

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, June 11, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor Hardin announced that Comr. McGee is delayed and will be attending the meeting momentarily.

Present: Commissioner Rhonda Eaton
Commissioner Andrea McGee
Commissioner Tom McMahon
Commissioner Beverly Perkins
Vice Mayor Barry Moss
Mayor Rex Hardin

INVOCATION

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[19-474](#) Regular City Commission Meeting Minutes of May 28, 2019

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the AGENDA be APPROVED. The motion carried unanimously.

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 Hardin announced that items 3 and 4 will be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[19-444](#) Legislative Update by State Representative Patricia Williams and Yolanda Jackson from Becker Lawyers

State Representative Patricia Williams and Yolanda Jackson from Becker Lawyers gave a post session legislative update.

State Representative Patricia Williams stated that in order for her to get items put through, she needs State Senator Perry Thurston standing beside her, which he has. This year she served on several educational boards; therefore, they were able to secure approximately \$24.8 million for FAMU, which is currently waiting for the Governor to sign. She indicated that Senator Thurston will speak on the changes from Amendment 4, which 64.5% of the voters wanted it passed, but in Tallahassee, they changed their minds, the language was changed, and they are trying to “push that through.” Lastly, there are different changes regarding the voter’s rights in Broward County, which Senator Thurston will provide more information on this matter.

Thereafter, Representative Williams yielded the floor to Senator Thurston to provide a brief report.

Senator Perry Thurston stated there were numerous things “going on in Tallahassee.” There were issues such as the Sanctuary City, Amendment 4, with the potential drive to take away the citizens ability to put issues on the ballot. In the last ten years, most of the major legislation that was passed came from citizens initiatives, to include medical marijuana, Amendment 4, Fair Districts, etc. There are a number of things changing in Tallahassee, as there are some issues with the Supreme Court making certain appointments. However, one of the items they wanted to talk about when they came back home to Pompano Beach is appropriations. Also, one of the major things they worked fo was additional appropriations. Of course, some went through and some did not. Along with some of those that went through was FAMU project funding of \$24.8 million, several million dollars were acquired for the Urban League, which work across the County.

Continuing, Senator Thurston stated that they are evaluating “what type of appropriations are going where.” A \$91 billion budget was passed in the State of Florida this year. Broward County is a donor state and most of the municipalities in the County do not get nearly the amount of money that is sent to Tallahassee, which in part

is because of the leadership not being in place at this time. Overall, both he and Representative Williams continue to diligently fight for those issues that impact Pompano Beach, which some made it to the list and at the last minute got pulled off. In sum, they appreciate the opportunity to serve the citizens of Pompano Beach, as well as the Mayor and Commissioners.

Senator Thurston indicated that when they discuss with the City Manager, staff, and the Commission about certain projects of interest to the City, these are priorities to them as well as the lobbyists who work hard in Tallahassee for the City. He said Representative Williams is doing a great job in the House and he look forward to continue working with her and try to address the needs of the City.

Representative Williams indicated that Yolanda Cash Jackson is available to provide a breakdown of the budget.

Yolanda Cash Jackson and Mario Bailey, Becker Lawyers, 1 East Broward Blvd., Suite 1800, Ft. Lauderdale, Florida 33301, commended the City Commission members for their trip to Tallahassee, which is a first for having the level of representation in Tallahassee. She encouraged them to continue to keep going. She indicated that it is a relationship game and this is the first time, so they are “still dating,” and they had some success in the relationship. Also, she met with the City Manager and his staff and there are plans for more work for the Commission to do to include talking with the Florida Department of Transportation (FDOT), as well as Cultural and Historical grants, that can be improved upon. She indicated that she distributed some of the bills that were seen as they pass through the session, however, the Governor does not have the budget yet, but he plans to act on it next week. The “street committee” is saying that some of the vetoes will be hefty. She then pointed out a few legislative items that passed, which were ballot measures that has changed, the Community Redevelopment Agencies (CRAs) - the bill passed which was different than when it started. She said Representative Chip LaMarca is soliciting information from the City. Vegetable garden is now allowed to be grown in the front yard. The wireless communications while driving, which Pompano Beach was instrumental in seeing that bill passed. She said she has an entire list, which she will not go through. Finally, she mentioned that the City received a cultural grant of \$42,757, which was a proportional share, also earlier Senator Thurston spoke about the fire house.

Ms. Jackson concluded that they look forward to working with the City Commission and encouraged them to continue in their efforts.

Representative Williams thanked the Mayor and Commissioners for allowing them the opportunity to present their update. She reminded the Commission that the hurricane season is here and she is willing to work with the City to work better at the problems that are associated with the hurricane seasons for the residents.

Mayor Hardin thanked them all for their support and for doing a good job, he also encouraged them to keep up the good fight for the City. He mentioned that they must ensure that the fire station remains a priority.

This matter was READ AND PRESENTED INTO THE RECORD

B. PROCLAMATIONS**19-477 International Surfing Day**

Mayor Hardin proclaimed June 15th as International Surfing Day in the City of Pompano Beach. Desiree DiClemente DiSalvo, Mike Scully, and Vincent Bolocofsky from Surfrider Broward accepted the proclamation.

This matter was READ AND PRESENTED INTO THE RECORD

19-478 Eta Nu Chapter of Omega Psi Phi Fraternity - 50th Anniversary

Mayor Hardin acknowledged the Eta Nu Chapter of Omega Psi Phi Fraternity on their 50th anniversary. Harry Harrell, Director of Eta Nu Education Foundation and Bruce Brown, Vice Basileus Eta Nu Chapter accepted the proclamation.

This matter was READ AND PRESENTED INTO THE RECORD

C. PRESENTATION**19-473 Strategic Plan 2018-2023 and Action Agenda 2018-2019 Quarterly Progress Presentation.**
(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

Ernesto Reyes, Strategic Performance Manager, presented a brief presentation, which conveyed the progress that the City staff has made towards the achievement of the Strategic Plan objectives. He indicated that in the near future staff will be bringing forward an agenda item to seek approval for the five year Strategic Plan for fiscal year 2019-2024, and its correspondent agenda. This is based on the information received from the City Commission during a Strategic Planning Workshop and the two Strategic Planning work sessions with the Management Team held in March 2019. A copy of the Performance Report presentation of the progress made during the second quarter of the fiscal year is attached as Exhibit I.

Mayor Hardin indicated that all the information regarding the Strategic Plan and the updates are available on the City's website. He encouraged the residents to take a look at the website to see what is there and while it may be voluminous it is very informative.

This matter was READ AND PRESENTED INTO THE RECORD

D. AUDIENCE TO BE HEARD

Mayor Hardin 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:

Coleman Community Park Sign - Kattie Jones, 521 NW 7th Terrace, Coleman Park, Pompano Beach, FL, stated that on September 6, 2018, City Historian Hazel Armbrister with the combined efforts of Commissioner Beverly Perkins and the Planning and Zoning Department announced Coleman Park as an historical site of the Pompano Colored School. She said the community is humbled for the acknowledgment and the sign serves as a reminder to all. The Coleman Community Park wants to further thank and “tip their hat” to City Manager Greg Harrison and Carmen Dixon Jones who foster and expedited the placing of the Coleman Community Park signage on December 13, 2018. Ms. Jones was instrumental in getting the sign brought up to code. Ms. Jones concluded by expressing thanks to the City Manager and Carmen Jones for listening to the residents in the community and quickly resolved the issue.

Ocean Boulevard Stop Signs - Darius Kondaki, 1500 N. Ocean Boulevard, Pompano Beach, FL, thanked the City for all the activity going on at Ocean Boulevard. He asked if there are any plans to improve the stop signs crosswalks along Ocean Boulevard from Hillsboro Inlet to Atlantic Boulevard. He said there is a lot of activity and walking, if possible, could the crosswalks be more visible by lighting them up.

Mayor Hardin responded that he is unaware that there is anything to that extent.

Horacio Danovich, CIP and Innovation District Director, responded that there is a streetscape improvement program for all of A1A from Terra Mar Drive to the Hillsboro Inlet bridge. Currently, the design team is working on the initial concept layout. Therefore, they will be addressing almost every corner and intersection throughout the corridor. He indicated that the roadway does belong to the State of Florida, so the City is bound to observe their rules and regulations in terms of any changes that may be proposed. The idea is to make the area more attractive, more pedestrian friendly, to control speeds, and to try to make it a safer place. They probably will include landscaping to make it easier to navigate. They will be undergrounding the utilities.

Mayor Hardin suggested that Mr. Danovich provide his business card to Mr. Kondaki so he could further discuss this matter offline.

Gun Violence in the City - Nikitra Jones, 212 NW 14th Street, Pompano Beach, FL, asked what the City is doing for the residents as it relates to gun violence. Ms. Jones indicated that she had two sons that were shot in February and March this year. Also, she wanted to know what is in place to prevent and/or make the young people aware of the non-gun violence movement.

Mayor Hardin stated that each member of the Commission personally operates in the community, but as a group they are prevented by the State from doing any kind of legislation regarding guns. Nevertheless, the Broward Sheriff's Office (BSO) is always active to try and work with the residents and to get the word out, as well as enforce the law.

Ms. Jones wanted to know if there is any other way to bring awareness other than by BSO.

Mayor Hardin indicated that he would be happy to speak with Ms. Jones so she could share her ideas or options with him. There are always ways to increase awareness.

Mayor Hardin recommended that Ms. Jones provide the City Clerk with her contact information so this could be given to him and he would contact her about this matter.

Comr. Perkins indicated that there is an event planned for Saturday, June 15, 2019, at the Mitchell Moore Park regarding the shootings in the City of Pompano Beach, therefore, she advised that Ms. Jones contact her office and she would be able to provide more information regarding the event.

Sabal Chase Trees - LaQuesta Derico-Adams, 627 NW 21st Avenue, Pompano Beach, FL, President, Sabal Chase Homeowners' Association, stated that Sabal Chase was built in 2007 by Kenny Davis as a low income community where homeowners received grants from the City for the properties. Now twelve years later the trees that were put in place have now become unsightly. There was a cap fee for HOA of \$70 per month, which has not allowed enough funds to take care of some of the things they are being cited for such as the trees. The trees along Powerline are unsightly and the homeowners cannot afford to take care of these trees, which two of the trees have died and the owners got fined for these two trees. Moreover, Ms. Derico-Adams complained of several issues that are impacting the neighborhood to include being cited for dirty roofs. In addition, they are experiencing uncollected trash that sits for days, illegal dumping, which are all beyond the control of the homeowners. Therefore, she is looking for some answers for the development.

Mayor Hardin directed the City Manager to check into the situation as it appears there are several issues going on with the development.

Greg Harrison, City Manager asked Ms. Derico-Adams to come to the fourth floor at City Hall and he will try to get to the bottom of the issues.

Collier City Parking Commercial Vehicles - Willie E. Miller, 3051 N. Course Drive, Pompano Beach, FL, indicated that he came before the City Commission for the same thing for Collier City, which the department

did come out and addressed some of the issues with the commercial vehicles parked in the residential zone. There was a promise to put no parking signs along the streets which has not been done to date. Therefore, the commercial vehicles are back. He sent information to Major Adkins to see if they could address the problems. He promised to return to the Commission Chamber until the issue regarding commercial vehicles is remedied in the Collier City residential neighborhood. He would like to see the no parking signs and some enforcements of those signs.

Blue Roofs - Mr. Miller complained about the blue roofs throughout his neighborhood. He said the City is looking good and a lot of growth is taking place on the northeast side. However, when he drives through the northwest area, there are a number of blue tarps on the apartment buildings, which are commercial and has no reason for the property not being maintained properly. Therefore, he would like to see the City getting tight and tough on the blue tarps on the property.

Mayor Hardin indicated that this is a code enforcement issue and asked Mario Sotolongo, Code Enforcement Manager to meet with Mr. Miller. Perhaps some of the properties have already been cited. If not he will be able to start taking action on the commercial buildings with blue roofs to fix the problem. In addition, with regard to the previous issues with the commercial vehicles parked in the residential area, if Mr. Miller could meet with BSO to get information on the differences of what they can or cannot cite. Also, Mr. Miller was instructed to provide his contact information to the City Clerk to follow up regarding these issues.

Gun Violence - Oneshi Blue, 395 Sunshine Drive, Coconut Creek, FL, stated that she lost a son, Brian Wallace, through gun violence on February 14, 2019, at Apollo Park. She said she does not know where to turn at this point. The homicide detective that was investigating the case gave his word that he would keep in touch with her, however, it is now two months since she has heard anything from him. She has made several attempts to call and left messages but none of her phone calls are returned. She is worried that the case would go "cold and get put on the shelf" as well as the possibility of another kid getting shot just by going to the park to enjoy a nice day. Therefore, she wanted to know what measures are being put in place to prevent this type of gun violence in the community.

Mayor Hardin apologized that BSO have not contacted her as promised.

Ms. Blue indicated that she does not understand with all the information being provided to the police, why a person has not yet been apprehended for shooting her son. Also, she is available to assist in any way possible to bring awareness within the community about gun violence.

Major Adkins, Chief of Police, BSO, indicated that he is unaware of the internal part of the investigation because it is a homicide investigation by the Detective Bureau. However, he is disturbed that Ms. Blue has not been contacted or her calls not returned for as long as two months. Nevertheless, he will speak with her offline regarding this matter. As part of the investigation he requested that the public come forward with any information they may have and noted that crime stoppers is part of this.

Mayor Hardin indicated that the delayed response from the police to Ms. Blue who is grieving the loss of her son, and may have pertinent information to assist with the investigation, is unacceptable.

Comr. Perkins suggested that if someone could get back to Ms. Blue, at least once a week to let her know her son's case is still being worked on.

Vice Mayor Moss' behavior at G.O. Bond meeting - Einnikki McCloud, 2874 NW 4th Street, Pompano Beach, FL, complained about a situation that took place at a G.O. Bond meeting on April 15, 2019. She indicated that the first time she found out who the Vice Mayor was, it was an unpleasant experience. She provided details of an incident that took place at the G.O. Bond meeting where she alleged Vice Mayor Moss did not conduct himself like a Vice Mayor should. She said he mentioned that Collier City is only 4% of his votes and he has his fellow Commission members that he can get things passed. Also, he mentioned that he did not care about what is going on with the kids at the park.

Mayor Hardin suggested that City Manager Harrison meet with Ms. McCloud and get more information as to what is going on.

Swale Issue - Ms. McCloud indicated that she was cited for repair of the swale in front of her property, which she alleged the City dug up and replaced the asphalt with grass. Thereafter, she has been cited for the swale and after working with Mario Sotolongo, Code Enforcement Manager, the situation has not been resolved, but the citation ceased.

Mayor Hardin indicated that he will contact Ms. McCloud to discuss this issue with her.

Response to Comments - Vice Mayor Moss indicated that he does not know Ms. McCloud and he does not recall speaking to her. There appears to be some level of a coordinated character assassination attack. He said there were a lot of people at the G.O. Bond meeting that Ms. McCloud referenced earlier. There was some unpleasantness that came out of the meeting, which the police are investigating. Witnesses have been spoken to. He said most of what she has said is complete "baloney" and a couple of half-truths.

Comments on Gun Violence - David Miller, District 5, Pompano Beach, FL, stated that he is happy to hear the parents coming out to talk about the gun violence, because he has seen and had to deal with a lot of it. Hopefully, there will be a bereavement platform made for these residents to express themselves. He is in sympathy with these mothers.

Vegetable Garden - Mr. Miller stated he understands from Senator Thurston that people can now grow vegetables in their yard. He reiterated that there is an award winning garden in the City.

Comments on the Performance Report - Mr. Miller referred to the Performance Report presented earlier regarding the goals that the Commission set, and wondered what makes the City a good place to live. He feels he is a part of some of the things that are happening in the City of Pompano Beach as it relates to the garden, and he asked if the goals are part of the General Obligation (G.O.) Bond.

Mayor Hardin explained that the presentation made earlier is part of the City's Strategic Plan, which is part of the normal operations of the City. Some of the items on the G.O. Bond that are being funded are part of the Commission's priorities to ensure that they get done. The performance measures encompass more than just the G.O. Bond projects.

Mr. Miller asked if the numbers for the McNair Park are the same as the \$17 million or was it changed to \$11 million.

Mayor Hardin responded that whatever number approved under the G.O. Bond remains same. He suggested that Mr. Miller contact Horacio Danovich who oversees those projects to provide him with the actual numbers.

Mr. Miller indicated that he would like to see all the funds approved for the McNair Park spent on the Park and nothing saved back for other projects.

Vice Mayor Moss Comments - Mr. Miller indicated that he has heard Vice Mayor Moss say some reckless comments before.

E. CONSENT AGENDA

Mayor Hardin announced that items 1, 2, and 5 were Approved/Adopted without discussion.

1. [19-470](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO LICENSE AGREEMENT BETWEEN FAIRFIELD DEVELOPMENT, LP AND THE CITY OF POMPANO BEACH SUBSTITUTING PROJECT CRANE SWING EXHIBIT AND CORRECTING THE LICENSEE'S GENERAL PARTNER'S NAME; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Paola West/David Recor)

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

Enactment No: RES. No. 2019-195

2. [19-479](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING BROWARD METROPOLITAN PLANNING ORGANIZATION'S COMPLETE STREETS MASTER PLAN INITIATIVES FOR IMPROVEMENTS ON DIXIE HIGHWAY FROM SAMPLE ROAD TO THE BROWARD COUNTY/PALM BEACH COUNTY LINE AND ON SAMPLE ROAD FROM BLOUNT ROAD TO NE 3RD AVENUE; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2019-196

3. [19-472](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBORDINATION AGREEMENT BETWEEN THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS SENIOR LENDER AND THE CITY OF POMPANO BEACH TO SECURE FINANCING FOR IMPROVEMENTS TO THE REGENCY GARDENS APARTMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for discussion. She asked for an explanation about the financing for Regency Gardens Apartments, and asked if they applied through Broward County or through the City of Pompano Beach.

Miriam Carrillo, Office of Housing and Urban Improvement Director, responded that the City's part is a subordination process. There is a State and Housing Improvement Program (SHIP) loan of \$200,000 and that is all they are requesting from the City. She explained that they are requesting from the County to get a refinance loan with a \$50 million bond that they had. As they are refinancing this they are taking \$3 million out to renovate the property.

Comr. Perkins asked if the money will be coming out of the City's SHIP funds.

Ms. Carrillo responded no, it is coming from the Regency bond money. Also, they applied to the County to receive funding.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he had the same question that Comr. Perkins had and wanted to be assured that no money will be coming out of the City's SHIP funds.

Mayor Hardin explained that funds came out of the City's coffers in the past, however, what is now being done is subordination so they can refinance another portion of it. There is no new money coming from the City of Pompano Beach.

Ms. Carrillo confirmed that they are taking from the refinance \$3 million to do additional improvements into the property. They do not owe any money, the City is subordinating and continuing in the same position.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-197

4. [19-486](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

OFFICIALS TO EXECUTE AN ASSIGNMENT, ASSUMPTION AND SUBORDINATION AGREEMENT BETWEEN REGENCY GARDENS APARTMENTS, LTD., AS SELLER, POMPANO BEACH LEASED HOUSING ASSOCIATES II, LLLP, AS BUYER, AND THE CITY OF POMPANO BEACH, AS LENDER, TO FACILITATE ACQUISITION AND REHABILITATION OF THE REGENCY GARDENS APARTMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for discussion. She asked for an explanation regarding the Agreement.

Miriam Carrillo, Office of Housing and Urban Improvement, Director, explained it is the same action as the previous item. It is a subordination of the SHIP loan that the City has and it will continue in the same position. A loan was taken in order to do improvements to the site. She provided copies of the plans to the City Clerk for the records.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked if the City is purchasing the property.

Ms. Carrillo responded no. This is to renovate the property so the people will have a nicer place to reside.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if it is a second lien.

Ms. Carrillo responded that she believes they are in a third or fourth position.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton

McGee

McMahon

Perkins

Hardin

Absent: Moss

Enactment No: RES. No. 2019-198

5. [19-471](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AN AMENDED FUND BALANCE/NET ASSET POLICY FOR THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

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

Enactment No: RES. No. 2019-199

F. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that item 6 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

6. [18-390](#) P.H. 2019-77: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 15TH STREET WEST OF NW 15TH AVENUE AND COMMONLY KNOWN AS 1641 NW 15TH STREET FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO CF (COMMUNITY FACILITY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM MAY 28, 2019

(Staff Contact: Maggie Barszewski/David Recor)

Daniel Keester O'Mills, Principal Planner, Development Services Department presented the item and stated that the request is to rezone property from RM-12 (Multiple-Family Residence) to CF (Community Facility). He stated that the subject property is located at 1641 NW 15th Street, approximately 4.7 acres in size. The property currently houses a place of worship, administrative offices and ancillary classrooms for weekend classes and child care. A copy of the staff report reviewed by the Planning and Zoning (P&Z) Board has been included in the backup. The rezoning request was recommended for approval by the P&Z Board at their April 26, 2018, meeting with a vote of 6-1.

Additionally, the Islamic Center held a community outreach meeting on Thursday, April 25, 2019. This is the first reading of the ordinance and the item was postpone by the City Commission at its previous meeting.

Salah Elroweny, Innovative Group, 480 South Cypress Road, Pompano Beach, FL, is available to answer any questions.

Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, asked if the applicant paid for the rezoning and wanted to know how the rezoning was done prior to the permitting fees being paid.

Mr. Elroweny responded that they paid application fees for the rezoning.

Mayor Hardin explained that fees are involved with the rezoning process, whether the City approves it or not. There are fees paid prior to the project being permitted.

Ms. Duncan confirmed that the Mosque on 507 NE 6th Street was sold for \$1,300,000, which is enough to build parking lots behind the current Mosque location. Ms. Duncan complained that the parking at the Mosque is not enough and the parking for the facility is spilling onto the road of the surrounding residential neighborhood. Therefore, if a school is built, there will be traffic jam because currently they do not have enough for the Mosque activities. In addition, they are close to the Markham Elementary School, which will impact the school's traffic. In sum, there is not enough space on NW 15th street to accommodate another school. Therefore, she does not support the rezoning of this location.

Robert Reese, 1851 NW 15th Street, Pompano Beach, FL, indicated that as his mother mentioned earlier there will be a conflict as it relates to parking and the traffic. They had prior plans to place portables on the property and the community spoke out against it, so the City did not approve the request. Therefore, he is hoping the Commission is hearing the community's cause to not support the rezoning.

Dominique Louis, 400 NE 2nd Street, Pompano Beach, FL, asked about the criteria that the City is allowing for the rezoning. He mentioned he had a school that he tried to get rezoned but it was denied. He believes education is the greatest equalizer, so whatever compromises the City and the residents need to do in the community, they all have to start digging deeper to look into the problems regarding education, especially in the City. He then provided his reasons. In sum, Mr. Louis indicated that he is neither for nor against the rezoning request. However, he said a smart city needs smart citizens and smart kids. He finds it disconcerting to see some people being approved and some not being approved. Therefore, there needs to be a bit more transparency so people can have a bit more confidence in the City's processes.

Mark Berman, City Attorney explained the criteria for rezoning, where it does not meet the comprehensive plan and the underlying land use from that plan.

Sam Smith, 1609 NW 19th Avenue, Pompano Beach, FL, stated that he went to a public school in Pompano Beach and graduated with Senator Perry Thurston, therefore, a good school does not necessarily have to be a private school only. He spoke in opposition of the rezoning to expand the property to a CF. One of the major problems for this is the traffic control, which he related to an incident that occurred last Tuesday, which showed how detrimental the traffic situation can be when the Islamic Center has an event during the same time the school in the area starts school. The school buses could not get into Markham Elementary School due to cars being parked on the street all the way to Powerline Road and Andrews Avenue. In addition, the Mosque is prone to bomb threats that will ultimately impact the neighboring homes, should this happen.

Comr. Perkins stated she took the liberty to walk the neighborhood again where the apartments are located to explain to some of the residents in the apartments, around the Islamic Center, what they are trying to do to have the property rezoned. The majority of responders do not want the property rezoned. In addition, she looked at the petitions that most people signed regarding the rezoning and must listen to the residents that will be immediately affected; therefore, she will vote no for the rezoning. The real concern is parking. Comr. Perkins indicated that she also experienced the severe traffic conditions last Tuesday, after receiving a call from Mr. Smith on that day.

Mr. Elroweny explained that the event that took place on the Tuesday being referenced only happens once per year, which is a holiday so the situation is not a typical day.

Comr. Perkins mentioned that they could have had some type of security to direct traffic, which could have controlled the parking and crossing of the street in a less chaotic manner. Therefore, she recommended, when such an event is coming up, they could plan to have the security or the police to assist with the traffic control.

Comr. Eaton declared that she had ex-parte communication with the applicant regarding any clarifications on the rezoning. Also, she did sit as a member on the Planning and Zoning Board when the item came up for discussion. The petition that is in the record, if someone told her that she would be rezoned out of her property and force her to move she would be very upset. However, no government can do this to citizens. In fact, they cannot take a person's property without due process. Another fact to consider is that the building is already built and has eleven classrooms in it. The parking was adequate for the structure at the time. In sum, the request is just a change in use of the existing structure on the property to operate an elementary school.

Comr. McGee declared that she had ex-parte communication with the applicant on Friday for any clarifications on the rezoning. Her concern remains that without knowing what will happen in the next ten years, and without having another option for the rezoning without a traffic study, then this is a plan similar to a blank check for the land. She reiterated that it appears premature for this level of rezoning.

Mr. Berman asked Comr. Eaton if her decision will be based just upon this presentation on this matter and is not based upon any other.

Comr. Eaton responded that it is based upon the evidence currently being presented.

Comr. McMahon declared that he had ex-parte communication with the applicant and they discussed the parking concerns. He indicated that they do have a grass lot in the back of the property that they use for parking, as well he had voiced his concerns that they request detail officers like many other churches do, for certain traffic controlled times, but at times they do not get filled.

Vice Mayor Moss stated that if a decision is predicated on rezoning for today about what might or might not happen ten years from now, rezoning would not get passed. Therefore, they must look at things that are happening now and not what might or might not be in the future. He plans to support this item as he believes it will not cause any irreparable harm and what might happen ten years from now, "only the universe knows."

Comr. Eaton asked what other facilities are allowed in the CF (Community Facility) zoning designation.

Mr. Keester O'Mills responded that there are a number of uses allowed in CF zoning, which is approximately 60 uses, some special exceptions, some permitted by right and those uses include assisted living facilities, places of worship, schools, community centers, and those type of uses that are community serving. There are no residential entitlements with community facilities. Given the underlying land use of residential the CF zoning district is not intended for residential uses.

Mayor Hardin declared that he was contacted by a resident who sent him some photographs of cars being parked on the side of the road, which he will provide a copy to the City Clerk.

Continuing, Mayor Hardin indicated that people have been complaining about the insufficiency of parking and how are the parking requirements being figured out for this item.

Mr. Keester-O'Mills stated that the site plan was approved in 2006 and the building was developed as a place of worship with several classrooms and administrative offices. The site plan was reviewed in 2006 for the minimum requirements, which they exceeded at that time by approximately 20 plus parking spaces. Since they are not proposing to construct any additional buildings, if the rezoning is approved the applicant will submit a zoning use certificate. At that time, the parking will be checked, but there is sufficient parking for the use as proposed.

A motion was made by Commissioner Perkins, seconded by Commissioner McGee, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McMahon
Moss
Hardin

No: McGee
Perkins

END OF QUASI-JUDICIAL PROCEEDING

7. [19-454](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO INSTALL AND THE CITY OF POMPANO BEACH TO MAINTAIN ELECTRONIC SPEED DISPLAY SIGNS ALONG NE 14TH STREET CAUSEWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM MAY 28, 2019

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated that the 14th Street Causeway between A1A and US-1 has been identified as a hot spot for speeding, through the offices of Florida Department of Transportation (FDOT) and Broward Sheriff's Office (BSO). There have been 278 citations issued since January 1, 2018, and there have been ongoing safety concerns from the public. BSO contacted the Engineering Department to coordinate with FDOT on the installation of the speed display signs. However, to accomplish this, FDOT is requiring the City to enter into a Maintenance Memorandum of Agreement with them since this is on state right-of-way.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that the speed limit on 14th Street is 35 miles per hour. However, when using 14th Street coming from the beach, when the bridge goes down a person can easily go 35 miles an hour without accelerating the vehicle. Therefore, he suggested that perhaps consideration should be given to change the speed limit to 40 miles per hour.

Darius Kondaki, 1500 N. Ocean Blvd., Pompano Beach, FL, stated he uses the 14th Street Bridge every day and he would agree with changing the speed limit to 40 miles per hour. There are a lot of pedestrians, as well as there is a lot of traffic to include those people who are transient visitors and they do speed down the bridge.

Comr. McGee stated that she has received multiple emails on different issues for NE 14th Street and had heard that people use the downward momentum of the bridge to see how fast they can go at night, so she supports the speed signs. In addition, while the City has FDOT's attention for NE 14th Street, she suggested staff have them take a look at 14th Street to US-1, like 23rd and 14th to US-1 issue or perhaps do a "don't block the box campaign" to try and get people not to go through and block NE 23rd to NE 26th while trying to make the right on red onto US-1 and with pedestrians trying to cross to go south on US-1. She is aware that this is an interesting intersection.

Mr. Sfiropoulos said they could coordinate those discussions.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-200**8. [19-406](#) P.H. 2019-79: (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 SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND OFFERDAHL'S HAND-OFF FOUNDATION, INC., FOR THE GRIDIRON GRILL-OFF FOOD AND WINE FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 28, 2019

(Staff Contact: Mark Beaudreau)

Scott Moore, Recreation Manager, presented the item and stated it is the second reading of the proposed ordinance for the Offerdahal Hand-Off Foundation Beer and Wine Festival. There are no changes from the first reading.

Comr. Perkins asked about the difference in the agreement.

Mr. Moore responded that the only difference from when it was originally approved is the date. Originally, it was planned for January for a super bowl event but they changed the event to November instead.

Comr. Perkins asked if the City is responsible for funding the event. She indicated that after reviewing the backup she observed that the City is paying for law enforcement, public works, parks and recreation, fire, equipment and rental. Therefore, since this is paid for by the City, perhaps the same consideration could be given for the Tiger Trail Festival in the future.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-69

9. [19-436](#) **P.H. 2019-78: (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 AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR THE PUBLIC SAFETY COMPLEX RENOVATION PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$704,205.27)

FIRST READING: MAY 28, 2019

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated it is the second reading of an ordinance to execute an agreement with Cartaya and Associates to help the City renovate the Public Safety building, and to do some improvements to the interior of the facility, as well as some improvements in the logistics building.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-70

10. [19-267](#) **P.H. 2019-52: (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 AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION, FOR FIRE STATION #114; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,750,000.00)

POSTPONED FROM MAY 28, 2019

POSTPONED FROM MAY 14, 2019

POSTPONED FROM APRIL 23, 2019

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated it is for a design build contract with DiPompeo Construction for fire station 114. He indicated that all pending issues have been resolved.

Comr. Perkins asked why the item was postponed so many times.

Mr. Danovich explained that there were some contractual issues that were being addressed between the applicant and the City, as well as the respective attorneys. Finally, he indicated all the issues have been ironed out.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-71

11. [19-475](#) **P.H. 2019-81: (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 AN AGREEMENT FOR PROFESSIONAL/CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BERMELLO, AJAMIL & PARTNERS, INC. FOR THE SENIOR ACTIVITY CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$599,038.00)

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated it is the first reading of an ordinance to execute an agreement with Bermello, Ajamil & Partners (Bermello) to assist the City to design the senior activity center. As a function of the project, Bermello will assist with the programming and master planning, schematic design, design development, construction documents, permitting and bidding, and assist once with the construction administration and overseeing of the activities until the project is certified. The agenda item seeks the City Commission's approval to authorize expenses of up to \$599,038, which is below the budget. The company was ranked number one and is a company with great potentials. Moreover, they have done work for the City in the past, as well as they have a great reputation.

Comr. Perkins stated that the first public meeting for the senior activity center will be on Wednesday, June 12, 2019, and they were planning to vote on the design. However, there was no input from the community. She said she would have preferred to do this after a meeting with the community, based on what the design should be and so forth.

Mr. Danovich clarified that they will engage the community to hear about some of the programming desires, what the senior activity center should provide to the seniors, and what type of activities they want to do. Also, to provide some general ideas of what the facility should look like, and what it could do for the community. They will not start any design until they meet the second time on August 6th.

Comr. Perkins indicated that she discussed with Pastor Rich to move the date from August 6th since the Commission will be on hiatus in August.

Mr. Danovich indicated that was the best date they could reach after the first meeting with the community. Also, to re-advertise may delay the project as they have very little time to get through this part of the process to start with the design. The project must be completed by September 2021. Nevertheless, he will try to see if they could change the date for the second meeting with the community.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

12. [19-483](#) P.H. 2019-82: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE II, SECTION 6 TO CHAPTER 57-174,

LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, MODIFYING THE DATES FOR MUNICIPAL GENERAL ELECTIONS; EXPANDING THE TERMS OF OFFICE OF CITY COMMISSIONERS; STAGGERING TERMS OF CITY COMMISSIONERS; PROVIDING THAT IF ANY OF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE SPECIAL ELECTION OF MARCH 10, 2020, THEN EACH SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF THE ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$55,000.00)

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney, presented the item and stated that this is the first reading of an ordinance and the second opportunity for the public to discuss their thoughts on this matter. A public workshop was held in the Commission Chamber on May 20, 2019, when the Commission received input from the public as well as discussion among the Commission. This will propose to bring before the voters, an opportunity to amend the City's Charter in three different ways. This referendum will be set for Special Election on March 10, 2020. The first question that the voters will be requested to answer is: "Shall the elections in the City be transitioned back and all future municipal elections transitioned to the first Tuesday of March from November." To do so, the terms of the present commissioners would be extended from November to March by four months in order to do that and transition the Election Day. This is being proposed as Amendment No. 1.

Proposed Amendment No. 2, proposes moving the terms and expanding the terms to four years instead of the current two years for commissioners.

Proposed Amendment No. 3, is also an important topic discussed, which is to stagger the term so that all commissioners do not come up for election at the same time and run the risk of the entire commission changing at one time. Therefore, the only way to stagger the election terms, is to plan one election where one group of commissioners would get a luckier term by one year then another term. But potentially their terms would have already been increased by four months if that passes.

Mr. Berman stated that each one of the questions is written and designed in a manner that if one does not pass, each independently can pass, and progress could be made for either for staggering, expanding terms or moving the dates of the elections. Finally, this is what the majority of the commission had decided and determined would be in the best interest to put on the ballot for the citizens of Pompano Beach to determine if they would want to make those changes, which is what this document reportedly does.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he does not understand why the governing body has to be the beginning and the end for what goes on the ballot for the City's Charter amendment. He said the citizens have input for this item, and the Commission only had one workshop. He has not heard of any community meetings so that the Commission can get the views of everybody. He mentioned

that the Charter Amendments are important to the citizens, and opined that they are the City's golden constitution. Therefore, to not have a series of workshops similar to what was done with the G.O. Bond, to educate and have discussion on this matter, would be like taking away democracy in his view. In sum, he suggested that the Amendments to the Charter should be discussed among the citizens during a series of community meetings.

Mayor Hardin pointed out that this issue has been under discussion for some time and perhaps there has not been enough public input, which is Mr. Thrower's opinion, but it will not impact the Mayor's position. Nevertheless, the public will get to decide on these questions. Therefore, this is done in the open to be voted on by the public. So, if the citizens decide they like things just the way they are then that is the way it will be.

Mr. Thrower reiterated that the Commission is the one who decides on what part will get on the ballot. Therefore, they are not allowing the citizens' comments such as whether or not they want three-year terms, or two-year terms. Therefore, he asked when does the recommendations of the community group gets heard for what will appear on the ballot.

Mayor Hardin noted that the Charter Amendment Advisory Board did address the proposed items and made certain recommendations to the City Commission. So, some of those recommendations were incorporated into the questions being proposed. While a better job can be done to further discuss the items, these items have been publicly discussed. Thereafter, an extensive discussion followed among Mayor Hardin, Mr. Thrower, Vice Mayor Moss and City Attorney Berman.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, enquired why not put these questions on the November ballot rather than the March ballot. He indicated that more people would show up at the November elections compared to the March election. In addition, he feels the term limit should be at the top of the list of questions.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that during the Charter Amendment meetings he was perhaps the only citizen who attended those meetings. In addition, many of the suggestions made were done by the narrowest of margins. Therefore, most of the recommendations that were made passed on a vote of 3-2.

Mr. Terwilliger recalled that in 2013-2014, a certain commissioner recommended that the elections should not be held in March because it is more efficient to be held in November. He agreed then that November is the better time and still agrees that November is the better time to hold City elections. He provided reasons why the questions should not go on the ballot with the Presidential Preference Primary because a third of the voters, who are the independents, do not get to vote at this time among other things. He urged the Commission to allow these questions on the November ballot versus the upcoming March ballot.

M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, FL, stated that he was the chair of the Charter Amendment Advisory Board and thanked Mr. Terwilliger for showing up and providing his input. He said the meetings were open and there were a lot of discussion and it was not his decision but the recommendations made were done by the board members. In addition, with regards to the proposed amendments, Amendment No. 1 does a great job of stating exactly what it is, so it is very clear. Amendment No. 2 states it will change

the terms to a four-year term. He suggested that it should read, "change it from two years to four years." Amendment No. 3 depending how the voters will vote there is the possibility of commissioners not having to campaign so often, but according to the proposed amendment, some would have to campaign after only one year in office.

Continuing, Mr. Shulmister indicated that if the staggered term is popular then the term should be three years for Districts 1, 3 and 5. Finally, he does not support term limits and provided his reasons. Therefore, he recommended changing Amendment No. 2 and reconsider Amendment No. 3 as far as the one-year term for some Commissioners.

Carlton Gillespie, 2781 NE 5th Street, Pompano Beach, FL, stated term limits is a good idea, keeping the election in November is better than in March. Voter registration campaign among both young and old residents would be a good thing. If 2 or 4 year terms are proposed he is concerned how this would be staggered, and the decision on which Commissioner gets to increase versus decrease their terms.

Rodney Faison, 103 NW 17th Avenue, Pompano Beach, FL, asked if there were any particular circumstance that made this item necessary to change term limits.

Mayor Hardin indicated there is no proposal to change term limits. However, the discussion among the Commission and the public has led the Commission to decide to propose some changes.

Mr. Faison asked about the potential benefits from the questions proposed.

Mayor Hardin indicated one would be not all the Commission would be elected at the same time, so staggered term would be put in place to maintain stability on the Commission as well as institutional knowledge on the Commission. Another benefit to move the election from November to March it would be easier for a challenger to run for office against the incumbent, which will impact name recognition on the ballot for November. As it relates to the increase in terms, going from two to four years the election will be staggered. This will provide some longevity to the Commission.

Mr. Faison provided his reasons why he would recommend that this item be carefully discussed prior to placing it on the ballot for next March, especially if there is no real reason to speed up the process to get the questions on the ballot.

Doug Gordon, 525 North Ocean Boulevard, Pompano Beach, FL, stated that to make this vote sincere then the Commission should ensure that all their constituents receive an opportunity to voice their views on this that it needs to be done in November. It is important to consider the inclusiveness of everybody's voice.

Willie E. Miller, 3051 North Course Drive, Pompano Beach, FL, stated that at the last meeting when the item was discussed, he spoke on term limits and he wanted to reiterated that if the Commission is considering going to a four year term, then term limits should be considered and each person should have two four year terms out, and provided his reasons for his opinion.

Comr. Eaton pointed out that it is important to have some sort of stability within a City government as they are

moving forward. People are willing to invest, for example, in the Innovation District and the CRAs (Community Development Agency). They are looking for continuity and stability of the Commission and the City Management.

Comr. McMahon indicated that he agrees with term limits, even though he is unsure how it would work. Therefore, if the terms are extended to four years it would be a viable option.

MOTION: A motion was made by Comr. McMahon, seconded by Comr. Eaton to add term limits of three terms to the four year question. The motion failed by the following vote:

**Yes: Eaton
 McMahon
 Perkins**
**No: McGee
 Moss
 Hardin**

Comr. Eaton provided an example of how term limits of eight years is not enough time, which she found out through her partner who has been in Tallahassee for the last 35 years working as a governmental consultant. When they moved to terms of eight and out, they had to do classes for the incoming freshman representatives because they did not know how complicated the process was.

Mr. Shulmister indicated that there is no assurance that the public will approve term limits, so to limit this to three terms, there are a few scenarios to consider. If the two year term is approved then the Commissioner would only be in office for six years. Actually, the Charter Amendment Advisory Committee recommended twelve years plus another four, if four of those were spent as mayor. Therefore, that is three terms for four years or six terms for two years. He suggested that the Commission consider making it a number of years rather than limit it to terms.

Mr. Skversky said he would agree to two terms for four years, which would be a total of eight years.

Mr. Miller agrees that everyone should not be termed out at the same time. So staggered terms should be configured in the equation. Therefore, he would support four years of two terms and staggered.

Mr. Gordon stated that the Commission should be more concerned for what they will do for the people than their political careers.

Dominique Louis, Pompano Beach, FL, stated that the City needs to look at the trends in the market place where the average American is changing jobs ten to twelve times, so no one is keeping a job for thirty years anymore. People are looking for end results much faster, but the Commission needs to be more realistic of what the people are looking for, which is transparency and governance. He mentioned that just because the Commission is changing it does not infer that staff and the community are changing. In sum the continuity will still be in place.

Continuing, Mr. Louis suggested that the questions could be made clearer regarding term limits. In his opinion, there should be a way to continuously improve on performance indicators, so if an individual is not meeting the benchmark there should be a way to remedy that.

Mr. Terwilliger stated that the questions are a bit convoluted as well as complicated. Therefore, he suggested that the item be tabled until the next meeting to take some time to consider any action. The citizens have questions, the language and the contents need to be clearer, as well as the position of the City needs to be clearer.

Vice Mayor Moss indicated this topic is not new and the Commission and the wider community has been discussing this for many years. He then indicated that in his view, as a society people had become inordinately lazy and provided examples to emphasize his point, for example, Starbucks makes our coffee for us, etc. We have become a lazy society which was evidenced by the voter turnout we had. He then expressed his reason against term limits. In sum, citizens are not living up to their responsibility, because they are not informed, they do not come out to participate. Therefore, term limits would contribute to more laziness in terms of being informed responsible citizens. As it relates to performance indicators, if someone is not performing then he/she can be voted out of office.

Comr. McGee stated that government moves at a very different pace and projects being planned do take time to implement, so the bigger they are the longer they are going to take to implement. So there is the need for some type of continuity in leadership. The other idea is that staff would still be in place, which currently the City has an amazing staff, however, there are other government entities that are realizing that staff stays the entire time and there is such turnover because of term limits. The freshman representatives that are being elected by the people, is not as knowledgeable as the staff who has more knowledge and interaction than the person elected by their constituents. If term limits were to become effective, she would side on the longer range to do it. Another problem that could be realized due to term limits is an empty seat situation or not having the best candidates running against each other.

Vice Mayor Moss indicated that during his first two year term, he was criticized for being on the dais and keeping his mouth shut by not saying enough. Now in his second term he is criticized for saying too much. The reality of when he first started he was serving with the mayor and some commissioners who were serving for many years prior, who all knew a great deal about how the City operates. Therefore, he indicated that government is a business and one must understand the business. There is a big learning curve in how the machinery of the government works. So, for two years he stayed silent because he did not understand the machinery. Nevertheless, term limits discourages people who need a lot of time to learn. The longer the time the more a person learns and the better they are able to serve.

Mayor Hardin stated that philosophically he is opposed to term limits because he does not believe it is fair to the voters. He explained that if someone is happy with the performance of an elected official they ought to have the right to continue having that official serve. On the other hand, if the elected official is not doing their job sufficiently well then the electorates certainly has the option to get rid of them. Actually, he agrees on the performance measure concept. Therefore, a person is only as good as the next election.

Vice Mayor Moss added that another reason the Commission considered changing the election was the cost factor. Every two years candidates have to ask for a lot of money. In the last election cycle when all were up for election, they collectively spent \$175,000 to get elected, which is an exorbitant amount for a municipal election. In sum, he supports the idea of making it four years before the elected official goes back to the people for campaign funding.

Comr. Perkins indicated that as stated at the last meeting she agrees with term limits. She mentioned that years ago in the 80's and 90's she would not agree to term limits, because things were so different in the City at that time. However, the way things are now, she believes in term limits and it could be from eight to twelve years, which would be enough time prior to moving on. Another reason is that some people do not want to let go of the power and some of the problems facing the City is because some people sat in the seats for a long time. She suggested that consideration should also be given in the future to do term limits for the mayor.

Continuing, to take the election back to March is probably better for the candidate but it is not good for the residents. The difference is in March there is only one day to vote but in November there are fourteen days to vote. While it is "hell" for the candidate, for the residents it is convenient to select one of the fourteen days to vote, as well as there is a better turnout.

Discussion continued on the original motion for discussion.

Comr. McGee agreed with Mr. Shulmister's idea that if Amendment No 2 fails then perhaps have a three year stagger it instead of a one year and provided her reasoning behind that concept.

Mr. Berman explained how the staggered term would work, because someone would have to serve longer or less. If the elections are moved to March they would not all be getting just one year but they would be getting an extra four months as well. Therefore, there is a give and take with this process. This appears to be one of the best ways to change a lot of things at one time. If the Commission has a better way he is open to accommodate. This must be clear and the City is limited to 75 words to formulate a question, so additional questions may be an option to consider.

Comr. McGee mentioned that as she reviews the questions to determine the various scenarios that could play out, the specific scenario would be 1) the election is moved to March election, 2) staggered term passes, 3) extend to four years does not pass, and it is a new commissioner on board, it would mean that commissioner would be running in six months after elected.

Mr. Berman said he would take another look at it, and in keeping in line to keep the question as clear as possible. If there are too many options in one question that could create confusion.

Comr. McGee asked if the goal is to run seats every two years or is to run in years 3 and 4 of each four year cycle. In Amendment 3, if staggering will be by one year, then everyone would run in March 2021 (that is if that question passes to go back to March), then Group A would be running again in 2024, Group B would be running in 2025. So, would they continue with that one year between elections or would they have to go two - three year terms, which would bring A to 2027 and B in 2029.

Mr. Berman explained that it would be as stated, "...Then with equal terms for all Commissioners in subsequent elections." Therefore, you would start the regular two/four year term in the next election cycle, but it must be staggered. He will take another look to see how it can be done and perhaps, initially give one group a three year term followed by a two year term. The voting years would be 2021 and if it is four years it would be 2024 and 2025.

Vice Mayor Moss indicated the reason why this is taking so long is because of the questions that have arisen and all are valid and good. However, it is time to move on with this matter.

Mayor Hardin explained his reasons for changing back from November to March. He said he was originally in favor of moving the election to November, however, he has had a change of heart because it is more for the incumbent's benefit to have the elections in November, due to name recognition, as well as for those residents who do not pay close attention to what is going on in the municipal arena, and only come out to vote in November. Nevertheless, for the election to take place March 2020 or November 2020 he is not for or against any of the two choices.

Mr. Berman stated that he would be able to return with other options and additional language for the first meeting in July. He recommended that the item be postponed at this time and he would bring it back on July 9, 2019.

Comr. McGee made the motion to postpone until July 9, 2019, City Commission meeting, seconded by Comr. Eaton. The motion carried unanimously.

A motion was made by Commissioner McMahon, seconded by Commissioner Eaton, to add term limits to the 4 year term proposed question. Upon voice vote the motion failed. Comrs. Eaton, McMahon, and Perkins voted Yes, and Comr. McGee, Vice Mayor Moss and Mayor Hardin voted No.

A motion was made by Commissioner McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be POSTPONED until July 9, 2019, City Commission meeting. The motion carried. by a unanimous voice vote.

13. [19-482](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RAY LUBOMSKI TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS ALTERNATE #2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 11, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Louis Riva - District 3)

APPLICANTS:

Ray Lubomski, Alternate #2, **Incumbent** - District 3

Lisa Ferreri - District 1

Diana V. Lurie - District 1
Marianne Edge - District 3
Louis Riva - District 3
Emma Ellington - District 4
Carmen Jones - District 4
Marcus A. McDougle - District 4
Veronica Thomas - District 4
Andy Cherenfant - District 5
Daniel P. Diaz - District 5
Linda Houston Jones - District 5
Darlene Smith - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Mayor Hardin nominated RAY LUBOMSKI to be inserted. The motion carried unanimously.

Enactment No: RES. No. 2019-201

14. [19-451](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MONA SILVERSTEIN TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 13, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Mona Silverstein, Alternate 2 - District 5
Jacqueline Reed - District 2
Carmen Jones - District 4
Marguerite K. Luster - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Moss nominated MONA SILVERSTEIN to be inserted. The motion carried unanimously.

Enactment No: RES. No. 2019-202

15. [19-452](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JACQUELINE REED TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE

UNEXPIRED TERM OF BARBARA BOYNTON-ARMBRISTER AS ALTERNATE 1; SAID TERM TO EXPIRE ON JUNE 13, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 19-451 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Moss nominated JACQUELINE REED to be inserted. The motion carried unanimously.

Enactment No: RES. No. 2019-203

G. REPORTS

Gregory Harrison, City Manager - Oceanic Restaurant Hiring Event - Mr. Harrison reported that Dahlia Baker has provided flyers for the Oceanic Hiring Event for the new Oceanic Restaurant on June 24, and 25, 2019, from 10 a.m. to 9 p.m.

Business and Bagels - Mr. Harrison provided to each Commissioner a flyer from Dahlia Baker who is putting together a “Business and Bagels” to meet City of Pompano Beach and Broward County officials. There will be featured speakers to learn about small business certification, transportation projects, local preference ordinance, and how to become a registered vendor on June 27, 2019, and September 12, 2019, from 9 a.m. to 11 a.m. at the E. Pat Larkins Community Center, located at 520 MLK, Jr. Blvd., Pompano Beach. FL.

New Security in City Hall - Mr. Harrison announced that on Monday, June 17, 2019, there will be new security requirements upon entering City Hall. There will be an armed guard and for anyone not having a City of Pompano Beach Identification (ID) they will be asked to stop at the guard station and get a temporary ID before they are allowed to any other area of City Hall.

Mark Berman, City Attorney - Absence from City Commission Meeting - Mr. Berman reported that at the June 25, 2019, City Commission meeting Deputy City Attorney, Tracy Lyons will be standing in for him as he will be out of the State attending to a family matter and will not be able to attend the meeting.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - 33rd Beautification Project - Comr. Eaton reported that they have had their first 33rd Street Beautification meeting, which went well.

Traffic Issues in the community - Comr. Eaton reported that she has been meeting with City Staff and Broward Sheriff’s Office (BSO) regarding some of the traffic issues in the community and she is working on studying a pilot program for safe neighborhood improvement districts for the community.

Broward League of Cities Monthly meeting in Pompano Beach - Comr. Eaton reported that the City of

Pompano Beach hosted the Broward League of Cities Board membership monthly meeting at the Beach House and their staff did a great job working with the City. The Mayor and Vice Mayor were able to join the group and there were representatives from all the other cities in Broward County and everyone was impressed with what the City has going on at the beach, with all the new development taking place.

Commissioner Andrea McGee - Surf Day Event in Pompano Beach - Comr. McGee thanked staff for the preparation for the Surf Day Event that will happen on the beach. There will be reusable bags to assist with the beach cleanup and residents will be able to take and bring back with them whenever they need to do their own cleanups. She hopes this will be a great success.

Commissioner Tom McMahon - No Report.

Commissioner Beverly Perkins - 5K Run Event - Comr. Perkins thanked everybody for coming out on Saturday for the 5K Run for the benefit of HIV and Aids. Some people walked 3 miles and some ran the distance. People from all over Broward County came out and met at the E. Pat Larkins Center.

Juneteenth Event - Comr. Perkins announced that Saturday, June 15, 2019, the Juneteenth event will take place at the Apollo Park at 11:00 a.m. and invited everybody to join in the celebration.

Fathers' Day Event - Comr. Perkins announced that there will be a Fathers' Day Event on Friday, June 14, 2019, at 10:00 a.m. at the E. Pat Larkins Center, and she hope everyone will join in this event.

Vice Mayor Barry Moss - Shred-A-Thon & Prescription Drug Drop Off - Vice Mayor Moss announced that Saturday, June 15, 2019, from 10:00 a.m. to 1:00 p.m. at the Isle Casino, the Broward Sheriff's Office (BSO) will be holding a Shred-a-Thon and a Prescription Drug Drop Off Event, available to the public to bring their confidential paper document to be shredded and their old unused prescription drug to be disposed of properly.

Facebook Posting - Vice Mayor Moss announced that on May 29, 2019 it was brought to his attention of a posting on Facebook, which he proceeded to display. He said this posting was rather "ugly" and he wanted to thank Comr. Perkins for what she wrote in the Pelican condemning this act. He said there are a number of people that are not on Facebook and were asking him what this was all about. Therefore, he decided to present it to the community. He stated that he was unaware of who created the page. However, it was brought to his attention when it appeared on the Facebook page of Jocelyn Harris, who formerly served on the City's Planning and Zoning Board and Joseph Wells, a reverend, who may still serve on one of the City's Board. This posting was calling the leadership of the City "racist" as noted on the upper left hand corner of the flyer, a superimposed of a Ku Klux Klan, a person with the face of the City Manager with his hands raised in a Nazi salute, which is very offensive to a number of his constituents in Palm Aire. The Mayor and the rest of the Commission are being branded as racist leadership - City of Pompano Beach. As the conversation went on there were other comments made by other people for example, a gentleman calling the Commission "dirty dogs" and a person by the name of "Sancofa Boutallo" stating, "They show up at headquarters to hold up signs to stop RMA from gentrifying Pompano Beach, but I do need 100 black faces. Bring your white friends also, they are truly welcomed at that protest." Mr. Sancofa also wrote, "They shouldn't be welcomed, you are trying to send a message, let it be crystal clear. Facts - they are like emotional dogs for some Negroes. But you

are correct no dogs allowed. I feel you, but I need to know what gentrification is, less blacks more honkies.”

Continuing, Vice Mayor Moss indicated that he felt it was necessary to bring this to the public’s awareness so they can see what all of the consternation of going back is all about. He condemned this act, and he wanted to make people aware of the type of chatter going on Facebook. He hopes the tone and temperament of some of the meetings will change and the “thermostat could be turned down a little bit and become a little bit more civil with one another.”

Mayor Rex Hardin - Blooming Bean Coffee Roasters Moving Out - Mayor Hardin pointed out that the City is losing one of its original businesses that came in after the redevelopment of Old Town in Pompano Beach. Ms. Sharon Thompson of the Blooming Bean Coffee Roasters, who have been a tenant at the bottom of the BaCA Building for the longest time. Their business has done well, therefore, they need to move out of the space, which is what the CRA is all about, that is to get businesses up and running. It is sad to see them go, but they have done well, and have been a great addition to the Old Pompano downtown area. He thanked them for all they have done for the area.

Annual Haitian Heritage and Cultural Arts Event - Mayor Hardin announced that there will be the 2nd Annual Haitian Heritage and Cultural Arts celebration coming up on Saturday, June 22, 2019, from 5:00 p.m. to 8:00 p.m., to be held at the Cultural Arts Center next to City Hall. He encouraged everyone to attend as it was a great event last year. Tickets are available through Event Brite. Although it will be a free event they are asking for people to get tickets.

Upcoming Events - Mayor Hardin indicated that the Juneteenth Event was announced by Comr. Perkins earlier. Also, the International Surfing Day was declared earlier, and that this will be great.

Atlantic Boulevard Bridge Grand Opening - Mayor Hardin announced that on Wednesday, June 26, 2019, at 7:00 p.m. the Atlantic Boulevard Bridge Grand Opening & Christening Ceremony will take place. A number of events will be taking place to include the christening of the sails on the bridge, displaying the new art work at the base of the bridge. He invited everyone to attend and that they can park at the City Parking Lot at the Oceanside lot and walk back to the bridge.

H. ADJOURNMENT

The meeting adjourned at 9:32 p.m.

Rex Hardin, Mayor

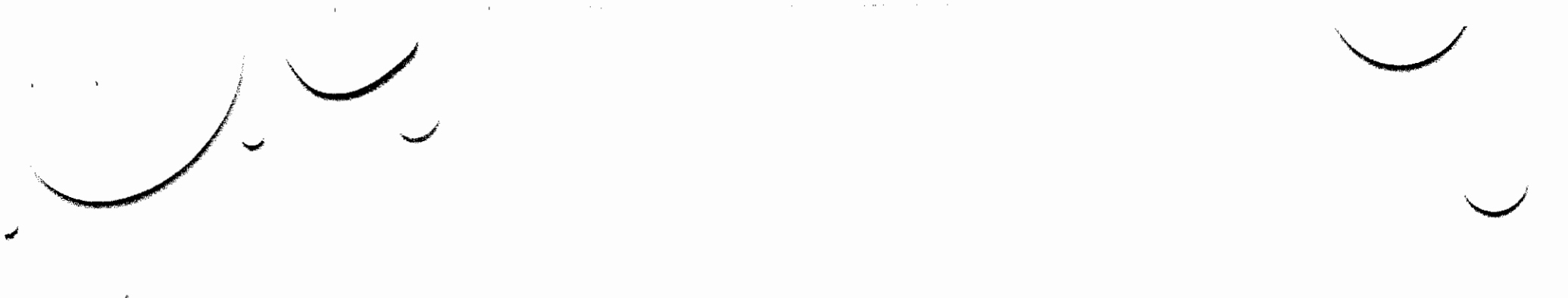
Asceleta Hammond, City Clerk

PERFORMANCE REPORT

2ND QUARTER (JANUARY 2019 – MARCH 2019)

5 YEAR STRATEGIC PLAN FY 2018 - 2023





BY 2033, POMPANO BEACH IS A
SUPERIOR PLACE TO LIVE, VISIT, AND
LOCATE OR EXPAND A BUSINESS ALONG
THE ATLANTIC COAST OF SOUTH
FLORIDA.

- POMPANO
BEACH VISION 2033



FY 2019 2ND QTR. KEY ACTION ITEM PROGRESS REPORT

Legend: Achieved



Active Project



Objective #1: Maintain a World Class Beach for the Enjoyment of Residents and Visitors

Action Item	Q1	Q2	Q3	Q4	Status
Valet Parking: Ordinance and Enforcement	Ordinance updated by Legal Dept.	Ordinance adopted			

Objective #2: Maintain City Reserves Consistent with City Financial Policies and Accepted National Standard

Action Item	Q1	Q2	Q3	Q4	Status
New Alternative Revenue Sources	Superlative Group contract approved	Pouring rights RFP issued			

POMPANO BEACH VISION:

By 2033, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

2nd Qtr. Progress Report

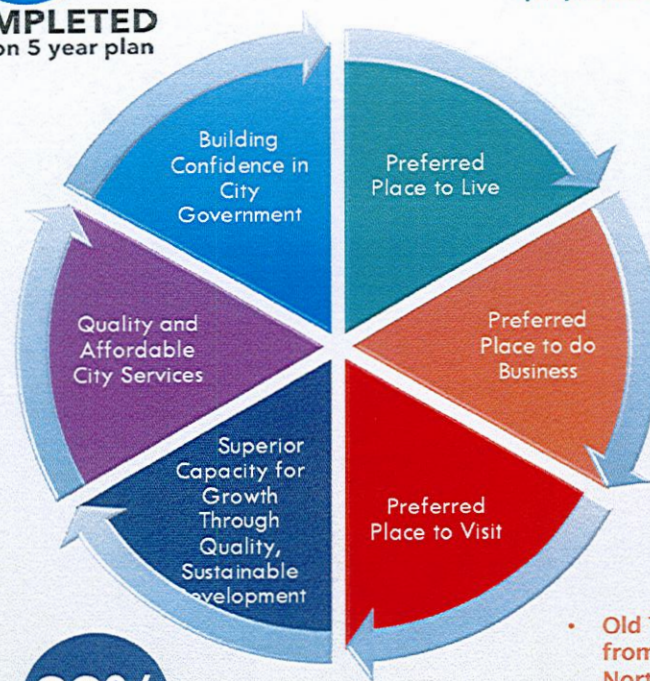
52%

COMPLETED
Based on 5 year plan

- A Financial Literacy session to teach students the value of having short and long term savings goals and introducing budgeting concepts was held at the Pompano Beach Elementary school.
- Comcast completed the installation of fiber optic line from their central office to the City's EOC to ensure a strong phone and internet connection during disaster recovery events.
- City Commission approved the contract with Facility Dude to complete the assessment of 81 City Facilities.
- Altogether, 31 employees from Urban Forestry, Building Inspection, Code Compliance, Planning, Fire, Public Works, Engineering, Parks, City Management, OHUI, Solid Waste and the CRA graduated from the five day CPTED training course on how to use design to deter crime in Pompano Beach.
- With the assistance from the City's IT Dept., the web based mapping software was installed on the Engineering staff computers, laptops, and tablets. Geocortex development team has completed internal testing before deploying for field testing.

67%

COMPLETED
Based on 5 year plan



22%

COMPLETED
Based on 5 year plan

42%

COMPLETED
Based on 5 year plan

- The Community Garden initiative to bring urban gardening to northwest Pompano Beach received final permit.
- A total of 5 properties were completed using Affordable Housing Trust funds and sold to qualified low income clients. Four additional properties are currently under construction.

31%

COMPLETED
Based on 5 year plan

- All G.O. Bond projects have been solicited and City Commission approved 20 Ordinances for design services.
- Contractor completed site remediation efforts on the future 10 acre Soccer Academy located near the turnpike north of Atlantic Blvd.
- Active with the BSO Crime Reduction Action Plan.

45%

COMPLETED
Based on 5 year plan

- Old Town Untapped event has been extended 1 additional hour, from 6-10 pm. The Neighborhood Business Attraction in Northwest initiative was successfully achieved with the leasing of 165 NE 1st Avenue building.
- An RFP was issued and ranking was approved for innovative community policing services in the NW CRA along MLK Blvd. Re-Introducing security ambassadors will ensure a safe and welcoming environment for residents, businesses and visitors.

- On January 2019, City Commission approved a Valet Parking Ordinance to provide definitions, permitting, regulations and standards for valet parking services as the demand for valet services grows with development and redevelopment activity throughout the City.
- An event contract template was developed by Parks & Recreation Staff and approved by City Commission to enable accepting event agreements at the Amphitheater.

ACHIEVED ACTION ITEMS, BY GOAL JANUARY 2019 – MARCH 2019





Florida's Warmest Welcome

PERFORMANCE REPORT