

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

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Tuesday, October 9, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

Honorable Lamar Fisher called the meeting to order at 6:01 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### INVOCATION

Rabbi Tzvi Dechter of Chadbad North Broward Beaches offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[18-656](#) Regular City Commission Meeting Minutes of September 25, 2018

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.**

**APPROVAL OF AGENDA**

Mayor Fisher announced that item 16 will be tabled to October 23, 2018 City Commission meeting.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Agenda be APPROVED AS AMENDED. The motion carried. by a unanimous voice vote.**

**CONSENT AGENDA DISCUSSION**

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

Mayor Fisher announced that items 4, 9, 12 and 14 will be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION****[18-644](#) City to Receive KAPOW Award**

John Casbarro, President of Learning for Success, Inc. along with Nick Lazazzara, City of Pompano Parks and Recreation Supervisor, Colin Divine, Cypress Elementary Teacher and Sabine Phillips, Principal at Crystal Lake Middle School presented the Mayor and City Commission with awards for the City's support of partnerships with schools in the City of Pompano Beach through the KAPOW (Kids and the Power of Work) Program.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**[18-648](#) Relay for Life Fundraiser Results**

The City of Pompano Beach Urban Forester who also serves as the City's representative for Relay for Life "TREE TEAM," Wade Collum, announced the total dollar amount collected over the past year from City employees who participated in the City's Dress Down Days Program. The money will be donated to Relay for Life, the signature fundraiser for the American Cancer Society.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**[18-653](#) Presentation of AARP Age-Friendly Network Certificate**

Kevin Soyt and Richard Aronowitz, residents of Pompano Beach and Volunteers for the

AARP Network of Age-Friendly Communities, presented the Mayor and City Commission with a certificate of membership into the World Health Organization (WHO) Global Network for Age-friendly Cities and Communities. By joining the Network, the City of Pompano Beach committed to promoting the values and principles central to the WHO Age-friendly approach, and actively participating in the Network including the sharing of experiences with other members.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS**

**18-643 National School Lunch Week**

Mayor Lamar Fisher presented a proclamation acknowledging National School Lunch Week in Pompano Beach to Darlene Moppert, Program Manager, Nutrition Education and Training, Food and Nutrition Services for the Broward County Schools.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**C. AUDIENCE TO BE HEARD**

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

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

**The following persons were called to speak:**

**Murder Investigation** - Pamela Hightower, 3028 NW 2nd Street, Pompano Beach, FL, stated that earlier she came before the Commission on behalf of her friend, Tikisha Reid, who was murdered on July 31, 2018. She said the concern was about the lack of response that the community received from the Broward Sheriff’s Office (BSO). She said they were offered alternatives and while things have changed, it is still not where it

needs to be. She commended Comr. Sobel for his recognition of biasness. Also, she thanked Comr. Perkins who came out to the neighborhood and visited with several neighbors and heard their concerns. In addition, Ms. Hightower commended Captain Irving from BSO. Nevertheless, she indicated that they are not done until the situation is resolved, because the residents are still living in fear.

Further, Ms. Hightower indicated that they are still waiting to hear from Comr. Moss regarding the investigation of the incident.

Mayor Fisher thanked Captain Irving and Chief Hale for their efforts and encouraged them to continue to move forward with the investigation until the people within the neighborhood feel safe.

Comr. Moss explained that the tragedy occurred on July 31, 2018, which apparently the family called the City Manager's Office, asked to speak to Comr. Moss, and was told that he was not available. He said he did not receive a call neither was a voice message left on his phone. He said the first time he was made aware of the incident was by Phyllis Smith of the Collier City Civic Association. She had called to say a group of people desiring to have a memorial service for the deceased, were given a ticket for not having the proper paperwork for a march. Consequently, he contacted Major Hale, Police Chief who confirmed that the incident was untrue.

In sum, Comr. Moss said he has attempted to get information to contact the family and to date no one has responded to him. He expressed sincere condolences, but indicated that unless he receives the family contact information, there is little he can do to meet with them.

**Election Campaign Accusations** - Carlene Duncan, 1851 NW 15 Street, Pompano Beach, FL, accused Mayor Fisher of coming to the black churches only on election time.

Mayor Fisher refuted the statement and stated that he has been visiting the churches all year round. Moreover, once a month he meets with the pastors of the community as a prayer group and they pray for the City and each other, therefore, the accusation is false.

Ms. Duncan accused some of the pastors as crooked. Also, she accused Mayor Fisher, Comr. Hardin and Ed Phillips of going to County Commissioner Holness to put them on the ballot. However, both Mayor Fisher and Comr. Hardin denied contacting Commissioner Holness as stated by Ms. Duncan.

Ms. Duncan continued with her accusation regarding Vicente Thrower and Corey Thompson, whom she said does not "run things" in the community, instead she said they are "selling out the community for money." Continuing, she said it is being said that Comr. Sobel if elected will be getting rid of the Public Works Department that is doing a great job. Therefore, she wanted Comr. Sobel to say whether this statement was true or not.

Comr. Sobel stated that the statement is false and said there are a lot of ways the budget can be cut that has nothing to do with employees or public works.

Ms. Duncan asked that her name be erased from Comr. Hardin's voter contact list as she does not intend to vote for him.

**Mitchell Moore Park** - George Dillard, 612 NW 7th Terrace, Pompano Beach, FL, thanked the Commission for what they have done for the Mitchell Moore concession stand. He said there are a few issues that he has spoken with City Manager Harrison about, which will be ironed out.

Continuing, Mr. Dillard said for the last two years there is something happening at the Mitchell Moore Park that he is not happy with regard to the semi-professional football team playing football on a little league football field, when there is soccer, lacrosse, t-ball, baseball and girls' soccer coming up. However, someone is backing a semi-professional football team on the little league football field and the people are not from Pompano Beach. He complained that they "tear up the fields" and did not fix it back for the other sports to be played, therefore, this needs to stop.

**Westview Cemetery** - Mr. Dillard complained about the dilapidated state of the Westview cemetery that has continued to deteriorate. Therefore, he is urging everybody to come together and work in unity, and to stop the division among the commissioners and the communities. He said better things need to be done in the northwest area.

Mayor Fisher stated that he was unaware of semi-professional football being played on Mitchell Moore field and someone will be looking into this. In addition, he said as it relates the Westview cemetery, he as a commissioner and the mayor along with other commissioners have tried their best to get the private board who runs and controls Westview to allow the City to take it over. However, for many years and up until now they have not allowed that. Therefore, he challenged Mr. Dillard to contact the board and convince them that the City is willing to take Westview over.

Mayor Fisher directed City Manager Harrison to provide the contact information for the Westview board to Mr. Dillard.

**Unlawful Arrest by Broward Sheriff's Office (BSO)** - Terry A. Williams Edden, 757 NW 15th Street, Pompano Beach, FL, reported that she heard of an experience on Saturday morning where an individual was arrested falsely in the City. She indicated that she heard that they thought they had her, as she heard her name "rang in the City." Ms. Williams Edden said that the individual was apprehended for lack of information and was the wrong person. However, she is here to report Deputy Davis, whom she alleged was a white supremacy/a KKK. She said the individual he apprehended, he placed her in a cell and when she asked to utilize the restroom, he refused her. Therefore, she utilized the ground for the restroom and she had to use her shirt to wipe up. In addition, she was not afforded the opportunity to have an attorney present. She said in the individual's testimony only two statements were given but they only submitted to the State Attorney's Office the one they coerced. Therefore, to have a deputy that believes that he is above default should be investigated and removed. Therefore, an investigation by Internal Affairs should take place.

Continuing, Ms. Williams Edden stated that when the BSO contract comes up for renewal the Commission should ensure that accountability measures are included. Further, she indicated that the person that BSO was looking for is apparently dealing with the same person that was murdered on July 31, 2018. She said the young woman who was apprehended had indicated that she was raped but no one took her statement, instead they arrested her unlawfully. Therefore, she said this is a miscarriage of justice that has taken place in the City.

Mayor Fisher asked for the name of the Deputy and asked Major Hale, Chief of Police, to provide a report to the City Commission on what actually occurred regarding the incident Ms. Williams Edden alluded to earlier. In addition, he thanked Ms. Williams Edden for bringing this matter to the Commission's attention.

**Hurricane Evacuation Center** - Robert Alexander, 1559 NW 9th Avenue, Pompano Beach, FL, stated that he has resided in Pompano for approximately 66 years and graduated from Blanche Ely High School and Bethune-Cookman University. However, what he is hearing today is some of the things he had heard before in the days of "Jim Crow" many years ago, as well as other incidents. He said the Commission must do better, and especially the Mayor who is a strong mayor.

Mr. Alexander said since last year, he has been asking about the hurricane evacuation center for the black community in District 4. He said if a hurricane should come through the City the people in District 4 have no place to go. He indicated that he is available to assist with the shelter situation. Finally, Mr. Alexander indicated that the new commission must come together to make the community a better place.

Mayor Fisher explained the attributes of a strong mayor, which is similar to the powers of the City Manager. He added that there are two cities in Broward County with a strong mayor, the City of Lighthouse Point and the City of Plantation. Furthermore, he said the City's mayor is elected at large and is one of six members of the Commission. He said he is not a strong mayor neither will the next mayor elected by the people. In fact, the City has a City Manager form of government, which means that the City Manager runs the day-to-day operations, hires and fires employees. Actually, the City Commission cannot get involved in personnel matters of the employees.

Continuing, Mayor Fisher indicated that City Manager Harrison would be checking into some schools as it relates to hurricane evacuation centers. He said the last time the idea of using Blanche Ely High School or some other school as a center for hurricane was suggested, the City Manager was going to check into the matter.

Greg Harrison, City Manager, stated that the City's emergency manager met with the County's emergency manager and all the other emergency managers throughout the County with regard to the placement of the evacuation centers. He said these are controlled by the County and the City follows the County's lead on the placement of the centers. Therefore, they must go through FEMA, Red Cross, and the State of Florida Emergency Department, and get approved at those levels in addition to Broward County. Currently, Broward County has not designated any other facility in Pompano Beach as a hurricane evacuation shelter.

Mayor Fisher asked Kimberly Spill-Cristiano to provide a report to the City Commission on how the City can check into acquiring facilities. For example, one such facility, Blanche Ely High School to be designated in the process to become an evacuation site, which is most needed.

Kimberly Spill-Cristiano, Emergency Manager, Fire Rescue Department, indicated that she shares the concern expressed by Mr. Alexander, as well as the City Commission and City Manager. However, she reported that in the past, Blanche Ely High School was decommissioned as an evacuation center in 1999, and recently it was again requested but it was denied. She explained that the shelters are controlled by Broward County School

Board and Broward County. Continuing, she said not every city has a shelter inside. Currently, majority of the shelters are west of I-95, and they have listed more than thirty-three shelters which has increased from the fourteen they had last year. She said the City does share the concerns of capacity needs, as well as lighting and facility issues that occurred after last year's hurricane at the Pompano Beach High School shelter.

Since the City was denied utilizing the Blanche Ely High School as a center, they are looking to see how they could assist with hardening the facility to make it into a center.

Mayor Fisher asked if staff could pursue the possibility of using other school facilities, such as Sanders Park Elementary or Markham Elementary and any other schools that could be available.

Ms. Spill-Cristiano responded absolutely they could. Initially, the County listed a number of new schools, which have a state shelter guidance that they must follow, but the majority of those are west of the I-95. She said staff would continue to pursue increasing the evacuation centers in Pompano Beach.

Mayor Fisher urged Ms. Spill-Cristiano to stay on top of this matter and provide a status report to the Commission.

Comr. Perkins asked for a copy of the documents that were sent to request that Blanche Ely High School be used as a center, and that she be included with copies of any other correspondence that will be sent in the future.

Ms. Spill-Cristiano responded absolutely.

Mr. Alexander asked if Ms. Spill-Cristiano could include the criteria for a facility to become an evacuation center. Finally, Mr. Alexander thanked Captain Irving that has been great in the community and he has been doing a very good job.

**Agenda Items Schedule** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, enquired as to who does the scheduling of the agenda items.

Mayor Fisher responded it is done by the City Manager's Office.

Mr. Drum wanted to know why the hot topic items appear at the very end of the Agenda. He finds that these items are buried and complained that it appears to be a tactic to thin out attendees. He said most people have jobs in the morning and there is a hot item on the agenda, which is number 24. He said in front of this item are janitorial bids and other items. Therefore, he thinks in the future, the hot topic items, which can be determined by the City Manager and the public should be put on at a reasonable time rather than to have it come up at approximately 10:00 p.m.

**Status on Cultural Arts Center** - Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, stated that he heard stories going on during this election year. However, he asked the City Manager to address the transition of the Cultural Arts Center.

Greg Harrison, City Manager clarified that Mr. Thompson is referring to staffing. He stated that the Human Resources and the Cultural Affairs Departments have been working on staffing since April and they have staffed the lead staff people for the Cultural Arts Center and are in the process of interviewing and hiring for the people that will be in the office daily.

**Dr. Wilhelmena Mack's Report** - Comr. Perkins indicated that Dr. Wilhelmena Mack, was available and asked if she could address some of the concerns that was brought up at the last Commission meeting. In addition, she indicated that she had previously requested that an item be placed on the agenda to address the report.

City Manager Harrison clarified that when Comr. Perkins asked for Dr. Mack to be placed on the Agenda, the agenda was already prepared and finalized. Nevertheless, he did indicate to Comr. Perkins that Dr. Mack would be the very first person to be placed under Audience to be Heard.

Dr. Wilhelmena Mack, President, W Mack and Associates, Inc., said she saw from the last Commission meeting a few issues raised by Comr. Moss regarding the study she conducted and reported on, therefore, she wanted to clarify the questions that he had.

On page 13, "Leadership" - In the document it states, "Community needs to unite and support its elected commissioner. As the duly elected person she is charged with establishing public policy. It is critical that the community understands it is through her that their public concerns are addressed and resolved." She explained this is the function of a commissioner, so if the community wants to have changes made, they must work through their elected official as opposed to coming to the dais and making recommendations for policy changes. Therefore, the statement was made in response to the issue about leadership.

On page 17, Item 5 - It states, "Commissioner Perkins has the pulse of the community." However, on page 15 at the very beginning it states, "The following is a summary of survey participant responses to surveyor questions." She said throughout the entire survey in the sections where there are the summarized responses of the 129 participants who completed the survey along with 40 key stakeholders that responded, several of them responded to the questions, "What do you feel are the two key strengths or best features of District 4?" and "What is the one thing you are most proud of about District 4?" Dr. Mack said that throughout the entire report these statements were made.

Continuing, Dr. Mack mentioned that on pages 41, 42, 46, 48, 59, 63, 66, 70, 76, 81 and 86 Comr. Perkins is specifically referred to as being what the community has stated, "As one of the best things that's happened to the community, as being a representative for the community, and as being an advocate for the community."

Dr. Mack indicated that the last statement made by Comr. Moss was a little bit troubling, because he stated under the list of key stakeholders, seven contributed to Comr. Perkins' campaign. She explained that the entire list of individuals that were identified as key stakeholders were made by those individuals who served on the project team. She said the project team represented individuals from District 4. Those names were submitted with no requirements whether they contributed to anyone's campaign. Furthermore, Dr. Mack indicated that after checking with Comr. Perkins, she indicated that she opened her campaign account in February and received the first contribution in May. Therefore, those individuals that were identified to be part of the key



stakeholders in the survey, which was conducted between March 29 and April 3, those names were submitted prior to any contributions made.

Comr. Moss responded that on page 13, Comr. Perkins is not charged with establishing public policy, because she is part of the Commission on the dais that establish public policy. Continuing Comr. Moss indicated that he is not a statistician and is unsure if the document produced is “brilliant or a bunch of baloney.” Therefore, when statements are made like this, it causes one to pause. Further, on page 16 and 17 references were made that Comr. Perkins has the pulse of the community, but that is as per the approximately one hundred persons that were surveyed, but there are approximately 21,000 people in the community. Moreover, there is more than one person that does not think she has her finger on the pulse of the community.

Comr. Moss continued by referencing page 20 where it specifically states, “Community needs to support Comr. Perkins.” Also, as he stated prior, by referencing page 23, a number of the people have contributed to Comr. Perkins. Furthermore, on page 27 it states, “a total of 126 community residents participated in this survey,” which is 0.006% of the district. He asked if there were any Hispanics that were included in the survey.

Dr. Mack responded that she did not ask ethnicity.

Continuing, Comr. Moss indicated on page 46, it asked, “What do you feel are the two key strengths or best features of District 4? Item 2 states, “Present representation, Beverly Perkins, our dear leader.” In addition, on page 59 similar questions regarding two key strengths or best features of District 4 and in response there are a long list of 26 items with number one being Comr. Perkins and number 16 stating that the present commissioner is “our best feature right now.” Item 17 states, Comr. Perkins and new projects. Further, on page 70, it asked, “What do you feel are the two key strengths or best features of District 4?” Response - “strong commissioner fighting for us. Missing in the past two commissioners, she is speaking for us.” It continues, on page 81, item 6 response being Comr. Perkins, and item 8 Comr. Perkins. Comr. Moss concluded that Dr. Mack “shot yourself in the foot, when you make these blatant comments that are not in any way shape or form necessary to the production of this survey.” He concluded that they are gratuitous comments that makes him think less of the document and a little less of her.

Dr. Mack responded that she is a professional with the credentials, as well as the experience and have worked with many companies private and non-private. Therefore, if Comr. Moss would like assistance in terms of surveys, she suggested that he should check where he will find that the minimum required number of surveys to be able to make a generalization to a population of approximately 19,000 that live within District 4, she only needed 100 surveys. Therefore, her report makes it statistically valid to do so. She added that the survey she selected was a qualitative one and explained her reasons for electing to conduct such a survey. She then explained the cohorts that participated and how she reported from the survey they completed. She said the critical responses would provide what the different age groups think about the community, the different challenges, and more importantly the recommendations as to what actions that could be taken. However, she indicated that Comr. Moss was quoting the results of the surveys and he highlighted the comments made by the community. She then explained what her role was in conducting the survey.

Comr. Moss asked if there were any other people in District 4 that the residents spoke highly of besides Comr. Perkins.

Dr. Mack responded that there is a full reporting of the responses and referred to the questions that were asked on the survey.

Comr. Sobel in addressing Dr. Mack, stated that the demeaning verbal assault on her results, and on her personally, does not reflect the opinion of the entire dais and certainly not his opinion. In addition, he said sometimes all the facts can be cited if they are falling on deaf ears and it does not make a difference. He said it was previously implied that Dr. Mack had “stacked the deck” by placing people who had contributed to Comr. Perkins campaign on the survey. However, it has been made clear now that the survey was completed long before people had contributed, which makes sense. Finally, Comr. Sobel indicated that he has not seen a more comprehensive and scientific study come before the current Commission. He then thanked Dr. Mack for her report.

#### **D. CONSENT AGENDA**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that items 1-3, 5-8, 10, 11 and 13 be APPROVED without any discussion. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

1. [18-599](#) Approval to award Bid P-39-18 Janitorial Services to the lowest responsive responsible bidder, Image Janitorial Services at a cost of \$113,988.00 annually.  
(Fiscal Impact: \$113,988.00)

**(Staff Contact:** Robert McCaughan)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

2. [18-639](#) Curtis D. Williams is requesting to Transfer Ownership of Block 67, Lot 03, Plot 5, in the North Lawn to the City of Pompano Beach.  
(Fiscal Impact: \$716.19)

**(Staff Contact:** Robert A. McCaughan)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent**

**Agenda. The motion carried unanimously.**

3. [18-513](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE AMOUNT OF \$102,900.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC. FOR HURRICANE HARDENING AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WATER TREATMENT PLANT SLUDGE DEWATERING BUILDING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$102,900.00)

(Staff Contact: A. Randolph Brown/Tammy Good)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-01**

4. [18-580](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SINGLE PROJECT CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND MATHEWS CONSULTING, INC. IN ACCORDANCE WITH RLI NO. L-03-16 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN, PERMITTING, BIDDING AND CONSTRUCTION OF THE RECOMMENDED GATEWAY DRIVE NEIGHBORHOOD STORMWATER IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$196,023.00)

(Staff Contact: A. Randolph Brown/Tammy Good)

Comr. Sobel pulled the item for Commission discussion. Comr. Sobel said he did not have a problem with the contract or the price but had a specific question on behalf of the Gateway Drive neighborhood, on why it will take two years to construct the drainage system.

Tammy Good, Engineering Project Manager, responded that the schedule is an eight to nine months' duration for design and ten months thereafter for construction. She explained that there is a lot of permitting required and the engineers' probable estimate is \$6 million in construction. Therefore, it is a significantly large project.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2019-02**

5. [18-596](#) 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.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/David Recor)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-03**

6. [18-636](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REPEALING RESOLUTION NO. 2017-116, AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED PARKING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO TC, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester-O'Mills/David Recor)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-04**

7. [18-632](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND CHERIE SALEEBY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000.00)

(Staff Contact: Laura Atria/David Recor)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-05**

8. [18-612](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM SUMMAN WESTERN INVESTMENT, INC. TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-06**

9. [18-625](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND 14TH STREET TOWNHOMES ASSOCIATION, INC. REGARDING THE UNDERGROUNDING OF OVERHEAD UTILITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 40% of project costs not to exceed \$109,000)

(Staff Contact: John Sfiropoulos)

Comrs. Hardin and Sobel pulled the item for Commission discussion. Comr. Hardin wanted to give a “shout out to 14th Street Townhomes.” He said the project has been in the offing since 2014 and appreciates them partnering with the City to make an even improvement with the City.

Comr. Sobel stated he did not understand why the City is paying 40% and giving a benefit to one particular townhome community in his district. He enquired why this particular benefit is given to a project already built

as opposed to any other project that would want the City to bury the underground utility wires.

John Sfiropoulos, City Engineer, provided a brief background regarding the project. He said the Commission in 2014 as per direction from former City Manager, Dennis Beach, previously approved the reimbursement. He explained at the time, the project never started and the agreement expired, therefore, the item is now before the Commission for approval. He then provided the reasons why this is being done. He said of the 1,265 feet total undergrounding to be done, the City would reimburse 500 feet just the section on 14th Street Causeway, because it represents a major corridor in the City.

In response to Comr. Sobel's question on why it was not done when construction was started instead of doing it now, Mayor Fisher indicated that Nick Damasceno, President of the 14th Street Townhomes, for the past seven to ten years has been actively attempting to get the project done. Over the years, FPL was engaged and they gave one price and the Townhomes were moving forward with their own funds. However, as they started, FPL came back and required they move the boxes across the street, which increased the cost, and the demands continued for quite some time that it became costly for the 14th Street Townhomes and the City was unable to participate. Finally, in 2014, with a package to move forward, FPL came back and added more requirements. Therefore, the 14th Street Townhomes did not cause the delay. Also, he said not only will the 14th Street Townhomes have the undergrounding but it will continue down to Sea Haven, and they have been looking at trying to become part of the program, but got frustrated with the FPL process. This is an amazing opportunity for the City.

Mr. Sfiropoulos explained how the process works and the financing is designed in advance. Therefore, when the project is completed they provide the city with the receipts and they are reimbursed 40% of the project or \$109,000, whichever is less.

Mayor Fisher indicated that the project is at a cost of \$276,000, which the 14th Street Townhomes will be absorbing 60%.

Nick Damasceno, President, 14th Street Townhomes, resident of Pompano Beach, FL, stated that they worked with the water conservation project in the City so this is not the first partnership. He provided a detailed background of his efforts to take on this undergrounding project for safety, as well as aesthetics reasons.

Mayor Fisher mentioned that approximately eleven years ago, Mr. Damasceno was involved with the City's successful water conservation project.

Comr. Moss asked if this is the first time the public/private partnership has occurred.

Mr. Sfiropoulos responded that he is unaware of any other partnership similar to this one.

Mr. Harrison indicated that he believes this is the first time the City has done this type of project. However, the City is open to any other Condominium or Homeowners Group that would like to pursue similar program so that the City could evaluate it and see if funding could be provided.

In sum. Mr. Harrison indicated that anytime anything aerial can be placed underground it would be a plus for everybody, as well as it is aesthetically pleasing.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that there is underground utilities on NW 6th Avenue, which cost approximately \$1 million. He said he would like to take this opportunity to request that the same attention be directed to the development happening in the northwest community to get the underground utilities.

Mayor Fisher indicated that any future development will have to underground its utilities.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2019-07**

10. [18-645](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DINA AND EMAN, INC. TO USE CERTAIN RIGHT-OF-WAY FOR THE INSTALLATION AND MAINTENANCE OF MONITORING WELLS WITHOUT INTERFERENCE OR COST TO PUBLIC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-08**

11. [18-633](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF DECLARATION OF COVENANTS

AND RESTRICTIONS EXECUTED BY DEAN PAZIN FOR THE PROPERTY LOCATED AT 2417 NE 13TH TERRACE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-09**

12. [18-634](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER, TO EXECUTE ON BEHALF OF THE CITY, THE AMENDED HOME OWNERSHIP AGREEMENTS FOR THE CITY'S FIRST TIME HOMEBUYER PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that she received quite a few calls regarding the process for the first time homebuyers and asked what the requirements are for this program.

Miriam Carrillo, Office of Housing and Urban Improvement (OHUI), Director, explained that there are five (5) steps needed for the program. They need to have a first mortgage approval, and the application can be downloaded from the website or they can come into the office and get an application. In addition, they will need a first time homebuyer's certificate. In the application package, there is a list of where the classes are held, and a certificate is obtained after completing an eight (8) hour class. Then, there is an approval process from the OHUI office once they receive the first mortgage, and if they meet the criteria, they can proceed from there. Furthermore, Ms. Carrillo stated that the starting date for accepting applications is October 6, 2018, which continues until the funding has been depleted.

Comr. Perkins asked if there is a waiting list, which Ms. Carrillo responded there is no waiting list. In addition, she enquired how many people have been assisted with the first time homebuyer program.

Ms. Carrillo responded approximately 25 people were assisted for the year.

Comr. Perkins explained that a number of people have been enquiring about the first time homebuyer program, and she was surprised to learn about the twenty year (20) agreement. She then asked if Ms. Carrillo provides a written report to the City Manager on a regular basis as to what is going on with the first time homebuyers, and explained her reasons for the enquiry. She is trying to get information out to the residents in her district that are not connected through the website or the Pelican newspaper. Therefore, she wanted to be better prepared



to share information from the OHUI department. Comr. Perkins asked to be provided with a report of the programs' starting and ending dates, as well as how many people are serviced.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that most realtors when they acquire clients, the first thing they do is to see if they qualify for the first time homebuyer's program. His concern with the first time homebuyer's program is that the funds seem to be drying up and there does not appear to be as much money as it was in previous years. Therefore, he enquired when would the 108 loan be paid off so the money can go back into the first time homebuyer's program.

Ms. Carrillo stated that the 108 loan cannot be used for first time homebuyer, but it is only for economic development projects. She said the repurposed funding is used for the infrastructure of economic development.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2019-10**

13. [18-635](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM BARBARA R. STEIN, INDIVIDUALLY AND AS TRUSTEE FOR THE BARBARA R. STEIN REVOCABLE TRUST AGREEMENT TO THE CITY OF POMPANO BEACH IN EXCHANGE FOR THE RELEASE OF MUNICIPAL LIENS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-11**

14. [18-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT BIDS NOT TO EXCEED \$75,000 FOR PROPERTIES LOCATED IN

POMPANO BEACH BEING SOLD BY BROWARD COUNTY AT TAX DEED AUCTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Cassandra LeMasurier)

Comrs. Perkins, Hardin, and Sobel pulled the item for Commission discussion. Comr. Perkins enquired how has bids been submitted in the past.

Cassandra LeMasurier, Real Property Manager, stated that the City has not had the opportunity to bid on the tax deeds auction in the past. This would be targeted properties and a number of them are properties that investors buy, the owners are not paying taxes, and they are not maintaining the properties. Consequently, the City ends up with nuisance abatement cases that the City has to incur costs. Therefore, this would be an opportunity to purchase these parcels and get them back on the tax roll, develop them as affordable housing, and other opportunities for the City, and so this request is made due to a timing issue.

Comr. Hardin stated that this is not about the City forcing sale of these properties, which Ms. LeMasurier responded that is correct. Further, he said these are people who did not pay their taxes and the County is taking the properties.

Ms. LeMasurier explained the process of unpaid taxes and how the properties are being treated. In sum, she said the City would like the opportunity to get these properties back on its tax roll rather than seeing them purchased repeatedly at the same auctions.

Comr. Perkins asked where the funding would come from?

Ms. LeMasurier responded that the funding would depend on what the end use would be of the property. The City has the opportunity to be able, if it is for affordable housing, to use funds from the affordable housing trust for purchases.

Comr. Sobel asked why this was not done previously.

Ms. LeMasurier responded that the City created a new role for a real property manager. There was never someone designated that actually monitored these tax deductions and be able to submit bids on behalf of the City and actually manage the City's inventory, to strategically analyze, and understand what properties were coming up at auction that would be a good acquisition for the City.

In response to Comr. Sobel's question regarding the person now responsible, Ms. LeMasurier responded that she is that person. An extensive discussion followed on the City's responsibility and commitment in maintaining properties being acquired.

Ms. LeMasurier indicated that there are specific purposes that they would consider prior to submitting a bid for a property such as affordable housing, parks, green space, city facilities, other unspecified public purposes or to be held for future needs of the City. She explained that after the property is city-owned, staff would go

through the process of having any liens mitigated and released, so, there would be a clear title with the property for future development.

Comr. Sobel indicated that the City is still holding a huge number of city-owned properties and Community Redevelopment Agency (CRA) owned properties that are vacant and asked for an explanation of exactly what would be the end gain for these properties.

Ms. LeMasurier explained that there is more than one purpose. As it relates to the city inventory, currently, there is not a lot of vacant land available for the development of affordable housing, and that is where there is a good opportunity to purchase these individual lots. So instead of paying what is listed on the Multiple Listing System (MLS) of \$25,000 and up, some of these start at a few thousand dollars. They will be paying just for the balance that is owed in taxes that creates the starting bid price. So the City would be able to acquire at a much lower cost.

Comr. Sobel enquired as to why the City is spending taxpayers money to buy land through these deed certificates.

Ms. LeMasurier responded that it is threefold. She said most of the parcels the City already have to maintain the properties because of nuisance abatements. Therefore, the City would be able to remove blight and the burden on the City of having to go through the nuisance abatement process. The other is that it will provide inventory for the City to allow for affordable housing.

An extensive discussion followed regarding the feasibility of acquiring these types of properties for affordable housing.

Mayor Fisher asked Ms. LeMasurier to repeat the different categories of properties being pursued.

Ms. LeMasurier stated that they are looking for properties that can be developed as affordable housing, parks, green space, city facilities, other unspecified public purposes or if they should be held for future use by the City.

Mayor Fisher indicated that these parcels could be used to expand parks or community centers, but most importantly, the City would be able to develop affordable housing, which is desperately needed throughout the County. He said this is a great program, and he would like to see staff allowed the liberty to bid for the properties, and not be limited to bid in such a way that would allow developers to outbid for the properties.

Ed Phillips, Pompano Beach, FL, indicated that he would be cautiously optimistic of this initiative and explained in details his reasons. However, he suggested a prerequisite would be that the City look for as many people who actually live in the community of the City of Pompano Beach and place them on the higher end of the list. In sum, he said he would support this initiative but with some preconditions with high criteria given to those residents who live in the City of Pompano Beach.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, spoke in favor of the initiative. However, he said the only affordable housing he is aware of is by Habitat for Humanity. Therefore, he suggested that a workshop be done with Habitat and the people within the community to educate them on how they could

become recipients of affordable housing.

Tom Drum, Pompano Beach, FL, stated that he finds the initiative for affordable housing with “two heads” and provided the details of his reasons.

Howard Clarke, 2509 NE 15th Street, Pompano Beach, FL, asked for clarification on the purchase of tax deeded properties and wanted to know how many parcels have been identified to date.

Ms. LeMasurier responded that the City has not purchased any properties to date.

Mr. Clarke indicated that by allowing \$75,000 per property it is an “open ended check book at this point.” He said the Commission would be approving an action without any boundaries on it. In addition, he said over the last several years the affordable housing in the City has been at a much higher density than single family homes and he is unsure why this is allowed. Therefore, if the land is given for free it does not make economic sense.

Mayor Fisher indicated that from the CRA side, lots are given to developers but the pre-requisite of doing this is that they must have a buyer in place, already approved for funding, and the required specs for the home. In fact, the City has been able to do infill affordable housing that way which has been very successful.

Continuing Mayor Fisher asked about the discussion among staff of placing a cap on the amount for each property.

Greg Harrison, City Manager, responded that this is the first time this initiative is being pursued and typically speaking there is an average of \$15,000 to pick up a lot that fall within these categories.

Mayor Fisher commented that as the City attempts the process, a cap could be placed on how much to be spent. Therefore, he requested a motion for \$75,000 approved for this particular time and as the program is tested, if successful staff can return and ask for more funds.

**MOTION: A motion was made by Comr. Hardin seconded by Comr. Sobel to approve \$75,000 at this particular time and if the program is successful staff can return and ask for more funds. The motion passed with Comrs. Moss and Perkins voting no.**

Comr. Moss enquired about the rationale of putting a cap on the purchase.

Mayor Fisher indicated that the Commission do not want to approve an open ended check book per se, but to try the process out and see how it is working and determine what the average cost will be for the lots. It would provide a comfort level instead of having an open ended use of funds.

In sum, the resolution was amended to include the motion for the dollar amount and if successful more funds awarded.

Anne Siren, Pelican newspaper, 1500 East Atlantic Boulevard, Pompano Beach, FL, asked what was the market value of the sales as opposed to the amount of lien funds on that value.

Mayor Fisher responded that there is no house or land at this particular time that has been purchased. This is just to allow the City the opportunity to bid on tax deeds, which majority will be vacant land.

David Miller, 2621 NW 13th Street, Pompano Beach, FL, asked if it is possible for the City to purchase land in another City such as Coral Springs and Oakland Park.

Mayor Fisher responded that the City would not be interested to purchase property outside of its city limits.

Tom Terwilliger, Pompano Beach, FL, stated that this is a City not a business and buying tax deeds would compete with some of the local residents who earn money from this business, as well as they pay taxes to the City. Therefore, he spoke against this initiative and provided his reasons.

Mark Berman, City Attorney, noted that prior to any bid made, it has to be determined that there is a valid public purpose for the expenditure. He then cited that "There must first be a determination of valid public purpose exist for the expenditure of public funds for the bid and eventual purchase of that property." Therefore, this is not an action to make or lose money or the City entering into the real estate business. Rather the City will be providing low cost housing alternative and fulfilling a need in the community, otherwise there will be no bid or expenditure from public funds.

**A motion was made by Comr. Hardin, seconded by Comr. Sobel to amend the resolution to place a cap of \$75,000 to test the program out and if successful, staff would return to the City Commission for more. The motion passed by a 4-2 vote. Comrs. Moss and Perkins voted No, and Comrs. Hardin and Sobel, Vice Mayor Burrie and Mayor Fisher voted Yes.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED AS AMENDED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Sobel  
Burrie  
Fisher

**No:** Perkins

**Enactment No: RES. No. 2019-12**

**E. REGULAR AGENDA**

15. [19-02](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE PROPOSED FIRE ADMINISTRATION AND EMERGENCY OPERATIONS CENTER AS THE CHIEF HARRY L. SMALL AND LT. WOODROW J. POITIER BUILDING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** John Jurgle)

John Jurgle, Fire Chief, presented the item and stated that the resolution is for a dual dedication of the proposed EOC and Fire Administration dedicated to former Fire Chief Harry Small and former Commissioner and Lieutenant Woodrow Poitier.

Comr. Sobel suggested that a process needed to be created for what the Commission do sometimes. He said there is no process for this item because during an election cycle the Commission is asked, to name a building that does not yet exist. He said the designees are wonderful, however, he would suggest that there may be approximately one hundred people in the City of Pompano Beach who are deserving of recognition for the rich history that they brought to the City. Therefore, he would like to see a process where a list of names is created, if the Commission is going to start naming buildings and public buildings like this, instead of doing it “willy nilly” under reports, which was done at the last meeting with people who not all of the Commission knew the full background about them. In addition, he suggested that input should come from the residents, or have a list or a board that can provide information on the people being recognized.

Mayor Fisher stated that item 17 and 18 is the process in which a citizen goes through to get a named street. In addition, the Commission has the right to name buildings as they so desire.

Comr. Moss indicated that he had objected to this the last time it came up under reports, because he was not familiar with former Fire Chief Harry Small. Thereafter, he spoke with several people whom he respects and admire and they spoke glowingly of him and also former Commissioner Poitier.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, spoke in support of the item. He said former Commissioner Poitier, served all those years as a firefighter. As well as the former Fire Chief actively contributed a lot to the community. He said the nominees have put in a lot of work and this is a wonderful way to recognize them.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2019-13**

16. [18-655](#) **P.H. 2019-03: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC, RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: Additional base rent revenue of \$19,800 plus \$2.46/SF)

(Staff Contact: Adriane Esteban)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED to October 23, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

17. [18-598](#) Consideration to dual name NW 8th Street "Bishop D. E. Russell, Sr." Street.

(Fiscal Impact: \$500 provided by Requester)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated it is asking for the City Commission's consideration to dual name NW 8th Street, as Bishop D. E. Russell, Sr. Street. The boundaries of the street would be NW 10 Avenue on the west and Dixie Highway on the east.

Mr. McCaughan indicated that there is a Memo in the backup that provides justification of why the street should be renamed. Therefore, if the Commission approves the item will be brought back under a formal

resolution at the next meeting, which will formalize the change. This will then be submitted to Broward County Traffic Engineering for the signs to be installed.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Item for Consideration/Discussion be APPROVED, and to move forward to place a resolution on a Regular Agenda. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

18. [18-638](#) Consideration to dual name NW 3rd Terrace “Evans Terrace.”  
(Fiscal Impact: \$500 provided by Requester)

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated it is asking for the City Commission’s consideration to dual name NW 3rd Terrace to Evans Terrace Avenue. It is bounded by NW 3rd Way on the south and NW 16th Street on the north. He said upon Commission approval a Resolution will be prepared. A memo is provided in the backup that explains the justification.

Comr. Perkins stated that she knew Ms. Evans who raised her children in Sanders Park community. Her son Dwight Evans served on the Planning and Zoning Board for many years prior to his passing away. So, it is very fitting to name the street in their honor.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item for Consideration/Discussion be APPROVED and to move forward to place a resolution on a regular agenda. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher



**19. [18-641](#) P.H. 2019-01: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLSBORO INLET FISHING CENTER, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$182,136 in annual revenue)

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that this is an amendment to the current lease the City has with the Hillsboro Inlet Fishing Center. Also, there is a summary of the changes listed in the backup. He highlighted a few points and said the terminal lease will change from five to ten years with two five-year options to extend the lease. The annual revenue is \$182,136, and for the City it is a slight increase from the existing lease. Another significant change is that the lease will require an investment of \$20,000 in capital improvements at the marina and those must be accomplished within four years of the execution of the lease.

John Murray, 2500 Bay Drive, Pompano Beach, FL, suggested that the Commission should not simply amend the existing lease, but it should be put out to bid. He said in 2014 it has been a highly controversial issue. The income from the Hillsboro Inlet was dramatically reduced from approximately \$20,000 to \$14,000 per month. He added that because of the Beatty Lease on the Inlet Marina, the City is losing a lot of money on one of the prime locations in South Florida.

Continuing Mr. Murray stated that the Hillsboro Inlet is a key asset to the City as well as the fishing center. He said five years ago, he was an unsuccessful proponent, and the Commission at the time decided not to have a bid process. Therefore, because this will cost a considerable amount of money for the City, the Commission should try to see if there is anybody out there that may want to provide a better income to the City.

Howard Clarke, 2509 NE 15th Street, Pompano Beach, FL, stated according to the slide presented of the fiscal impact of \$182,000 in annual revenues, it indicated that there was \$20,000 in capital expenditures but he does not see it as part of the process.

Mr. Berman clarified that the \$20,000 is from the lessee not the City, because they are paying for the improvements to the facility not the City.

Tom Terwilliger, Pompano Beach, FL, stated this is not a new issue for him and provided a brief background on the prior lease agreement compared to the proposed amendment to the lease. He asked if the old corporation prior to 2014 ever paid the City the \$30,000 owed. Also, he asked if the current lessee paid his payments on time and are they paid in full. Additionally, he indicated that M. Ross Shulmister who is the representative, claimed that the Captains owned the Hillsboro Inlet Fishing Center Incorporated and asked if this is still the case. Lastly, Mr. Terwilliger noted that the lease will not expire for another six months and wanted to know what is the "rush." He said while the City has an ordinance in place for competitive bidding, the subject lease has not been put out for competitive bidding. Therefore, he suggested that staff provide in the backup the

total cost to the City, including the Beatty lease and all the costs the City will put into it versus what will be collected. He said currently it is estimated to cost the City \$15,000 per month to subsidize this private business. Therefore, he recommended that the item be put out for competitive bidding and notify the taxpayers how much it would cost to support this private business.

Mayor Fisher asked who would be able to answer the questions regarding payment on time and the payment of \$30,000.

M. Ross Shulmister, Vice President of the Fishing Corporation, clarified a few comments made earlier. He said it was said that in 2014 there was not a bid process, which is incorrect, because there was a bid and his firm had put in the only bid. After the bid was submitted the City was not too happy. Nevertheless, Mr. Murray had requested to put his bid in after the only bid was revealed. The Commission at that time indicated that Mr. Murray did not have a bid but could have put in a bid, but did not. Therefore, it was unfair to give him the opportunity to come in behind the only bid when he would now know what that bid was.

Continuing, Mr. Shulmister addressed a number of comments/statements made earlier. He said the City has been maintaining, which was the case before and is still maintaining the facility. As it relates to payment on time, Mr. Shulmister mentioned that despite Mr. Murray's failure to pay rent into the new corporation, they made all the payments on time and had one payment that went into the grace period over the entire four and half years' timeframe, but did not go into default. Mr. Murray was not paying his money into the new corporation, but later they were able to get him to do so under court order.

Finally, Mr. Shulmister answered the question on, "What's the rush?" He said they have a new high quality boat that will be coming in and he wants to ensure that there is a long term lease in place. In reference to the history on money owed, he said there was a boat owner that was not paying his share and they went into default. Consequently, his firm renegotiated with the City and that particular owner was able to make those owed payments, which was supervised and every payment he agreed to make was made.

Tony Hill, Pompano Beach, FL, stated that he was present at the 2014 meeting, when the Commission approved the previous lease. He noted that there was an association prior to 2014 and the Commission voted at that time to disallow payment of the \$127,000 they owed the City at that point. He said, Mr. Shulmister at that time came before the Commission and stated that he was representing the Captains' Association that was defunct, and there is a new association, but he is just their attorney and he had no ownership interest. However, currently, the old Captains' Association has been dissolved and the new association has the same boats and captains, only they were relieved of a \$127,000 in debt.

Continuing, Mr. Hill stated that the person who managed the Fort Lauderdale Fishing Fleet had indicated that he wanted to bid on the spaces, but the Commission refused to take a bid at that time. Thereafter, he provided more details regarding the discussions in 2014. Mr. Hill concluded that there is a conflict of interest. He said Mr. Shulmister has worked on several people's campaign and he believes it is unfair, dishonest and unethical to vote on a topic where he is the admitted Vice President of the association and has a financial interest in it. He reiterated that Mr. Shulmister is being paid as an employee for campaigns.

Mayor Fisher indicated that he is not paying Mr. Shulmister for his campaign.

Mr. Hill responded that he has financial records to prove his allegations.

Mr. Shulmister stated that there was no one from Fort Lauderdale that indicated at the time that he wanted to bid on it. He recalled the only person who expressed interest to bid on it was John Murray, who was a tenant at the time. He reiterated that the Captains' Association has been dissolved. He said he is the sole stock holder of the company and he does not take dividends. However, he takes a fee for managing it and have taken attorney's fees for trying to evict Mr. Murray for failing to pay his dockage.

Mayor Fisher provided a historical background regarding the parcel where the fishing fleet is located, and to the east where the park is located. He said the parcels used to be the Yardarm property and many years in the 1970's there was an issue with their building, a restaurant and a hotel. It was a long lasting lawsuit that the City was involved in but ultimately prevailed against the Stefanos brothers. In the meantime, the property went into a foreclosure mode and the Federal Deposit Insurance Corporation (FDIC) took the property, which the City then bought from the FDIC. The Fishing Fleet has been in existence since the 1950's, and at that time it was displaced to other marinas, so when the City acquired the properties they built the inlet park and the fishing fleet was brought back.

At that time when the City was negotiating a lease for them, as well as in 2014, the Commission's desire at that time did not necessarily want it to be a money generator or an income producing property. However, it was more important to get the fishing fleet back into the City of Pompano Beach, which generates a great amount of tourism and dollars to the City's hotels, restaurants and so forth. The fishing fleet is known nationwide. At that time the Commission negotiated with the fleet to keep them in the City, so it is correct that at that time they could not pay their bills and there was one vessel that was behind in their rent, who promised and paid up their payment. Their identity was changed because of the default.

Mr. Shulmister mentioned that the dockage is competitive with other locations.

Mr. Hill indicated Mayor Fisher did not mention anything about the Beatty lease in his historical background and did not inform that the City does not own any of the land, which is leased land.

Mayor Fisher indicated that a portion of the land is owned by the City and a portion is owned by the Beatty lease.

Mr. Hill insisted that in 2014 the person who owned a fishing fleet in Fort Lauderdale did come before the City Commission and opposed the lease the City granted at that point. He did claim that he could do it cheaper and better and that he was successful in Fort Lauderdale with the fishing fleet at that time. Therefore, he had asked to put the lease out for competitive bid but the Commission voted no.

Mr. Murray defended his position where it was stated that he did not pay his rent.

Comr. Sobel stated that the original lease was not in the backup but upon his research he found out about the person Mr. Hill mentioned from Fort Lauderdale, as well as Mr. Murray's desire to bid to move his entire fleet.

Mr. Murray confirmed that he has four Bolo boats and provided details on his operations of these boats, which has been operating out of the Inlet since 1961. He mentioned that he wanted to bring his boats to operate out of the Fishing Center.

An extensive discussion followed among Mr. Murray, the Commission and Mr. Shulmister regarding the viability of running a fishing fleet out of the Inlet.

Comr. Sobel said he did not want to discuss the fact that Mayor Fisher and Vice Mayor Burrie may recuse themselves because Mr. Shulmister was a paid consultant for their campaigns in the past and he is the beneficiary of the current lease. He said the facts of the lease is “craziness” and does not expire for another nine months. Therefore, he asked why is it being brought before the Commission, when a minimum of half the Commission will not be seated in another thirty days. He said the original lease already has two five-year renewal options yet it is being requested to be amended to make it a mandatory ten-year term with two additional five year options.

Comr. Sobel concluded that the City is not just losing a lot of money but the taxpayers are paying more money on the Beatty lease that is the underlying lease of the owner of the property than what is being received from rent payments from the Hillsboro Group. He said more than one hundred thousand dollars were wiped away that was due and owing to the City. Then the same people were given under a different title, another opportunity to lease the property at a losing proposition. This private venture is being subsidized in which profit is being made by the original captains lease, which “makes no sense.” Therefore, Comr. Sobel proposed that the City put this out for an RFP, and suggested that the item be postponed at this time.

Mayor Fisher noted that because the item is an ordinance with a motion already on the floor, the proper vote at this time is to vote for the approval of the ordinance, and depending on the vote, up or down, a motion could be made regarding putting the item out for an RFP.

Continuing, Mayor Fisher pointed out that he does not want for his last two commission meetings, anyone to cast doubt, as Comr. Sobel indicated, about paid consultants. He said Comr. Sobel is casting doubt on his integrity when it comes to a political consultant, whether he paid him before or not, and he should have a conflict of interest. Therefore, Mayor Fisher asked if he voted for the subject item would there be a conflict of interest.

Mr. Berman responded no, based on Chapter 112.

Mayor Fisher said it then brings him to the point where he would not want his integrity to be challenged. However, he has not asked if Comr. Sobel paid Mr. Hill as consultant during his campaign. Therefore, he requested that at this particular time Comr. Sobel refrain from casting doubt on his fellow commissioners, as well as to stop trying to paint a picture that is not there.

Vice Mayor Burrie clarified that Mr. Shulmister, his wife and family are her personal friends. In fact, his daughter was her legal secretary for eight years. She said she did not pay Mr. Shumister for any consulting work. He offered to be her campaign treasurer to keep her finances. Notwithstanding, Vice Mayor Burrie indicated that she is not running for office and would like her last two meetings without the “BS.” She said it is

too much, because Comr. Sobel is castigating people, yet he is saying he does not. She said he puts a spin on three words of the truth and turns it into a spin for his benefit.

In sum, Vice Mayor Burrie asked, "Why have any more items come before the Commission now, since the items on the agenda are being requested to be postponed for the new commission." She said Comr. Sobel is wrong to cast assertions against Mayor Fisher and her.

Comr. Sobel responded that there are thousands of taxpayers' dollars involved over a prolonged period of time and respectfully disagrees. He then provided his reasons on the account of transparency and accountability of taxpayers' dollars.

Comr. Hardin pointed out that the fishing fleet is there for a valid purpose that was determined a long time ago and if some people do not agree with the purpose that is an opinion. However, if the City wants to maximize the revenues from a particular piece of property, he wondered if Comr. Sobel would be in favor of putting a hotel on the property, which would pay a lot more than the fishing fleet being there.

Comr. Sobel indicated that they are discussing a lease that is before the Commission and an early amendment to the lease. Therefore, they are not dealing with any other source of revenue.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

20. [19-06](#) **P.H. 2019-05: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MTT AIRPARK HOLDINGS, LLC; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,829.78 to be paid to the city monthly)

**FIRST READING: OCTOBER 23, 2018**

**(Staff Contact: Robert McCaughan/Steven Rocco)**

Robert McCaughan, Public Works Director, presented the item and stated that September of last year the City Commission gave staff authorization to negotiate a lease with the top ranked firm, MTT Airpark Holdings, LLC, from a Request for Proposal (RFP) the City put out. This is for parcel Y, which is an 8 acres parcel on the west side of the airport north of the blimp hangar, east of the sand and spurs Equestrian Park. He said it is a 30-year term lease with two 10-year options subject to Commission approval. The revenue will be approximately \$70,000 annually, plus the sale of fuel flowage at 5 cents a gallon. The lease allows an escalator clause for the rent at 3% increase per year, and every ten years there will be a rental reset and adjustment according to the market value. The lease incorporate the Fixed Base Operator (FBO) minimum standards. One of the significant items that the tenant must comply with is a capital investment of \$3 million that the tenant will make within the first four years, and \$2 million of which must be made within the first two years of the lease. In addition, Mr. McCaughan stated that the lease commitment for the tenant is not specific, but they will build three large hangars for maintenance and storage of aircraft, four box storage hangars and one FBO two stories executive building with administrative offices, restrooms and a pilot lounge.

Comr. Hardin asked if they would have fuel, which Mr. McCaughan confirmed that they will. Further, Comr. Hardin enquired why the ownership is listed in the backup.

Mr. McCaughan stated that he understood that the City had to identify a corporation by members and although one individual signed all the other members of the corporation had to be identified. This was not done in the past but this was being required at this time.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: ORD. No. 2019-01**

21. [19-01](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2019 THROUGH 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,851,001 for General Capital Projects FY 2019

Voted G.O Bond Projects \$72,979,585 for FY 2019)

(Staff Contact: Erjeta Diamanti/Horacio Danovich)

Erjeta Diamanti, Budget Manager, presented the item and stated that this is the final adoption of the Capital Improvement Plan from Fiscal Year 2019 to Fiscal Year 2023. The only change in the recommended book is what the City Commission suggested during the July budget workshop to split the Sixth Terrace bridge project apart from the major bridge repair and rehabilitation umbrella projects. Therefore, that project is shown separately for better tracking. Ms. Diamanti indicated that in addition to the \$15 million in general capital projects to include utilities, air park, stormwater projects, and capital projects, the City was legally required to adopt the G.O. Bond projects as part of the Capital Improvement Plan.

Tom Terwilliger, Pompano Beach, FL, stated that the City has taken great efforts to have the Commission create a separate Community Redevelopment Agency (CRA) Board, of which all the Commission serves in a different capacity as commissioners. He said the CRA has a separate attorney, management, staff, and financial accounts. He enquired as to why on page 100, 142 thru 146 he finds the CRA's capital fund summary, description of CRA not city projects, dollar amounts, and comments all in the City's five-year improvement plan. He said personally, it appears staff has done the unthinkable and put together what the City Commission and CRA have been keeping separate. Therefore, he suggested that prior to acceptance and distribution of the report as final, the Commission should consider the consequences of having a publicly available document approved by Commission that merges the financial position of the CRA into the City's financial report.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2019-14**

22. [18-649](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE FORMULA GRANT PROGRAM; AND, IF AWARDED, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE GRANT AGREEMENT; PROVIDING AN OPPORTUNITY FOR PUBLIC COMMENT TO CITIZENS, NEIGHBORHOODS AND COMMUNITY-BASED ORGANIZATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$493,448 grant award)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that this is an application to the US Department of Justice for the Edward Byrne Memorial Justice Assistance Grant program. He said the City has been receiving this grant for over ten years. Further, he said this year, the City is the lead agency, therefore the attached application also includes all seventeen cities that will be participating in the grant this year. The total amount of the grant is \$493,000 and Pompano Beach's portion will be \$109,000, of which \$67,000 will be used for homeless outreach and support and \$42,000 will be used to administrate the program.

Comr. Perkins asked for details on how the City will reach out to the homeless with this program.

Major John Hale, Chief of Police, Broward Sheriff's Office (BSO), responded that the funds would be used to supplement the current two full time homeless outreach deputies. Therefore, this will provide extra hours to bring in either those two homeless outreach deputies or one of the twenty additional trained homeless outreach deputies throughout the City to work overtime, and to spread the services around. He mentioned that the two full time deputies stay busy throughout the City with only one on each side of the City. This would provide approximately 700 hours of additional manpower staffing spread out over a two year period.

Comr. Perkins asked for examples of how a homeless person is treated upon contact and where are they taken.

Major Hale responded that the homeless outreach team deputies are trained in crisis intervention, which is an eight-hour class that teaches them about mental illness, substance abuse, and different resources that are available to place these people. Moreover, the deputies work with service providers such as Henderson Mental Health, also they work with the mobile crisis unit from Henderson that comes out once a week into the City of Pompano Beach and visit the different locations and assist them with those people who want help. In addition, they work directly with the homeless assistance center on Blount Road and St. Laurence Chapel. This year so far, approximately one thousand calls have been processed for service out to the facility on Blount Road. Therefore, this supplemental staffing is paramount for the police.

Comr. Perkins asked if a record of accomplishment is kept on how some of these people are assisted and getting them back on track. She indicated that she would like to see reports on this type of progress.

Major Hale stated that there is a database that was created by Broward County government that the City's homeless deputies use whenever they make contact with someone in the field. The database can provide them with information whether the person was contacted anywhere else by another agency throughout the County. It also tracks the actual progress of that person and the services offered to them.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**



**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2019-15**

23. [18-511](#) **P.H. 2018-97: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," BY AMENDING SECTION 76.04, "ENFORCEMENT OF PROVISIONS," TO PROVIDE AUTHORITY TO PARK RANGERS TO ENFORCE PARKING VIOLATIONS WITHIN CITY PARKS; BY AMENDING CHAPTER 90, "ANIMALS," BY AMENDING SECTION 90.02, "AUTHORITY OF LAW ENFORCEMENT OFFICERS," TO PROVIDE AUTHORIZATION TO PARK RANGERS TO ENFORCE ANIMAL VIOLATIONS OBSERVED WITHIN THE CITY PARKS; BY AMENDING SECTION 90.38, "DOG PARK," TO PROVIDE PARK RANGERS WITH AUTHORITY TO ENFORCE THE RULES AND REGULATIONS OF THE CITY'S DOG PARK AND DESIGNATED DOG AREAS IN OTHER PARKS; BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," TO DEFINE THE DUTIES AND AUTHORITY OF PARK RANGERS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO ENUMERATE ADDITIONAL PROHIBITED ACTS WITHIN ANY MUNICIPAL RECREATION FACILITY, MUNICIPAL BEACH AND ADJACENT AREAS THERETO; TO PROVIDE FOR PENALTIES FOR CERTAIN PROHIBITED ACTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 25, 2018**

**(Staff Contact:** Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and indicated that this is the second reading of the ordinance. He said there were some nominal changes from the first meeting and staff corrected the "will" versus "shall" that is noted in the yellow highlighted area in the backup.

Tom Terwilliger, Pompano Beach, FL, stated that last meeting he had asked about the parking violation revenues resulting from the park rangers issuing citations. He said Mr. Donovan, acting as the City Manager, stated that any fees collected from park rangers, parking violations would be paid into the general fund. Therefore, he thought this would be incorporated into the version tonight, which it is not.

Continuing, Mr. Terwilliger requested that prior to passing the final reading, that an amendment be added to the ordinance to memorialize Mr. Donovan's statement so that there will not be any ambiguity in the future concerning the park rangers violations revenues going into the general fund and not in the parking enterprise fund. He then provided the language he thought would be appropriate.

Mark Berman, City Attorney, responded that the suggested language would be inconsistent with law. He clarified that the ordinance deals with one subject, that is the park rangers and their authority.

Mr. Terwilliger explained his reasons for concern of the revenues being tracked as general fund versus parking enterprise fund.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2019-02**

24. [16-32](#) **P.H. 2018-77: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM SEPTEMBER 11, 2018**

**TABLED FROM JUNE 26, 2018**

**TABLED FROM JUNE 12, 2018**

**FIRST READING: JANUARY 10, 2017**

**(Staff Contact:** Maggie Barszewski/David Recor)

Daniel Keester-O'Mills, Principal Planner, Development Services Department introduced the item and indicated that the request is for a continuance from the June 26, 2018 City Commission meeting to change the future land use designation. The first reading of the ordinance took place on January 10, 2017 with the City Commission vote of 5-1. Therefore, this is the second reading of the ordinance.

Mr. Keester-O'Mills stated that earlier at the June meeting given the community response to the second reading the applicant offered to prepare a package for presentation to the community that would provide a conceptual framework to show reasonable development for the site. He provided details of the review process of the Land Use Plan Amendments, which is first reviewed by the City and then the applicant must file a concurrent application for review to the County. On May 22, 2018, the applicant received recommendation for approval by the Broward Planning Council and the Broward County Commission. Prior to the County's approval it was required that the City enter into an agreement to provide evacuation shelter staffed to mitigate the impact that this amendment will have on the Pompano Beach shelters. Therefore, there is a companion item by resolution for the agreement on the current Commission agenda.

Continuing, Mr. Keester-O'Mills indicated that the property is located at 1500-1590 North Federal Highway across from the golf course, and is owned by AMP IV Hidden Harbour, LLC. The applicant proposed the amendment to the Land Use Designation of several parcels totaling 8.9 gross acres from three different land use categories, including commercial, medium-high and low-medium residential to a mixed use residential, otherwise known as a MUR designation. He then explained in details the allowance of a MUR designation. He said the intent of the MUR designation is to provide a flexible range of development parameters to encourage mixed-use development in areas where infusing residential development would benefit the City.

Mr. Keester-O'Mills reported that the applicant held a neighborhood meeting on August 14, 2018 with extended notification to the community exceeding notice of efforts from previous community outreach. Renderings were presented of the building showing a conceptual vision of the proposed development and they answered questions. Since the City Commission meeting in June 2018, nothing has changed with regard to the application. The proposed Land Use Plan Amendment is consistent with five objectives and thirteen policies in the land use element of the City's comprehensive plan as listed in the backup.

Further, Mr. Keester-O'Mills indicated that the developer submitted a voluntary Declaration of Restrictions for the property, which was modified after the June meeting, and two substantive changes were made. First, it was to remove any mention of vacating Northeast 23rd Avenue, and second, to add a paragraph entitled, "Local Work Force Hiring." A copy of the most recent declaration of restrictions was forwarded to the Commission prior to the meeting. Other provisions in the document identified the maximum number of residential units that may be developed, which is 323, a reduction of 122 units that may be permitted if they opted to use fifty residential units breaker. As well as they will provide the maximum floor areas for the various uses of the overall mixed use development and design standards to ensure compatibility of the adjacent properties.

Lastly, Mr. Keester-O'Mills stated that the affordable housing in-lieu-of-fee must be paid to the City at the time of the building permit, which requires the applicant to pay a fee per market rate unit, and currently the fee

is adopted at \$2,333.

George Platt, representing AMP IV Hidden Harbour, LLC, Graham Penn, Esq., Land Use Attorney and Andy Sterner, owner were all available for any questions. Mr. Platt then provided background information on the owner and the property. Corridor studies were done and reviewed by citizens, the business community, and the Economic Development Council provided advisory assistance through the process. In sum, the process was extremely thorough. He said the sub-title of the studies in 2013 was Pompano Beach Corridors to Prosperity. The three corridors are Dixie Highway, Atlantic Boulevard and Federal Highway. He then provided an extensive description of the items mentioned in the studies, as well as the developer efforts to get the project to where they are currently, with the input from the City Commission and the residents.

Mr. Platt stated that when they came before the City Commission in June 2018 there were questions from the public as well as from the City Commission and the take away was that they needed to take the time to take a step back. Vice Mayor Burrie had encouraged that they engage in more outreach and get the residents' ideas and try to respond to issues that came up. He said there were misunderstandings regarding 23rd Avenue and they wanted to inform everybody that this road would remain open and nothing on the road would change. Also, there were issues regarding Northeast 16th Street and the level of intensity and they have been working to see what they can do to address those concerns. He said there were other issues that they have been working on as well. He said Comr. Perkins spoke about a number of issues and most particularly that they make a commitment to the local community. In that regard, Mr. Sterner, owner of the development, has made a commitment that, he will be the joint venture partner in any development that takes place in the area.

Mr. Platt provided the language that will be distributed to local contractors that they have made a commitment to include in the restrictive covenants and he mentioned that the support they had a few weeks ago, they returned to the Economic Development Council and showed them the updated project. The members were pleased to see that the project has continued to evolve and that they have responded to concerns from the Commission and in the community. They unanimously voted to support the project and urged the Commission to approve, and a letter of support has been provided to the City Clerk.

Continuing, Mr. Platt indicated that in their outreach efforts, they sent out over 5,000 mailers, and received 329 letters of support for the project. They have met people on the property and invited people in, as well as they have reached out to neighborhoods to talk to people to explain the project. He said because they were tasked by the Commission to reassess the project they have come up with a better project, as well as they were able to get a lot of input from the public.

Finally, Mr. Platt requested the opportunity for Mr. Sterner to provide the changes and reflect on some of the attributes of the project.

Comr. Moss expressed his objection at getting information at the last minute, which he has not had the opportunity to review. He said he is not opposed to the project. However, the Commission needs more time to read and analyze the additional information provided just prior to the start of the meeting.

After an extensive discussion among the Commission regarding the best date to postpone the item, the following motion was made.

**MOTION:** A motion was made by Comr. Moss, seconded by Comr. Sobel to postpone the item until December 11, 2018 City Commission meeting. The motion carried unanimously.

Mr. Platt noted that with reference to Comr. Moss' statement that he only just received certain information, explained that they had met with approximately all the commissioners and told them that they were working on it and that he only pulled the language from the backup to provide it separately to the Commission for the meeting.

Meeting went into Recess

Meeting Reconvened

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take the item off the table. The motion carried unanimously.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be POSTPONED until December 11, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

25. [18-400](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR EVACUATION SHELTER STAFFING; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**TABLED FROM SEPTEMBER 11, 2018**

**TABLED FROM JUNE 26, 2018**

**TABLED FROM JUNE 12, 2018**

(Staff Contact: Maggie Barszewski/David Recor)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take the item off the table. The motion carried unanimously.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be TABLED until December 11, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2019-16**

**26. [18-647](#) P.H. 2019-02: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.02, "PERMIT REQUIRED," TO ADDRESS CONDITIONS UNDER WHICH CERTAIN PERMITS ARE NOT REQUIRED CONSISTENT WITH STATE LAW; BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY THE DEFINITION OF SEAWARD MEASUREMENT REFERENCE LINE TO INCLUDE PROPERTY LINES EXTENDING INTO THE WATERWAY; AND BY AMENDING SECTION 151.07, "BACKFILLING SEAWALLS," TO ADDRESS POTENTIAL RUNOFF OR EROSION CAUSED BY SEAWALL RESTORATION PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: John Sfiropoulos)**

John Sfiropoulos, City Engineer, presented the item and stated that three code sections in Chapter 151 Beaches and Waterways are proposed to be amended. The first one is to be amended is 151.02 Permit Required. The recent amendment to Florida Statute 403.813 prohibits local government from requiring further department verification for certain project in order to secure City permit. This amendment will be consistent with state statute. The second is 151.03 Structures in Waterways. The current code does not define the measurement reference line when the property line extends out into the waterways, seaward of the existing seawall. The third is 151.07 Backfilling Seawalls. This is proposed to address any potential erosion and a runoff when a seawall is raised and backfilled to height greater than that of the adjoining property.

Mr. Sfiropoulos stated that the proposed code amendments were recommended by the Marine Advisory Board and Engineering has reviewed and concurs.

Comr. Hardin asked if someone has a submerged property can they build a seawall and then backfill it.

Mr. Sfiropoulos responded that the code is clear that the measurement reference line is the recorded property line or the seawall if it is one foot or greater back from the recorded property. He said what it is not clear on and is silent on, if the recorded property line is waterward of the seawall. In other words if somebody owns submerged lands, in the past the City has been challenged where an applicant wants to construct something out into the waterway, claiming ownership of the submerged land. So in essence, this amendment will clarify this. With the code revision, it says the existing seawall becomes the measurement reference regardless of ownership of the submerged land.

Comr. Hardin asked if somebody owns submerged land and they have a seawall, does the land extends waterward another way before they go for a dock or anything else, and can they move their seawall out there first.

Mr. Sfiropoulos responded no. He said the County wall may allow up to 12 inches or 24 inches maximum into the waterway.

Mr. Berman pointed out that this is as a result of consultation with the Marine Advisory Board, and the City Engineer on an actual incident that took place with a person's legal counsel on how to proper interpret the City's ordinance. Therefore, the decision was made that the City could make it better.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

27. [18-650](#) **P.H. 2019-04: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 96.62, "SALE OR USE OF PLASTIC BEVERAGE STRAWS," TO PROHIBIT THE DISTRIBUTION AND USE OF PLASTIC BEVERAGE STRAWS ON CITY PROPERTY TO PROMOTE RESOURCE CONSERVATION AND TO REDUCE ENVIRONMENTAL HAZARDS FROM SOLID WASTE; PROVIDING FOR

PENALTIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY;  
PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that the ordinance applies to City property, but there is a provision that encourages this throughout the City as well.

Molly Moor, [REDACTED], said she is happy to see the item before the City Commission and said the City will be joining the list of many cities in Florida who have gone ahead and enacted the ban on plastic straws. However, she noted that cigarette butts are much more of a concern for the oceans than plastic straws are. She said this is one of the best things the City can do now, given the circumstances, so she urged the Commission to approve the item.

Mayor Fisher stated a few weeks ago, there was a national beach cleanup, and he participated in the Deerfield Beach effort. As he walked the beach, he picked up nothing but cigarette butts and the bag was quite heavy. Therefore, it was amazing to find that many butts on the beach. So, from a state level, there is work that needs to be done about this situation.

Comr. Hardin asked why is this being done only on City property and why not include the rest of the City.

Mark Berman, City Attorney, responded that the City could model this after the way the Styrofoam cups were done. He said the City could follow other cities' action and ban them in every store in Pompano Beach, but he is unsure how this would be enforced, or what senior facilities that may need use of plastic straws. He said the consequences are undetermined at this time, however, the intent currently, is to get them off the beaches, city buildings, and contracts. As well as to make sure people the City contracts with to provide food services, use paper straws or go straw less.

In sum, this ordinance is something that the City can manage and work with, as well as it is modeled after the ordinance for the Styrofoam cups.

Comr. Hardin is in agreement with the current ordinance, but felt there is more the City could do to move this further to make it a citywide ban.

Comr. Moss stated this is a great first beginning and he would like to see total ban on plastic bags as well.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**



**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

28. [18-637](#) Consideration for canceling the City Commission Meetings of November 27, 2018 and December 25, 2018.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item for Consideration/Discussion be APPROVED, canceling the two proposed City Commission meetings. The motion carried unanimously.**

29. [18-657](#) Discussion and Consideration item for the annual performance evaluation of the City Attorney, Mark E. Berman.

(Fiscal Impact: To be determined by City Commission)

(Staff Contact: Ed Beecher)

Comr. Sobel thanked Mr. Beecher and Mr. Harrison for responding to his request for information. He said it is a unanimous agreement that the process for “springing a raise of that nature under Reports, without any backup is not the way to go now or in the future.”

Comr. Sobel apologized to Mr. Berman because he ends up being the focus of this particular issue. However, his pay raise exemplifies a terrible process in the budget system. He then provided his reasons and said that in addition to the 3% merit increase, he also will be receiving in October an automatic 3% Cost of Living Adjustment (COLA) raise.

Ed Beecher, Human Resources Director, responded that is correct. He explained that Mr. Berman receives a COLA increase consistent with what the general employees, and the classified employees receive. This is pursuant to a resolution passed in 2004.

Comr. Sobel indicated that the taxpayers have been repeatedly told that there is no room in the budget for any opportunity to save any money. He said Mr. Berman is a great lawyer, does a fantastic job, and represents the Commission - which is no easy job - as well as the City. However, he said his first enquiry was to know about his contract, what it says about his job description, as well as what the measurables are. He was advised he has no job description and no contract. Nevertheless, there is a paragraph in the City’s Charter requiring a City Attorney. Comr. Sobel noted that within this purview more is needed to understand the job parameters of the City Attorney. He said there is no written description of the responsibilities so there is no way to measure it.

Notwithstanding, when he looked back from when Mr. Berman got promoted August 21, 2015, within forty days he received a 3% rate increase. Therefore, within the first two years he received 17.5% increases in COLA and Merit, totaling \$31,909.28. In sum, Comr. Sobel indicated that the City has been generous with all employees across the board when compared to the US COLA, which it is projected to be 2.8% in 2019.

In response to Comr. Sobel's question, Mr. Beecher responded that the system provides for all employees to receive merit up to the maximum salary and there is a limit to it based on the salary range. There is an annual merit pursuant to contract and there is the COLA as well.

Mr. Beecher explained how the merit system works, which is based on performance, so a person could get from 0 to 3% for general employees, and for firefighters it is from 0 to 5% based on exceptional performance.

In sum, Comr. Sobel indicated that over a three-year period the City Attorney's salary increased from \$169,500 to \$211,000 and asked how does his salary compare to other cities and whether they have job descriptions.

Mr. Beecher stated that he surveyed other cities but he did not get job descriptions. However, currently, at the City Attorney's salary of \$211,000, he ranks in the 38 percentile when compared to several other cities in Broward County. The City of Coral Springs, Town of Davie, and the City of Coconut Creek, a smaller City than the City of Pompano Beach, with their attorney making \$212,000. The City of Fort Lauderdale is currently making \$210,000, the City of Sunrise \$209,000, and the City of Hollywood \$195,000 and they were appointed in November 2017. The City of West Palm Beach was \$188,000 and they have residents of 102,000. Mr. Beecher stated that other cities were surveyed as well, such as Delray Beach, Deerfield Beach, Tamarac, Pembroke Pines, Miramar and Lauderhill. However, these cities use another form. They outsource their attorney services. Therefore, with the City Attorney's projected increase he would be just above the 60 percentile in the rank of the first seven cities mentioned earlier.

Comr. Moss asked if there are other employees who routinely gets the 3% and 3%, which Mr. Beecher replied, yes. Mr. Beecher explained that unless a person is maxed out in his or her salary structure then they would be eligible for up to 3% performance merit, as well as whatever is the negotiated COLA. Moreover, the City Commission establishes the maximum salary that the City Attorney can earn.

Mayor Fisher asked how long Mr. Berman has been employed with the City.

Mr. Berman responded he has been working with the City for approximately 24 years but this is his third year as City Attorney.

Mayor Fisher stated that Mr. Berman has vast experience in the City, is a person who has dedicated his career, and proven repeatedly his competency, his legal opinion, and what he has done for the City should be rewarded. Mayor Fisher stated, "If you do not take care of your employees you will lose them." Over time, the City has trained employees and they leave for a bigger and better job. So, he looks at this as an opportunity to reward someone who has been dedicated to the City for so many years and would be in favor of the 3% increase.

Comr. Moss said Mr. Berman says he works 40 hours per week, but he thinks he puts in a good many more hours.

Mayor Fisher agreed and indicated that even on weekends he has called on him about work. Therefore, he thinks the measurables are very clear for Mr. Berman's abilities and what he has been able to do for the City.

Comr. Perkins said Mr. Berman represents all of the Commission. She said whenever she calls him about anything legal he gets back with her in a timely manner. She said she does not have any complaints with him as the City Attorney. Therefore, she agrees he is doing an excellent job.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item for Consideration/Discussion be APPROVED by awarding City Attorney Mark Berman a three percent (3%) salary increase. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Burrie  
Fisher

**No:** Sobel

#### **F. REPORTS**

**Greg Harrison, City Manager** - No Report

**Mark Berman, City Attorney - Appreciation** - Mr. Berman thanked the City Commission for their consideration.

**Ascelela Hammond, City Clerk** - No Report.

**Commissioner Rex Hardin - Plastic Straws** - Comr. Hardin thinks the City should go further as a City and actually ban plastic straws with some exceptions, namely, those flexible straws that handicapped people do need to use. Therefore, he proposed a motion to direct staff to look into this matter and bring something back to the Commission. He is aware there are other cities that have done this and they have put in a phase-in period of six months to allow people time to get used to it as well as get notified about it. So, the City of Pompano Beach should join the crowd to make the statement that the plastic straws should be gone.

**MOTION: Comr. Hardin made a motion, seconded by Comr. Moss to direct staff to bring back something on banning plastic straws citywide. The motion carried unanimously.**

**Homecoming Events** - Comr. Hardin stated that it was a pleasure to walk in the Ely High Unity Tiger's

Homecoming parade recently. It was a lot of fun and excitement for the football season.

**Mitchell Moore Ribbon Cutting** - Comr. Hardin reported that he stood in for the Mayor at the Mitchell Moore Concession Stand Ribbon Cutting ceremony, which has been long overdue. He said it was a great event.

**Commissioner Barry Moss - Political Signs** - Comr. Moss stated that the mystery of stolen political signs is an ongoing problem. He reported that several of his signs in Collier City have been picked up and thrown away.

**Dedication of Palm Aire Lakes** - Comr. Moss invited everyone to the dedication of the Palm Aire Lakes on October 17, 2018 at 10:00 a.m., which has been long overdue. The people of Palm Aire has been looking forward to these lakes for many years. It is an innovative way of dealing with the dead golf course. The lakes are beautiful and they serve the public of Pompano Beach.

**Collier City Civic Association** - Comr. Moss reported that on October 17, 2018 the Collier City Civic Association meets at 7:00 p.m. at the Jan Moran Learning Library in Collier City. Due to getting ready for the elections at the Jan Moran Library, the usual meeting date was moved from the last day of the month.

**Commissioner Beverly Perkins - Blanche Ely Homecoming Parade** - Comr. Perkins stated that she enjoyed the Blanche Ely Homecoming Parade. She said it was nice.

**Mitchell Moore Concession Stand Grand Opening** - Comr. Perkins reported that they had the grand opening for the concession stand at Mitchell Moore, which was a nice event.

**Grand Opening of Blanche Ely Museum** - Comr. Perkins stated that they are getting prepared to have the grand opening for the Blanche Ely Museum. A date should be coming up shortly.

**Dr. Mack Study of District 4** - Comr. Perkins stated that she wanted to reflect on Dr. Mack's study for District 4. She said she is proud of what Dr. Mack has done. She is doing a great job and it is what the district had needed for a long time. She said she did not realize that those people in the study made some of those comments, that Comr. Moss suggested that Comr. Perkins is "this or that." It really made her feel good to know that some of the people in the district really felt that way about her.

Comr. Perkins stated that there is one thing all the commissioners have in common, which is they love the City of Pompano Beach, and this must be kept in mind. She said she is on the dais because of her heart and she tries to have her heart in the right place for the people that she represents. She is passionate about where she came from and it means a lot to her. She said if she ever disrespects anybody on the dais, it is not done on purpose. Furthermore, she mentioned that there is the need for everybody to learn to respect each other's opinion even if it is not agreeable.

Finally, Comr. Perkins stated that even though she has been disrespected many times on the dais she continues to keep her focus. She believes they can still be united even in their differences.

**Commissioner Michael Sobel - Respecting each Other on the Dais** - Comr. Sobel thanked Comr. Perkins for making those comments and thinks that each commissioner echoes them.

**Ely High School Parade** - Comr. Sobel stated that John Geer and he had the pleasure of riding in the Ely High School parade, which was a great experience. The kids are fantastic and they had a lot of fun.

**Mitchell Moore Concession Stand Ribbon Cutting** - Comr. Sobel said one of the things that was evident at the Mitchell Moore Concession Stand Ribbon Cutting is that there was a sense of Community in certain areas of the City, family and community, which is wonderful.

**Fishing Village** - Comr. Sobel said there are some wonderful surprises that are ahead, and one that was going to be addressed tonight got tabled at the developer's request. Great things are going on in District 1 and what will make it even better is when those benefits are spread citywide.

**Corrected Misstatements** - Comr. Sobel said he wanted to correct, for the records, some misstatements so it does not end up in a PAC video. He said he misspoke earlier when he said the affordable housing unit is \$3,333. He said Mr. Keester confirmed it to be \$2,333.

He said Vice Mayor Burrie indicated no payments were made to Ross Shulmister except for postage, but on November 30, 2016, \$5,000 was paid to Mr. Shulmister from her campaign as a campaign advisor and to maintain records. On November 20, 2016, an amount of \$280.03 was paid for postage reimbursement, and on December 3, 2016, another \$750 was paid to Ross Shulmister from Vice Mayor Burrie's campaign for Treasurer's services.

**Vice Mayor Charlotte Burrie** - No Report.

Vice Mayor Burrie indicated that she was not aware of those costs. Nonetheless, she is not running for re-election and so she is not campaigning, nor is she trying to ruin somebody's reputation at the last minute. She is unaware what can be gained from all of this. Therefore, to bring up stuff at this point is difficult, for everybody to remain united, as stated earlier by Comr. Perkins.

Vice Mayor Burrie indicated that she is not running against Comr. Sobel or anybody. She said she has two more meetings to go and would like to go on with her life in a City that she loves and has lived in for over 55 years. Therefore, for Comr. Sobel to cast aspirations on everybody and then say he did not mean it is a little late for that.

**Mayor Lamar Fisher - Senator Nelson letter of Congratulations** - Mayor Fisher reported that Senator Nelson sent the City a letter stating, "Congratulations on being awarded the National Park Services Land and Water Conservation Fund grant in the amount of \$200,000 for the Kester Park upgrades. Your dedication to the people of Pompano Beach is appreciated and laudable."

Mayor Fisher thanked Senator Nelson for the letter.

**Trash Dumping** - Mayor Fisher stated that since the matter came up on Next Door Neighbor, which Comr.

Hardin was mentioned in it as well, he wanted to mention the chronic problem at SE 3rd Street and SE 11th Avenue as it relates to dumping trash. Mayor Fisher said for two years, he has been working with Mario Sotolongo and they have finally identified the culprit, therefore, there is an active case. He said the process is working, and it is both a local and a County case. He asked the residents in the area to be patient because they are finally getting the job done to identify the culprits, who are quite intelligent when it comes to dumping.

**G. ADJOURNMENT**

The meeting adjourned at 10:40 p.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk