

## 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*

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Tuesday, January 22, 2019

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

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

#### ROLL CALL

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

#### INVOCATION

Bishop Charles Ross of Judah NOW Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[19-180](#) Regular City Commission Meeting Minutes of January 8, 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 McGee, 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 the following items will be pulled for Commission discussion:

3, 5, 7, 9, 10, 12, 13, 15, 16, and 19

**SPECIAL PRESENTATION**

Mayor Hardin announced that there is a problem with the live feed so anybody trying to watch the meeting on the computer at home will not be able to do so. However, it can still be viewed on Channel 78 and will be available for rebroadcast.

Additionally, Mayor Hardin announced that there would be a special presentation, which is an update from the Florida Department of Transportation (FDOT) regarding the sewage spill. He said recently, the City experienced a serious sewage spill, which was through no fault of the City. It was not due to crumbling infrastructure in any way. The pipe was buried approximately 18 feet deep in the ground and a contractor that was hired by FDOT, punctured the sewer main and have devastated the community. The hours and efforts that have gone into trying to fix the resulting issues that have happened because of the spill are immeasurable. This has damaged wildlife, perhaps property values. Also, fishes have been killed, and people have been suffering with the odor. Overall, the situation is just awful. He reiterated that this is of no fault of the City. Therefore, he is looking forward to the update from the people who are ultimately responsible for the cleanup.

Comr. Eaton enquired about how many aerators have been installed and the cost to the City. She indicated that the City went through great lengths to not wait for Department of Environmental Protection (DEP) or some other agencies. The City immediately went into action and had to spend money out of its own coffers in order to mitigate the damage and the flow to do what could be done by utilizing its trucks, aerators, and so forth. Therefore, Comr. Eaton wanted to know if the City would be made responsible for taking the actions for not waiting and allowing the situation to worsen.

Greg Harrison, City Manager, responded to one of the questions. He said the most recent update on the aerator count, which is posted on the City's website, has reported currently there are 147 aerators set up. Additionally, he said the City is tracking the costs with the City's contractor, therefore, as of Friday, January 18, 2019 the total was \$1.4 million.

Comr. Eaton commended the City's staff and management for not standing by to have someone to come in to fix the problem but took aggressive and quick action to do what needed to be done to mitigate this disaster.

Comr. McGee indicated that there have been a number of concerns expressed regarding public health from the stench coming from the water and with the dead and decaying wildlife. She wanted to ensure that not only are we not incurring the costs but the City is ensuring to keep tab of everything being done to include staff's time to properly bill FDOT and the contractor. She asked, how can the public be assured that they will be the first to be informed when the danger is passed and the water is clean.

Continuing, Comr. McGee indicated that with the cleanup and the matter that is in the water system now, it is very difficult to remove, but wanted to get assurances that FDOT and the contractor will continue everything necessary until the City goes back to where it was prior to the spill. She wanted to know if it was indeed true that a manatee was killed in one location.

Comr. McMahon expressed a number of concerns. He is aware that residents had expressed at several of the public meetings through Facebook and other media their concerns about the expenses they have had for their seawalls and boats and how this process will take place. Therefore, he wants FDOT to assure the residents that they are going to pay for the damages due to the accident that they caused. This was not caused by the City. Also, he wanted to know when FDOT will declare that the water is clear and when are they going to show that the water is back to its original state. Nevertheless, he would like to see every test done, every water brought back to the condition for the residents.

Finally, Comr. McMahon gave great credit to the City's staff because the moment this happened the entire staff has been working 24 hours a day. Also, he and Mayor Hardin have been working every weekend trying to make sure the notices are sent out to the public on what is happening.

Vice Mayor Moss stated that even though it was the contractor that poked the hole and caused the problem, ultimately the responsibility belongs to FDOT. It has been suggested that there are alternative ways of mitigating this that are currently not being used. Therefore, he would like to know if any of the other avenues have been explored. Also, he pointed out that unless the executives of FDOT live on one of the canals they could not appreciate how awful this has been and, how it affects people, and how it is causing some people to become not just upset but suffer the terrible smells.

Finally, Vice Mayor Moss stated that the issue is completely unacceptable and he would like FDOT to do everything they can to get to the bottom of this. He also wants to know what they are doing and when are they expected to provide some solid answers to the City. He would like to get someone from the upper level of FDOT to come to the City and address the community accepting the responsibility and let them know what are the plans to fix this problem that was caused through their organization.

Mark Berman, City Attorney, stated that he received additional information that may be helpful. He said he received communication at 5:30 p.m. this evening from Daniela Silva, who is a community outreach specialist stating; "FDOT has a dedicated community outreach specialist that will track and send damage claim letters back to residents, boat owners, etc. When the letters are sent out the Prince Corporation claims department is copied and will become the main point of contact for the claims process." The City will be given the claim information that will be sent out to the public. So, all private claims can be sent directly to FDOT, they will track it and deal with it.

Mayor Hardin summed up the situation and stated that FDOT will take responsibility for coordinating the claims for the City's residents. It is imperative that the residents be made whole because they had no part in this industrial accident, which they are suffering the consequences. The City is coordinating the best way possible with the outside entities. However, the City is limited by some agencies that dictates what can or cannot be done in some circumstances. In fact, the City has brought on additional legal representation, which specializes in this type of mess to assist in guiding and ensuring that the City is covering all aspects to have things back to how it was for the residents.

Scott Case of HNTB Corporation, representative of the Florida Department of Transportation (FDOT) on the I-95 Phase 3A-2 project, which is from Commercial to Southwest 10th Street, provided a brief update regarding the accidental sewage spillage in the City.

The accident occurred on January 4, 2019, when a third-tier subcontractor to Prince Contracting, hit the line as they were trying to do a directional bore. Immediately, the City got involved as well as the FDOT personnel. The line was fixed and put back in place a week later. During the period there was a lot of flow that entered into the canals. Prince Contracting is working on a remediation plan. They have an environmental specialist, Jason Whitman, who is in the process of coordinating a plan with Department of Environmental Protection (DEP), Broward County, South Florida Water Management District (SFWMD), FDOT and the City. Once the plan is finalized it will be the permanent fix to remediate the canal system. As this is in process, FDOT cannot do anything more at this time but to aerate the canals, which is what the DEP has asked them to do. Once the levels go down below the 800 CFU count, which is the threshold for their water quality, FDOT could get into the canals and begin remediation when Prince is ready to start that process.

Mr. Case reiterated that FDOT has sent out an email to the City directing that all claims from property owners and citizens be directed to the contact given for FDOT, who will then put them in touch with Prince's insurance and they will track it to its completion to where everything is made whole.

Mayor Hardin enquired how long until the plan for remediation will come out.

Mr. Case responded that they have been coordinating with Broward County and the DEP and their responses are that the 800 count is all that they require, and if they wanted to remove the aerators to another location they could. In addition, Mr. Case indicated that they have been marking and coordinating with the City for the residents where they have the air compressors in the back of their yards to slowly moving stuff out of the finger canals and concentrate more in the area west of the G57 structure, which is where the highest counts are at this time. He said they are hoping that at the end of the week to the beginning of next week that the counts will be below the 800 level number and they can start moving on the permanent repair at that time. In sum, an analysis is being done daily to put into place the remediation plans. Once the 800 numbers are achieved throughout, they will be distributed to the City, Broward County, SFWMD, and FDOT to ensure that all regulatory agencies agree on the remediation plan prior to commencement.

Mayor Hardin indicated that there are suspicions of pollution of the lower level of the canal regarding the sediment that reside at the bottom of the canals.

Mr. Case stated all these issues will be addressed in the remediation plan.

Mayor Hardin stated that the angst among the residents is mostly the timing of when all this will be cleared up.

Mr. Case reiterated that nothing can be done until the remediation plan is in place to the west canals, and explained the process of the flow to the east.

Mayor Hardin explained the G57 is the canal directly behind the Dunkin Donut on Atlantic Boulevard, which is where the SFWMD control the gate that actually can stop the flow of water at that area. So west of this and north of Atlantic Boulevard is the area still above the 800 level and this is what needs to be brought down to commence the remediation plan.

Mr. Case confirmed that is correct.

Comr. Eaton understands what they are allowed to do as per the DEP, regardless of all the ideas and suggestions that are coming from the City, residents and even FDOT, the bottom line is the City must follow the recommendations of the DEP, or else it will be in violation.

Mr. Case responded that is correct and explained some of the ideas that they had in mind, as well as the public. However, the regulatory agency denied most of the suggestions and allowed them to aerate only.

An extensive discussion followed among Mr. Case, and the Commission regarding the Broward County sewer pipe system as well as the bypass systems and the connection to Pompano Beach, the normal operational procedures that take place prior to commencing similar projects, the cleanup of the dead wildlife issues. He confirmed that there was not a dead manatee involved in the cleanup. In addition, Mr. Case provided the assurance that they will ensure that the residents' claims are processed in due diligence with the insurance company. Also, they are working with the County and DEP to ensure the water is restored to its original state.

Mr. Harrison stated that the City had a two-hour meeting with the regulatory agencies, who are ordering the remediation plan that Mr. Case referred to earlier. Therefore, they will approve or make suggestions until they get the required plan. Thereafter, they will conduct their regulatory processes, which will be communicated to the community.

Mayor Hardin indicated that the plan must also be acceptable to the residents and not just DEP.

Comr. McGee suggested that Mr. Case get the health officials to provide their feedback on the situation to satisfy the concerns of the residents, which is quite challenging to get from the respective agencies.

Mayor Hardin thanked Mr. Case for coming and providing an update to the residents and indicated that daily updates are expected to be sent via the websites, and emails to the residents to ensure that the City is brought back to whole.

#### **A. AUDIENCE TO BE HEARD**

All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

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:**

**Airplane Noise** - Konstantinos “Gus” Paphis, 2720 NE 8th Court, Pompano Beach, FL, complained about the airplane noise that has been going on for five years. Although, the Air Park Manager has been contacted about the problem, no results have been seen to date. He said he has called the Mayor, the City Manager, and the Commissioner and he was told to call the Air Park Manager, Steve Rocco. He said Mr. Rocco told him that if he does not like the noise he could get out of town. He said he, along with other residents have been sending emails regarding the noise. In addition, he complained that the aircrafts are doing touch downs without any transponders. He said that there are 420 flights per day, which makes it difficult for him to enjoy his back patio. He said he is on Prozac because of the noise experienced from the airplanes. He has complained to the Broward Sheriff’s Office (BSO) and the City Manager and nothing has been done.

Greg Harrison, City Manager responded that staff communicated back to him and answered all his questions about allegations about Steve Rocco, and about the transponders.

Mayor Hardin apologized for the difficulty Mr. Paphis is experiencing with the airplane noise and explained in details how they operate in the City. However, if there are airplanes without any registration, as Mr. Paphis alleged, the City can investigate the matter. Therefore, he asked Mr. Paphis to provide his contact number to the City Clerk and he will call him regarding the registration issue.

**Homeless issue and other conditions in the parks** - Robert Jarrett, 219 SW 3rd Street, Pompano Beach, FL, commented on the homeless issues in the City. He stated that various parks that he and his family visit have been experiencing people sleeping in the area and leaving their baggage and clothing behind. He said the park personnel try to keep the parks clean but they would have to visit them daily to keep them clean.

Additionally, Mr. Jarrett stated that at the park on US-1 (Community Park), he was visiting with his grandson and there were eight people gathered in the picnic area that had a pit bull that was off its leash. The same area has a gated area for children to play and the gate was opened. He said he talked to the people with the dog as he went to close the gate. However, dogs running off leashes in a park is unacceptable. Mr. Jarret reported that at the Cypress Road Park, a number of people hang out over there and during one of his visits, he happened to be sharing a table with a number of the homeless who were saying that people would beat them. In sum, he is concerned with the conditions in the parks. He said they need to get better police response and

have the parks people to clean it where there is a concentrated population of people.

Mayor Hardin stated that he concurs with Mr. Jarrett's comments and stated that it is the City Commission's priority to do better with the parks issues. There are several measures that were brought forward and there are more to come. Also, the City is working with the Broward Sheriff's Office (BSO) and the park rangers to make things better in the parks.

**Street Lighting** - Pastor Jacques Dumornay, 1st Haitian Baptist Church, 333 M.L.K. Jr., Blvd., Pompano Beach, FL, requested the City Commission's help with the lighting situation on NW 4th Street, on the north side behind the church. He complained that there are no street lights in the area and at night, many undesirable happenings take place. He said the church used to provide lighting in the area but when they redid the parking, the zoning department asked them to move back fifteen feet so they no longer have the parking lights. He asked that the City do not give up on the area. Currently, the church members do not want to attend programs held at night.

Mayor Hardin instructed the City Manager to have Brian Donovan, Assistant City Manager who has Pastor Dumornay's number to call him and find out where the lights are needed and to take a look at it.

Comr. Perkins stated that she had brought this issue to the attention of the City Manager approximately four weeks ago about the lighting, when he had brought it to her attention. She said it is extremely dark at night and a number of drugs, loitering, and homelessness is known in the area, which is between two churches. It is a drug infested area and the City needs some type of lighting as soon as possible.

Greg Harrison, City Manager, indicated that a telephone call back to Mr. Donovan would have been welcomed after he followed up when Comr. Perkins brought it up.

**Sewage Spill Issues** - Alison Fournier, 430 SE 6th Avenue, Pompano Beach, FL, thanked the City Commission for their responsiveness and accessibility during the crisis with the sewage spillage. However, she thinks there are mixed feelings regarding this issue as some people are satisfied and some want more. She said there are moments of frustration with the constraints of government and intergovernmental regulations and oversight. There have been moments that she has been proud of the City and her neighbors, mixed in with feelings of not enough being done. She said there are people still living with the stench and with sewage filled water in their backyards, just waiting for the counts to come down. She said people want to know when will it all be cleaned up, and when will more signs and information be provided. There are still a number of unanswered questions and there are people who do not check the City's website to be informed, but there are some opportunities on the communication front to do a little more.

Continuing, Ms. Fournier indicated that one thing that cannot be denied throughout this experience is the citizens' passion for the City, its waterways, and the eco systems. In sum, the areas are made up of fishermen, boaters, kayakers, paddle boarders and environmentalists. This is important to the residents and a reminder of how important the beaches, the water and so forth is to the City. Therefore, she said they wanted the Commission to know that they care as they make decisions regarding the remediation plans.

Mayor Hardin appreciated Ms. Fournier for her help throughout the process.

**Collier City Safety Issues** - Carolyn Singletary, 3017 NW 2nd Street, Pompano Beach, FL, stated that within the last ten years in Collier City, it has become very bad, with drug dealers and everything else in the area. She complained that during the mornings and at nights on NW 2nd Street the traffic comes from Atlantic Boulevard and NW 31st Avenue then cuts through NW 2nd Street. The various traffic, to include eighteen wheelers, are running the stop signs, in the meantime, there are kids in the neighborhood crossing the streets to go to the stores.

Ms. Singletary stated that last year she complained to the Commissioner, and an officer was sent out to monitor the area, as well as a sign was erected stating speed limit is 35 miles, which is appreciated. However, what needs to be done is to stop the unnecessary traffic, which does not yield to the stop signs, from coming through the neighborhood. She suggested that they provide speed humps. They were told that speed humps are not the answer. In addition, Ms. Singletary stated that additional lights are needed in the area, because the one light does not shine bright enough, so perhaps there could be at least two lights. Safety is needed throughout the area but on that particular street, which has so many children. In sum, Ms. Singletary pleaded for help specially to get the drug dealers from off the streets.

Mayor Hardin indicated that BSO could get out there and address the traffic issues. He recommended that Ms. Singletary meet with the representatives of BSO who are in attendance to get some traffic enforcement started for that location, as well as to address the speed humps. In addition, the City Manager has hired a firm to evaluate the street lights throughout the City. There are a number of areas with bad street lights. He also instructed Ms. Singletary to provide her contact number to the City Clerk and someone from the City Manager's office will contact her and discuss the street light issue based upon the study to be done.

Vice Mayor Moss indicated that he has been in communication with Ms. Singletary and he has been forwarding her emails to the City Manager. Therefore, he is aware and perhaps he is getting the ball rolling on looking into getting the speed humps and the lights.

Greg Harrison, City Manager reported that the light project was part of the General Obligation (G.O.) Bond issue, and it is all in the works to get the plans done in conjunction with FP&L. Nevertheless, it does take a little time to have it done. In fact, the City has been working with FP&L in that area and the concerns that the residents have expressed even prior to the Bond issue.

Comr. Eaton stated that District 2 also has a wide area where there are no streetlights. This does lend itself for drive by drug dealing, which affects the community in District 2 and a lot of other areas. She will be bringing up under report later in the meeting, the need for more streetlights in certain sections of the community, to include Cresthaven, Crystal Lake Middle School and Faulkner Manor.

Comr. Perkins stated that she hears the cry for help in the neighborhood, which has been ongoing. She is aware there is a new Sheriff in town and she is trying to wait for him to get things settled prior to meeting with him. Therefore, she believes something needs to be done to assist with ensuring the residents' safety.

Mayor Hardin reiterated that the G.O. Bond issue is slated to assist in getting some things in place. Besides, this is not an isolated issue for the Collier City area only, but to other sections of the City, as indicated earlier by



Pastor Dumoray in District 4 and Comr. Eaton in District 2. It is a citywide issue that requires more lights on the streets.

Comr. Perkins indicated that since a young woman was killed in the Collier City area outside of her apartment, and the proliferation of drugs going on in the area, she has visited with them and have seen firsthand what is happening with the drug dealers. Therefore, something must be done sooner than later to avoid any further killings.

**NW 2nd Street Issues** - Pam Hightower, 3028 NW 2nd Street, Pompano Beach, FL, stated she met most of the Commission members last year when she came to speak on the death of her friend, who she was mentoring. She said she appeared before the Commission because of lack of response from BSO. Since that time they have had contact with BSO and have been working with Captain Irving, who has since moved on to another position. Nevertheless, she indicated that yesterday, they had a celebration for Dr. Martin Luther King, Jr. in the City, but in her neighborhood there were multiple brawls between two different entities in the community. She said there is one home they have complained about numerous times and it has been a thorn in the neighborhood since the current people moved in.

Continuing, Ms. Hightower said she spoke with a police officer and at last night's incident she counted nineteen officers who responded to seven altercations total. She indicated that when she saw what was happening she got angry, because her children are not safe. She complained that the officers are not answering their concerns, and wanted them to know that the people in that area is just as important as anyone else in the City. She urged the City Commission to assist the residents of the area to feel safe.

Mayor Hardin said he is concerned with the efforts of BSO as described by Ms. Hightower and asked Major Adkins to provide information regarding the issue.

Major Wayne Adkins, Chief of Police said he is very concerned about Ms. Hightower's statements made and said, "I feel your pain." He indicated that Captain "Moe" Matthis is outside ready to meet with her in the lobby and he will join in the meeting as well. He wants to check into the concerns expressed and see how they can remedy a lot of the situation.

Mayor Hardin advised Ms. Hightower to meet with Major Adkins and indicated that he had personally called her and left his telephone number and urged her not to hesitate to call him.

Ms. Hightower indicated that she is familiar with most of the officers and that she does not have a problem with BSO, she is a law-abiding citizen that just needs her and her family to feel safe.

**Protection from Broward Sheriff's Office (BSO)** - Terrell Reid, 3017 NW 2nd Street, Pompano Beach, FL, stated that she lost her daughter on July 31, 2018. This hurts because she did her job and called BSO thirty times a day and they did not do their job to protect her daughter. She said it took five shooters for her child to lose her life, and since her death there have been five more shootings in the neighborhood. She said she is consistently calling BSO and there are times it takes them three hours to get in the area. However, they just ride down the street and has done nothing to investigate the complaints. They are seen, but they do not stop to assist. She said she has complained about the 3029 address in the area that appears to be the place to

encourage wrong doings in the neighborhood. In fact, the altercation that took place yesterday was at 3029.

Mayor Hardin said he is sorry for the problems that house is creating and asked Ms. Reid to also speak with Major Adkins and get his telephone contact. Notwithstanding, BSO will have to do a better job for the neighborhoods.

Major Adkins stated that he has Deputy Toby Andrews, who is the nuisance abatement deputy he had planned to introduce at the end of the meeting. He will be able to meet with Ms. Reid to discuss the issue. Major Adkins then introduced Deputy Tobias (Toby) Andrews, who is a fifteen year veteran with the Sheriff's Office and thirteen of those years he actually served in Pompano Beach. He then explained a plan that was brought forward with the assistance of the City Manager to dedicate a deputy that will work on strictly nuisance abatement properties, as mentioned earlier, as well as for illegal dumping taking place in the neighborhoods.

Continuing, Major Adkins indicated that Deputy Andrews' responsibilities will include working directly with the City Attorney's Office and Public Works, the State Attorney's Office, and other entities to build a case on some of the complaints made. Sometimes it takes time to gather the information, build a case so it can be presented to either the State Attorney's or City Attorney's Office for prosecution. He further elaborated on his responsibilities and how it would impact the neighborhood.

Mayor Hardin said addressing nuisance abatement problems is great, but problems with individuals on the street needs to be addressed as well.

Major Adkins responded that this is not in lieu of, but it is in addition to what they are working on to address the problematic individuals. In addition, Major Adkins committed that he would personally ensure that someone respond to Ms. Reid about the homicide incident regarding her daughter.

Comr. Perkins indicated that this situation is embarrassing for the City and it is sad for a mother to come before the Commission several times to say that her daughter was shot because bullets are flying in the area where they reside and need help, which she has not received to date. She said this problem was brought to their attention almost four months ago, and the same problems exist where it is a case of life or death, and it appears nothing is being done to assure these residents that they will be safe. In sum, she wants BSO to do more and instead of running behind the crime, to come up with some prevention prior to the crime happening.

Comr. McMahon stated that he wanted to piggyback on Comr. Perkins comments because he agrees 100%. If residents are complaining about drug dealing happening at the corner it should not exist especially, since a lot of money is being paid for the police services. He asked for the areas that are having these problems and asked if temporary construction lighting can be installed at the intersections to make the residents feel safer. Finally, he said he wanted to know what the Commission can do to assist in the endeavor to make the residents in the neighborhoods feel safe.

Comr. Eaton stated that the neighborhoods are wide open, to include the Highlands, Cresthaven, Collier City, and all of the communities that have too many ways in and out. There is no way to be able to defend the space. She said she has been doing some research and have distributed some publication called, "Creating Defensive Space" written by Oscar Newman, who has formulated Crime Prevention Through Enhanced Design

(CPTED). The new communities by contrast generally have a limited amount of ways in and out, whether there is a gate or not. She said in her community, they do have drive-by drug dealing and people cutting through to get away from traffic issues. So, it is not about putting speed humps down but to create space that can be defended. She then provided details on what would be involved in the process. In sum, the residents need to take back its neighborhoods and create mini neighborhoods. Therefore, she urged everyone and especially the development staff to look at the publication by Oscar Newman.

Mayor Hardin commended Comr. Eaton for the idea and indicated that changing the road pattern is always an option, which requires a lot of community buy-in because blocking somebody's traffic and putting traffic on another street will have to be investigated on a more individual basis.

Vice Mayor Moss indicated that it is not just second street that has problems with crime and lights. However, it appears that this particular property at 3029 NW 2nd Street is the real issue in the area. Therefore, he asked the City Manager to get on this immediately to see why these buildings are causing all the problems within the neighborhood.

Major Adkins stated that they have already started the ball rolling with Deputy Andrews.

Vice Mayor Moss indicated that the problem with the Collier City area is that it is a grid, and a place that people can get in and out of very quickly.

Major Adkins provided the background on what the plans were years ago to dead-end some of the side streets in the area. Unfortunately, the community did not receive the idea at the time, because they wanted the ease to move about without having to switch from one street to another.

Vice Mayor Moss asked Major Adkins to have a representative to attend the Collier City Civic Association meeting, which is held on the last Monday of the month to start a discussion on this matter in the Collier City community.

**Allocation of \$1 million to District 4** - Delores Bullard, Owner of Cal's Hair Salon, 212 North Flagler Avenue, Pompano Beach, FL, enquired if the \$1 million is still accessible to District 4. Also, she enquired about how information regarding the procedures would be provided to the residents of District 4.

Greg Harrison, City Manager, responded that the money is in the bank and it is a matter of the commission acting on allocations of the expenditures of those funds. To her second question, Mr. Harrison invited Ms. Bullard to come to City Hall, Fourth floor, where the Finance Director is located and they can sit down with her and go over the processes.

Ms. Bullard enquired if the three new commissioners have any problems with the allocation of the \$1 million to District 4 from the previous Commission.

**Heritage Apartments** - Ms. Bullard stated that with reference to the senior housing at 33 NE 4th Street, the Heritage at Pompano, she has been asking for this for most of her customers who are seniors and need senior affordable housing. She found out that anybody who needs to apply for an application they need to go to the

Crystal Lakes Apartment Management office, 350 NE 33rd Court, Pompano Beach 33064, for the Heritage Apartments located at 33 NE 4th Street in Old Pompano. She said a number of people have contacted her as to how they could obtain an application.

**Homeless Vagrants** - Horacio Bazzano, 416 NE 11th Avenue, Pompano Beach, FL, stated that he has certain questions for the Commission. He said the last time he voted it was for an increase to the value of properties to have more money for development of Pompano Beach. Therefore, he asked in what way the homelessness in the City is contributing to that. He is happy to live in the City but is concerned with the homeless program. He said the program is not only for poor people. He said there are organizations such as gangs and similar to what happens in Argentina, where he is from, it always start as homelessness. Later they become a force for the distribution of drugs and protection of prostitution, and thereafter something similar thus causing the morals to decline in a community. He feels the citizens are at risk and it is of concern for the community. Mr. Bazzano says many times he feels as if he is a second class citizen and provided an example of his experience. He wants to be the citizen where he is proud to be an American.

Mayor Hardin stated that there is no law against homelessness, but there are a number of people classified as vagrants or people breaking the law, which is important to the Commission. Therefore, it is the Commission's desire to see more plans being formulated by the BSO to take care of more of those people.

Comr. McGee stated at the HOA meetings and by emails, this is such a recurring concern of people throughout the City of Pompano Beach regarding the homeless situation. Therefore, she wondered if in the near future they could coordinate a Town Hall meeting where people could attend and focus on ideas to address the issue. However, she believes this is a Countywide, even a Statewide issue and the City needs to come up with some real solutions, which it could be beneficial for the citizens to come out and talk about.

Mayor Hardin indicated this was a subject he had intended to discuss under Reports. He said perhaps a Task Force could be formed to include residents who could provide ideas and to talk about the problem. It appears what the Commission is saying is not getting through to the people who can make a difference for the City, which needs to change quickly.

Comr. Perkins said she had pulled eight items from Consent agenda and is willing to withdraw those items to allow those remaining speakers to address the Commission.

Mayor Hardin responded no, and stated there is a need to move forward with the meeting. Therefore, the remaining speakers will be heard at the end of the Regular Agenda items.

**Development in the City** - Thomas "Tom" Drum Pompano, 2700 NE 8th Street, Pompano Beach, FL, stated he laminated an article from the Pompano magazine for the Commission's attention, which he wanted them to keep prior to making any decision on development. He said the article states five things the City need to look at with development. Number one refers to the CRA, and number two states, "Transparency and Communication in the City is not always what it should be and a quick improvement needs to be made." Number three states, "There seems to be a healthy dose of concern that the needs of developers occasionally supersedes the needs of current residents in all areas of the City, especially along Atlantic Boulevard, the beach area, and the Northwest region of the City." The fourth item states, "This goes hand in hand with an increased

emphasis on quality of life for existing homeowners and residents. Improvements need to be made especially in the Northwest area.” The fifth item states, “I am especially worried we have not adequately addressed the increase in traffic, created by increased development.” The author of these items is not alone in his opinions. Mr. Drum stated he wants to work with the Commission and he wants them to work with him. However, in the end they will all work for the residents of the City of Pompano Beach.

Continuing, Mr. Drum indicated that any item that comes before the Commission for a vote, if a political action committee donated to the respective commissioner’s campaign he will be bringing that forward. He wants the people to know that at times developers have more say than the residents because of where the money flows.

**The following persons were called to speak at the end of the Regular Agenda Items:**

**Sewage Spill in Canals** - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, mentioned that the Pompano Beach ecological disaster, which has placed 35 million gallons of raw sewage into the canals is unforgivable. He said the health hazards of failing to timely inform the citizens has put the health of many in danger and provided details of the likelihood of solid particulates remaining in the canals for months or years, which he believes could be monumental.

Mr. Terwilliger mentioned that as he sees the condition at the site of the spillage it is impossible to see if there were any markings by the City or any other agencies and asked if the City has any proof that there were markings on the ground for the utility company or the contractor to see. Also, he asked if there was any mercury in the effluent discharged. He then asked if the Corps of Engineers were involved in the waterway cleanup and if so how.

Mayor Hardin responded that markings were there. They called for location which was clearly marked but they did not consult with City representatives to find out the depth of the pipe, which was the problem because they did not do their due diligence. As far as the mercury question, this is unknown. Finally, he said the Corps of Engineers has not been called at this point in time, if it is necessary, the Florida Department of Transportation will call them.

**Expectations in Communication** - John Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, spoke about expectations. He complained that over the last several months he sent the City Manager and copied most of the Commission on a variety of emails concerning a variety of topics that were important to him. Some of which were affordable housing, cats, and issues concerning the Federal shutdown. With rare exception, he did not get any answers. He understands the busyness of the time especially with the recent catastrophe with the canals. However, he would like to understand his expectations and having his issues addressed by City management or Commission rather to the extent of telling him to go away or to hopefully deal with some of them. He wanted to know if he should send emails, or use the Audience to be Heard platform, should he call on the phone, or should he make a request to have an appointment.

Mr. Geer is concerned that oftentimes citizens say things and they never get attended to. Therefore, he would like to prevent that and to understand how he can best ensure that any ideas he may have to get to the City Commission/Management may potentially be acted upon.

**City Processes** - Mr. Geer asked about the City's handling of things routinely in the City, and he provided an example with the handling of Dr. Mack and the Northwest Community Building and Engagement project. He has concluded that even though the City Manager is provided with the authority to approve contracts that are under \$75,000, most of which he chooses to approve, but in Dr. Mack's case he has refused to approve, consequently the item had to come before the Commission. He wants to know why things are treated differently and there are not fairly firm rules with regard to how the City deal with personal services contracts.

**Test driving cars in the Neighborhood** - Quenton Thompkins, 436 NW 19th Street, Pompano Beach, FL, stated that on NW 3rd Avenue and 19th Street there is a car dealership that is test driving their cars at high speed in the neighborhood. Some residents have called to complain but the representatives respond in a "nasty" way to them. Mr. Thompkins said they have elderly people and children in the area. If they want to test drive, they need to be on the street not in the residential area.

Mayor Hardin asked the City Manager to write a letter to the company to inform them that the residential areas are not to be used for test driving.

Major Wayne Adkins, Broward Sheriff's Office (BSO), promised to address the offending dealership and give them fair warning and then they will do enforcement on NW 3rd Avenue. There is a speed awareness trailer placed in the area because of the complaints.

Comr. Perkins indicated that at the time the dealership decided to move to the location, they assured the City that they would not use NW 3rd Avenue for test driving.

Major Adkins stated that they will give them a friendly reminder and monitor the situation closely.

Mayor Hardin suggested that Mr. Thompkins meet with Major Adkins and provide him with his contact information for follow-up.

**B. CONSENT AGENDA**

The following Consent Agenda items were Approved/Adopted without discussion:

1, 2, 4, 6, 8, 11, 14, 17, 18, and 20-29

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Consent Agenda be APPROVED. The motion carried unanimously.**

1. [19-166](#) Approve ranking order for RFQ E-55-18 Design and Consulting Services for Renovation of the Public Safety Complex, and authorize staff to negotiate a contract with the highest ranked firm: Cartaya and Associates Architects, P. A. (No cost at this time.)  
(Fiscal Impact: N/A)

**(Staff Contact: Horacio Danovich)**

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

2. [19-168](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO INSTALL TRAFFIC SIGNALIZATION AT THE INTERSECTION OF STATE ROAD A1A AND NE 2ND STREET; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact: Horacio Danovich)**

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

**Enactment No: RES. No. 2019-63**

3. [19-152](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT A GRANT PROPOSAL IN AN AMOUNT OF \$250,000.00 TO THE NFL FOUNDATION GRASSROOTS PROGRAM FOR THE PURPOSE OF OBTAINING FUNDS FOR THE FOOTBALL FIELD SEGMENT OF THE MITCHELL/MOORE PARK UPGRADE PROJECT; CONFIRMING THE CITY'S

CONTRIBUTION IN AN AMOUNT UP TO \$500,000.00; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Matching funds from the City in the amount of \$500,000 to be funded from previously budgeted GO Bond Project - Mitchell Moore Improvements)

**(Staff Contact:** Mark Beaudreau)

Comr. Perkins and Comr. Eaton pulled the item for Commission discussion. Comr. Perkins asked for an explanation on the item as she received numerous calls regarding the subject.

Mark Beaudreau, Recreation Programs Administrator, responded that during their presentations for the General Obligation (G.O.) Bond, the taxpayers were promised that staff would do everything possible to secure grants and reduce the City's percentage in that. This is one of the unique programs where the City has a football field scheduled for the Mitchell Moore Park, and staff anticipates by submitting the grant, the City would receive the grant money.

Comr. Perkins enquired if they have determined which private consultant would be doing the design for the football field.

Mr. Beaudreau believes it will be Bermello Ajamil & Partners, Inc.

Comr. Perkins asked if there would be a running track around the field.

Mr. Beaudreau replied no, it is a rectangular field. However, the running track is scheduled for the McNair project.

In addition, Mr. Beaudreau responded that the grant submittal date is coming up and the proposal will be submitted. After a period of time the City would be notified whether we are one of the recipients or not.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, asked if the City Management is aware that the Henry Crockett and the Orange Bowl are looking at doing a collaboration to do the football field.

Greg Harrison, City Manager, replied yes they are aware; however, this will be another \$250,000 into the pot when everything is worked out with Mr. Crockett, the Orange Bowl Committee, and whoever wants to join in.

Mr. Thrower said that Henry Crockett participates in the neighborhoods and as the City continues to give out money, they should be considered, because of their significant contribution and investment into the City.

Comr. Eaton stated that she pulled the item for different reason and explained that it made the Commentary of the Pelican newspaper which states, "Simplicity is the soul of transparency." It refers to the Ordinance, which she finds puzzling and a bit disingenuous, because it talks about legalese purposely being something to dissuade the residents from coming to be involved in the City. It states, "Most residents don't have an inkling of what these meetings are about and with good reason. Agenda items are often couched in "legalese" and lengthy



sentences, commonly viewed as gobbledygook in a tweet-filled world. And we think far too many issues are quietly passed with no discussion for the simple reason that no one really knew what it was.”

Comr. Eaton indicated that she took personal offense, because as a commissioner, she reads the backup, but she thinks clearly this says that the Commission is looking to find \$250,000 on a \$500,000 issuance through the G.O. Bond to augment a football field in one of our parks in the community.

Comr. Eaton stated that when items are put on a consent agenda, who would argue with that, and who would see anything written, even if the legalese was read, which is important for the commission to do. Therefore, they are concise, clear, and there is no misunderstanding because that is the reason for legal language. She then explained the reasons why certain things are placed on the Consent Agenda. To imply that the commission does not do their homework and is simply in lock step, and just passing these consent agenda items, and somehow trying to have some conspiracy, if anyone took the time to look would find this is not so. This cast a dispersion, when it says, “Every single item on all City Board Agendas should require that qualification follow the mandate at legalese. The level of transparency that has gone too long without being addressed.” Comr. Eaton indicated she takes issue with this statement as well.

Comr. Eaton stated that the Pompano Pelican has been in the City for many years. In fact, the backup used to be physically picked up at City Hall going back a number of years ago; however, currently, everything is online. She does not understand a journalist, such as Anne Siren, who has been in the City for many years, would promulgate the idea that somehow this City is not doing its job or is not being transparent.

Finally, Comr. Eaton indicated that she fully supports the grant money to further enhance the park at Mitchell Moore.

Comr. Perkins stated that she pulled the item for Henry Crockett because he wanted to speak on the item as he was unaware of it. However, he said he would be a bit late attending the meeting.

Vice Mayor Moss said he approves what Comr. Eaton said earlier. He said he received the same complaint from someone who attends his Saturday morning meeting. He then provided a tip on how to access the Agenda online, by going to Legislation Text and after clicking on it, there is a summary explanation/background, which says in non-legalese words exactly what the item is about in clear and concise language. Unless a person is looking for it they perhaps would not find it.

Mark Berman, City Attorney, explained that every heading on the City’s agenda, Resolutions and Ordinances are written per Florida Statutes to provide a reasonable explanation so the public can be put on notice of what the subject matter of the legislation being put before the Commission. He said they are written in compliance, and he has been doing this, under former City Attorney Linn's tutelage for twenty four years and these meet the requirements. He said, if more information is required, then the rest of the ordinance provides it. In addition, pursuant to 286.0114 Florida Statutes, every member of the public, if they have any questions and want to discuss it, has the right to pull the item and reasonable opportunity to discuss any consent agenda item, as well as commissioners. The law is adhered to and staff is clear and concise.

Mayor Hardin reiterated that items are pulled if anyone from the public wants to discuss an item under consent

agenda it is done.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-64**

4. [19-144](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL THE LIEN AND ATTENDANT INTEREST ARISING FROM NUISANCE ABATEMENT CASE 47830 TOTALING \$40,198.98 AGAINST REAL PROPERTY IDENTIFIED BY FOLIO NO. 4942 04 00 0145 WHICH IS OWNED BY ALLTECH GROUP PARCEL I, LLC; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)  
(Staff Contact: Fawn Powers)

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

**Enactment No: RES. No. 2019-65**

5. [19-147](#) 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 EARLY LEARNING COALITION OF BROWARD COUNTY, INC. TO PROVIDE SUBSIDIZED CHILDCARE FOR ELIGIBLE WORKING FAMILIES TO ENSURE THEIR CHILDREN ARE RECEIVING THE EDUCATION SUPPORT THEY NEED TO SUCCEED IN SCHOOL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$30,000)  
(Staff Contact: Erjeta Diamanti)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that there are several names listed of people that are receiving funding to address some of the concerns and needs of the residents in Pompano Beach, but there is no listing of the outcome. This would include who they are serving, was the program effective, and did it work. In addition, Comr. Perkins indicated that the rest of the items she pulled have the same issue. Therefore, she would like to receive something in writing at the end. Names or addresses is not required to be provided, but something to indicate who they serve and the type of residents that are served in the City. She explained that some of the organizations are not from Pompano Beach and she wanted to be assured that they are serving the residents of Pompano Beach.

Erjeta Diamanti, Budget Manager, explained that the item is the last piece of the agenda item that was approved at two commission meetings ago in regard to the non-profit sponsorship program. This is not new money that is being allocated for this particular organization. However, it was late submission on their part, when they signed their contract a little late. In addition, with this particular application, they provided some documentation and data about how many residents they serve in Pompano Beach, which is approximately 1,800 children and residents as listed in the backup. Nevertheless, she could reach out to the organization to provide more details as to the type of children they serve. They serve children who are in the poverty line and their parents who need support because they are in school with literacy programs, to assist the children from falling behind, as well as the parents would not lose their jobs and be able to continue their education. This organization was funded previously by the City since 2016. They are receiving \$30,000 of the \$40,000 requested and it is mostly for the matching funds. The organization is a bid and they also administer state grants for kids.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, said the organization is Broward County and asked how much money they receive from other cities within the County.

Mayor Hardin responded most of these larger organizations serve various cities throughout the County and he believes they would request funding from each city. Also, most of these organizations get matched by the County, some by the State, and some even by the Federal government.

Mr. Thrower argued that this is a County organization and some of the home grown organization, such as the Crockett Foundation cannot receive funding from the City, yet they raise a million dollars each year. In addition, the City is requesting them to come back, as athletes, to invest into the City. In sum, Mr. Thrower indicated he is asking the Commission for some consideration as they look at all the items that are placed on the agenda. Mr. Thrower noted that the Crockett Foundation service the Collier City area.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-66**

6. [19-146](#) 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 COUNTY SHERIFF'S OFFICE TO SUPPORT THE SUMMER G.R.E.A.T. PROGRAM IN PREVENTING YOUTH VIOLENCE, GANG PARTICIPATION, ANTI-BULLYING AND THEIR LEGAL CONSEQUENCES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$15,000)

(Staff Contact: Major Wayne Adkins/Erjeta Diamanti)

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

**Enactment No: RES. No. 2019-67**

7. [19-169](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REIMBURSEMENT AGREEMENT WITH SHEEHAN CADILLAC, LLC IN AN AMOUNT NOT TO EXCEED \$140,000.00 FOR THE UNDERGROUNDING OF EXISTING OVERHEAD PUBLIC AND PRIVATE UTILITY FACILITIES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: 40% of project costs not to exceed \$140,000)

(Staff Contact: John Sfiropoulos)

Vice Mayor Moss, as well as a resident pulled the item for Commission discussion. Vice Mayor Moss stated that Sheehan Cadillac, LLC is located on Federal Highway, and he asked if the wires of the power lines to the south and to the north are above ground, and will the City be bringing this above ground wiring underground in front of Sheehan. Also, where is the money coming from?

John Sfiropoulos, City Engineer, responded yes, the wires are currently overhead and the proposal is to put them underground. Further, the entire project is \$350,000, with sixty percent to be paid by Sheehan Cadillac and forty percent paid by the City. This is a reimbursement agreement that is similar to the one that was recently

done last year with the 14th Street Townhomes.

Vice Mayor Moss said he recalls the Townhomes, which is a not-for-profit residential area. He is concerned with what the City would do if every property on Federal Highway came and requested \$140,000. Therefore, in those cases where the City would have to say no, will the wires be left above so there would be a mixture of above and below ground wiring, which does not make much sense to him.

Mr. Sfiropoulos stated that this is to improve the aesthetics in the City, it is for reliability, and making the system more robust. There is a benefit where numerous customers will be served from the buried lines.

Mayor Hardin indicated that if every property along Federal Highway were to step up to pay 60% of the bill, he thinks the City might be able to find the money to assist with the undergrounding of all those utilities, which will be a benefit to the community.

Greg Harrison, City Manager explained that the business owner approached the City, not the City to them. They wanted to know if there was a precedent for anything like this and the City told them there is a precedent and that the item would have to go before the Commission. In addition, the timing on this is because FP&L has a hardening project to go down Federal Highway with larger, wider, and taller concrete poles. This particular business owner asked if there was a different way or an option for them to work with FP&L and the City.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, concurred with Vice Mayor Moss' comments. He said the agreement is between the City and Sheehan Cadillac who is asking the City to help finance undergrounding of certain existing overhead and private utilities. Further, it states in the agreement that the placement of the utilities serve a public purpose, which is perhaps beautification. He does not think this is significant enough to spend the kind of money of \$140,000. He asked other than beautification, what is the specific purpose that makes it a public purpose. In addition, he asked what would happen if this specific purpose is applied to all of the other businesses along Federal Highway, as well as how much money is in the budget for this particular type of project.

Mr. Sfiropoulos responded that the funds would come from the General Fund.

Comr. Eaton asked about the total cost of the project.

Mr. Sfiropoulos responded that it would be \$350,000 of which the City would be reimbursing them 40%.

In sum, Comr. Eaton indicated it would be great if all the lines could be run underground. The businesses in the City would rarely lose power, which is what would happen at times with those wires that are above ground. She also wanted to know if underground utility lines are currently required for new construction.

Mr. Sfiropoulos responded yes for new construction and redevelopment if it exceeds a certain threshold.

M. Ross Shulmister, Pompano Beach, stated that he built his house and put the utilities underground and he would have loved to have the City assist him to pay for it. In addition, he would desire to see the rest of the neighborhood put the utilities underground. Moreover, he thinks the City should discuss with FP&L about

putting those massive telephone poles in that are four feet in diameter, which is quite expensive and it may be cheaper to put the lines underground. He hopes for this particular item a policy could be developed as to how much the City will assist with residential areas to put in underground utilities and allow the commercial to fund their own.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, agrees with three of the previous speakers, and said the City should allow the people to come first not the businesses.

Tom Drum, Pompano Beach, indicated that this is a car dealership which does not want big poles placed in front of their cars. So, he does not think the City should accommodate them for the business. Therefore, he agrees with the comments made by Mr. Shulmister to put underground for homes rather than for commercial. He does not think the 14th Street Townhomes be considered as a precedent. There is a need for a rule to be in place to avoid this problem coming up again.

Comr. McGee said she is aware that FP&L is engaged in the hardening project, but if it does seem that most people would rather see the lines underground, could the City find some type of partnership where they are working with commercial and residential plans to help get the lines in the ground, instead of erecting the giant poles which are expensive.

Mr. Sfiropoulos stated that FP&L does not have an underground program but a hardening one, which is the replacement of the poles with the massive ones.

Vice Mayor Moss indicated that he does not object to underground lines, but since the City did it once it is now doing it again, absent of a policy. The City needs to think it through and come up with a framework on how this is going to be done.

Mr. Sfiropoulos stated that the alternative is not to pass the item now, however, in the future when the City decides to underground the area the City will have to pay the full 100%.

Mayor Hardin recalled the issue of sidewalks in neighborhoods, and he understood at that time that there was a policy for residential sidewalks where residents would match to cover 25% of the cost.

Mr. Sfiropoulos indicated he would have to check this out with the Public Works director.

Comr. Eaton proposed that the item be postponed until the City determines if there is a policy in place.

Vice Mayor Moss suggested that the City should decide on the amount of funds to allocate for this type of project even if it is on a first come first served basis. He said currently this is open ended and he suggested that some parameters should be set for both commercial and residential.

Mayor Eaton withdrew her motion and Vice Mayor Moss moved to strike the item.

**A motion was made by Vice Mayor Moss, seconded by Commissioner**

**Eaton, that the Regular Agenda/ Resolution be STRICKEN. The motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No:**

8. [19-179](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE OTHER PARTICIPATING AGENCIES RELATING TO THE 2018 EDWARD BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$493,448 grant award)

(Staff Contact: Andrew Jean-Pierre)

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

**Enactment No: RES. No. 2019-68**

9. [19-114](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LEARNING FOR SUCCESS, INCORPORATED, PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: CDBG Funds / \$15,000)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that the item states it is for lessons with low income, elementary, and middle regarding awareness in the workplace, and asked if the group received a grant prior from the City.

Miriam Carrillo, Director for the Office of Housing and Urban Improvement, responded yes.

Comr. Perkins noted that the group is from Cooper City and wondered how effective they have been in the City of Pompano Beach in what they have done. Therefore, she would like to receive some backup on what their accomplishments are within the City, to include the number of people they have addressed or helped.

Ms. Carrillo stated that her office has a report on the website that has the performance measurements for the transparency of the department, which has all the reports on the sub-recipients and the number of persons they are serving. Nevertheless, she will collect all that information and email it to Comr. Perkins.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-69**

10. [19-115](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LUZ DEL MUNDO (LIGHT OF THE WORLD), INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: CDBG Funds / \$15,000)

**(Staff Contact:** Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that the item states this is for medical care for treatment to low income residents that are medically unserved. Therefore, she wanted to know who in the City they are reaching with this service, because she has not heard from anyone that they are being served by this organization. This is the same concern she has as with the prior item.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, stated that all the agencies that are recipients can only serve residents in the City of Pompano Beach. They are not reimbursed unless they can prove to the City by providing documentation that the residents they are serving are from the City.

Quenton Thompkins, 436 NW 19th Street, Pompano Beach, asked if there is a special form or any kind of information sent out to people who would be interested to apply for funding.



Ms. Carrillo responded yes. She explained that there is a process that starts in March for the Community Development Block Grant (CDBG) funds. Her department provides flyers and conducts two workshops open to educate the public on different grants that the City has. The City has been receiving this funding for more than 30 years and every year the application process is open to the public. There are approximately seven meetings throughout the year from March to August.

Mayor Hardin suggested that Mr. Thompkins provide Ms. Carrillo with his contact number so he can be notified in March.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated in the past he has had the opportunity to sit down and talk with staff. However, he is concerned that when the information on the application is sent out it is not reaching the faith-based community.

Ms. Carrillo stated that they have reached out to these organizations but most of them do not qualify because the Federal government has a lot of compliance requirements and they do not meet these requirements.

Mr. Thrower asked when would application be available for the public to apply for the Community Housing Development Organization (CHODO). In addition, he suggested that the process be reviewed in the future, because in the past some of the rules have been strenuous so that some organizations could not become a CHODO.

Ms. Carrillo responded in March.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-70**

11. [19-116](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$15,000)

(Staff Contact: Miriam Carrillo)

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

**Enactment No: RES. No. 2019-71**

12. [19-117](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SECOND CHANCE SOCIETY, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$10,000)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated she is concerned about the outcome. The organization indicated that the project assists homeless individuals and she wants to know how effective it is and how are they helping the homeless in the City. Notwithstanding, the Broward Sheriff's Office also have a program in place to assist the homeless and wanted to know what is the difference with this group.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, explained that this group has a hand up program and they provide a second step for the homeless who are transitioning to go to work. They are provided with bus cards, tools, which those are the types of assistance that they receive. There is a Fort Lauderdale site that they go to receive information. However, they get referrals from Pompano Beach through organizations such as St. Laurence located in Pompano Beach.

Mayor Hardin indicated that the organization is located in Fort Lauderdale and dispenses the services from Fort Lauderdale but it is funded by the City of Pompano Beach CDBG program. Homeless people from Pompano Beach are referred to the office in Fort Lauderdale.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, stated that he works with feeding the "poor" on a weekly basis and asked how successful this group has been.

Mr. Carrillo responded that she does not have that type of information available, but the reports are available on the City's website if anyone needed to check on it. Further, Ms. Carrillo indicated that the City now has a homeless coordinator/manager that is taking care of this program. Mark Korman is in charge of that division that is under the Office of Housing and Urban Improvement.

Janice Simistory, NW 15th Place, Pompano Beach, stated that her church, Antioch Missionary Baptist work on a daily basis with St. Laurence Chapel to serve the homeless, however, she has an issue. She stated that the

shelter was closed up on the night the weather was 49 degrees with approximately 80 people lying on the ground on the outside. Consequently, they went and bought blankets for them. She said there are so many homeless people in the community that sleeps in the parks. If assistance could be provided to help the homeless in the City's parks, then perhaps the children can get back to the parks where currently the homeless hang out.

Tom Terwilliger, Pompano Beach, asked about the process of transitioning the homeless to Fort Lauderdale, which Ms. Carrillo explained that not everyone goes to Fort Lauderdale, as there is an agency, St. Laurence in Pompano Beach, where some of the homeless goes for assistance.

Ms. Carrillo reiterated that for more detailed information regarding the homeless program and how it works, Mark Korman is the contact person in the City for the homeless and he would be able to address most of the questions.

Mr. Terwilliger indicated that if this is a block grant to be spent in Pompano Beach, the homeless has none or very little means to travel from Pompano Beach to Fort Lauderdale to do what is needed for them to do. Therefore, if the program is to be effective, it must be administered one hundred percent in Pompano Beach as the people do not have the ability to go somewhere else.

Quenton Thompkins, 436 NW 19th Street, Pompano Beach, said he is concerned as a minister in the City. He said there are people that are not fortunate enough and not educated to do certain things, so he wanted to know what is being done for this population who are homeless. He said some people need to be guided. Moreover, he is looking for answers not a referral to someone else to provide him with answers.

Comr. Perkins indicated that she wants to see more of the homeless organizations supported in the City. Therefore, she would desire for someone to contact groups like St. Laurence and others that work with the homeless and have them apply in March.

Ms. Carrillo indicated that the funding has already been approved and the item is to sign a contract. The funding is CDBG, which is the Community Development Block Grant. The homeless funding is not included, so this is not homeless money. The homeless funding goes directly to the County, where they receive \$10 million through the "continue of care," which is managed by the County. Therefore, St. Laurence is one of the recipients of the County. Second Chance is a sub-recipient of CDBG funding where they apply to administer a small program to do transitioning of the homeless people. The funding was approved in July 2017-2018.

Comr. Perkins indicated that she will need to pay closer attention when these block grants come before the Commission for approval. She understands there is a board that makes recommendations, which then goes before the Commission for approval.

Vice Mayor Moss mentioned that the homeless people are from Pompano Beach, but homeless people are people without homes who could be coming from different cities within the County. Therefore, because of the North Broward Center and St. Laurence Chapel they all congregate in the City of Pompano Beach. So, most of the burden falls more on the City of Pompano Beach than it does on any other City within the County.

Comr. Perkins said she is sensitive to the homeless issues because she has worked with some of them by feeding and talking with them. Therefore, it does not matter where they are from as long as they are in the City of Pompano Beach she is concerned about their wellbeing, how they are being taken care of, and getting the help they need.

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

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

**Enactment No: RES. No. 2019-72**

13. [19-118](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WOMEN IN DISTRESS OF BROWARD COUNTY, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$15,000)

**(Staff Contact:** Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that the services mentioned in the backup states, domestic violence to victims in the City of Pompano Beach, and asked if they have applied before. Also, she asked how many people have benefitted from the program.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, responded yes. However, she will provide the Commission with the information. She explained that all the information was provided in July when the action item came before the Commission for consideration.

Comr. Eaton asked how long since this organization has been in operation, which she said it is for more than fifteen years. She also indicated that she has donated to this organization as they have assisted millions of women in distress and has been in existence for many years. In addition, the City has been contributing to this organization for many years as well.

Comr. Perkins reiterated her concerns that she wants to ensure the needs of the residents in the City of

Pompano Beach are being serviced through the program.

In sum, this organization is very good in their reporting on persons they serve in the City and has been doing so for years.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-73**

14. [19-141](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CHOICES NETWORK SYSTEMS, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$5,000)

(Staff Contact: Miriam Carrillo)

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

**Enactment No: RES. No. 2019-74**

15. [19-139](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FIREWALL CENTERS, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$10,000)

(Staff Contact: Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that this is for low income families, school based tutoring, and the backup states that they provide services for 150 students at Blanche Ely High School and 40 students from Select Middle and 48 students at Pompano Middle School. She enquired if this group have ever applied before.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, responded this is the first year for the group and that they are a new organization. In addition, no reporting numbers are currently available for this group, because this is provided when the service is administered.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-75**

16. [19-138](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND COVENANT HOUSE FLORIDA, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$10,000)

**(Staff Contact:** Miriam Carrillo)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins indicated that the backup states this is for an emergency shelter for 50 homeless youth in the City of Pompano Beach.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, pointed out that this group is located in Pompano Beach. She explained they service age groups 18 years and younger in the Covenant House.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-76**

17. [19-140](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND OASIS OF HOPE COMMUNITY DEVELOPMENT CORPORATION, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CDBG Funds / \$10,000)

(Staff Contact: Miriam Carrillo)

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

**Enactment No: RES. No. 2019-77**

18. [19-161](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING COREY STANISCIA TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE; FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

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

**Enactment No: RES. No. 2019-78**

19. [19-170](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ANGELA HILL TO THE EDUCATION

ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Asceleta Hammond)

Comr. McMahon pulled the item for Commission discussion. Comr. McMahon indicated that he is familiar with Angela Hill, and recalls her using her child to take yard signs out of people's yards during the election campaign season. Therefore, he does not find her to be a good fit for the Education board, if she is using her child to get out of her car to take yard signs, which was reported in the Pelican newspaper. Furthermore, she has been hostile at times, and spoke out at commission meetings in an unprofessional way, which is not beneficial to the City.

Comr. McGee stated she got to know Angela Hill throughout the campaign process and also when she ran for the District 1 seat. She is aware that things did get heated in the last election and passions came out in ways that some people may or may not wish to revisit or redo.

Comr. McGee indicated that she met with Ms. Hill and found her to be passionate and involved with the City, as well as with her kids. Therefore, the thought process in bringing her in and keeping her involved in the City was to keep people who are passionate, involved, even if they come from different sides of issues for some people. This could keep ideas coming out from all aspects, and with her children and her being quite passionate about them, hopefully she can exercise that same passion to the School Board and try to get more attention on Pompano Beach to try to make the schools better.

Mayor Hardin indicated that he was surprised to see the item on the agenda. Everyone is entitled to their opinion as far as elections go, and to support the candidate of their choice, as well as cast their ballot. However, as he recalls Ms. Hill was actively campaigning against a number of commissioners to include Comrs. McGee, McMahon, Eaton, Vice Mayor Moss, as well as against him. He said he cannot see her views in sync with the City's.

Vice Mayor Moss stated that there is a fine line where passion ends and vulgarity begins. During the campaign at the Skolnick Center Ms. Hill was vulgar to him.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Resolution be ADOPTED. The motion failed by the following roll call vote:**

**Yes:** McGee  
Perkins



**No:** Eaton  
McMahon  
Moss  
Hardin

20. [19-171](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MOLLY MOOR** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-79**

21. [19-172](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ALEXANDER ZACHARIAH** TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-80**

22. [19-155](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **M. ROSS SHULMISTER** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-81**

23. [19-158](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD KLOSIEWICZ** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-82**

24. [19-157](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DAVID WHEELER** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER THOMAS MCMAHON, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-83**

25. [19-159](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ANNE MARIE GROBLEWSKI** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER THOMAS

MCMAHON, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-84**

26. [19-174](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TOBI AYCOCK TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER THOMAS MCMAHON, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-85**

27. [19-175](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ROBIN MCCOMBS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER THOMAS MCMAHON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-86**

28. [19-163](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **FRED STACER** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-87**

29. [19-164](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DANIEL YAFFE** TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-88**

### **C. REGULAR AGENDA**

#### **QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that item 30 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.

30. [19-127](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE AQUATIC STONE PLAT LYING SOUTH OF THIRD STREET AND WEST OF SOUTH ANDREWS AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester O'Mills, Principal Planner, Development Services Department, presented the item as a proposed plat for a 2.3 acres property generally located on the west side of Andrews Avenue approximately 400 feet south of Southwest 3rd Street, with an address of 451 Andrews Avenue. The agent Mike Vonder Meulen of Keith and Associates, representing the owner of the property, Unibuilders Development Company, LLC, is requesting the plat in order to develop a 46,850 square foot warehouse with a 5,250 square foot attached showroom on the property. The proposed plat includes two parcels A & B, with B being a right-of-way dedication for a future parcel. The property is currently zoned General Industrial (I-1). Currently, the subject property has two buildings that are used for warehouse and showroom totaling 7,293 square feet. The plat proposes to restrict the property to a maximum building of 75,000 square feet of general industrial use.

Additionally, the Development Review Committee (DRC) reviewed the plat at its meeting held on October 3, 2018 and found it to be in compliance with the City's land development regulations. All comments from the DRC meeting have been addressed. The review standards for a plat have been included in the Planning and Zoning staff report. The Planning and Zoning Board unanimously recommended approval of the plat at their November 2018 meeting, and prior to appearing before the City Commission hearing the following conditions had to be met:

- The plat cover page must be amended to reflect the name of the new mayor. The plat cover page must be signed and sealed by the surveyor and signed by all owners.

Mike Vonder Meulen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, stated that this is his first meeting since all the commissioners and mayor have been elected and re-elected; therefore, he offered his congratulations to all. He had no additional information, but respectfully request that the Commission approve the item.

Comr. Perkins enquired if they were required to re-plat the property to expand the warehouse.

Mr. Vonder Muelen responded that is correct and explained the details regarding the property size and its current use.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2019-89**

**END OF QUASI-JUDICIAL PROCEEDING**

31. [19-131](#) A RESOLUTION OF THE CITY COMMISSION OF POMPANO BEACH, FLORIDA, DECLARING CERTAIN CITY PROPERTY SURPLUS AND CONVEYING SAID CITY PROPERTY TO THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**POSTPONED FROM JANUARY 8, 2019**

**(Staff Contact:** Cassandra LeMasurier)

Mayor Hardin announced that prior to discussion on this item it was not tabled on January 8, 2019, instead it was actually postponed so there will be no need to remove it from the table. Therefore, a motion and a second is needed to get it on the floor for consideration.

Cassandra LeMasurier, Real Property Manager, presented the item stating the item was postponed at the January 8, 2019 Commission meeting for staff to provide additional information on the future development of the eight (8) properties that staff is requesting these City-owned properties be conveyed to Pompano Beach Community Redevelopment Agency (CRA). Real Property Manager Memo 19-013, included as backup for the item, provides additional information on the future development of the eight properties based on the Downtown Pompano Beach Overlay District (DPOD) zoning regulations.

Ms. LeMasurier explained how the properties were identified to be conveyed to the CRA. She stated that all eight properties are located in the Northwest CRA and are adjacent to property already owned by the CRA. Four of the properties are in the Innovation District, three are located in the Blanche Ely neighborhood just north of Dr. Martin Luther King, Jr. Blvd., and the one remaining property is one of two folios, which comprises the Gateway properties. The Gateway property is located directly north of the Innovation District on the northwest corner of the intersection of north Dixie Highway and Dr. Martin Luther King, Jr. Blvd. The CRA owns the folio east of the property which is the second Gateway property. Conveyance of the folio owned by the City to the CRA will allow the CRA to move forward with the issuance of a new request for proposals to attract the developer for the Gateway property as one unified site.

Additionally, there are six properties owned by CRA and identified to be appropriate to convey to the City. The conveyance of these six properties owned by the CRA, in addition to the development by the CRA of the

eight City-owned properties, staff is requesting these be conveyed to CRA, which meets the requirement of the Charter as fair and equitable compensation. Therefore, staff is requesting the City Commission's approval of the conveyance of the eight City-owned properties to the CRA.

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

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

**Enactment No: RES. No. 2019-90**

32. [19-125](#) **P.H. 2019-23: (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 THIRD AMENDMENT TO THE AGREEMENT FOR EXTENSION OF THE PARKING MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$543,867.00)

**FIRST READING: JANUARY 8, 2019**

**(Staff Contact: Suzette Sibble)**

Suzette Sibble, Assistant City Manager presented the item stating that there were changes made to the ordinance since the first reading. The recommended changes from staff is documented in the backup provided and highlighted in yellow for the Commission's convenience. On first reading, the ordinance referenced that Denison would be allowed to utilize a City vehicle for parking enforcement activities. However, the City Attorney office advised that additional language governing the parameters for that use, notably insurance requirements, as well as due care must be provided by Denison while utilizing City vehicles.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-21**

33. [19-126](#) **P.H. 2019-21: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," TO ELIMINATE REFERENCES TO VALET PARKING PERMIT; BY CREATING CHAPTER 77, "VALET PARKING," TO PROVIDE DEFINITIONS, PERMITTING, REGULATIONS AND STANDARDS FOR VALET PARKING SERVICES; PROVIDING FOR PENALTIES AND ENFORCEMENT; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO REQUIRE VALET PARKING OPERATIONS UTILIZING PUBLIC PROPERTY OR PUBLIC RIGHTS-OF-WAY TO COMPLY WITH CHAPTER 77; PROVIDING EXISTING VALET OPERATORS 30 CALENDAR DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE TO APPLY FOR THE REQUIRED VALET OPERATOR PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 8, 2019**

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager presented the item stating that there were changes being recommended from the first reading of the ordinance, which were highlighted in yellow and included in the backup. She mentioned that the changes were made upon the recommendation of the City Attorney's office, and the impetus was to bolster the City's enforcement authority when trying to enforce the recommended valet regulations. Notably, it stipulates that whereby a valet operator operates valet services without a valid permit or the permit is revoked and they continue to operate, it allows code compliance inspectors to go out and cite the violator. In addition, it references that they have a right to administer certain general penalties in accordance with existing City code.

Tom Terwilliger, Pompano Beach, stated that during the first reading, he thought it was discussed that the revenues from this ordinance would not go into the parking enterprise fund, but go into the general fund. He asked if this was put in any form of written documentation to go with the ordinance.



Ms. Sibble indicated she did not recall the discussion that Mr. Terwilliger is referring took place at the first reading. Nevertheless, the funds would go into the parking enterprise fund, which the fees go toward supporting the infrastructure, and operations for parking. This will be enforced as a function of the parking authority for the City under the Denison contract.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-22**

34. [19-104](#) **P.H. 2019-24: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO SUBJECT APPLICATIONS FOR TAKING AND VESTED RIGHTS DETERMINATION TO STAFF DECISION; BY CREATING SECTION 155.2309., "REVIEW OF APPLICATIONS FOR PERMITS AND DEVELOPMENT ORDERS WITH REGARD TO ZONING IN PROGRESS," TO PROVIDE PROCEDURES FOR REVIEW OF PERMITS AND OTHER DEVELOPMENT APPLICATIONS AFFECTED BY PROPOSED CHANGES TO THE CITY'S ZONING CODE; BY CREATING SECTION 155.2429., "TAKINGS OR VESTED RIGHTS DETERMINATION," TO ESTABLISH A PROCEDURE AND STANDARDS FOR PROPERTY OWNERS DESIRING TO RETAIN CERTAIN RIGHTS FOLLOWING ZONING CODE CHANGES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO PROVIDE AN APPLICATION FEE FOR TAKINGS OR VESTED RIGHTS DETERMINATION BY CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 8, 2019**

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating that

the text amendment before the Commission, proposes to create language adopted in the Code of Ordinances that will establish the rules and procedures of zoning in progress, which he elaborated on how it works. The Planning and Zoning Board recommended approval at their October 2018 meeting with a vote of 5-1. The proposal was approved at first reading by the Commission and there have been no changes since that reading.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-23**

35. [19-119](#) **P.H. 2019-22: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD NEW DEFINITIONS; BY CREATING SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL," TO PROVIDE FOR PERMITTING OF PARK AND RECREATIONAL FACILITIES ENUMERATED IN SECTION 98.10; BY AMENDING SECTION 98.10, "FEES," TO INCLUDE PAVILION ACCESSORIES IN THE RENTAL FEE, DELETE REFERENCES TO FORMER PRESCHOOL SERVICES, AND ELIMINATE DOG PARK RULES AND REGULATIONS FROM FEE SECTION; BY AMENDING SECTION 98.15, "RESIDENCY AND EMPLOYEE BENEFITS," TO PROVIDE DISCOUNTS FOR MILITARY PERSONNEL AND VETERANS AND THEIR FAMILIES AND SENIORS THAT ARE AGE 55 AND OLDER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY SUSPENSION FOR CERTAIN ACTS AND TO PROVIDE AUTHORITY TO CERTAIN CITY PERSONNEL TO CLOSE, VACATE OR DENY ADDITIONAL ENTRY OF PATRONS INTO PARKS AND RECREATIONAL FACILITIES UNDER SPECIFIC CIRCUMSTANCES; BY CREATING SECTION 98.24, "ENFORCEMENT AUTHORITY," TO ENABLE LAW ENFORCEMENT AND DEPARTMENT PERSONNEL TO ENFORCE CHAPTER 98 AND TO EVICT OR SUSPEND PRIVILEGES WHEN REQUIRED; BY AMENDING SECTION 98.45, "FUNCTION AND PURPOSE," TO MODIFY REQUIREMENTS FOR USE OF RECREATION ACTIVITIES CENTERS; BY AMENDING SECTION 98.47, "FEES," TO REQUIRE LEASING OF RECREATION ACTIVITIES CENTERS FOR PUBLIC EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 8, 2019**

(Staff Contact: Mark Beaudreau/Scott Moore)

Mark Beaudreau, Recreation Programs Administrator, presented the item stating there are no changes since the first reading.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2019-24**

36. [19-120](#) **P.H. 2019-25: (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 CONTRACTS FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND SGM ENGINEERING, INC., AND THE CITY OF POMPANO BEACH AND HILLERS ELECTRICAL ENGINEERING, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: No fiscal impact at this time)

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item stating the Commission previously approved a ranking order for Request for Letter of Interest (RLI) E-11-18, for electrical engineering services. There were eight (8) submittals and Hillers Electrical and SGM Engineering were ranked the highest. Therefore, the item is to enter into contract with each of the two firms. Both contracts are exactly the same with the exception of Exhibit B, which are the fee schedules.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Ordinance be APPROVED FIRST READING. The**

**motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**D. REPORTS**

**Gregory Harrison, City Manager - Update on the “Lodging” Ordinance** - Mr. Harrison stated that Assistant City Manager, Brian Donovan will brief the Commission on the extensive conversation they had at the last Commission meeting about the homeless camping in the parks and what happens to their personal belongings.

Brian Donovan, Assistant City Manager, stated that the City Commission passed an ordinance in April 2018 to address particularly the homeless issues as well as where people leave their belongings in the parks. This ordinance is referred to as the “lodging” ordinance. After the adoption of the ordinance City Management met with the Broward Sheriff’s Office (BSO), and Public Works - Solid Waste, to develop a process through which that issue could be addressed amongst the agencies.

Upon implementation, there were some issues that clearly fell under the lodging ordinance but some things were more in a grey area. In other words, to determine what exactly fell under the lodging ordinance and how to enforce it. There was some discussion at the last Commission meeting about some changes to the ordinance. Therefore, the changes made were more housekeeping operational issues. Since that ordinance passed, staff has been enforcing it.

A number of contacts were made by Public Works and BSO when those issues arise. He said in many cases they came into compliance right away. However, in some other cases they did not. There have been several instances where in coordinated activities with the BSO and Public Works they have actually cleared out those items in the parks, which is actively being done. An ordinance will be brought back to the Commission to take care of some housekeeping items to address particular operational issues.

Mayor Hardin reported an experience he had when he stopped by the Bill Keith Park to check on the status of the aerators in the canal. However, when he pulled up, there were only two parking spaces and a handicap space. He parked in one and the other had a park ranger truck there. After he got back from his tour, he noticed that there were some clothing hung over the bushes and a piece of ply wood over another area where it appeared that somebody may have rigged it across the bushes to make a roof. In any event, by the time he got back to his car the park ranger truck was gone. This prompted him to call the City Manager to “put a bug in his ear” to find out if he knew what exactly is supposed to happen there. It was puzzling to know that a park ranger that had just left, who was looking at the park, yet the stuff was left there. Therefore, Mayor Hardin enquired if the stuff left there should be picked up by a park ranger or is it supposed to be just left for Public Works to come back or perhaps the park ranger called Public Works for pick up. He wanted to know how the system works.

Mr. Donovan provided details on the way it should work and has been working. The BSO or the park rangers would reach out to solid waste who would come and collect the stuff and in most cases would dispose of it. If the stuff looks like personal belongings, it would not be disposed of. So it would not be the park rangers or BSO picking up, instead they will call the solid waste crew to come and pick up the items.

Comr. Eaton suggested perhaps the sober home residence could come up as a future item, since the commission, staff, and Vice Mayor Burrie had started to get it moving along. She believes the scammed sober home owners who are really not doing a good service for the residents, and have kicked people out to the streets have added to the problem, aggravated, or created the problem in the City. The ordinance should take effect on March 1st but she is asking the City Manager to inform the Commission as to the status and how she could assist in this endeavor by “having her ears to the ground” in her community.

Comr. Eaton provided some statistics on the sober homes in District 2. There are 300 known or suspected sober homes at last count, and 60 licensed sober homes that are residential recovery residences. There is an increase of young people being kicked out from these homes that are not operating effectively. In sum, she is depending on people in her district to inform her as to where these sober homes are, as well as she would like to see a list that has been formulated, which she will cross reference, and do some studying to obtain input on how to handle this issue. This will assist with cleaning up potential homeless vagrants and cleanup the community in District 2.

Mr. Harrison indicated that Comr. Eaton has made a very good point. Her suggestion could be divided in all five districts and the commission could be kept apprised of how many has applied for permits and so forth, to determine how that is working. So, Mr. Donovan and David Recor, Development Services Director will be working on this effort.

Comr. McGee indicated that to follow up on comments made earlier, she asked if found belongings are being disposed of by solid waste, and if solid waste is actively looking or are the park rangers responsible to report them to solid waste.

Mr. Donovan responded that solid waste initiates these as well. However, in terms of the collection, this is done by solid waste.

Comr. Eaton stated there are numerous complaints on social media about the parks, but it cannot be repeated enough to say that people have a right to be in the parks as an open public space. However, the public could assist when they see belongings in the parks to report it through a “hot line,” which is a type of clearing house, to alert the City, and to get it investigated by the park rangers.

Mayor Hardin indicated this is already in place, where the park rangers’ numbers are publicized in all the City’s Parks.

Mr. Donovan added by encouraging the Commission as they attend their Homeowners’ Association meetings, they could share the contact numbers with the residents as well.

Comr. McGee asked if the number is under the Go Pompano Beach App. Mr. Donovan responded that if it is not then they will ensure it is listed there as well.

Mark Berman, City Attorney, reiterated that despite the discussion that was initiated at the other end of the podium, the ordinance in question deals with belongings that are left in city parks and at the beaches. This is not necessarily by homeless but anybody, because social status is not an indicator. This is not a homeless issue. Also, just because stuff gets picked up by solid waste it does not get thrown out. These materials are retained for approximately thirty days, and people are given the opportunity to claim them. If there are no intrinsic value those things are not kept.

Additionally, Mr. Berman indicated that they are reviewing the amendments to the ordinance, which will come before the Commission perhaps at the next meeting.

**Update on Surtax and government shut down** - Mr. Harrison indicated that Assistant City Manager, Suzette Sibble will brief the Commission on the County surtax and some important things to be done in light of the government shut down with federal workers.

Suzette Sibble, Assistant City Manager, stated that last November the voters in the County approved the assessment of an additional penny surtax to be assessed over a thirty-year period. She provided details on how it would work. The County oversees the process, they receive the surtax proceeds annually, and then they will have control over 90% of the proceeds. These funds will be used to improve mobility throughout the County, as well as address other transportation issues. The remaining 10% will be allocated along the participating cities. All the cities were required to sign interlocal agreements with the County. The County has adopted an ordinance governing the process. The Community bus service will be funded 100% from the 10% allocated to the cities. Cities had submitted projects to the County, which will be funded from the remaining proceeds of the 10% allotted to the participating cities. For example, Pompano Beach submitted \$200 million in projects that staff thought would be important to fund with money from the surtax. Notwithstanding, the projects must go through a vetting process with the Broward County Oversight Board, to include the Metropolitan Planning Organization (MPO), then they will be reviewing the projects and ranking them.

Ms. Sibble provided details of all the concerns and recommendations discussed at a hosted meeting with the cities and the County, to obtain input from the participating cities. The county will take the recommendations and plans to have another meeting after they are presented to the County Commission for their consideration. Finally, she said staff will continue to update the City Commission on the processes that the County is putting in place regarding this matter.

**Federal Workers Assistance** - Ms. Sibble stated that there is an estimated 800,000 federal workers who are impacted from the government shutdown. Although it is difficult to estimate, it can be assumed that some of the residents in Pompano Beach may be impacted. Consequently, staff has been working on a few ideas. One such idea, is a recommendation to the City Commission as stated below:

“While the partial federal government shutdown is in effect the City of Pompano Beach will defer water, wastewater, reuse water, stormwater, and garbage fees to federal employees who request it. In addition, water will not be disconnected during the shutdown for these residents. Individual customers will be provided

the sixty days grace period once the furlough ends in order to bring their deferred balance current. To qualify, federal employees must live in the City of Pompano Beach within the utility service area and provide a paystub showing \$0 paid for the period or a letter from their employer stating they are furloughed. For more information, please contact the City's Utilities Department at 954-786-4637 to arrange for a deferral and subsequent payment plan."

Staff felt this is a responsible recommendation to bring to the Commission, as well as it is a safe bet to ensure the safety of the utility system going forward.

Mayor Hardin asked if the Commission could make a motion to make this effective as of today.

Mark Berman, City Attorney, advised a resolution is not necessary and a motion to accept the recommendation is fine, therefore, staff just needs the Commission's approval to deal with it in this manner. He mentioned that these are not going to be forgiven but they will work on the pay and payment plans.

**MOTION:** A motion was made by Comr. McGee, seconded by Vice Mayor Moss to accept the wording as read by Ms. Sibble into the record. The motion carried unanimously.

Ms. Sibble indicated that staff has been researching additional resources for the residents, and through this process they are considering to create a link on the City's web page so that the residents can access additional resources that may be available to them. It will provide general information for federal workers and links to websites discussing the category they may be in and what type of assistance they may qualify for to include things like unemployment. Also, it will provide contact information for certain banks. This is to encourage the residents to be proactive if impacted and if they cannot meet the mortgage payment they can contact their mortgage financial institution to work something out with them. Also, links will be provided to a number of utilities such as AT&T, Verizon, Sprint, Cable, etc. which has a number they can contact if they are having hardships meeting their payments. In addition, United Way does have a 211 crisis line available. A suggestion coming from Mr. Donovan is that the Chamber of Commerce could be contacted to find local businesses who are willing to provide discounts to these workers. Food Banks will also be set up for residents wishing to donate to assist fellow residents.

Mayor Hardin thanked staff for coming forth with this information and taking a leadership role in this capacity.

Vice Mayor Moss indicated that as the City's MPO representative, could he be provided with the list of projects that the City has submitted to the County.

Ms. Sibble will provide the list to all the members of the Commission.

**Human Resources Update** - Mr. Harrison reported that the City just completed hiring thirteen new firefighters/paramedics, who will go through the rigorous and comprehensive training program for approximately two months prior to receiving their assignments.

**Habitat Volunteers** - Mr. Harrison reported that Earl Bosworth, Miriam Carrillo, Vincent Wooten, Jo-Ann Martin-Onesky, and Tammy Good worked on one of the Habitat houses in the City. There is a team build

program where the City has various employees that will be working on these each week, while the 77 homes are being built.

**Town Hall Meeting** - Mr. Harrison reminded everyone that there is a town hall meeting scheduled in cooperation with United Way Broward County and Broward Public Schools to be held at the E. Pat Larkins Community Center on Wednesday, January 30, 2019 from 5:30 - 8:00 p.m. Mayor Hardin will be attending along with a distinguished panel of presenters. The topic will be on "Guiding our families and school age children through stress, anxiety and depression." This information can be accessed from the City's website.

**Force Main** - Mr. Harrison stated that his office, engineering, and utilities are working on the City's 42" force main contingency plan, should something like this happen again. He mentioned that the pipe has been in the ground for 45 years, I-95 was built over it and it was never disturbed. Also, the City will be involving State and County officials to ensure they are acutely aware of where the lines are located throughout the city limits of Pompano Beach. Particularly, the utilities staff will be working with a consultant on the possibilities to set up a by-pass. The only sure way of doing this is to duplicate the line all the way through the City. Once the analysis is completed the report will be brought before the Commission. In the meantime, the City will ensure there are repair materials on hand for this type of pipe.

Finally, Mr. Harrison indicated that he will be bringing before the Commission an emergency repair contract for things of this nature where the City would not have the ability with the type of equipment we have in order to immediately get on the emergency repair.

Mayor Hardin thanked the City Manager for the good report. Nevertheless, he noted that with the best of plans in place, it will not help if people do not take advantage of the information available to prevent mistakes. In this instance with the sewage spill, the information was out there and the City had the information and the contractors who were involved in the project did not avail themselves of the information that was readily available. However, it is good to plan for the unforeseen.

**Mark Berman, City Attorney** - No Report.

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

**Commissioner Rhonda Eaton - Street Lighting** - Comr. Eaton provided an overhead presentation of a map of the current status of the street lights in District 2. She displayed the Highlands, which has the most populated area, the Cresthaven neighborhood, which shows a wide area. Some of the east/west streets are good, but there are a lot of big blacked out areas with no lights. She said through the annexation process the areas that have no lights may have been overlooked. Therefore, the community is in desperate and dire need for lighting. In fact, there is a member of the City Clerk's Office, Kervin Alfred, who resides in the area and he is aware that the area has been in need of lighting for a very long time.

Comr. Eaton indicated that she is willing to get on the ground to get utility easements, and will walk door to door to get the easement agreements, even if it has to be done in several different languages, such as Creole, Portuguese and a few other languages. This is very important for the community and the bevy of Cresthaven residents, who need them as well.



Finally Comr. Eaton thanked Ms. Sibble for posting the information on the City's website.

Mayor Hardin noted that City Manager Harrison has had a street light inventory done of the City.

Mr. Harrison responded yes. He said what would be helpful regarding the street light issues, he will get Horacio Danovich, CIP/Innovative Director prepare a report for the next Commission meeting in February.

**Commissioner Andrea McGee - Events in the City** - Comr. McGee reported that she spent the last weekend attending some of the events around the City. Specifically, the Art Lights, the Green Market, and MLK Day Parade and enjoyed the events that are happening more often, and are quite enjoyable to go to. Therefore, she encouraged everyone in Pompano Beach to venture to check them out. She said they are really diverse with different interests, so the City is doing a nice job. She is looking to bringing more events in and having things to do in the City.

Finally, Comr. McGee thanked the City staff and Department heads that have been meeting with her, Comrs. Eaton and McMahon in getting to know everyone and she is looking forward to working together.

**Commissioner Tom McMahon - Historical Preservation** - Comr. McMahon stated that one of his passions is preserving the history of Pompano Beach. The historical society telling the whole story not pieces of the story. Therefore, he thinks the City should consider protecting the history of buildings that have significant value. He is not advocating to pass an ordinance that every building that is over seventy years old be saved and never build on it. However, to have a "common sense" ordinance to declare a building with significant historic value, the property, the home has certain characteristics that tells a story and saving the properties. Therefore, he recommended that there be an ordinance in the books that any historically valued building that has history behind it that prior to demo permit is issued for the property it should come before the Commission to make the decision ultimately, if the building comes down. He then provided details of his reasons to make an effort to preserve some of these valued buildings. Perhaps the Historic Preservation Society could determine which buildings have value and make their recommendations to the Commission.

**Excessive Traffic on NW 15th Street** - Comr. McMahon stated that Ms. Ellington has appeared before the Commission with regards to traffic on her street. So, now that the roads are reopened she is seeing additional traffic and high speeds. He is aware it is a county road but unaware if speed humps can be done.

Major Wayne Adkins, Broward Sheriff's Office (BSO), confirmed that the road is designated a County road and they will not put any traffic calming device on it. He had spoken with Robert McCaughan, Public Works Department Director, who plans to bring a resolution for City Commission approval to go before the County to have the road turned over to the City. The County, as well as the City has painted a speed limit of 30 miles per hour on the roadway as part of their idea to calm traffic on the road. In addition, between NW 3rd Avenue and Dixie Highway there are speed awareness signs that are attached to the 30 miles per hour speed limit to alert people who may not realize that they are going over the speed limit. A traffic study was done on NW 15th Street and it does show a significant speed problem, so it is a matter of getting the County to relinquish the rights of the roadway to the City. Finally, Major Adkins stated that he would follow up with Mr. McCaughan.

An extensive discussion followed among Mayor Hardin, and Major Adkins regarding the County allowing

traffic calming for NW 15th Street since a traffic study has shown a significant speed problem with this road and how the enforcement process works.

**Sewage Spill Updates** - Comr. McMahon agreed with Comr. McGee's comments of staff doing an incredible job with multiple things in the last two weeks. City staff has gone beyond the call of duty to handle the sewage spill that FDOT was responsible for creating. Sandra King, Public Communications Director has been working seven days a week to provide daily updates, City Manager Harrison and the entire team have been working every single day to get the communication to the residents. He thanked them for doing this.

**Special Events** - Comr. McMahon reported that the Green Market was a great success. He attended the ArtLit which is another great event to see the City's cultural arts coming together. On Sunday, he went to the Nautical Flea market and saw a lot of the same people working the events on Saturday working on Sunday as well. The staff and the team has really been working hard this weekend and has put on some great events. Therefore, he is proud to see the great things that are happening in the City of Pompano Beach.

**Commissioner Beverly Perkins - Written Emergency Plan** - Comr. Perkins stated that she was glad to hear the City Manager say "we are thinking ahead for strategies for the sewage spill." She indicated that the City needs to have an emergency plan available for whatever may occur, whether it is an oil leak, or airplane crash or police shooting and a riot occurring. She said it is always good to have something in writing so that if one person is away the procedures are there to follow in an emergency situation.

**Martin Luther King, Jr. Celebration** - Comr. Perkins thanked the Mayor and Commissioners for attending the Martin Luther King, Jr. celebration on Monday, even though it was cold, but it was a nice event.

Comr. Perkins indicated that the event at Mitchell Moore closed down at 2:00 p.m. because the Martin Luther King, Jr. Committee filled out a special event form stating the event would last from 7:00 a.m. to 2:00 p.m. Therefore, BSO extended an extra hour and at that point there was some disturbance so they had to close it out. Therefore, that is something that has to be worked out with the Martin Luther King Committee in the future to avoid cutting the time short.

**Cleanup Event** - Comr. Perkins reported that she attended the cleanup on NW 14th Street, on Saturday, January 19th which was a good cleanup by Oasis of Hope under the leadership of Jackie Reid. She was impressed with the large sign installed that reads, "Illegal Dumping is a Crime, Help keep Pompano Clean" with other information written on it. This is a great idea to use some of those signs in four or five locations where there is a lot of dumping taking place.

**Vice Mayor Barry Moss - Charter Review Board Report** - Vice Mayor Moss stated that several months ago, prior to the new Commission being elected, a report was received from the Charter Review Board regarding the elections in the City. As happened at the last election all the seats to include the mayor and commissioners were all up for re-election at one time. In the next two years according to the Charter, the same situation will happen when everyone will be up for re-election at the same time. Most people realize this is not a good thing as there is the potential of having the entire Commission change every two years. The report that the Charter Review Board provided was to engage the Commission to consider changing some of the City Charter language to change the way we elect the Commission and how frequent.

Vice Mayor Moss asked that the report that was issued by the Charter Review Board be given to the new Commission and for them to start thinking about doing something different. Perhaps to have staggered terms so that in one election cycle it would be the mayor and two commissioners two years later its three commissioners, so the City do not run the risk of everybody being up for election all at one time.

Additionally, Vice Mayor Moss stated that even though the final reports have not yet been made to the City Clerk, he did a cursory check of the amount of money that the candidates spent to get here, and a significant amount of \$332,000 between all the candidates for Mayor and Commissioner were expended. The thought of doing this every two years is excessive.

Vice Mayor Moss said they are spending a great deal of time, energy, effort and money to run every two years for election. Therefore, he requested that the City Manager ensure the Commission gets a copy of the report along with the recommendations, as well as it would be a good idea to have the Charter Review Board meet again to give further consideration to a vote. He concluded that this is a bad way to run a government.

Mayor Hardin recalls the Charter Review Board dealing with that issue also and they made some recommendations and provided information. However, in all honesty to accomplish any type of a change in the way things work now with the elections would be to change the length of term for commissioners. Currently, the mayor's term is four years already, and all the commissioners term is for two years. So if the two year terms are kept there is no way to stagger the terms and still have the elections in November, which was the focus a few years ago. So, for better or worse that was the decision made to save money for the City as far as the elections. It costs money for the City to hold its own election in March elections. So to piggy back with everybody else in November, more people come out to vote, it saves the City money. Consequently, there is no way to stagger it if we went with that, unless the City changes the length of term to four years for the commissioners and then do the stagger terms. So, there could be three one year and two years later three more. Therefore, if it is staggered term everybody would not be up for election at the same time, which he thinks would be healthy for the City and in a number of regards. People could perceive that the Commission is trying to extend their terms, and this was done in the past when the City went from March elections to November elections.

Mayor Hardin stated he would support going to four year terms for commissioners and do the staggered terms. It is disruptive to have elections as often as we do especially with everybody on the ballot the same time, as well as it is expensive. An extensive discussion followed among the Commission regarding the current election process for mayor and commissioners, the pros and cons of each option under consideration and the different variables as it relates to when to hold the election, the length of the terms for each commissioner, the best time to conduct the election, and should the terms be staggered or not, as well as limited terms or not.

**Self-Storage Units** - Vice Mayor Moss expressed concern about the proliferation of self-storage units in the City. He recalls several months ago there was an issue regarding a self-storage facility being built on Martin Luther King, Jr. Blvd., close to the intersection of the Florida Turnpike. In sum, they are getting to be too many in the City therefore, he would like for staff to provide a report to the commission regarding how many such facilities are in the City and how does these compare with other cities. Also, how many square footage and the determination as to whether or not it is getting out of hand.

Mayor Hardin believes the Planning and Zoning Board has requested such a report as they too are concerned about the proliferation of self-storage facilities throughout the City.

Vice Mayor Moss is concerned about the Duke Commercial Plaza, that is the large retail and warehouse facility on Atlantic Boulevard. This area seem to be bursting at the seams, the businesses are getting bigger with an enormous amount of trucks pulling in and out, parking on public roads, blocking public roads and some of the facilities are requesting the right to store things outside uncovered from view. Therefore, even though Code Enforcement has been issuing citations, he would like for this issue to get on the City's radar screen as it can easily get out of hand.

Hopefully in a few more years there will be a lot of development at the Isle of Casino and millions of people will be coming into the City and we want to ensure they are not coming into warehouse districts that are overpopulated with trucks and junk.

Comr. McMahon stated that with regard to the election subject discussed earlier, one of the things he thinks is important is the need to initiate a no littering campaign and provided examples of how campaign signage contributes to the littering of the City, as well as how much is being spent on picking up the trash in the City. Enforcing the littering laws whether through the park rangers or Broward Sheriff's Office.

**Mayor Rex Hardin - Trash at I-95 Intersection** - Mayor Hardin asked who is responsible for picking up trash at the intersection of I-95 and Atlantic Boulevard and other interchanges also. In sum, if we care about our community then the City will have to pick up the trash even though it might be the major players in government such as Florida Department of Transportation (FDOT) who are the least responsive.

Greg Harrison, City Manager, responded that he had a similar question and enquired from the City Engineer. All of the areas impacted are used for staging areas for the contractors that are under contract with FDOT and it would be their responsibility. Nevertheless, he will explore further and come up with an answer as to who are responsible and ensure that it is taken care of.

**Panhandlers at the Intersections** - Mayor Hardin said every day as he passes by the City's major intersection there are people with signs begging. This item was brought up before, therefore, he wanted to know why anything is not done to these people, because their activity is either against the law or not. If not against the law, it should be against the law to stand at the intersections begging for dollars.

**MLK Committee** - Mayor Hardin gave "Hats off" to Dale Gibson, Byron Hall, and the entire MLK committee for putting on all the events that culminated in the parade and celebration. He thanked the entire committee for putting in a lot of hard work to make all the planned events a success.

**Special Recognition** - Mayor Hardin stated that everybody that works for the City of Pompano Beach is a star. However, he wanted to highlight one of the stars, Dahalia Baker, who was recognized by the KAPA Foundation of Pompano Beach, at the 2018-2019 Community Partner of the Year. Ms. Baker does a tremendous job for the City every day.

**New Broward Sheriff** - Mayor Hardin indicated that they had the opportunity to meet the new Sheriff at the MLK Day parade. He showed up unannounced and greeted everyone to include the Commission present at the parade. He hopes the Sheriff will make some time to come and talk with the Commission about his thought process as to how he plans to change his force and what his priority will be.

**Parks Issues** - Mayor Hardin says he has been “harping” about this for many years, still, people complain because issues are out there. There are vagrants in the parks, hanging out on the sides of the streets, and it appears to be getting worse instead of better. He is unsure if a task force is needed and bringing residents in to voice their opinion so people will understand that. The bottom line, the City needs movement and results on this particular issue.

**Sewage Spill Issue** - Mayor Hardin thanked staff for their long, arduous, and outstanding efforts during the sewage issue situation. He said the residents ought to be proud of the work that their employees performed during this time, and especially since this was no fault of the City. Mayor Hardin gave “Hats off” to City Manager Harrison and his entire staff.

#### **E. ADJOURNMENT**

The meeting adjourned at 10:46 p.m.

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Rex Hardin, Mayor

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Asceleta Hammond, City Clerk