by Florida Statutes.</p> <p>Finally, Mrs. Sibble stated that this is an attempt to hire a collection agency as an extension of the limited resources available to staff, the agency has those tools and resources to be able to reach out to property owners. The City has every intention to try to work with property owners to assist with getting their property complied and to help them to settle their obligations to the City.</p> <p>P.H. 2012-07; ORD. NO. 2012-: TAPE 1 – 1,711 ITEM 15</p> <p>AN ORDINANCE AMENDING CHAPTER 34, “CITY POLICY,” OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, “POSITION CLASSIFICATION PLAN,” BY CREATING THE POSITIONS OF CONSTRUCTION MANAGER AND PERMIT EXPEDITER, AND BY RECLASSIFYING THE POSITION OF ADVISORY BOARD SECRETARY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.</p>				

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 27

REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To approve the Ordinance upon first reading, as amended.

ROLL CALL

Names of Comms.	M	S	V Y	V N
Burrie		X	X	
Dockswell			X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	

Michael Smith, Human Resources Director, stated that the proposed ordinance amends the City's Classification Plan by creating the position of Permit Expediter, as previously discussed and approved by the Commission as a regular addition to the Development Services Department. It also creates a new position of Construction Manager, which will replace an Engineering Inspector in the Engineering Department. The idea is to have more oversight over capital improvement projects by having somebody who is more in the construction industry, rather than just engineering. Lastly, it classifies the position of Advisory Board Secretary to a lower pay grade to reflect changes in duties.

Finally, Mr. Smith requested that the City Commission amend the ordinance by changing the pay grade of the Construction Manager from 30 to 27.

Mayor Fisher stated that Section 657, Construction Manager, would be amended to change the pay grade from 30 to 27.

Vice Mayor Brummer questioned how the pay grade of the Construction Manager compares to the pay grade of the Engineering Inspector.

Mr. Smith replied, "This is five percent higher than the Engineering Inspector."



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011				
PAGE 28				
<u>REGULAR ITEMS – CONTINUED</u>				
Vice Mayor Brummer asked what is the pay grade for an Engineer Inspector?				
Mr. Smith replied that an Engineering Inspector is pay grade 26 and the Construction Manager is pay grade 27.				
MOTION: To amend Section 657, “Construction Manager”, by changing the pay grade from 30 to 27.				
<u>ROLL CALL</u>				
Burrie			X	
Dockswell			X	
Hardin	X		X	
Poitier			X	
Brummer		X	X	
Fisher			X	
P.H. 2012-04; ORD. NO. 2012-: TAPE 1 – 1,809 ITEM 16				
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DELETING IN ITS ENTIRETY CHAPTER 95, “FIRE PREVENTION,” OF THE POMPANO BEACH CODE OF ORDINANCES; CREATING A NEW CHAPTER 95, “FIRE PREVENTION,” PROVIDING FOR ADOPTION AND IMPLEMENTATION OF STATE-WIDE FIRE CODES; PROVIDING STANDARDS AND REQUIREMENTS FOR FIRE PREVENTION AND SAFETY; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.				
The Ordinance was read by title only.				
MOTION: To approve the Ordinance upon first reading.				
<u>ROLL CALL</u>				
Burrie			X	
Dockswell		X	X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011				
PAGE 29				
<u>REGULAR ITEMS – CONTINUED</u>				
<p>Harry L. Small, Fire Chief, stated that the proposed ordinance is a rewrite of Chapter 95, the “Fire Prevention” ordinance for the City of Pompano Beach, which was last revised in 1996. Over the last ten years, there has been a significant change in Florida, as there is now a statewide Florida Fire Prevention Code. Meanwhile, Broward County has adopted some amendments to that, which the City shares and currently enforces. Therefore, the proposed ordinance includes the following amendments:</p> <ol style="list-style-type: none"> 1) Update the City’s 1996 ordinance to reflect the new State of Florida Fire Prevention and Life Safety Code. 2) Update the Fire Prevention Fee Schedule, since the fees have not been updated for the past twenty years. This will bring the fee schedule from the bottom to the middle. 3) Modify the Hazardous Materials Recovery ordinance to enforce negligent spilling of hazardous materials, which can be very costly. <p>P.H. 2012-05; ORD. NO. 2012-: TAPE 1 – 87 ITEM 17</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND JJ LAND REALTY, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>MOTION: To table this item to the November 22, 2011 meeting.</p>				
<u>ROLL CALL</u>				
Burrie			X	
Dockswell		X	X	
Hardin	X		X	
Poitier			X	
Brummer			X	
Fisher			X	

There was no discussion on this item.



City of Pompano Beach, Florida

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

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 30

REGULAR ITEMS – CONTINUED

P.H. 2012-06; ORD. NO. 2012-: TAPE 1 – 1,890 ITEM 18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING JANUARY 31, 2012 AS THE DATE FOR THE 2012 MUNICIPAL GENERAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve the Ordinance upon first reading.

Gordon B. Linn, City Attorney, stated as provided by State Statutes, this will move the regular scheduled municipal election from March 13, 2012 to January 31, 2012, which is concurrent with the date of the Presidential Preference Primary (PPP) election resulting in a savings to the City.

In response to Mayor Fisher's question, Mr. Linn replied that the qualifying period would be noon November 8, 2012 to noon November 22, 2012.

Edward Phillips, 384 Northwest 19th Street, Pompano Beach, FL, asked how long the City has been conducting its elections in March?

Gordon B. Linn, City Attorney, replied it was in the 1960's when a local act was passed for this.

Mr. Phillips stated that this is a big election and to conduct an election in January would not be enough time to notify people that this event will be taking place. He then asked how long has this decision been made and how much information has been provided to the public?



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
-----------------	---	---	--------	--------

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 31

REGULAR ITEMS – CONTINUED

Comr. Hardin stated that normally, he would be in favor of saving money for the City, but in this particular situation, because of the compressed timeframe and as a result of reacting to Tallahassee, which this is not a planned occurrence, he does not support the City holding its Municipal General Election in January 2012. Moreover, this is ill conceived; therefore, the City should not proceed.

Vice Mayor Brummer stated that this is a “lopsided voter base”, which the City will be dealing with, because the “Primary” is essentially a republican primary and there is no reason for democrats or no-party affiliates to come out to vote.

Comr. Dockswell stated that this is a “win-win-win” situation, because if the City moves the election, it would save up to \$100,000. Therefore, the City would save money as well as save the voters an inconvenience. On the contrary, if the City leaves the time as is, people would have to go to the polls on January 31, 2012. Then, six weeks later, they would have to go again to the polls to check one box for their City Commissioner vote.

In addition, Comr. Dockswell stated that from his experience, in 2008 when the City failed to move the election date, the voters were outraged that the City had to pay more money to open all the precincts and poll sites to check one box.

Finally, Comr. Dockswell stated that not only will it save the City money, but it would also be a convenience for the residents. Notwithstanding, they would enjoy a greater turnout for a Presidential Primary as opposed to just a City district election. Incidentally, he supported this action, which he did four years ago, as a challenger.

Comr. Poitier stated that the Country is in dire economic times; therefore, he supports this action because it will save the City approximately \$100,000. So, it is the right thing to do.

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011				
PAGE 32				
<u>REGULAR ITEMS – CONTINUED</u>				
<p>Comr. Burrie stated that while she understands both sides of the argument, she received complaints from her constituents that people do not turnout to vote in March, when they have to go to the polls in January. In fact, the people in District 2 as well as those in others whom she has spoken with have indicated that they would prefer to go to the polls once. So, she hopes the advertisement will be able to get out in time.</p> <p>Additionally, Comr. Burrie stated that to conduct an election is not only expensive, but it also is time consuming. And, while she understands the pros and the cons of changing the election, the pros outweigh the cons.</p> <p>Mary L. Chambers, City Clerk, reported that notice of the election had gone out to the public via advertisement in the Sun Sentinel Newspaper, and the City's web site, as well as posted on Channel 78.</p> <p>Mayor Fisher requested a motion to declare the ordinance an emergency for adoption on second reading due to the tight timeline.</p> <p>MOTION: To declare the ordinance an emergency for adoption on second reading.</p>				
<u>ROLL CALL</u>				
Burrie		X	X	
Dockswell			X	
Hardin	X			X
Poitier			X	
Brummer				X
Fisher		X		

P.H. 2012-06; ORD. NO. 2012-07: TAPE 1 – 2,125 ITEM 18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING JANUARY 31, 2012 AS THE DATE FOR THE 2012 MUNICIPAL GENERAL ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 33

REGULAR ITEMS – CONTINUED

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2012-07 upon second and final Reading.

There were no additional comments on this item.

TAPE 1 – 2,136 ITEM 19

Consideration for the dual naming of Northwest 2nd Street to add the name of Reverend Ernest E. Graham Street as per Resolution 2003-98, Street Naming Policy.

Robert A. McCaughan, Public Works Director, stated that this item is before the Commission to consider the dual naming of Northwest 2nd Street by adding the name of Reverend Ernest E. Graham. The boundary to the west of Northwest 2nd Street is Northwest 31st Avenue, and to the east is Northwest 21st Avenue.

In addition, Mr. McCaughan stated that a letter from Mrs. Eddy Mae Graham, as well as a biographical sketch of the late Reverend Ernest E. Graham is included in the Commission's backup. And, in accordance with the City's street naming policy, a check for \$500 has been included in the back-up material as well.

Kenneth Rolle, 214 Northwest 8th Street, Pompano Beach, FL, on behalf of his family members, thanked the Commission for their consideration of renaming the Northwest 2nd Street by adding his grandfather's name. Additionally, he said that Reverend Ernest E. Graham not only lived on Northwest 2nd Street, but he also built a church on that street, which served the community.



City of Pompano Beach, Florida

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

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 34

REGULAR ITEMS – CONTINUED

Purcell Blue, 340 Northwest 15th Court, Pompano Beach, FL, urged the Commission to consider renaming the street, as prior history had been provided.

Comr. Poitier stated that Reverend Ernest E. Graham was an important part of the Collier City community, where his church is located. Actually, practically everyone in that area is familiar with the name “Graham”; therefore, it is a good idea to rename Northwest 2nd Street by adding Reverend Graham’s name.

MOTION: To move forward for resolution.

TAPE 1 – 2,225 ITEM 20

Discussion of the Master Development of Pier Site, including parcels east and west of Pompano Beach Boulevard.

Kim Briesemeister, Co-Executive Director of the Community Redevelopment Agency, stated that on July 14, 2011, the City issued a Request for Qualification (RFQ) to develop the pier parking lot; of which, two responses were received. Then, on September 30, 2011, the two bids were opened; and subsequently, a panel of reviewers evaluated the two proposals for qualifications as required, which Pompano Pier Associates ranked number one and Regional Construction Services ranked number two. Finally, on October 18, 2011, the panel issued a recommendation to accept the ranking and enter negotiations with the first ranked firm. Therefore, they are soliciting the City Commission’s approval of the ranking.

Mayor Fisher confirmed that the CRA Group was currently seeking the City Commission’s approval to accept the proposed ranking and negotiate with the top ranked firm.



City of Pompano Beach, Florida

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 35</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Vice Mayor Brummer requested clarification, as he understood that the pier parking lot was also included. Therefore, he questioned whether the pier parking lot is included.</p> <p>Ms. Briesemeister replied yes, where there are 313 spaces.</p> <p>Mayor Fisher stated that when staff negotiates with the top ranked firm, if there is a portion of the proposal that the community, the City Commission, or the CRA Board do not desire, would they have the opportunity to remove that portion.</p> <p>Ms. Briesemeister replied, “That is correct.” In fact, there will be plenty of input and communication with the community in general, as well as with the City Commission and the advisory committee regarding the proposal when it commences.</p> <p>Comr. Dockswell stated that for years, he has been “pushing” redevelopment in the Beach district and does not desire to do anything at this point to slow the momentum or send the wrong signal. However, he is concerned that the City Commission is being asked to approve a ranking of two responders to the RFQ without any exposure to the content of their responses. While he recognized that in many cases, the City Commission does not see the content of the responses, especially, for the RFP’s, this is a much broader project. Notwithstanding, the City Commission did put the most current level of the commission-approved Beach Master Plan in the RFQ issued.</p> <p>Furthermore, Comr. Dockswell stated that he has not seen the two responses to this RFQ, but understood they are both very different in their approach, in terms of the extent to which they conform to the commission-approved master plan. In fact, the highest ranked responder is advocating placing a hotel on the city-owned pier parking lot, which is quite troubling to him, so, he has a strong inclination to disagree with this action.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 36</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Finally, Comr. Dockswell stated he is concerned that if the Commission approves the ranking without seeing the vast difference in the vision and scope of each response, a wrong signal maybe sent. However, with better-known direction from the Commission, a lot of negotiation and work that has to be done could be avoided.</p> <p>Ms. Briesemeister explained why the CRA requested an RFQ instead of an RFP. Citing that, staff had asked that general conceptual plans be given because they were looking for a developer or a development team that was qualified to do a development that would ultimately decide the best development for the pier parking lot. Frankly, the process was meant to identify the most qualified development team for a proposal on the subject sight that would be successful.</p> <p>In addition, Ms. Briesemeister stated that while the Commission discussed individual components of the concept today, she would provide a comfort level that there will be plenty of time to vet each individual component of the development. As well as, determine whether or not the community, the advisory committee and the commission, as the governing board, would desire a particular component. Then, it would be decided during the negotiation process whether those individual components would be accepted or removed from the proposal.</p> <p>Finally, Ms. Briesemeister stated that the proposal will end up in a development agreement that would have undergone extensive vetting, and a community input discussion process. Therefore, at this time, it is not necessary to get more caught up in the concept, than it is to ensure the City is working with the most qualified proposal, because there is a long road between now and when the final proposal ultimately comes in. Otherwise, they would have solicited a Request for Proposal (RFP) instead of a RFQ.</p> <p>Comr. Dockswell stated clearly and emphatically, that everyone has spent a great deal of effort building trust and confidence, as well as gaining consensus on the master plan, especially the people who live in the area that is being redeveloped. Therefore, it is very likely that, if the result of this process were an assertion to build a hotel on the pier parking lot, most of the consensus built would be lost.</p>				

Names of Comms.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 37</p> <p><u>REGULAR ITEMS – CONTINUED</u></p> <p>Finally, Comr. Dockswell stated that he hopes that the people negotiating a contract and moving the project forward understand the message, should the commission approve this ranking.</p> <p>Ms. Briesemeister stated that they clearly understand the message.</p> <p>Mayor Fisher noted that the community vocalized their displeasure several years ago when the two proposals were brought forward and the hotel issue was vetted.</p> <p>Vice Mayor Brummer stated that he had previously requested a master plan, but did not recall receiving it. He also indicated that since they are going about this in a very broad and general manner, could the Oceanside Lot be included as part of the area being proposed.</p> <p>Ms. Briesemeister opined that by the time a development concept is vetted for the pier parking lot and a proposal is discussed, the impact and the association with the Oceanside Lot will be very clear. Nevertheless, she clarified that they cannot develop that site because it is not part of this proposal. However, the coordination and the association between the two lots will be seen, mainly, because parking will be addressed.</p> <p>Additionally, Ms. Briesemeister stated that earlier, there was reference to a “Master Plan”, which she clarified was the plan that Bermello & Ajamil presented to the City Commission, not to the CRA, some years ago. Nevertheless, she understood that this master plan was subsequently modified by EDSA, of which B&A was a part. However, the beach design, and what is currently being built is not exactly as defined in the modified master plan.</p> <p>Comr. Hardin explained the process involved a few years ago, where the matter was dragged on and on, with no actual resolution. Therefore, he asked what is the timeline for this proposal?</p> <p>Ms. Briesemeister replied that she does not believe it will take long. However, they have to determine the qualifications, as well as conduct financial and background checks to ensure the top ranked firm is fully qualified. Then, they will vet the general concept of the project over a few months.</p>					

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 38

REGULAR ITEMS – CONTINUED

At that point, it will depend on the willingness of both sides to look at what is best for a public/private development deal. Although, it normally takes a few months to reach a general accepted concept when the private sector agrees to build and the public sector agrees to accept. However, it could take any where from a few months to a year to finalize development agreements.

Finally, Ms. Briesemeister suggested that the City work in phases to reach an understanding of what could and should be built on that site within three or four months and then, use another window of time to hash out the details in a legal document, which is important.

Comr. Hardin questioned whether the matter would return to the CRA or the City Commission after the initial three or four months.

Ms. Briesemeister replied that the Commission could make that determination. Meanwhile, she is aware that there will be a lot of community input and meetings, of which an approval process is unnecessary during that time. However, on a monthly basis, during a CRA meeting, she will update the Commission.

Dave Mingus, 751 Southeast 6th Avenue, Pompano Beach, FL, stated that approximately one year ago, his company, Regional Construction Services, was the sole submitter for the redevelopment of the pier property, which was not accepted by the City. However, this time, the City ranked them as the second respondent.

Additionally, Mr. Mingus stated that they adhered to the exact specifications of the RFQ and followed the instructions to the letter. In fact, as per the City's request, their submittal did not include a hotel, instead, it had plenty of open space. Therefore, he urged the City Commission to consider negotiating with the two ranked proposers, as staff recommended.

Ms. Briesemeister explained that the selection/evaluation committee reviewed and recommended that the City Commission move forward with both firms, as both were qualified. However, at the conclusion of the process, one firm was ranked higher based on qualifications.



City of Pompano Beach, Florida

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 39

REGULAR ITEMS – CONTINUED

Finally, Ms. Briesemeister stated that they would proceed with vetting the background of both companies. Nonetheless, the selection/evaluation committee recommended that they commence negotiations with the first ranked firm and if unsuccessful, to move on to the second ranked firm.

MOTION: To accept the recommended rankings and authorize Staff to negotiate a contract with the first ranked respondent and if unsuccessful, then negotiate a contract with the second ranked respondent.

Names of Comms.	M	S	V Y	V N
<u>ROLL CALL</u>				
Burrie	x		x	
Dockswell			x	
Hardin			x	
Poitier			x	
Brummer		x	x	
Fisher			x	

REPORTS

Assistant City Manager Phyllis A. Korab – No Report.

City Attorney Gordon B. Linn – No Report.

City Clerk Mary L. Chambers – No Report.

Internal Auditor Barbara DeLeon – No Report.

Commissioner Charlotte J. Burrie – No Report.

Commissioner Barry J. Dockswell – Moratorium on Renaming of Streets and Public Facilities within the City – Comr. Dockswell stated that at a recent meeting, he requested that the City Manager review the City's requirements for renaming of streets, parks and public facilities within the City; and while he believed that effort was underway, tonight there is yet, another renaming request. So, since this matter is under consideration, it would be wise if the Commission considers imposing a moratorium on requests for renaming streets until the administration revises the policy. Because the Commission may inadvertently be inviting a flurry of renaming requests to get in before the City has a chance to revise the renaming rules and requirements.

Names of Commrs.	M	S	V Y	V N
CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011				
PAGE 40				
<u>REPORTS – CONTINUED</u>				
Gordon B. Linn, City Attorney, confirmed that the motion was in order, as it is not a zoning matter.				
Mayor Fisher questioned whether the renaming request approved by the Commission earlier tonight (<i>under Item 19</i>) would move forward.				
Mr. Linn replied, “That is correct, it would not be affected.”				
MOTION: To establish a moratorium on renaming requests until the rules are revised for that policy.				
<u>VOICE VOTE</u>				
Burrie			X	
Dockswell	X		X	
Hardin		X	X	
Poitier			X	
Brummer			X	
Fisher			X	
<u>Commissioner Rex Hardin – Halloween Wishes</u> – Comr. Hardin wished everyone a safe and happy Halloween.				
<u>Commissioner Woodrow J. Poitier – Greater Pompano Beach Democratic Club Black and White Ball</u> – Comr. Poitier announced that the Greater Pompano Beach Democratic Club would have its first annual Black and White Ball on November 12, 2011.				
<u>Vice Mayor George Brummer</u> – No Report.				
<u>Mayor Lamar P. Fisher – Club Cinema Activities</u> – Mayor Fisher stated that a television report on the issues at Club Cinema was broadcasted, which appeared to be accurate regarding the activities of the youth and young teens. Therefore, he inquired as to what was being done to address those issues.				
Additionally, Mayor Fisher stated that a few months ago, he reported that he had received complaints from parents who were concerned about the ongoing activities at that location, some of which are inexcusable. Frankly, there seems to be a life safety issue where young teens are not only exposed to drugs, but also the alcohol scene.				



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p>CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011</p> <p>PAGE 41</p> <p><u>REPORTS – CONTINUED</u></p> <p>Finally, Mayor Fisher stated that the City should not wait for someone to lose his or her life before doing something about this situation, which is unnecessary. Therefore, he asked staff what the City is doing, or what they, as a City, could do to stop this type of activity?</p> <p>Major William Knowles, BSO Police Chief, replied that the Broward Sheriff's Office (BSO) is doing everything possible to ensure the safety of not only the residents of Pompano Beach, but also those individuals who attend any club in this City.</p> <p>Additionally, Major Knowles stated that the Broward Sheriff's Office has conducted a number of operations at Club Cinema. In fact, they have solicited the assistance of the police departments of the cities of Lighthouse Point and Deerfield Beach with some of those operations. They have also made some arrests at that location, met with and had several conversations with the management to try to relax and rectify the problems that have occurred in the past.</p> <p>Finally, Major Knowles stated that although, the telephone calls continue to come in, the Broward Sheriff's Office is doing everything within its jurisdiction, from a law enforcement standpoint, to ensure that the customers attending not only Club Cinema, but also any similar facility in Pompano Beach, as well as the residents of this City are safe.</p> <p>Mayor Fisher stated that the last time the Commission discussed this issue, he understood that BSO was building cases to make Club Cinema a nuisance property and asked if that was moving forward.</p> <p>Major Knowles replied yes. He then gave an update of the steps that they have taken to date, to include sending a certified letter informing the property owner of recent problems that have occurred, which includes the number and type of arrests, and solicited their assistance to stop these crimes.</p>				



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
------------------	---	---	--------	--------

CITY COMMISSION MEETING MINUTES OCTOBER 25, 2011

PAGE 42

REPORTS – CONTINUED

In response to Mayor Fisher’s question, Assistant City Manager Korab replied that staff would have to confer with the City Attorney’s Office and BSO to determine what could be done to address those code violations.

Mayor Fisher stated as a City, there is the need to bring closure to this issue to protect the young people that are going to this facility and exposing themselves to the drug and alcohol activities. Therefore, he wants to ensure that the City is doing all it can to conclude this activity.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:36 p.m.

LAMAR FISHER, MAYOR

MARY L. CHAMBERS, CITY CLERK