

Detailed Minutes - Final

City Commission

Lamar Fisher, Mayor
Charlotte J. Burrie, Vice Mayor
Barry Dockswell, Commissioner
Rex Hardin, Commissioner
Ed Phillips, Commissioner
Barry Moss, Commissioner

Dennis W. Beach, City Manager
Mark Berman, City Attorney
Asceleta Hammond, City Clerk

Monday, October 10, 2016

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

Mayor Fisher called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Commissioner Barry Dockswell
Commissioner Rex Hardin
Commissioner Barry Moss
Commissioner Ed Phillips
Vice Mayor Charlotte Burrie
Mayor Lamar Fisher

INVOCATION

Dr. Ophelia Sanders - Macedonia Missionary Baptist Church offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

16-229 Regular City Commission Meeting Minutes of September 27, 2016

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Fisher indicated that Item 30 would be tabled and that an Executive Session would be heard at a time certain of 7:30 p.m.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

The Commission pulled items 4, 20, and 24 from the Consent Agenda for discussion. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

A. SPECIAL PRESENTATION**Pompano Beach Firefighters raise money for the Broward Children's Center**

A check of \$1,000 was presented to the Broward Children's Center by Mayor Lamar Fisher, Fire Chief John Jurgle, Driver Engineer Daron Davis, and Training Commander Ted Martin on behalf of the Pompano Beach Fire Rescue and Local 1549 from monies raised by the Pompano Beach Firefighters.

B. PROCLAMATIONS**16-212 Domestic Violence Awareness Month**

Ms. Thelma Addarich-Lopez, Women In Distress Hotline Manager, will accept the proclamation.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

16-213 National School Lunch Week

Bridget Lane, Management Intern representing the Food and Nutrition Services for the Broward County Public School System will accept the proclamation.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

16-214 Italian American Heritage Month

Tony Phillips, President of the William A. Dimitri Lodge 2880 Sons of Italy will accept the proclamation.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

16-215 Fire Prevention Month

Pompano Beach Fire Chief John Jurgle and Fire Marshal Pete McGinnis will be accepting the proclamation.

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.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, was called to speak. Mr. Terwilliger indicated that the Commission has the ability to hire and fire only four employees in the City to include the City Manager, Attorney, Clerk, and Internal Auditor and questioned why the Auditor is not in attendance at the regular meetings to provide a financial report on the affairs of the City.

Comr. Dockswell along with Mayor Fisher, and Comr. Hardin indicated that reports are provided by the Internal Auditor to the Commission at its regular meetings on a quarterly basis.

Joanne Grealy Richter, Special Projects Manager, Broward Regional Health Planning Council, Inc. 200 Oakwood Lane, #100, Hollywood, FL, was called to speak. Ms. Richter thanked the Commission for its allocation of the matching funds for Child Care Services for the children in Pompano Beach. She then described the services they provide to the children.

Beverly Perkins, 1516 NW 6th Avenue, Pompano Beach, was called to speak. Ms. Perkins noted that on September 9, 2016, Mr. Gregory Frazier was killed in the City of Pompano Beach. She stated that the residents understand there is an investigation going on; however, the community needs an update as to the Commission's plan. She suggested that while waiting for the results of the investigation, something should be put into place to avoid a repeat of similar incident and to assure the community that the Commission cares.

Elizabeth R. Massey, 540 NW 18th Street, Pompano Beach, was called to speak. Ms. Massey spoke about the issues of the Sober Homes. She thanked Vice Mayor Burrie for providing her a "crash course on Sober Homes and all the problems that surround it." Nevertheless, she along with her fellow neighbors are concerned because they are continuously inundated with these homes "popping up" around the neighborhoods, which does not make for the good of the neighborhood or the residents that the Sober Homes need to serve. Therefore, she urged everyone to become vigilant, watch, and lobby for whatever changes that need to be put in place.

Mayor Fisher assured Ms. Massey that the Commission is vigilant and are

staying on top of what can be done to stop the proliferation of Sober Homes. In fact, they are working as a team with Congresswoman Lois Frankel. Notwithstanding, it is a federal law that protects the ADA Act. Therefore, Congresswoman Frankel is working as a non-partisan and she is making great headway in working with HUD to provide local opportunities for the City to be able to regulate these Homes. Therefore, he encouraged the residents to write to Congresswoman Frankel about their experiences, which will assist her in her endeavors.

Comr. Phillips thanked the residents for their emails on the matter, and said he has forwarded the emails/texts to the City Manager and the Assistant City Manager who are investigating the legalities of those particular homes. Comr. Phillips indicated that there may be some solutions to the problem, which he outlined, but the City needs to be a bit more forthright and assertive/aggressive.

Vice Mayor Burrie explained how the process works with the foreclosed homes. She indicated that investors are normally ahead of the acquisition list and are able to offer higher dollars for these homes to become Sober Homes versus the City acquiring them to avoid the Sober Homes status. In fact, there are 150 Sober Homes just between the Highlands and Cresthaven neighborhoods, so the list continues to be enormous for the City of Pompano Beach. In fact, these Homes are advertised on social media for people to come to Pompano Beach for the fun, sun, and Sober Homes, which is not assisting the addicts desiring to be rehabilitating, or the neighborhoods.

Mayor Fisher explained how these investors are able to pay any price necessary to get those homes and turn them over to become Sober Homes. Nevertheless, he urged the residents to continue to be vigilant and provide the information by calling or writing to the City, which will assist with documenting the negative impacts these homes are having on the neighborhoods.

Comr. Phillips encouraged the residents to get as much of their complaints to all levels of the government to include the state, and congressional representatives who represent the City of Pompano Beach.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, was called to speak. Mr. Thrower asked who is responsible for the wrapping of the City's utility boxes and the decision to use the various types of wrappers.

Mayor Fisher responded that the Commission passed an item for the wrapping

of the boxes with specific artwork for specific boxes.

Mr. Thrower expressed concern of the City promoting, through these wrappers, a certain individual who was not accommodating of certain types of people, specifically, Afro-Americans.

Robert A. McCaughan, Public Works Director, indicated that he is unsure about the wrapper Mr. Thrower was referring to was in fact portraying Mr. McDougald, and would check into the matter.

D. CONSENT AGENDA

1. **16-85** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AREAWIDE COUNCIL ON AGING OF BROWARD COUNTY, INC. TO PROVIDE MEALS TO OLDER PERSONS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$77,337)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-01

2. **16-87** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD REGIONAL HEALTH PLANNING COUNCIL, INC. TO PROVIDE LOW INCOME FAMILIES WITH EARLY EDUCATION AND CARE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$40,000)
(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-02

3. **16-88** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CHILDREN'S HARBOR, INC. TO PROVIDE ABUSE INTERVENTION PROGRAMS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$1,000)
(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-03

4. **16-89** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND COMMUNITY RECONSTRUCTION HOUSING CORPORATION TO OFFER EDUCATIONAL LEADERSHIP AND EMPLOYMENT OPPORTUNITIES TO MINORITY AND IMPOVERISHED CITIZENS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

Comr. Phillips pulled the item for discussion.

Elizabeth Massey, 540 NW 18th Street, Pompano Beach, inquired about the allocation of the funds for this item. She indicated that as a member of the Education Advisory Board, the members had invited the organization to appear before the Board to report on the program. Ms. Massey stated that since the organization is receiving a large amount of funding from the City they should provide the City with more specific information on the services being provided and how they have been assisting the children from Pompano Beach instead of providing an overall Countywide report, which they have already provided.

Mayor Fisher indicated that there is a specific report on services provided for the 35 children in the Pompano Beach area and requested that the report be made available to Ms. Massey.

Comr. Phillips indicated that a number of people have expressed their concerns to him about being unable to identify whether or not the organization was actually assisting those children in the Pompano Beach schools. Therefore, Comr. Phillips suggested that if the organization has gone into a particular school in Pompano Beach, that a letter from the school's principal be provided to the City indicating that there has been some movement or success of their program and perhaps, the Education Advisory Committee could monitor the activity.

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

Yes: Dockswell
Hardin
Moss
Burrie
Fisher

No: Phillips

Enactment No: RES. No. 2017-04

5. **16-90** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EPISCOPAL MENTAL HEALTH MINISTRIES, INC. D/B/A ST. LAURENCE CHAPEL TO ASSIST WITH THE COST OF TRANSPORTING CLIENTS TO THE SHELTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-05

6. **16-91** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FIRST CALL FOR HELP OF BROWARD, INC. TO PROVIDE A 24 HOUR HELPLINE TO OFFER ASSISTANCE TO RESIDENTS IN NEED AND IDENTIFYING AVAILABLE COMMUNITY RESOURCES TO ASSIST THEM IN RESOLVING THEIR IMMEDIATE CRISIS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,500)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-06

7. **16-92** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLSBORO LIGHTHOUSE PRESERVATION SOCIETY, INC. TO PROVIDE FOR MAINTENANCE AND PRESERVATION OF THE HILLSBORO INLET LIGHTHOUSE; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$2,500)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-07

8. **16-93** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND IMPACT BROWARD, INC. TO PROVIDE SUPPORTIVE SERVICES TO ELDERLY AND DISABLED ADULTS; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: \$1,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-08

9. **16-94** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MENTAL HEALTH ASSOCIATION OF BROWARD COUNTY, INC. TO PROVIDE PROGRAMS THAT FOSTER SKILLS FOR MENTAL WELLNESS THROUGH PREVENTION AND EDUCATION AND TO PROVIDE SERVICES TO FAMILIES OF CHILDREN WITH MENTAL ILLNESSES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$4,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-09

10. **16-95** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MORNINGDAY COMMUNITY SOLUTIONS, INC. TO OFFER SPECIAL PROGRAMS FOR LOCAL VETERANS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$3,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-10

11. **16-97** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PASS THE BLESSINGS FOUNDATION, INC. TO PROVIDE A KID ACTIVITY ZONE AT MITCHELL MOORE PARK DURING THE ANNUAL HOLIDAY IN THE PARK EVENT IN DECEMBER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-11

12. **16-98** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PICCOLO PICASSO, INC. TO PROVIDE PROGRAMS THAT PROMOTE THE ART COMPONENT IN LOW PERFORMING BROWARD COUNTY PUBLIC SCHOOLS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-12

13. **16-99** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH HISTORICAL SOCIETY, INC. TO PROVIDE PUBLIC PROGRAM AND LECTURE SERIES, COMMUNITY EVENTS AND HISTORIC TROLLEY TOURS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$7,500)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-13

14. **16-100** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ROCK ROAD RESTORATION HISTORICAL GROUP, INC. TO COLLECT AND DISSEMINATE THE HISTORY OF THE AFRICAN AMERICAN COMMUNITY WEST OF DIXIE HIGHWAY AND THE FEC RAILROADS IN THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-14

15. **16-101** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SILENT WORSHIPERS MINISTRY, INC. TO PROVIDE TUTORING, MENTORING, LIFE SKILL CLASSES, AND FOOD DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-15

16. **16-102** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY CHURCH RESOURCE CENTER, INC. BY OFFERING NUMEROUS PROGRAMS TO ASSIST WITH HOUSING, EMPLOYMENT, CLOTHING, FOOD ASSISTANCE AS WELL AS PARENTING AND CHILD DEVELOPMENT SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-16

17. **16-109** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND UNITY IN THE COMMUNITY OF POMPANO BEACH, INC. TO PROVIDE FOR ACTIVITIES AT THE UNITY IN THE COMMUNITY FAMILY FUN DAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-17

18. **16-112** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WOMEN IN DISTRESS OF BROWARD COUNTY, INC. TO PROVIDE SHELTER AND COUNSELING FOR WOMEN AND THEIR CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE IN POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-18

19. **16-113** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND XPRESS YOUTH DEVELOPMENT INSTITUTE, INC. TO PROVIDE MENTORING AND GUIDANCE PROGRAMS FOR YOUTH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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. 2017-19

20. **16-172** 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 2017 THROUGH 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$21.9 million for FY2017)

(Staff Contact: Erjeta Diamanti/Horacio Danovich)

Comr. Phillips pulled the item for discussion. Comr. Phillips commended the City on working on some of the capital improvement projects. However, he asked for an update on the Ely Museum, to include how much money has been spent to date. He also recognized Dr. Catherine Gillis, who is head of the Committee for this venture in the community.

Horacio Danovich, CIP Manager, indicated that staff has been working on the Blanche Ely Museum scope. Additionally, the Development Services Director, Robin Bird provided him with a memo regarding the Blanche Ely Renovation Project - status report, which is attached as part of this item. Finally, Mr. Danovich provided a brief background on the project and where they are today in the process.

Comr. Phillips inquired about the amount of money being expended to date.

Mr. Danovich responded that \$452,000 was allocated for the project. However, he may not be able to answer the questions regarding the artifacts; however, staff has been considering the parking opportunities, the design, etcetera.

Robin A. Bird, Development Services Director indicated that Jennifer Lopez, Assistant Development Services Director has been championing the cause. Mr. Bird reported that all the artifacts are archived and is in self-storage and the car is located at the Public Works compound. Although everything has been accounted for, the difficulty with the museum is to make it ADA compliant, which is currently out for bidding. Additionally, there are some challenges with parking.

Comr. Phillips encouraged residents to contact Dr. Catherine Gillis and her committee because they are inside the community. Finally, Comr. Phillips appreciated the collaboration of the City and the committee and indicated that one of the hurdles being money is currently available.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, inquired if the cleaning of the pavers on MLK Boulevard is included in the Capital Improvement Project (CIP) budget.

Mayor Fisher indicated that this would be a maintenance issue, which would be the Public Works Department's responsibility.

Comr. Phillips requested more information on the following items in the CIP budget:

The \$4 million in the budget, he inquired if this amount was what the City received from Florida Department of Transportation (FDOT). Mr. Danovich replied yes, that is correct.

On Page 19 it states, "5.1. Begin implementation of corridor studies and plans for Federal Highway, Atlantic Boulevard, and Dixie Highway." He asked if a portion of the \$4 million, which was slated for Dixie Highway improvements only would be utilized for studies involving Atlantic Boulevard and Federal Highway.

Mr. Danovich responded that it is not for the studies. However, the purpose for the monies is allocated to allow for improvements of the roads as once EDSA, the agency that is doing the analysis for the City, returns with a plan work can then commence particularly from the intersection of Atlantic Boulevard and Dixie Highway. The monies are for FDOT roadways to include Federal Highway.

Comr. Phillips inquired whether any of the \$4 million is being used to conduct study for Federal Highway. Mr. Danovich responded no.

Dennis W. Beach, City Manager explained that the funds coming from FDOT on this particular project are for Dixie Highway, and anything in the CIP budget stating otherwise then the wording is incorrect.

Comr. Phillips indicated that within the CIP budget funds are being allocated for Fire Station 61. However, if the Penny Sales Tax initiative was approved, the City would not need to utilize CIP funds for the fire station.

Mr. Beach explained that a decision would have to be made by the Commission at that time, because this budget was being planned with the referendum not being successful. However, if the plan is successful, staff will bring back an item regarding this matter for the Commission's consideration.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, referred to Page 8 and Page 68 of the CIP book where there is a designation, "Project Administration Fees" and inquired whether these are fees paid to City employees or outside contractors.

Mr. Beach explained it is an allocation being used to pay City employees.

Dawne Richards, 3304 SE 4th Street, #6, Pompano Beach, inquired about the Penny At Work Sales Tax, which Mayor Fisher indicated this matter could be discussed later.

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: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-20

21. **16-206** Request of ratification by City Commission for Emergency Procurement for repairs to plumbing at the Mitchell Moore Annex from vendor Gator Plumbing of South Florida, Inc. for \$25,156.02.
(Fiscal Impact: \$25,156.02)
(Staff Contact: Rob 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.

22. **16-207** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CITY/COUNTY RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY; 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. 2017-21

23. **16-210** 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 THE INTERLOCAL AGREEMENT AMONG THE CITIES OF CORAL SPRINGS, FORT LAUDERDALE, POMPANO BEACH, TAMARAC AND COCONUT CREEK FOR HOUSEHOLD HAZARDOUS WASTE DISPOSAL SERVICES TO INCLUDE THE CITY OF LAUDERDALE LAKES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan/Russell Ketchem)

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. 2017-22

24. **16-220** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE-FUNDED GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF OBTAINING FUNDS IN THE AMOUNT OF \$194,000.00 TO PROVIDE RESIDENTIAL WIND MITIGATION RETROFIT IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$194,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

Comr. Phillips pulled the item for discussion. He indicated that it is great the City received \$194,000 and asked what will be done with these monies.

Mark Korman, Program Compliance Manager, Office of Housing and Urban Improvement, explained that it is the State's residential construction mitigation program. Therefore, all activities will be directed towards wind mitigation, which is the strengthening for hurricanes, etcetera. He reported that last year eleven (11) homes were completed; however, they are committed to fourteen (14) for this year.

Comr. Phillips requested staff provide him with a list of those homes that received funding for this, as well as a list of future homes that would qualify for this program. He indicated that this is a noteworthy program and he wants to ensure that the low to moderate income families, as well as seniors would benefit from the program.

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: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-23

25. **16-228** 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. 1, IN THE NOT TO EXCEED AMOUNT OF \$42,467.29, PURSUANT TO THE AGREEMENT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND R. J. BEHAR & COMPANY, INC. CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$42,467.29)

(Staff Contact: Rob 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.

Enactment No: RES. No. 2017-24

E. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

***NOTE:** Mark E. Berman, City Attorney, advised that items 18-21 are listed under Quasi-Judicial Proceeding and are 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.

26. 16-199 P.H. 2016-97: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, AMENDING THE REZONING OF THE PROPERTY LYING SOUTH OF ATLANTIC BOULEVARD (S.R. 814) AND BOTH EAST AND WEST OF THE SOUTH TERMINUS OF NE 5TH AVENUE FROM RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) TO A MODIFIED RPUD; PROVIDING FOR CONFORMANCE TO AN APPROVED MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Jae Eun Kim/Robin Bird)

Robin M. Bird, Development Services Director, presented the item for discussion. He indicated that the Planning and Zoning Board recommended approval at their July 27, 2016 meeting. All the conditions have been addressed with the exception of Item F, which the applicant is prepared to address.

In sum, Mr. Bird indicated that the intent of the Planned Development is to encourage innovative land planning, site design concepts for high quality of life and achieve a high quality of development to advance the City's goals and objectives. The planning objective of this development include the objective for the RPUD to provide innovative residential mixed use development that meets the growing demands for housing and variety of economic levels and the demand for greater variety in tenure, type designs and siting of dwellings in a manner that achieves a more efficient use of land. Also, to offer residents convenience in location of accessory commercial and service areas, as well as marine opportunities, which are developed in Phase 1 of the proposed multi-family units constructed around the marina, which will serve as the central amenity for the project.

The aesthetic and architectural integrity, waterfront setting, and convenient location characterize the project. This request for amendment focuses on POD B in the master plan in the area. They will create 92 loft style units created on sheet PD-1 in Exhibit B labeled "Amendment to the Approved RPUD" All other items included specifically to this project in the RPUD are:

Increasing maximum building height from 55' to 85'

Increasing maximum building stories from 4 or 5 to 7

Increasing the number of buildings from 2 to 3

Increasing the maximum building size from 105,000 sq. ft. to 180,000 sq. ft.

Relocating the fitness trail along the east property line to be internalized

around the proposed three (3) buildings of POD B

The zoning of the surrounding uses will be to the north a transit oriented district, retail and offices; to the south the Pompano canal and single-family; to the east is multi-family RM-20, as well as B3 (General Business) its border is currently on vacant land and to the west is B3 (General Business) and multi-family offices.

Dodie Keith, Keith & Associates, 301 East Atlantic Boulevard, Pompano Beach, indicated that they are pleased to present this long awaited project, which has been properly vetted with the residents and staff of the City to work through the challenges and concerns. Therefore, she asked Mr. Longworth to provide details of the project, which would be followed by a short presentation.

Christopher Longworth, 1401 Southwest 54th Avenue, Plantation, FL, indicated they are at the end of the first phase, and will finalize construction over the next 30 days. He then explained what they were currently doing with Ethos. He noted that Koi was a risky project; however, the City Commission allowed him to move forward and it was successful. Therefore, Ethos is similar to the Koi project. They are trying to create a more modern environment with open space, loft style that is currently a big trend in the market. He hopes this will bring in more of the millennials and the younger buyers. There are quite a number of diversities to include three (3) different phases, which each phase will support a different type of demographics. As it relates to design, Ethos is the second phase of Koi. Notwithstanding, the entire project will be consistent with the development on Atlantic Boulevard of the Cultural Center, as well as other developments.

Mr. Longworth is proposing to go up 30 feet higher in elevation in order to accommodate the loft style units. He then referred to the brochure he distributed earlier to the Commission. In addition, he presented the dichotomy between the first approved plan and the plan they are currently proposing. In sum, he indicated that areas are improved, and an amenity rich product has been established. There will be a movie theater, sculptured garden, summer kitchen, resorts, spa and pool, a fishing pier and so forth. They moved the tot lot to the Westside of the project; also, there will be a dog park.

Ms. Keith indicated that they are planning to bring both Phase 2 and 3 together for a faster construction timeline.

Comr. Hardin declared that he has had ex-parte communication on the project over the years about Ethos and previously about Koi and the entire development. He asked if the amount of townhomes were reduced, to which Mr. Longworth replied yes.

Comr. Hardin asked if there would be 92 or 91 units.

Mr. Longsworth replied it would be 91 as he had removed one unit to make it into a gym. In fact, he indicated that Ethos and the towers on Atlantic Boulevard will be going at the same time. If all the financial requests work out they plan to break ground on the apartments, which are luxury rentals and those will go up the same time as Ethos. They have planned to increase the open space as well.

Comr. Moss asked what would be the total amount of units when all the projects are completed.

Mr. Longsworth responded that they were approved at 350, but is now at 342. He explained that Ethos would be a condominium and a town of association. In essence, they created a master association that includes the marina, all the roads and infrastructure, then there is the townhouse association, and the condominium association for Ethos and the rental towers at the front, which are all part of the master association.

Comr. Moss asked if the condominium will govern itself, the HOA will govern itself and then there will be a master association that will handle all the common areas. He also asked for the price ranges.

Mr. Longsworth responded that the rentals would be approximately \$1.85 and \$2.10 per foot. The Ethos will be priced per foot to start at \$285 per foot and upwards. In sum, Mr. Longsworth indicated that the units would start around \$299,000.

In response to Comr. Moss' question on parking, Mr. Longsworth responded that with Koi as a master, they have exceeded parking and have 1.5 parking units per loft as requested by Planning & Zoning Board.

Comr. Phillips asked where the marina would be located.

Ms. Keith explained that they dug an area out to bring a marina into the project.

Mayor Fisher indicated that this is the first development that has occurred in the Old Pompano area for over 50 years. He thanked Mr. Longsworth for taking the chance and the dollars to get investors to come to Pompano Beach, which the City is appreciative. Finally, Mayor Fisher stated that the product is amazing.

Mr. Longsworth thanked the City for also believing in him and allowing him to move forward with his project and thanked the Commission and staff for their support.

Comr. Dockswell wanted to see the minutes from the Planning and Zoning Board, since the membership voted 4 to 3 on the project. He then asked if all the issues were resolved.

Ms. Keith responded that they worked with the residents a great deal and there was some confusion with the increase of the height of the towers. Nevertheless, Mr. Longworth has made himself easily accessible and available to work through any concerns by the citizens, as the project moves forward.

Comr. Hardin indicated that many residents have communicated how pleased they are with the way the mangroves and the riprap rock turned out and thanked them for a signature project, which he is pleased to see.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be **APPROVED FIRST READING**. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

END OF QUASI-JUDICIAL PROCEEDING

27. 16-224 P.H. 2017-01: (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 LABOR AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH, FOR THE PERIOD BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2019; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$970,584)

SECOND READING: OCTOBER 10, 2016

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, introduced the item, which is a three (3) year labor agreement between the Pompano Beach Professional Firefighters' Local 1549 of the IAFF and the City of Pompano Beach. He stated that recently, the City and the fire negotiating team reached a mutual agreement subject to a vote of their membership and approval by the City Commission. Pursuant to the Union's procedure, a vote was scheduled for last Wednesday and Thursday, but due to hurricane Matthew the vote had to be rescheduled for this Tuesday and Wednesday. Therefore, in a good faith effort to keep the process moving forward and with the anticipation that the fire union will vote in favor of the agreement the item has been placed on the agenda for second to commence the process.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-01

28. 16-226 P.H. 2017-03: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "LICENSES," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," TO EXTEND THE TIME PERIOD FOR A BUSINESS TAX RECEIPT FOR CHRISTMAS TEMPORARY HOLIDAY SALES VENDORS; BY AMENDING SECTION 113.40, "TEMPORARY HOLIDAY SALES VENDORS," TO PROVIDE ADDITIONAL TIME FOR THOSE CONDUCTING SALES UNDER A TEMPORARY HOLIDAY SALES VENDOR LICENSE FOR A SPECIFIC TIME PERIOD IN NOVEMBER THROUGH DECEMBER OF EACH YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, presented the item and indicated that as directed by the Commission, staff made a modification to the ordinance to change the rule to five (5) days prior to Thanksgiving when Christmas tree sales will take place at a maximum of 38 days.

Comr. Dockswell suggested amending that section of the ordinance to read, "From the Saturday preceding Thanksgiving Day," The Commission voted on this amendment.

1) A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Ordinance be ADOPTED AS AMENDED. The motion carried by the following roll call vote:

2) A motion was made by Commissioner Dockswell, seconded by Commissioner Phillips to amend that section of the ordinance to read, "From the Saturday preceding Thanksgiving Day." The motion carried unanimously by voice vote.

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-02

29. 16-121 P.H. 2016-93: (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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$39,042)

FIRST READING: SEPTEMBER 27, 2016

(Staff Contact: Robin Bird/Karen Santen)

Robin M. Bird, Development Services Director, presented the item and indicated it is a subscription for a total rate of \$13,014 per year. Also, it is for a three (3) year period for the Ecivis program that organizes the data for the grants the City pursues.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: ORD. No. 2017-03

30. **16-64** P.H. 2016-86: (PUBLIC HEARING 1ST READING)
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES" TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES", TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM SEPTEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

1) A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to remove the item from the table. The motion carried unanimously by voice vote.

2) A motion was made by Vice Mayor Burrie, seconded by Commissioner Phillips, that the Ordinance be TABLED to December 13, 2016 Commission Meeting. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

31. 16-187 P.H. 2016-95: (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 INDEPENDENT AUDITING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MARCUM LLP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$630,042 Maximum for Five Years)

SECOND READING: SEPTEMBER 27, 2016

(Staff Contact: Suzette Sibble)

Suzette Sibble, Finance Director, presented the item, which is the final reading of an ordinance to approve a five (5) year contract with Marcum LLP to provide independent audit services for the City of Pompano Beach financial statements. This will include an audit of the Pompano Beach Community Redevelopment Agency (CRA) Trust Funds for both the east and northwest districts.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. No. 2016-82

32. 16-202 P.H. 2016-98: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4225., "COMMERCIAL: VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird.)

Karen Freidman, Planner, presented the item, which is a proposed text amendment to the City's zoning code addressing apartment hotels, which are sometimes referred to as "condo hotels."

Comr. Moss inquired if a condominium owner could rent to their visiting guests, a condominium building maintained for the exclusive use of its residents.

Ms. Friedman replied no, and explained the reasons, which she said there are specific SEC regulations and condominium documents related to condominium hotels versus a typical residential condominium.

Vice Mayor Burrie inquired who would police the rule where it states in the ordinance that a person that owns the unit can only live there for thirty (30) days out of the year.

Ms. Friedman responded that the language would have to be included in the condominium documents. The enforcement mechanism would be the condominium association itself.

Comr. Dockswell suggested that it should be called a Condo Hotel rather than an Apartment Hotel as stated in the Code.

Ms. Friedman explained that when the zoning code was rewritten in 2012 the consultants recommended the language at that time.

Robin M. Bird, Development Services Director explained that a condominium is a form of ownership and an apartment hotel could be any type of ownership to include condominiums. Therefore, he would prefer to check on the name to bring back additional information at the second reading.

Ms. Friedman then provided a brief history behind the term condominium hotel.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

33. 16-201 P.H. 2016-99: (PUBLIC HEARING 1ST READING)

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.26, "PUBLIC NUISANCES," TO ESTABLISH ADDITIONAL CONDUCT THAT CONSTITUTES A PUBLIC NUISANCE RELATED TO IMPROPER DEMOLITION AND DETERMINING SAID CONDUCT CONSTITUTES A BLIGHTING INFLUENCE, AND ESTABLISHING MINIMUM PROPERTY STANDARDS FOR VACANT LOTS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

Karen Friedman, Planner, presented the item, which she indicated is the result of an ongoing effort between the Development Services Department staff and Code Compliance staff to eliminate the nuisance properties. She explained that loopholes in the code are being identified and require consideration.

Comr. Hardin stated that he supports improvement of the appearance of the City and Community but disagrees with the proposed action because it is a bit over-reaching and explained his reasons.

Dennis W. Beach, City Manager suggested that staff conduct an inventory of the number of lots and institute a plan on how to impose compliance. Therefore, he suggested striking the item at this time.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be STRICKEN. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

34. 16-200 P.H. 2016-100: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2308, "POST DECISION ACTIONS AND LIMITATIONS," TO TOLL THE RUNNING OF THE EXPIRATION TIME PERIOD FOR ANY DEVELOPMENT ORDER DURING THE TIME PERIOD THE SUBJECT PROPERTY IS UTILIZED BY A GOVERNMENT ENTITY FOR A PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 10, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Karen Friedman, Planner, presented the item, which addressed properties that have been subject to a lease or some other agreement with a government entity, allowing the government to use the property for a public purpose. She indicated that sometimes the properties are under a development order whose approval time is taken away. Therefore, staff recommends that for the period that the government entity is using the property for public purpose that the expiration period be tolled, which means it would be suspended.

In addition, she stated that staff recommends the property not be subject to the expiration extension standards that exist in the zoning code. Therefore, tolling should be by right provision, providing the Development Services Department receive a request 45 days prior to the expiration of the development order.

Comr. Dockswell suggested that they amend the ordinance to require Commission approval to initiate or extend the tolling period.

A motion was made by Commissioner Dockswell, seconded by Vice Mayor Burrie, that the Ordinance be **APPROVED AS AMENDED**. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

35. **16-205** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2016-301, AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO APPLY FOR THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN PROGRAM FOR POINT SOURCE WATER POLLUTION CONTROL; UPON APPROVAL, EXECUTE THE CORRESPONDING LOAN AGREEMENT, PLEDGING OF STORMWATER UTILITY FEES AS THE REVENUES TO REPAY THE LOAN, AND PROVIDING FOR CARRYING OUT ALL LOAN RESPONSIBILITIES UNDER THE AGREEMENT; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,282,269 (\$3,465,528 principal and estimated \$816,741 in interest), with Stormwater Utility Fees)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item that the Commission originally approved. However, after extensive consultation the Florida State Department of Environmental Protection is requesting the City to remove the dollar amount out of the agreement, because it would limit them awarding a specific loan amount to the City. Therefore, they require upon acquiring the final amount for the construction that the City insert that amount with the Commission's approval.

Comr. Moss asked about the interest rate and the duration of the loan.

Mr. Brown responded that the interest rate is 16% below the Bond rate, and with credit for the program, it would drop lower. Also, the duration of the loan would be for 20 years.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Resolution be **ADOPTED**. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-25

36. **16-194** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD AS A CONTRACTOR, TO FILL THE UNEXPIRED TERM OF KENNETH KOCH; SAID TERM TO EXPIRE ON SEPTEMBER 8, 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Dockswell, seconded by Commissioner Hardin, that the Resolution be ADOPTED and to insert the name Donald Joseph. The motion carried by the following vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-26

37. **16-216** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE 1, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 15, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Phillips, seconded by Commissioner Hardin, that the Resolution be ADOPTED and to insert the name Latoya Almonord. The motion carried by the following vote:

Yes: Hardin
Phillips
Burrie
Fisher

No: Dockswell
Moss

Enactment No: RES. No. 2017-27

38. **16-218** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 15, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Dockswell, seconded by Commissioner Hardin, that the Resolution be ADOPTED and to insert the name Donna Russo. The motion carried by the following vote:

Yes: Dockswell
Hardin
Phillips
Fisher

No: Moss
Burrie

Enactment No: RES. No. 2017-28

39. **16-188** Consideration for canceling the City Commission meetings of November 22, 2016 and December 27, 2016.

(Fiscal Impact: N/A)

(Staff Contact: Dennis W. Beach)

Dennis W. Beach, City Manager, indicated that the meetings of November 22, and December 27 conflict with holidays and time taken off. Historically, these two meetings have been canceled; therefore, staff recommends the Commission cancel the meetings.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item for Consideration/Discussion be ACCEPTED. The motion carried unanimously.

40. **16-198** Consideration to name the park at 220 East Atlantic Boulevard Bill Keith Park (Fiscal Impact: \$500 provided to the City)

(Staff Contact: Rob McCaughan)

Robert McCaughan, Public Works Director, presented the item and requested that the Commission consider naming an unnamed park as the "Bill Keith Park." Traci R. Scheppske, Vice President of Keith and Associates submitted a letter of request. Mr. McCaughan stated that in 2007, this item was proposed by the Pompano Beach Economic Development Council but was not formally presented to the Commission for consideration.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Item for Consideration/Discussion be ACCEPTED. The motion carried unanimously.

EXECUTIVE SESSION

41. **16-236** Advice concerning litigation in relation to settlement matters and/or strategy sessions.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney requested to adjourn the meeting prior to moving on to Item 27 to commence the Attorney-Client Session so that a discussion can be had concerning pending litigation in relation to settlement matters and/or strategy sessions relating to the following matter:

Pompano Beach Community Redevelopment Agency (CRA) and City of Pompano Beach, Florida v. the State of Florida, et al. and Broward County, Florida, Broward Circuit Court Case No. 14-009654(18).

Mr. Berman stated that the entire session will be recorded by a court reporter. In addition, a transcript will be filed with the Clerk and made available to the public at conclusion of the litigation discussed today. The session will be private with the following persons in attendance, City Commission members; Pompano Beach Community Redevelopment Agency Board members; Dennis W. Beach, the City Manager; Mark E. Berman, City Attorney; Kim Briesemeister, Executive Director; Chris Brown, Executive Director; Claudia McKenna, the CRA Attorney, and CRA's outside counsel, Jamie A. Cole and Daniel L. Abbott.

Finally, at the conclusion of the session, the City Commission would reconvene the public hearing and the Mayor will end the session.

Meeting went into Recess

Meeting Reconvened

F. REPORTS

City Manager, Dennis W. Beach - Brownfield Project - Dennis W. Beach, City Manager read into the record the announcement of a Brownfield project. On October 25, 2016 staff will be bringing forward for the first of two public hearing, a request by Home Dynamics Vantage LLC to designate land at the location at the former Palm Aire Golf Course, at the northeast corner of the intersection of the Florida Turnpike and west Atlantic Boulevard, Folio #484232190020 as a brownfield area pursuant to Section 376.802(c) of Florida Statutes, of Florida's Brownfield Redevelopment Act. The second public hearing would occur on November 8, 2016.

City Attorney, Mark E. Berman - Executive Session on October 16, 2016 - Mr. Berman announced that pursuant to Florida Statutes 286.011(8), the City of Pompano Beach and possibly the Community Redevelopment Agency (CRA) will hold an Attorney-Client Executive Session to be held on October 18, 2016 at 4:00 p.m. prior to the CRA meeting, in the City Commission Chamber Conference Room.

Mr. Berman stated that discussion would be concerning any litigation relating to settlement matters or strategy relating to Pompano Beach Community Redevelopment Agency, City of Pompano Beach et al., versus Florida State et al. and Broward County Case #14-009654(18) 17th Judicial Circuit. The session will be private and the anticipated City Commission members attending as well as the CRA Board members who are one of the same, Dennis Beach, City Manager, Mark Berman, City Attorney, Kim Breismiester and Chris Brown Executive Directors, Claudia McKenna CRA Attorney and outside counsel for the CRA Jamie Cole and Litigation Counsel Daniel Abbott. This notice will be posted and the Commission reminded of the meeting.

Special CRA Meeting - Mr. Berman indicated that they are planning to set a special CRA meeting for about five minutes this week to announce the Closed Door session of the CRA and Executive Session, which will be held on October 18, 2016. It was a consensus among the Commission that this meeting be held on Friday, October 14, 2016 at 10:00 a.m.

City Clerk, Ascelela Hammond - No Report

Comr. Barry Dockswell - Hurricane Matthew - Comr. Dockswell expressed thanks for "dodging the bullet" from hurricane Matthew. However, he indicated that a property owner in a sub division seems to be unwilling to trim his trees away from the powerlines. Subsequently, there have been a few power failures because of that. Comr. Dockswell questioned whether the City had the ability to add an ordinance to provide the opportunity to compel a property owner to trim trees away from powerlines, or could the City take action to trim the trees. A discussion ensued among the Commission on who is responsible to trim the trees away from the utility lines and

the safety factor involved to trim the trees.

Emergency parking in the Pier Garage - Comr. Dockswell indicated that people had asked him if they could park in the garage when a hurricane is imminent for those who do not have good parking and flooding is expected in the area. He said that he understands the liability issues involved as indicated by staff for not accommodating parking in the garage, but, if the issue could be tackled in advance then the City could come up with some solution even if it meant posting a notice to indicate a person is parking at his/her own risk. Nonetheless, he believes the problem should be tackled head on to decide what will be done in an emergency and how this would be handled.

Dennis W. Beach, City Manager responded that staff had researched the issue several months ago and sent the Commission a report on the recommendations regarding the matter. There were a number of reasons staff had gone with the recommendation not to permit parking to include the possible use of the garage for City vehicles, staging, and things of that nature. However, if the Commission desires to make the garage available for public parking under emergency circumstances then staff could design a method to accomplish it.

Comr. Dockswell indicated that he would prefer the option that indicates parking at “your own risk” type of accommodation.

Mayor Fisher suggested that City Manager Beach brings back information to the Commission, through a memo, for the Commission’s consideration to make a determination at an upcoming meeting as to what direction to go with this issue.

Comr. Rex Hardin - Garbage Contract - Comr. Hardin suggested that perhaps staff may want to review the garbage contract because of everything that was changed in the new contract, because the four (4) cubic yards limitation is what really “sunken us.” Therefore, he said without the limitations, at least 10% of the complaints would not have existed.

Mayor Fisher and Comr. Phillips agreed with Comr. Hardin’s comments.

Vice Mayor Burrie indicated that it appears that most people decided to cut their trees the day prior to the hurricane. In her district, this was on a Tuesday but bulk is not picked up until Friday. So perhaps, the City may need to educate the people not to cut the trees down the day before a hurricane.

Comr. Barry Moss - No Report.

Comr. Ed Phillips - Upkeep of Trees at Canal Pointe - Comr. Phillips reported that residents from Canal Pointe has been complaining to him about the trees that have not been maintained. He said the trees are within the swale areas and there is a need to

determine who is responsible to maintain those trees. It was the consensus of the Commission that Robert McCaughan, Public Works Director would check into the matter.

Entry Way Signs - Comr. Phillips inquired about the signs for the Kendal Green neighborhood, as well as the Highland Heights off Northwest 21st and Atlantic Boulevard. He stated that the entryway signs are good for those neighborhoods that do not have a Homeowners' Association.

It was the consensus of the Commission to encourage the residents to formulate a Homeowners' Association to work on the signage for their neighborhood.

Mayor Fisher suggested that for informational purposes that staff provide a typical cost of a sign with perhaps the LEED program involved for future discussion among the Commission.

CRA Groundbreaking Project on MLK Boulevard - Comr. Phillips indicated that there will be a development landmark and a groundbreaking, which will take place on October 19, 2016. This will be a significant project in the Northwest CRA residential area, as well as it will be a \$20 million project.

Vice Mayor Burrie - No Report

Mayor Lamar Fisher - Sand Bags during Hurricane Preparation - Mayor Fisher indicated that there has been some discussion regarding sand bags. Since some cities are providing this to its residents, perhaps the City could look into the possibility of making sand bags available in the near future for emergency purposes.

Hurricane Emergency Preparation - Mayor Fisher congratulated and thanked Kimberly Spill on her leadership in preparing the City for the most recent threat of Hurricane Matthew. He commended her for her skills in preparing the department heads and the City for a natural disaster such as a hurricane.

Hoops for Cure Basketball Fund Raising - Mayor Fisher announced that on Wednesday, October 26, 2016 at 5:00 p.m. at the Blanche Ely High School Gymnasium, there will be a "Hoops for a Cure Basketball Challenge" and encouraged everyone to come out in support of this worthy event. To find out more information on how to donate, contact Eddie Beecher, Human Resources Director, at (954) 786-5555.

G. ADJOURNMENT

The Meeting was adjourned at 10:24 p.m.

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK