

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, April 23, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Apostle S. Constanca Daley of Rhema Word Ministries International, offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[19-384](#) Regular City Commission Meeting Minutes of April 9, 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

Mayor Hardin announced that Agenda items 17, 18, and 19 will be postponed until May 14, 2019 City Commission meeting. In addition, under Special Presentation - File 19-321, Presentation of the Actuarial Valuation Report will be heard after Proclamations - File 19-334 Haitian Heritage Month.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Agenda be APPROVED AS AMENDED. 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 items 7 and 8 would be pulled for City Commission Discussion.

A. SPECIAL PRESENTATION

[19-321](#) Presentation of the Actuarial Valuation Report for the City of Pompano Beach Police and Firefighters' Retirement System as of October 1, 2018 as prepared and certified by The Nyhart Company.
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Paul O'Connell, Chairman of the Pompano Beach Police and Firefighters' Pension Fund (Pension), stated he has been serving on the Board since 1996. He shared with the Commission, a public broadcasting video "The pension gamble" which addresses what can go wrong in public pensions and the funding of those pensions in states like Kentucky, New Jersey, and Illinois. He encouraged the Commission to take 60 minutes out of their day to look, listen and learn from the video. He said the actuary will make his presentation, which will reflect the true investments over the last 30 years. They averaged over 7% return in those years, which is the average on investments based on diversification, and education that has helped the fund grow as a result. He said the diversification currently have over sixteen money managers assisting them over a variety of asset investments.

Tayt Odom, FSA, MBA, the actuary from Nyhart, made his presentation and explained that once a year they would come in to measure the assets and liabilities of the Pension plan and come up with a funding contribution that need to go into the plan for the upcoming year. They work closely with the Pension Board and the Group to collect data, determine what is working, and collect the general demographic information, which provides a "snap shot" look. He then presented an overview of the summary of the snap shot as of October 1, 2018, which is attached as Exhibit I.

Tom Terwilliger, Pompano Beach, FL, asked how much of the Pension is unfunded.

Mr. Odom responded that the unfunded accrued liability as of October 1, 2018, is \$104 million.

Mr. Terwilliger then asked if the actuary is aware of the Boston University Study on municipal pension funds where they are using defined benefits.

Mr. Odom replied that he has seen studies from Boston University but he is unaware of the study to which Mr. Terwilliger is referring.

Mr. Terwilliger explained that a nationwide study by Boston University regarding defined benefit plans, which is similar to what Pompano Beach has, projects over the next twenty years that between 30%-35% of all municipalities who have unfunded Pension liabilities of about 30%, which is what the City has, will go bust, and he asked if the City is in that category.

Mayor Hardin commented that the actuary cannot answer those types of questions, which is a projection that somebody makes. Therefore, any question that Mr. Terwilliger want to ask about the presentation will be in order, but not hypothetical questions.

Mr. Terwilliger noted that the City is in bad financial shape when it comes to the Pension fund as the risks are too high and the citizens will end up paying this loss.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, asked how much money is currently in the Pension fund.

Mr. Odom responded that currently the asset value is approximately \$246 million, which is a long way from being "broke."

Mayor Hardin indicated that if the City wanted to write a check today for \$104 million, the Pension would be 100% funded, and next year if nothing changed there would not be any Pension liabilities.

Mr. Odom responded that if a check was written for \$104 million the Pension would be 100% funded and next year they would return to report that the City's contribution instead of \$11 million would be \$3 million. He explained that if the City continues to make the contributions as they come in to calculate every year, the plan would not go broke. Those contributions are calculated in such a way to ensure that does not happen, so, over time the City will get to a position where it will be 100% funded.

Mayor Hardin stated for ease of understanding this Pension Plan, it is similar to a mortgage that never ends. This is due to new employees coming in and accruing benefits as they work. Therefore, the hope is that the returns boost the assets, which will help to reduce the amount the City has to pay each year. He concluded that even if the Pension was 100% funded, the City would still have to pay \$3 million because of the benefits earned throughout the year by the current employees.

Mr. Odom responded absolutely. This is the reason for a Pension plan or a 401K plan or any type of retirement plan if a benefit is going to be provided to the employees, which will incur a cost to do this.

Mayor Hardin explained the smoothing process involved to pay the \$104 million owed over time to clarify that the City is not putting off paying the bills or bills that should be paid is not being paid. He said the rumors are that the Pension is going broke, but the fact is the City is following established protocol for pension plans and this is the job of the actuary.

Finally, Mayor Hardin asked if Mr. Odom works for the City of Pompano Beach, to which he replied no. He works for the Pension Board; therefore, the City does not have the liberty to tell him to fix the numbers so it looks different, which he does not believe they would do.

Mayor Hardin thanked Mr. Odom for his presentation.

The Presentation was READ AND PRESENTED INTO THE RECORD.

19-381 Special Presentation to Lee Scharf

Mayor Hardin presented Lee Scharf with a proclamation proclaiming “Lee Scharf Day” in the City of Pompano Beach. There was also a presentation of a plaque of congratulations and appreciation by Mayor Hardin and Recreation Programs Director Mark Beaudreau for Mr. Scharf’s efforts in the 2019 Special Olympic World Game. Mr. Scharf was a Gold Medal Winner.

Mayor Hardin indicated that Lee Scharf is a tremendous athlete; thereafter, presenting him with the Proclamation, proclaiming April 23, 2019, as the Lee Scharf Day.

Mark Beaudreau, Recreation Programs Director, indicated that for years Mr. Scharf has been an incredible inspiration and made a special presentation of a plaque to him. In addition, Coach Jessie spoke of the long-standing performance of Mr. Scharf who is a member of the City’s Piranhas team, and reiterated that he is an inspiration for the younger team members.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

19-387 Special Presentation and Thank You to the City Commission

Chaplain Anita Chapman, Retired Deputy Sheriff and Program Manager of the Children’s Village Foster Care Anti-violence Program thanked the City Commission for assisting in the implementation of the children’s anti-violence program.

Sheriff Gregory Tony was unable to attend, however, a BSO representative presented letters of appreciation to BSO deputies and City staff for their assistance for supporting the children’s goals to abstain from violence.

Chaplain Anita Chapman acknowledged the purpose they are present which is to recognize their VIP's in the community and the world, which are the children and their wellbeing. She indicated that in 2016 she provided to the City Commission a statistic report from a FBI report. She apologized that Sheriff Gregory Tony was unable to attend as he was scheduled to attend this presentation. Therefore, representatives from Broward Sheriff's Office (BSO) presented the letters of appreciation. In addition, Chaplain Chapman mentioned that Mark Beaudreau and Gregory Jones were instrumental in assisting her with the program. Also, BSO permitted her to teach anger management classes, Mount Zion Church provided groceries to single mothers and the children, and the program was seeded in Pompano Beach. Therefore, she thanked the City's leadership for allowing this to happen. She provided details on the program as it progressed through 2018. Thereafter, she called all the honorees to be presented with a letter of appreciation.

This matter was READ AND PRESENTED INTO THE RECORD

B. PROCLAMATIONS

[19-334](#) **Haitian Heritage Month**

Mayor Hardin proclaimed May as Haitian Heritage Month in the City of Pompano Beach. Andy Cherenfant, Founder and President of Save Our Boys, Inc. was not present to accept the proclamation.

This matter was READ AND PRESENTED INTO THE RECORD

C. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Follow-up on Cat Issue - Belle Laue, 3225 SE 11th Street, Pompano Beach, FL 33062, read comments

from the Broward County Animal Committee Minutes of March 2013, which stated, “Pompano Beach had issued a 90 day Moratorium concerning the restricted feral cat laws and wants to come up with an alternative plan.”

Ms. Laue indicated that six years later and with over 2,000 cats dead, currently there is another moratorium and more promises. Therefore, the reasons for them coming before the Commission again, is to ensure that not one more cat is killed. She said she would like to take the City officials’ word in good faith that this time it would be different. However, two weeks ago, the director of Public Works, Rob McCaughan, who is in charge of animal care division, stated that it is best to ignore the cats. She said in doing so, they would starve, continue to reproduce and die. He also stated that anti-cat residents were “taking things in their own hands” to rid their neighborhood of cats. In other words, they are breaking County and State laws, yet to date not a single cruelty case has been pursued by the department of Animal Control.

Ms. Laue related a story about a cat called, “Big Yella” who ended up in one of the unintended animal control traps, until a resident, “Jason”, who was in charge of it, called up a staff from animal control in the late afternoon regarding the matter. This action is breaking the City’s rules as according to the City’s Code of Ordinances, “No trap should be left unattended. Animal Control needs to be contacted within 30 minutes of an animal trapped or be subject to fines.”

In sum, Ms. Laue indicated that it is difficult to have faith in the leadership when staff appears to find reasons such as “cats damage the paint of a boat” to euthanize them.

Follow-up on Cat Issue - Jacquelyn Johnston, PhD Student - Multispecies Geography, Florida International University, 9715 NW 138 Street, Hialeah, FL 33018, indicated that she is working on her PhD on issues of feral and free roaming cat management. She thanked the group and the City of Pompano Beach for creating the meeting for tomorrow and she plans to attend. She believes there are going to be requests for some immediate resolution, which she thinks everyone can all agree is necessary in this situation. Therefore, she encouraged the consideration for an immediate halt to the euthanasia of Pompano cats until at least this meeting can come to some sort of long term resolution. She did not think that there were that many complaints coming in per week.

Ms. Johnston offered her assistance in any way that she can, even if she can assist to field some of the complaint calls. She reported that she was reached by several of the constituents of Pompano Beach that were uncomfortable coming and speaking in such a public forum. Therefore, she looks forward to working with more of the community to try to represent as many opinions as possible, and to help create a resolution that makes everybody happy.

Tiger Trail Festival - Ed Phillips, 384 NW 18th Avenue, Pompano Beach, FL, thanked the City for co-sponsoring the Tiger Trail Festival, Women of Purpose, which was outstanding. He thanked the staff and all those individuals who participated especially the volunteers who assisted with organizing and structuring the event. He also thanked the commissioners who attended.

Mr. Phillips stated that he wanted to use this opportunity to give a letter of congratulations that was given to the Tiger Trail Festival, which he received in 1999, from a then young commissioner who pledged his continuing support of this event. He then presented the letter to Mayor Hardin.

Mr. Phillips stated that they will be preparing for the Tiger Trail Festival for 2020, and in the past the City has always supported the event with funds and whatever else they needed. He indicated that the upcoming year they will try to compete with cities such as Coral Springs, Deerfield Beach, Miami, Miramar and Fort Lauderdale who fund significantly their festivals. Therefore, they plan to ask the City for \$75,000 to make the great events over the years become super events.

General Obligation (G.O.) Bond Projects - Mr. Phillips spoke briefly of the G.O. Bond, which he is aware is on the agenda. He said he would like to start seeing where the City has made commitments for community involvement that this transcends into people who actually resides in Pompano Beach. In sum, he would like to see some of the money going to people who lives in the City of Pompano Beach.

Broward Sheriff Office (BSO) Actions - Mr. Phillips complained that he was appalled at the actions of BSO. Major Adkins is good and he is the man for the job, however, some of the actions of other BSO officers outside the City of Pompano Beach badly reflects on the City's BSO district. The City is the largest contractor of BSO in Broward County. Somehow, something must be communicated that the City will not tolerate those type of actions, especially if there is a misrepresentation of the City of Pompano Beach.

Cats a Nuisance to the Neighborhood - Dawn Truak, 4011 NE 18th Terrace, Pompano Beach, FL, indicated that she is not an animal hater but just wanted everyone to understand how hard it is to live in a community where your yard smells like a cat litter box constantly. She is constantly dealing with cat urine and feces in her boat. She says her dog is barking at them all the time, which is a problem. She is not asking for euthanization, but she is asking for somebody to find a solution to try to "cut down" on the amount of cats that are moving into her neighborhood, because by them being fed, they just keep reproducing more and more cats. She has lived in the area for five (5) years and the situation has worsened. She has tried to entertain and have company over, and was literally told by the last two people that have come to her house, "your yard smells so bad I can taste it in my mouth," or "I don't know how you live like this." She thinks it is unfair for her as a tax paying homeowner to be constantly cleaning up after the cats. Ms. Truak concluded that the situation is out of control.

Cats a Nuisance to the Neighborhood - Victor Valdez, 4011 NE 18th Terrace, Pompano Beach, FL 33064, stated that he is in the same situation as the prior speaker Ms. Truak and said the situation is unbearable. They have asked for help but has not received it. They speak to the people who are responsible for this to help and they do not offer any help. In fact, they hide and masquerade the problem with the cats. He is aware of over 80 to 100 cats inside their house, but nothing is being done about it. When Animal Control comes over, they tell them that the cats are gone.

He indicated that after the last meeting, they could not trap the cats anymore and now the same cats are back out. He said he loves animals, but people should not be allowed to feed them, as they would come into his house, but he is "fed up," and does not want to be burdened with all these many cats, which are not pets.

City Ordinance as to Community Cats - Susan Rosemarin, Freelance Paralegal, 60 SW 17th Street, #104, Pompano Beach, FL 33060, indicated she is grateful for the previous speakers, because it leads into what she has to say. The City, for years has been catching and killing cats, not euthanizing them. Euthanasia by definition

is ending the life of a living being that is suffering. Killing a healthy cat is not euthanasia. Therefore, the homeless cat population has grown expediently. One female cat intact never stops going into heat in south Florida because of the climate. So, one female cat can produce 21 new cats and there are thousands of intact female cats in Pompano alone. Therefore, she understands the previous speakers' Victor and Dawn's problem.

Continuing, Ms. Rosemarin stated she loves cats and thinks TNR (Trap/Neuter/Release) is the only proven solution. The City of Jacksonville followed a model and within five (5) years they reduced their homeless cat population. They followed a comprehensive TNR program that exercised tremendous community support and involvement.

The City wants to do this in a proper comprehensive organized manner. The bottom line is to declare a moratorium on all killings because that needs to stop. Also, the City aligns its Ordinance with Broward County's Ordinance with this particular point, because the two Animal Control Officers do not know how to do their job. Therefore, all calls should be forwarded through Broward County until City staff can manage to figure something that is "simply not rocket science to figure out," when you have an entire group of people that can tell you how to do it, when to do it, where to do it, and when to start it.

City Ordinance as to Community Cats - Linda Brown, 2622 NE 8th Street, Librarian, Pompano Beach, FL 33062 Email: angelharp25@yahoo.com, commended the City on the redevelopment activities throughout the City, which she thinks has been wonderful. However, she does not think that this type of issue should take the precedence that is being allowed. She works for a City, and is a Librarian. Sometimes when there are too many codes, and these codes were written 25 years ago, it takes away from what you can do anywhere else. This is being made into an issue when it does not need to be. Broward County knows what they are doing. Whenever it states that cats are free roaming it takes away from the bogus complaints. A lot of the complaints Mr. McCaughan talked about at the last meeting, made her laugh. For example, cats scratching the car, fleas in a yard, these can be sprayed. Also foot prints on a boat, which could belong to an Iguana, because she lives on a canal and never in the 25 years of living on a canal on the yachts that they have there, has she seen a cat on a boat willingly. It is always an iguana, a bird or something like that.

Ms. Brown believes that catch, neuter and release works because it has been scientifically proven and explain such findings. What the City is doing just does not make sense, and no other place does it. The world we live in now people love their animals. In fact there are comfort animals seen in Publix. She does not particularly like it, but it is what we are. Billions and billions of dollars are spent on animals. Therefore, the City needs to move forward with policies, and do not go by Mr. Aycock's policy from 25 years ago. The City has grown to approximately 150,000 people. She concluded by commenting that a tremendous job is done with the rest of the City, so do not let this matter cause us to be known as the "killing fields."

Cats being a Nuisance to the Neighborhood - Lourdes Hayes, 4020 NE 18th Avenue, Pompano Beach, FL 33064 - Email: ursunset@gmail.com, stated she has lived in the City for over a year now. However, she has some issues with the cats, or stray cats, that has no home. She is an animal lover and has had cats before, but she has an issue in her back yard right now. She hopes to offer a solution not just to complain. She believes everyone that is present that love animals, if they can come behind her back yard and pickup one of the cats it would be awesome. They can feed them and they can keep them. She is willing to adopt one of them. Nevertheless, it is unbelievable what is happening. She has to clean cat poop because they use her

backyard as a bathroom. This attracts a lot of flies. At night she hears the fights between the cats, as well as possums fighting with cats, which is very annoying. These cats need a home. Perhaps, those people who are standing and saying they could adopt should stop by her place and take one of these cats. Even though she may be able to take one or two cats, but she cannot take 30 or 40 cats that are roaming around. She cannot go outside her back yard because of the smell, which is ridiculous. The smell is all over the place. Therefore, if she does not have a cat, then she should not be picking up poop.

Ms. Hayes is hopeful they can get a solution tomorrow, because this is not only affecting her, but there are neighbors, and people who come to visit her complain. She cannot be in her beautiful yard because of the smell. The cats need a home but the problem is no one wants to take responsibility. People come to complain or some come to speak for the cats, which she can appreciate all of that but they need to get something done and get it done quickly. She urged the Commission to come up with a solution.

Complaint of Decorum in the Chamber - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, complained that some of the people were telling them how to conduct their conversation, which he feels offended by their dominance of the Chamber.

Meeting at McNair Recreation Center - Maria McLamore, 741 NW 23rd Terrace, Pompano Beach, FL, complained about a meeting held at the McNair Recreation Center on April 15, 2019, regarding Vice Mayor Moss' comments made at the meeting. There was a discussion on the renovation of the park, which got heated due to some of the residents not understanding and the developers were unable to talk to the residents. She was upset with the comment made by Vice Mayor Moss that "He has the power to stop any projects at the park and all he needed was four votes from the Commission, and he has them."

Continuing, Ms. McLamore indicated that the Collier City community has been neglected for a long time. Therefore, as Commissioner for the district, it was unprofessional for their commissioner to make an open statement that he has the power to stop it and that he has the four votes from the Commission, which is totally unacceptable.

Mr. Thrower concluded that the G.O. Bond has stated that the McNair Park would be done and that is what the community needed to be told to them. Therefore, to undo this will cause a lot of legal issues in the Bond process.

BSO Deputy's Actions - Mr. Thrower understands that the deputy that was on national news used to do some work in Pompano Beach. Therefore, he would like some assurances that he will not and will not ever be in Pompano Beach. A clear message must be sent that those actions will not be tolerated in the City.

Mayor Hardin agrees that should not take place in the City and he will make that known.

Esther Rolle House - Mr. Thrower stated that he would like the Commission to direct City staff to look at how they could give special recognition to Ms. Esther Rolle's house that has been there for years. He suggested a plaque could be placed on the house to memorialize Ms. Rolle.

Mayor Hardin agreed that it would be a good topic to enlist the assistance of the Historic Preservation

Committee.

Cats being a Nuisance to the Neighborhood - Burt Hoover, 3200 NE 7th Court, Pompano Beach, FL 33062, stated he came to support his neighbor. He is 89 years old and have been married for 68 years. So he and his wife are trying to enjoy their retirement. He complained that in his apartment building there are a few women in their apartment that keep feeding the cats, which are coming from all over. He does not have anything against cats, but they are fed and when he calls the City, nothing is being done. He cannot open the doors or windows because of the smell from the cats, who are consistently reproducing.

City Ordinance as to Community Cats - Dianna Cariello, 3001 S. Course Drive Pompano Beach, FL 33069, stated that if they are expected to teach the children kindness and compassion, then we must lead by example and show that kindness to all, to include our animals. The City of Pompano Beach trap and kill policy is currently under review, and as such, in the interim, it would only be fair to all to impose a moratorium on killing the cats. Broward County animal care has adopted a "No kill policy," and trap, neuter and return is now the rule in 30 of the 31 cities in Broward County. She respectfully requested that the City of Pompano Beach joins the rest of the county in this effort and rewrite their current ordinance to reflect the kindness that we want to portray. She is confident that a solution exists that does not include killing, as this type of killing is not euthanasia, which is a term that literally means good death and is reserved for the ending of irredeemable suffering. It should never be mistaken as a euphemism for convenience killing. She reiterate as she has done in the past that this policy is bad for the City's image, and therefore bad for business, especially as redevelopment in Pompano Beach progresses. As she is making her plans for where her next address would be, it actually hurts to say that she may leave the City that she has called home for the past 22 years.

Request Removal of Cats from Neighborhood - Fayruza Neves, 4001 NE 18th Terrace, Pompano Beach, FL 33064 - Email: Fayusa10@hotmail.com, stated that she is having the same issues as her neighbors with the cats, and they do not kill the cats. She loves animal because she has a dog. However, she is having a lot of problems with fleas in her backyard and she cannot hangout in her backyard anymore because there are lot of cat feces, as well as they sleep on top of her car. Someone put food in front of her house to feed the cats, therefore, she is asking for help. She called Animal Control but they did nothing about it, so she is asking for help to resolve this situation. Her neighbor rescues the cats but she needs to find someone to adopt the cats. She is asking the Commission to help them in this situation.

Police Brutality in Pompano Beach - Sarahca Peterson, 305 SW 1st Court, Pompano Beach, FL, stated that she sent an email to the Commission and wanted to confirm that they received it, which they all indicated they did. She said she asked that the Commission publicly address the issue of police brutality against brown and black people in the City of Pompano Beach. She indicated that she would like to hear from the public elected officials about the issue that keeps coming up. She said she is saddened to see Vice Mayor Moss leaves the dais when people of color are before the Commission addressing issues that are important to him. She said this is the second time he walked off since this meeting. One was in reference to him directly.

Continuing, Ms. Peterson indicated that she really wants this issue of police brutality to be addressed. She indicated to the newly elected commissioners that two years ago she appeared before the prior Commission and said the same thing about the City's police being proactive and preventative measures put in place to ensure that the community feels safe, which is the same safety that is desired in all the other communities within

the City. She stated that more than one incident has happened involving the same agency that provides safety security to the neighborhood. She said the City of Pompano Beach provides the largest contract to Broward Sheriff Office, (BSO) and she had a conversation with Captain Matthis. She requested that if she ask the Commission to address her or the community about police brutality, do not send a “black face” because time and time again the officers who have the issue are not black. She prefer they send somebody “white” because these are the issues that she has with them, so they can have a serious conversation. She said she would desire that during election time she would like to see the current elected officials talking about how people are brutalized and killed and to talk less about beautification of the City.

Additionally, Ms. Peterson indicated that she is disappointed in Vice Mayor Moss leaving for the second time when the people are talking which indicates he is disrespecting what they have to say.

Vice Mayor Moss responded that when a person is 70 years old and there is a leg cramp you must get up and walk it out and that is what he did and that there is nothing intentional about his actions.

City Ordinance as to Community Cats - Kathy Bieniek, Vice President, Saving Sage Animal Rescue Foundation and Sage Animal Wellness Center, 2875 West Broward Boulevard, Fort Lauderdale, FL 33312 - thanked the Commission for hearing them. She oversees all the cats, as well as all the TNR and Return-to-field (RTF) programs through her rescue and the shelter that they have. They also worked with Broward County for their RTF program for almost two years, so she knows that TNR does work. She said they need to work together and she hates seeing the division between the people. There are certain circumstances in which an individual needs to take responsibility. In the whole manner it is not the cats fault for being born, but it is human being's responsibility to help take care of them. Therefore, most of the issues that people are speaking about would end with TNR; there would be no more spaying, and no more offspring. The thousands of cats running around, if this was handled six years ago when it was proposed, the current situation would not exist.

Ms. Bieniek suggested if the City does TNR, they would be happy to offer their services and anything that they could do to help the City of Pompano Beach to accomplish this because they know it really works. They receive calls, texts, and emails from all over Broward County, but nobody wants to come and help them with TNRs in Pompano because they know they cannot release them, and that is really sad. By killing the cats it is not going to make a difference. It is a vicious cycle, if you kill them more would move in and you are back where you started. If a cat community is TNR that community would stay that size and live their natural lives until eventually they die out. A big difference will be seen. They currently get calls from the county to help with TNR and trapping. If the animals are sick they would keep them in their facility until they are healthy enough to be released. If they are friendly enough or adoptable, they would do everything in their power to find them homes. They did over 1,200 cats from Broward Animal Care when they are doing the RTF before they went and did it in house. So, that 1,200 cats stop reproducing in the streets, which equate to thousands in one year.

Ms. Bieniek stated that the City should stop the cycle and to stop killing the cats for now, until they can come and work together, instead of fighting and pulling everybody apart because nobody wins. In fact, the only losers are the cats, and she loves all animals. The lizards and the iguanas are an issue but wildlife was here and they are not going anywhere, man have made these problems and we need to help to work with it, not against it and that is what we are here for. She will be attending the 11 a.m meeting and they will be there to see if they can do anything to provide service.

Community Empowerment Event - Latoyia McClover, President of The House of People Empowerment, 2760 NW 9th Street, Fort Lauderdale, FL, announced that they will be having an event on May 25, 2019, from 12:30 to 5:30 p.m. at the Hunters Manor Park, 1801 NW 4th Street, Pompano Beach. She said they had four events last year and there are a lot of families in need. She said Mayor Hardin has been wonderful in assisting. Therefore, she said she would be happy to have the Commission come out and support this effort. She then distributed flyers with information about the event.

Number of Cats Being Killed - Andi Kola, 354 SE 5th Street, Dania Beach, FL 33004, stated that a short while ago two residents spoke that 80 to 100 cats were outside of their house causing trouble, but just outside a few moments ago those same two people asked for help for their 4-8 cats. This is just one of many habits by some to exaggerate and lie, which leads to more dead cats. Also, a short while ago at this commission meeting it was stated that two cats were killed in March and April, as mentioned by Mayor Hardin. However, according to Pompano Beach's internal records, over twelve (12) cats that they are aware of have been killed in those same two months. The difference between 12 and 2 may be insignificant but to others it is very significant.

Damages done by Cats - Jason Dennis, 421 NE 25th Avenue, Pompano Beach, FL, stated that he would like to clear up some statements made earlier. Someone said something about a cat that he had trapped and had been caged all day and night but that is not true. The cat was in the cage for maybe an hour; however, he contacted Michael (Mike) to come and get the cat because he has been having problems with it. He said his neighbor feeds twelve cats. Furthermore, they damaged his property multiple times. There are 12 cats on his street. He has had damages to his car.

Furthermore, all the comments regarding the cat being in captive all day and night is based on lies, and he is pretty sure the City's animal control can be questioned about the picking up of the cat. Also, his contact information, as well as his place of employment was placed on social media for retaliation purposes. His employer's telephone number was given out for him to get fired because of the cats, which no one wants to claim. They are plenty of cat fanatics in the audience that could come and pick them up. Nobody wants these cats; unfortunately the cats have to be killed because nobody wants them. The cat that he trapped was possibly rabid, and it was mangy and had been around for years. The cat has been around for years and longer than the person who claimed it on television who rented the place. It is stupid that he has to take off from work to deal with this issue but something needs to be done.

Mayor Hardin's Comments on the Cat Issue

Mayor Hardin indicated that there have been some absolutely vicious emails that came across his desk that is uncalled for and it should not happen. He said it is unfortunate what is happening, especially in the social media land. Nevertheless, he appealed to everybody to back down with the personal attacks on people, which is unwarranted.

D. CONSENT AGENDA

Consent Agenda items 1 - 6 and 9 - 13 were Approved/Adopted without discussion.

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

1. [19-351](#) Donald A. Meyer is requesting to transfer Ownership of Block 1, Lot 1A, and Plot 3 in the West Lawn back to The Pompano Beach Cemetery. Burial Right Agreement #4498
(Fiscal Impact: \$850.00)

(Staff Contact: Robert McCaughan)

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

2. [19-371](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENTS NUMBER SEVENTEEN (17) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 5 (US 1) FROM MILE POST 9.153 TO MILE POST 9.207, RESPECTIVELY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2019-149

3. [19-372](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FDOT DISTRICT FOUR (4) AMENDMENT NUMBER SIXTEEN (16) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 9 (I-95) TO INCLUDE THE NORTHBOUND OFF RAMP FROM MILE POST 0.087 TO MILE POST 0.306;

PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2019-150

4. [19-358](#) Approval to award RFQ P-06-19, Construction Management At Risk (CMAR) Services for Emergency Operation Center and Fire Administration Building Complex Project to the highest ranked firm, Kaufman Lynn Construction, Inc.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

5. [19-374](#) Approve ranking order for RFQ E-09-19 Construction Management At Risk (CMAR) Services for McNab Road and Bridge Improvements, and authorize staff to negotiate a contract with the highest ranked firm: Burkhardt Construction, Inc. (No cost at this time.)
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

6. [19-373](#) Approval to award Bid T-17-19 Cartridge Filters to the lowest responsive responsible bidder, American Melt Blown & Filtration Inc., at an estimated annual cost of \$86,400.00.
(Fiscal Impact: \$86,400.00)

(Staff Contact: A. Randolph Brown)

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

7. [19-359](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins expressed concern regarding the nine parcels violations and wondered if the property owners are receiving the notices.

David Recor, Development Services Director, stated that within the backup is a batch report that does not provide that information. There is a case overview that is available and staff will include it in subsequent requests for the resolution that identifies when the complaint was received, the date that public nuisance was determined, and the affidavit of service. This ensures that the due process was followed and that there was no effort to comply on behalf of the property owner, prior to coming before the Commission. He said if the Commissioner has a specific question regarding an address he could provide the dates of the due process steps taken.

Comr. Perkins asked how long the owner would have to respond to the notice of violation.

Mr. Recor responded that it would be seven (7) days.

Mario Sotolongo, Code Compliance Supervisor, confirmed it is seven days, as stipulated in the ordinance. In addition, the notices are posted on the property so it is visible to the adjacent property owners.

Comr. Perkins indicated that seven days do not appear to be enough time for most people to respond, especially if they do not live in the State of Florida. Furthermore, Comr. Perkins indicated that they want to ensure that the City is not taking people's property too quickly, but is allowing them time to respond. Nine properties with violations are a lot.

Mark Berman, City Attorney, explained that the ordinance have been in place for over 24 years and has worked well. No efforts are made to board up and so forth until notice is provided and the properties are posted. The homeowner's usually within the seven days, may not be able to fix it, but if they contact code compliance then nothing is done and they will work with them. Therefore, by the time it gets to this stage it needs to be done within seven days, because these are more egregious violations, such as overgrowth, broken windows, vermin, and garbage, which have been in desperate need for a long period of time. When you are living next to such issues, seven days is a long time, especially when working with residents that are

experiencing this for more than a year and is bringing their complaints before the City Manager and staff. Nevertheless, a change can be made. However, this process has been fair and effective and has not been overturned in any courts upon being challenged for providing a reasonable amount of time.

Continuing, Mr. Berman stated this method is used as a last resort. It is not used as an initial code contact, as a warning, or the hearing process, which is the 30-90 days people are given to comply. These are regarding things that have languished and either that, or there is an immediate danger to people, such as things like bees, being in close proximity to schools, or near children's access going to school and so forth. The City is not taking any property but this puts liens on problem properties being fixed with taxpayer dollars. The City is now trying to get back those dollars for the taxpayers. In sum, the City is looking for compliance.

Comr. Perkins indicated that she understands certain properties being unkempt and left in that state for a long time. However, there are people who have complained that they did not know that liens were being placed on their property and only found out when they decided to sell.

Greg Harrison, City Manager, explained that under the category, prior to it getting to the abating public nuisance stage, most of the situations are long standing for months and years just trying to avoid it reaching this state. Therefore, with this change, once it is decided that it has reached this critical state then the owners will be given seven days to respond.

Comr. Eaton related her prior experiences with the Cresthaven Civic Association where code enforcement representatives were invited to attend the meetings. Therefore, she is aware of how the process works. Code enforcement is a huge tool to make the neighborhoods look good. There are those chronic owners that are fined and most of them on the list are located in District 2. In sum, more people are coming into compliance due to the work done by code enforcement. Therefore, this program is a benefit to the communities.

Anaika McCloud, 2874 NW 4th Street, Pompano Beach, FL, stated that approximately one year ago she was cited every day/weekly for the swale and things that was in her yard, as well as a car that had a tag on it, however, it was when the new code enforcement officer came on board that the citation for the car stopped. Mario Sotolongo tried to assist her and at one point they told her they would fix her swale that the City had dug up. In sum, some people are being cited for things that the City is responsible to fix since they dug up the area to replace drainage and pipes. She complained that sometimes the notification is received but there are times they are not.

Mayor Hardin advised that perhaps Mario Sotolongo need to meet with Ms. McCloud to iron out her code enforcement issues.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that he has some concerns and issues with nuisance abatement, as well as some questions. He said nuisance abatement was used at one time for acquiring complexes where there has been a lot of criminal activities, as well as used as a tool for storefronts where there are a lot of activities going on. He asked what is being done with the tool of nuisance abatement as it pertains to those stores and houses that have people selling drugs. He would like to see the ordinance that was established take full effect.

He said there is a process and he is uncertain where the breakdown is, but there may be some overzealous code enforcement individuals, so the Commission need to be involved. However, in terms of procedural things, code enforcement is doing a good job.

Mr. Berman stated that the nuisance abatement that Mr. Phillips is discussing is a different form than the one being discussed under this item and explained the difference in detail.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-151

8. [19-365](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE TO COMPLETE THE PUBLIC ART PROJECT KNOWN AS MOSAICS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Laura Atria/Phyllis Korab)

Comr. McGee pulled the item for Commission discussion, however, she cancelled her action to pull.

Vice Mayor Moss indicated that Ms. Kazimieraitiene is very talented and the things she does is remarkable. Therefore, he looks forward to seeing more things from her as he was impressed.

Comr. McGee recommended for future projects, which they had discussed the one at the Amphitheater, that even in musical not to have the spellings/grammatical error or backwards notes, which would be a good thing to do for the future.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-152

9. [19-383](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIVING WATER SURF SCHOOL, LLC TO PROVIDE INSTRUCTION IN OCEAN AWARENESS AND SURFING FUNDAMENTALS AT THE CITY'S NORTH OCEAN PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The City will receive \$4,500 as compensation for the use of North Ocean Park pavilions 4 & 5 from June 3 - August 23, 2019.)

(Staff Contact: Mark Beaudreau)

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

Enactment No: RES. No. 2019-153

10. [19-385](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR VICE MAYOR MOSS TO SUPPORT THE ANNUAL LUNCHEON SPONSORED BY THE GREATER COLLIER CITY CIVIC ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to Exceed \$500.00)

(Staff Contact: Greg Harrison)

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

Enactment No: RES. No. 2019-154

11. [19-362](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING **GHULAM “JOE” USMAN** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; FOR A TERM OF THREE YEARS, SAID TERM TO EXPIRE ON APRIL 9, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-155

12. [19-363](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GWENDOLYN LEYS** TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER TOM MCMAHON; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING COMMISSIONER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-156

13. [19-386](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JUDITH NISWONGER** TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR REX HARDIN, 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 Perkins, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2019-157**E. REGULAR AGENDA**

14. [19-368](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE POMPANO BEACH FIRE RESCUE STRATEGIC PLAN FOR 2019-2023; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: John Jurgle)

Chad Brocata, Acting Fire Chief, presented the item and stated that they are working on the fire accreditation in two major parts. For the last portion that they are in, the Commission had voted and approved the standards of cover, which is the template of everything that the department does with its programs. This represents their strategic plan and what they project for the next five years. This is part of their initiative to match the City's strategic plan and it is also a part of the accreditation process. They are forecasting the future needs, what will happen with the growth that can be seen in the community, and what is expected from the fire service in terms of the impact based on that growth. This plan reflects that five year projection into what they believe the services will be needed and to fulfill those demands.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

Enactment No: RES. No. 2019-158

15. [19-370](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR INTERSECTION IMPROVEMENTS AT DR. MARTIN LUTHER KING, JR. BOULEVARD AND BLOUNT ROAD; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$86,123.14)

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that staff is seeking the Commission's approval to enter into an agreement with Broward County for the second traffic signal on MLK Boulevard. He mentioned that NW 27th Avenue was approved earlier so this is a second one on Blount Road. This is an agreement that the City will participate financially with approximately \$86,000. The corner of Blount Road and MLK Boulevard has been the subject of a number of accidents over the course of many years. Coupled with the traffic signal at NW 27th Avenue the City will be able to control traffic in both places, which will allow traffic to flow into the Turnpike ramp and also to turn south on NW 31st Avenue.

Mr. Danovich thanked Broward County Traffic and Engineering for their input, as well as Broward County Commission that were instrumental in making this happen.

Ed Phillips, Pompano Beach, FL, commended City staff for the initiative. He asked how this would be compatible with the next light that is 500 feet less. There is the possibility of bottlenecking traffic.

Mr. Danovich explained that the lights will be synchronized. Therefore, when a vehicle arrives at NW 27th Avenue, they will need enough time to get to Blount Road so that they do not get into a bottleneck. Therefore, they will filter the traffic on Blount Road, especially for larger vehicle such as trucks, will be able to get out keep towards the left turn lane on NW 31st Avenue and will be able to make the turn. In addition, Mr. Danovich indicated that Broward County controls the traffic signals, so, if things are not working out the City can only complain and request their assistance.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-159

16. [19-288](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE AND CONSTRUCTION EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM MARCH 26, 2019

POSTPONED FROM MARCH 12, 2019**(Staff Contact: John Sfiropoulos)**

John Sfiropoulos, City Engineer, presented the item and stated that as part of a statewide initiative to eliminate manned toll booths, the Turnpike Enterprise will be replacing some existing signs indicating to customers that they will be billed either through Sun Pass or Toll by Plate. One of the signs is proposed to be in the City's right-of-way. The Florida Department of Transportation (FDOT) has reached out to the City to secure an easement agreement, which is currently being presented.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-160**17. [19-265](#) P.H. 2019-53: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #52; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,723,368.64)

POSTPONED FROM APRIL 9, 2019**POSTPONED FROM MARCH 26, 2019****FIRST READING: MARCH 12, 2019****(Staff Contact: Horacio Danovich)**

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until May 14, 2019 City Commission meeting. The motion carried

unanimously.

18. [19-266](#) **P.H. 2019-54: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #61; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,746,702.82)

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until May 14, 2019 City Commission meeting. The motion carried unanimously.

19. [19-267](#) **P.H. 2019-52: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION, FOR FIRE STATION #114; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until May 14, 2019 City Commission meeting. The motion carried

unanimously.

20. [19-326](#) **P.H. 2019-66: (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 155.2411., "TREE PERMIT," TO CLARIFY TREE PERMIT REQUIREMENTS; BY AMENDING SECTION 155.4228., "INDUSTRIAL; WAREHOUSING AND FREIGHT MOVEMENT USES," AND SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO SIMPLIFY SCREENING AND BUFFER REQUIREMENTS; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO MODIFY LANDSCAPING AREA REQUIREMENTS BETWEEN VEHICULAR USE AREAS AND BUILDINGS; BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO EXPAND EXCEPTIONS FOR TREE PRESERVATION; BY AMENDING SECTION 155.5902., "MAINTENANCE," TO ADOPT STATE APPRAISAL METHOD FOR MAINTENANCE GUARANTEES; BY AMENDING SECTION 155.8202., "SPECIFIC VIOLATIONS," PROVIDING FOR VIOLATION OF NONCOMPLIANCE WITH APPROVED LANDSCAPE PLAN; BY AMENDING ARTICLE 9, PART 5, "DEFINITIONS AND INTERPRETATION" TO MODIFY THE DEFINITION OF "TREE ABUSE" TO PROVIDE FOR ADDITIONAL TREE PROTECTION REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2019

(Staff Contact: Wade F. Collum/David Recor)

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-59

21. [19-343](#) **P.H. 2019-64: (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 SERVICE CONTRACT FOR POST DISASTER

EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND PICCADILLY HOLDINGS RESTAURANTS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Services to be provided on a stand-by basis per agreement rates.)

FIRST READING: APRIL 9, 2019

(Staff Contact: Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item and stated this is the second reading and there are no changes from the first reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-58

22. [19-342](#) **P.H. 2019-65: (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 SERVICE CONTRACT FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Services to be provided on a stand-by basis per agreement rates.)

FIRST READING: APRIL 9, 2019

(Staff Contact: Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item and stated this is the second reading and there are no changes from the first reading.

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

motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-60

23. [19-369](#) Discussion and Consideration item for the annual performance evaluation of Charter Officers - City Manager, City Clerk and Internal Auditor.
(Fiscal Impact: To be determined by City Commission)

(**Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that at the City Commission's direction each charter officer reporting directly to the City Commission will be evaluated annually at an established anniversary date. Also, at the Commission's request, Human Resources prepared a suggested performance evaluation tool, if so desired, to use it to evaluate the charter officers, which was disseminated last week to the Commission.

Continuing, Mr. Beecher indicated that the annual performance evaluation of the City Manager, City Clerk and the Internal Auditor is not up for review at this time. Therefore, he has attached the annual performance evaluation data for the charter officers mentioned, which is consistent with the City's non-bargaining and general employees indicating a performance merit of up to 3%.

Mayor Hardin stated that it is part of the City Commission's job to evaluate their employees and there are very few of those people in the City that are hired or fired by the Commission. He said those employees are the City Manager, City Attorney, City's Internal Auditor and the City Clerk. Therefore, it is up to the Commission to determine their performance and if they merit an increase in their pay or not. Everybody else in the City are hired and fired by these four positions. In addition, Mayor Hardin indicated that the Commission has a good staff and the City is on a good trajectory and he is satisfied that the three persons listed for this item have done a good job for the City. Based upon what has happened in the past with the G.O. Bond and DC Kiyemba (Internal Auditor) taking over a new position, and Asceleta Hammond (City Clerk) has done a great job for the Commission; therefore, he would make a recommendation to increase their salaries 3% each, which is outlined in the backup.

MOTION: A motion was made by Mayor Hardin, seconded by Commissioner McGee to approve a 3% increase in salaries for the City Manager, City Clerk and the Internal Auditor. The motion carried unanimously.

Comr. Perkins stated that since she has been elected the Commission has never done it like this before where there were all three positions presented together. Usually, it is on each person's anniversary. She recalled that

the City Manager's anniversary was in February last year and now all three are done together. She indicated that she was not aware that the Commission requested this, as well as she was not aware that all the anniversaries were in April.

Continuing, Comr. Perkins indicated that there has been history and movement between the City Manager and herself. The new commissioners on the dais are not having the problems/situations that she is having with the City Manager. It is never too late to work out things. In addition, Comr. Perkins understands that the City Manager's job is to inform the Commission on a daily basis on what is going on with the City and the operations of the City. She then named a few things she had mentioned to the City Manager some time ago that has made her unhappy. For example, she had asked him to please redo the tower at the Houston Sworn Pool, however, he cleaned it instead.

Second, she was concerned when the Commission was asked to sign off on \$8 million due to a problem with the Water Plant, which she understood was an emergency, but it went out without a bid, which she has determined as poor planning, and did not like that the Commission had to vote on such a large sum of money.

Third, it was the CRA/RMA at the time when they were going through the transition, she sent the City Manager several questions that she wanted him to answer regarding the transition and to date she has not received a response, which he claimed he had not received the email.

Fourth, with regard to the Police Substation she had asked the City Manager to look into remodeling or renovating the building, which never happened. Thereafter, this was passed on to a developer to build along with the apartments.

Comr. Perkins stated that she was unhappy with the handling of trash after the last hurricane. She indicated that the City Manager decided to take all the trash from the other districts and dump it into District 4 near the Boys and Girls Club, which there are people in her district still thinking she had some input in that decision.

Additionally, Comr. Perkins spoke about the sewage spill. The City did not do a good job with the sewage spill. At the time this took place the City Manager was out of town and the Assistant City Manager was in charge, which she thought everything was fine because she had received some communication about the spill. However, the day after the incident she was told that the sewer had spilled out into the canals killing some of the fishes, which she was unaware of that and found this out at the Commission meeting. Personally, there was no understanding or communication and people were not informed properly. While this is the first time something like this has happened, the City Manager must be on top of these incidents. Moreover, the City Manager has two titles, he is the City Manager of the City and the Executive Director of CRA, so these are two big titles to hold and a lot of work is involved.

Continuing, Comr. Perkins brought up the topic of the last hurricane and mentioned that people were devastated because there was no electricity, no bottled water, and no ice. Eventually, the City Manager did open the E. Pat Larkins Center to assist the seniors to get some cool air. This situation could have been handled better. She reiterated that she feels the people in the northwest sometimes in District 4 is an "after thought," with the City Manager. She is not saying the situations that they have are not workable. She is willing to work with the City Manager and anything she can do to get things done in her district.

In sum, Comr. Perkins indicated that she is just asking for the City Manager to show some respect to her.

Lastly, Comr. Perkins stated that she had pushed for the Blanche Ely Museum to be opened and had put together a huge grand opening. However, she was not given the opportunity to do anything with the Grand Opening and it was the City that did it. She indicated that the City Manager must be more mindful and more respectful to her as a human being first. She is willing to meet with the City Manager more often and to see if a better line of communication can be opened. The City Manager has committed that he is willing to work with her so she will start meeting more frequently with him. In sum, she does not have a problem with the raises. Additionally, she has seen a change for the better with the new Commission on the dais so she would like to be treated as fairly as any other commissioner that sits on the dais.

Mayor Hardin asked about putting all three charter officer on the agenda the same time for evaluation.

Mr. Beecher indicated that at the request of some of the charter officers their reviews were delayed. For example, DC Kiyemba asked that since he was presenting his annual report to the Commission in March, that he would be allowed the opportunity to make his presentation first, since some of the newer commissioners would have a chance to hear him. His annual review was due in the December timeframe. In addition, Asceleta Hammond had an unfortunate passing in her family and was absent from one of the meetings in February and her review was in February. She had asked to postpone to a time when the others could be presented to the Commission.

Comr. McGee stated that she is aware that everyone has different experiences, however, for her coming in new on the dais and to City government, she thinks staff has done an excellent job in helping the new Commissioners' transition, answer questions, explain things and to bring her up to speed in a quick manner, as well as they have been very open. With the group texts, and other departments, as well as emails that are answered quickly, she believes the City is on the right track to keep communication as quickly and informatively as possible. Therefore, as long as everybody keep working together, they can keep moving forward in a positive direction.

Comr. McGee asked if all the charter members evaluations will always be done in April.

Mr. Beecher responded that it would be retroactive to their anniversary dates and those adjustments will be made in Human Resources. The Commission had requested that it be brought as close to their anniversary dates, and that is the goal to accomplish going forward.

A motion was made by Mayor Hardin, seconded by Commissioner McGee, that the Item for Consideration/Discussion be RECOMMENDED FOR APPROVAL an increase in salary of 3% for the City Manager, City Clerk and Internal Auditor. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

F. REPORTS

Gregory Harrison, City Manager - Brazilian Consulate General Meeting - Mr. Harrison reported that on April 13 and 14, 2019, the City hosted the first Consulate General of Brazil's meeting where they invited the Brazilian population in the area to come and work with them on any type of situations or problems they might be having. He then read a short excerpt from the letter the Consulate wrote to the City.

"Thanks to the professionalism of your staff and the deputies of the Broward Sheriff's Office, the Brazilian community living in Broward County has been served with an unprecedented level of dignity. In particular, I would like to commend you for designating Mikhail Sirotinsky to support our staff for the duration of the event. Mike's contribution and positive attitude have been invaluable to help execute the mission."

Mr. Harrison stated that they will return in July and again in November 2019. This was a very successful event.

Women's Invitational Golf Tournament - Mr. Harrison reported that the Women's Invitational Golf Tournament to benefit the Women in Distress sent a nice letter from Ms. Jan Parke, commending Bob Loring and the golf staff for the golf tournament that they had there. They said it was the best organized event that they have had in the last seven years.

Golf Course Activities - Mr. Harrison reported that he received another communication from the Ocean Place Golf Club, which stated that they have been playing there for years and they are happy with the way the City's course is run.

On a separate note, he informed everyone that On Monday, April 22, 2019, the Pines Course was closed to replace all eighteen greens that are on the course with pass Pelham grass. When completed there will be a different course on the Greg Norman Course with this new grass.

External Auditing Report - Mr. Harrison indicated that he forwarded some information to the Commission and thanked Andrew Jean-Pierre and the Finance staff for the seventh consecutive clean audit in a row for the City of Pompano Beach.

Independent Transportation Surtax Oversight Board - Mr. Harrison reported that the City wrote a letter to the new chair of the Independent Transportation Surtax Oversight Board (Board) to ask for their "change of heart." In their first meeting they turned down the Broward County City Managers' request that the Board fund the cities' portion of the new surtax by population, which is the most equitable manner to do. However, the Board is still of the mindset to have every City in the County to apply for projects one at a time. This will be an

overburden and will require them to hire unnecessary staff.

Mayor Hardin noted that even if they adopted the population allocation, the Board has control if a project is allowed to be included or not. So they would still have complete control on how the money gets spent, so it is simply an allocation issue.

Expression of Appreciation - Mr. Harrison thanked the City Commission for their vote to increase his salary. He said he will continue to “Do Good” for the City of Pompano Beach.

Mark Berman, City Attorney - Ethics and Public Training - Mr. Berman stated that on April 10, 2019, one day after the last Commission meeting, the City received notification from the Florida Attorney General, the Honorable Ashley Moody, who had requested an advisory opinion from the Florida Supreme Court to determine whether the text of a proposed amendment entitled, “Right to Competitive Energy Market” for customers of investor-owned utilities, allowing energy choice complied with Article 11, Section 3, the Florida Constitution, and whether that ballot title and summary complies with substantive and technical requirements of Section 101.161, Florida Statutes. This means that the initiative petition that the Attorney General is referring to, is purportedly a pro-consumer choice measure that grants customers of investor-owned utilities the right to choose their electricity provider.

According to the Florida Public Service Commission, investor-owned utilities provide electricity to nearly eight million customers of which nearly seven million are residential. Nearly seventeen million Floridians will be impacted. The Attorney General further pointed out the ballot summary fails to apprise voters that require the enactment of laws, forcing all investor-owned utilities to divest their ownership to all facilities that generate electricity and prohibits investor of utilities from selling electricity to customers in competition with new providers. In the end, the Attorney General believes that the proposed amendment title and summary are unclear and ambiguous, and fail to properly inform voters of the chief purpose of the proposed amendment, which is the elimination of investor on utility generation in sales. Further, the Attorney General believes the title is misleading and not in compliance with Florida law, specifically Section 101.161 Florida Statutes.

Mr. Berman indicated that this means that the City of Pompano Beach along with the City of Fort Lauderdale and the Town of Davie have prepared and filed an amicus brief, (which means friend of the court). Therefore, the Commission is giving its opinion on this issue to the Supreme Court. This was done after the information was given to the City. Unfortunately, this had to be filed by April 18, 2019, which was last week. So, there was no opportunity to bring this before the Commission for approval first. Also, the City Manager individually, and separately did speak with some members of the Commission about the issue. He saw the email that went to all the Commission who advised that the City was prepared to proceed in this matter and that he was not instructed or received communication to not proceed in such a manner by the Commission.

Continuing, Mr. Berman stated that the Florida Supreme Court required that all the briefs should be filed by April 18, 2019. The City of Pompano and the other cities mentioned as filed based on its brief as opposing the initial petition because it is the belief that after investigation, it can create significant financial harm to the cities due to the ban on franchise agreements and franchise fees. The City of Pompano Beach \$8 million in franchise fees and \$8 million in utility taxes would be in jeopardy. This is the reason management acted during the required time period.

Mr. Berman stated that either a decrease in a central services or increase in other taxes could also be expected. Additional governmental entities who filed an amicus brief in opposition to include the Florida League of Cities, Florida Association of Counties, Florida Sheriff's Association, Florida Police Benevolent Association, the Village of Belle Glade, Cities of Indiantown, Shipley, Vernon, Lake Okeechobee, Okeechobee Regional Economic Alliance of Palm Beach County, Florida Public Service Commission, Florida House of Representatives, and the Florida Senate. An oral argument is scheduled for Wednesday, August 28, 2019 before the Supreme Court.

Mr. Berman indicated that there was a limited window of notice and a window of filing. Filing was done in the abundance of caution, after providing all notice to the Commission as best as could be done. The City did join in and participated in the brief, but only certain arguments were adopted that the three cities, Fort Lauderdale, Town of Davie, and Pompano Beach, believed to be correct and would be in the best interest of the City of Pompano Beach. Therefore, Mr. Berman asked the Commission to ratify the action taken by his office in the participation and filing of the amicus curiae brief, in the matter of the advisory opinion of the Attorney General regarding the right to competitive energy markets or customers of investor-owned utilities allowing energy choice.

MOTION: A motion was made by Vice Mayor Moss, seconded by Comr. McGee to ratify the actions of the City Attorney. The motion carried unanimously.

Asceleta Hammond, City Clerk - No Report. However, she indicated that it is a pleasure to serve her City Commission and thanked them for the confidence placed in her to do a good job.

Commissioner Rhonda Eaton - Cresthaven Easter Egg Hunt Event - Comr. Eaton thanked Robert McCaughan, Mark Beaudreau, and Orlando from the grounds keeping crew, who at the last minute prior to the Cresthaven Easter Egg Hunt Event held this past Saturday, came out and took care of some minor problems in the park and got the bathrooms cleaned and the lawn well done. The event was a great success.

Commissioner Andrea McGee - Women in Government - Comr. McGee reported that she participated with the Women in Government Panel discussion that was hosted in the City's Cultural Center. The feedback she received is that it was a great success because everyone enjoyed the discussions. There were representatives from the City of Dania, Hollywood, and multiple people from different aspects of Broward County. She recommended that everyone pay attention to the City's website for the event calendars because more and more opportunities are being brought in for all types of different things in all the centers and locations.

Broward Partnership for Homeless - Comr. McGee stated that she was pleased that she had a good meeting with Broward Partnership for the Homeless who has taken over the City's shelter on Blount Road. They are excited to be moving forward and to try and make a difference. They are ready to accept volunteers to assist with the population.

Commissioner Tom McMahon - Pompano Beach Green Market Event - Comr. McMahon reported that he attended the Green Market this past Saturday, which was a great event for the children, who enjoyed it.

Comr. McMahon stated that the CRA is doing a good job with untapped, with the Green Market and things are happening in the City.

G.O. Bond Meetings - Comr. McMahon indicated that he has been attending as many of the G.O. Bond meetings as he can. They are informative and staff is doing a good job of taking residents input. One resident suggested that in the email list that the City has for the Cultural Department that maybe something could be put in there information about the G.O. Bond.

Commissioner Beverly Perkins - Islamic Center Open House - Comr. Perkins invited everyone out to the Islamic Center of South Florida, located at 1641 NW 15th Street, to an open house event. Dr. Khalilah Ali, the late Muhamad Ali's former wife will be present. They will be opening the mosque to the community to keep an open door relationship with them. The event will take place on April 25, 2019, at 6:00 p.m., and food will be served.

Vice Mayor Moss stated that he had attended their Grand Opening and they are very gracious people and the food was great.

Vice Mayor Barry Moss - Collier City Civic Association - Vice Mayor Moss stated that the Collier City Civic Association will meet on Wednesday, April 24, 2019, at 7:00 p.m. at the Jan Moran Learning Library.

Development Plans for the Isle Casino Property - Vice Mayor Moss reminded everyone that on April 30, 2019 at 6:30 p.m. at the Herb Skolnick Center, the Cordish companies will be making their presentation to the community about their plans for the 230 acres at the Isle Casino. He said he met with Mr. David Cordish and his wife and they spoke about their plans, which will be a real deal changer for the entire City and not just for District 5. It will mean more jobs, wider tax base, more places to go and more things to do. It will be a big "shot in the arm" for Pompano Beach. He invited the Commissioners and everyone to come out on April 30, 2019.

Mayor Rex Hardin - Development Plans for the Isle Casino Property - Mayor Hardin followed up on Vice Mayor Moss' comments about the presentation that will be held at the Herb Skolnick Center. He is absolutely correct, this is not a District 5 issue, but a Citywide deal, which is huge for the City of Pompano Beach. He encouraged everybody from the east all the way out west, north, and south should get involved and get educated about this project coming forward, which will be a game changer for the City.

Brazilian Consulate General Meeting - Mayor Hardin announced that he also received a thank you letter from the Brazilian Consulate themselves, which City Manager Harrison read a portion of it earlier.

Security Concerns at City Hall - Mayor Hardin reported that recently there was a situation that took place at City Hall, which everybody needs to be aware of and to figure out ways on what needs to be done going forward to address the situation. He then related the security violation by a man who came into City Hall, who was trying to lock the doors from inside. The Assistant City Manager, Brian Donovan told him he was not allowed to do that and the man proceeded to get into the elevator and made his way to the fourth floor. He got pass the security doors and made his way into the City Manager's area and nobody knew what he had in mind but he told the personnel on the fourth floor to call 911 as something is "going down." This was a scary

situation. Even though the City went through a security hardening process a few years ago. This latest incident has exposed the serious flaws in the City's precautions. The City Manager is already actively looking into what can be done to deter this type of action. There will be changes how people access the Chamber as well as City Hall. He wanted to alert people of the changes forthcoming, which it is unfortunate, but with the times being as it is, closer attention must be paid to these type of issues.

Broward County Property Lots - Mayor Hardin stated that the City has been working with the County to get a number of lots that the County owns in the City, which they are getting through tax sales. He is hoping that these will be acquired eminently. There is a lot in Collier City that Ms. Hightower has come before the Commission asking for a park or something for the community, which the City hopes to get from the County.

Additionally, Broward County Mayor Mark Bogen has some funding that could pay for some park equipment therefore, Comr. Hardin is hopeful that a pocket park can be placed in the Collier City area. Vice Mayor Moss has also been working on this venture.

Groundbreaking Event - Mayor Hardin indicated that recently it came up that there will be a groundbreaking, which is exciting for the Hilton hotel over at the Pier Parking Lot. The groundbreaking will take place on May 1, 2019. This is another step in the continuation of the progress of the pier redevelopment area.

Cultural Arts Center - Mayor Hardin in following up on what Comr. McGee commented regarding the Cultural facility. He said he had the occasion to attend the Broward Alliance Annual Board meeting, which was held at the Cultural Center and he received numerous compliments from the people who attended about the facility. People are impressed with what has been done in the City of Pompano Beach, and it shows.

Recent Incident Involving BSO - Mayor Hardin commented about the recent news regarding the Broward Sheriff's Office (BSO). It is troubling that this took place at all. He is sorry this happened and no one wants to see this happening. He knows of the investigations happening. Mayor Adkins is aware of the feelings in the City of Pompano Beach and he is sensitive to what is going on. Actually, Comr. Hardin indicated that he forwarded an email from Ms. Peterson to Major Adkins and asked him to meet with Ms. Peterson, which he did. The issue is serious and it must be worked out with the BSO. This just cannot happen in the City of Pompano Beach and should not happen anywhere.

Seafood Festival - City Manager Harrison reminded everybody about this year's Pompano Beach Seafood Festival to be held this weekend, April 26-28, 2019, at the City's Community Park.

G. ADJOURNMENT

The meeting adjourned at 8:58 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk

Exhibit 1



POMPANO BEACH POLICE AND FIREFIGHTERS' PENSION FUND

Overview of 10/1/2018 Valuation Results
City Commission Meeting
April 23, 2019



Certification



This report was prepared for the Police and Firefighters' Retirement System for the City of Pompano Beach as of October 1, 2018. This is meant to be a summary of the valuation results, and may not be appropriate for other uses. Please contact Nyhart prior to disclosing this report to any other party or relying on its content for any purpose other than the intended use.

Except where indicated otherwise, the results included in this report are based on the same data, assumptions, methods, and plan provisions as the 10/1/2018 valuation. As a result, these sections of the 2018 report should be considered part of this report.

This report has been prepared in accordance with generally accepted actuarial principles and practice.

The undersigned are compliant with the continuing education requirements of the Qualification Standards for Actuaries Issuing Statements of Actuarial Opinion in the United States.

Tayt Odom, FSA, MBA
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April 23, 2019
Date

www.nyhart.com

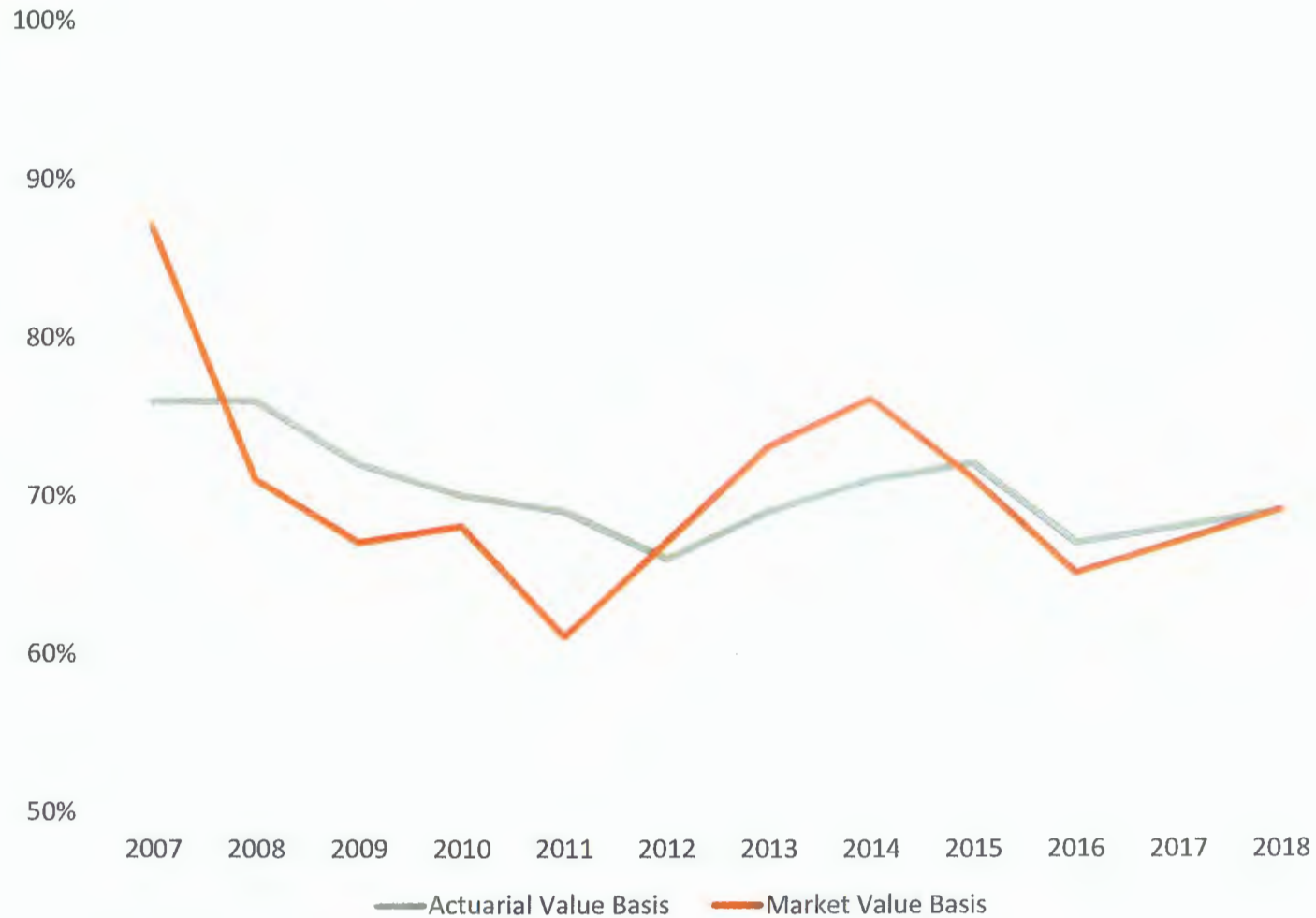


Plan Highlights

- Relatively strong asset performance: 8.59% return on market value
- Discount rate lowered to 7.40% - despite decrease, plan improved funding level to 69%
- Recommended employer contribution for FY '19/20 of roughly \$11 Million: about \$6 million for Fire and \$5 million for Police
- Growth in active population, even as existing Police members retire: 23 new additions with a net headcount increase of nine
- 20-year amortization implemented starting this year



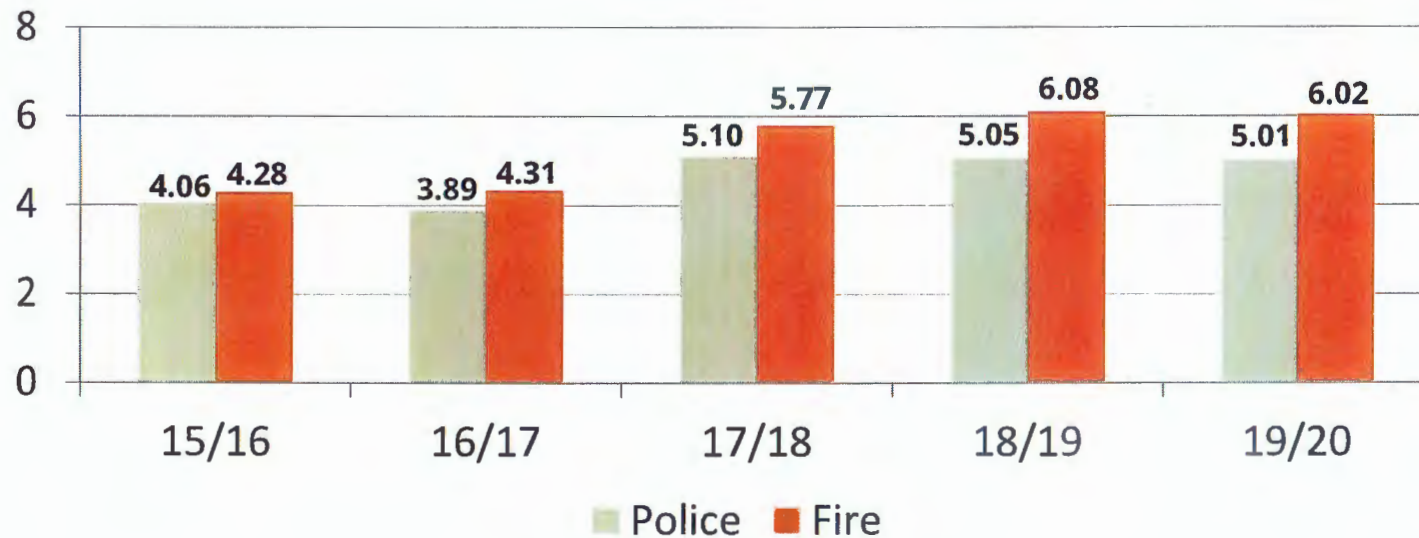
Historical Funded Ratio





Breakdown of Recommended Contributions

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020
Fire (City)	4,275,073	4,309,302	5,770,377	6,082,680	6,019,899
Police (BSO)	4,055,488	3,887,235	5,100,332	5,053,465	5,014,161

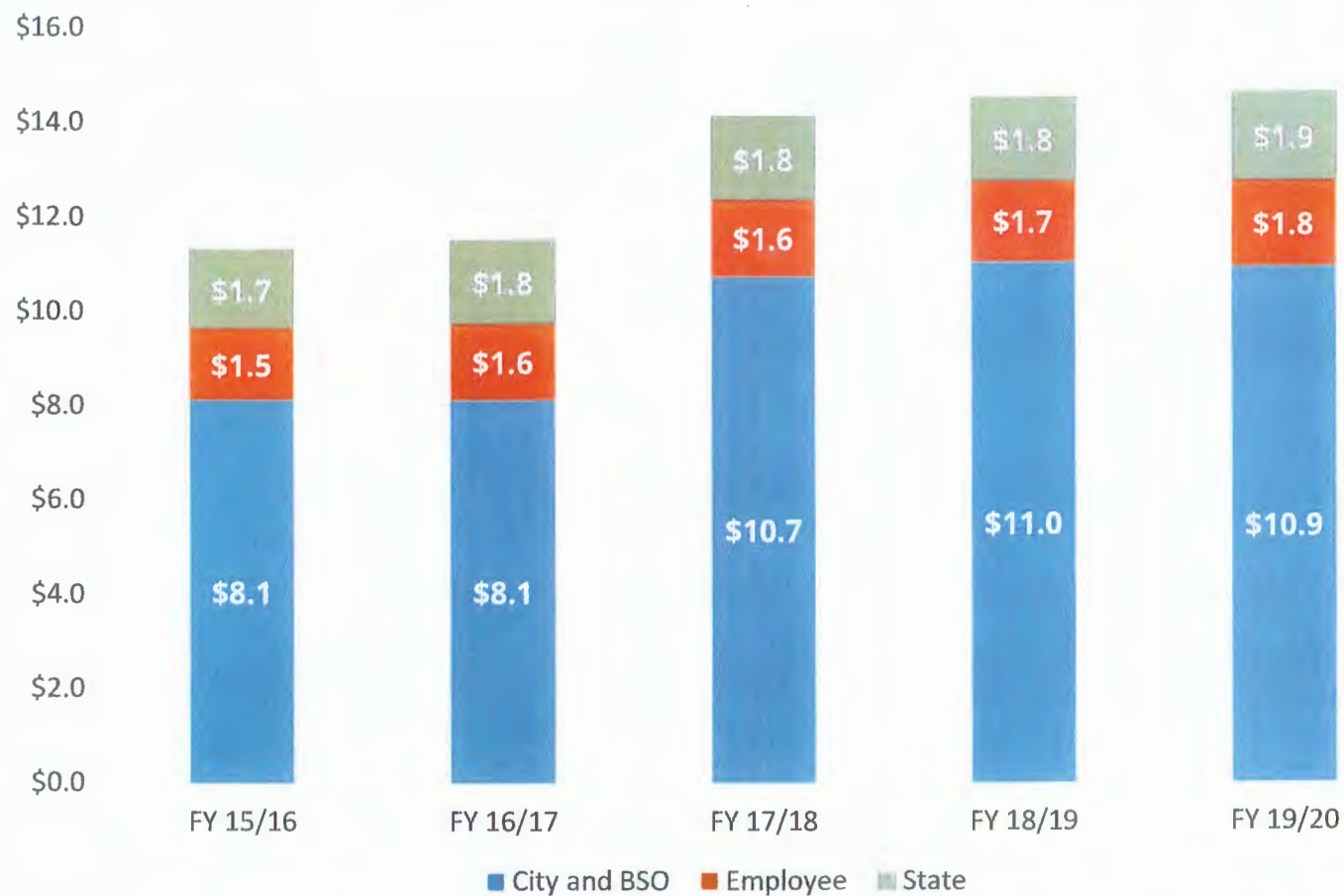


(Assumes quarterly contributions for Police and 12/31 lump sum for Fire.)



Annual Funding Requirement (\$ millions)

Annual Recommended Contribution



(Note: totals may not align due to contribution timing assumptions and rounding.)



Annual Funding Requirement (\$ millions)

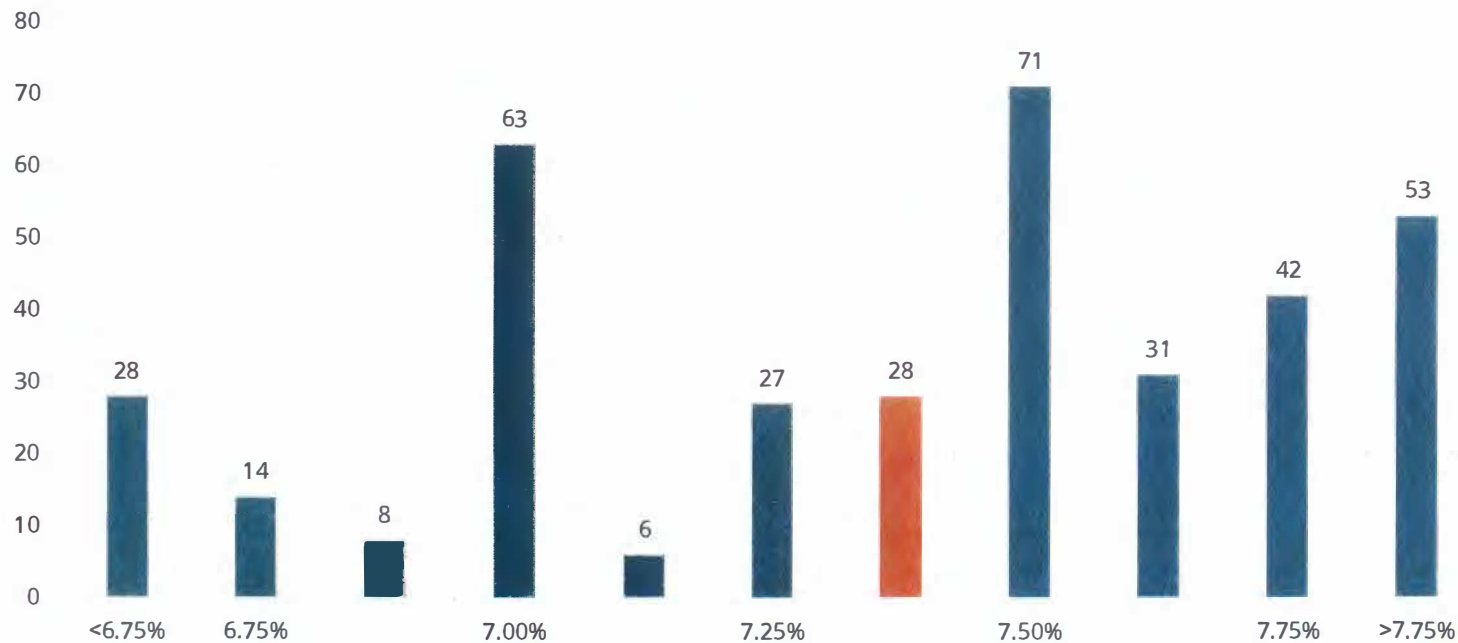


(Note: totals may not align due to contribution timing assumptions and rounding.)



Benchmarking: Rates of Return in Florida

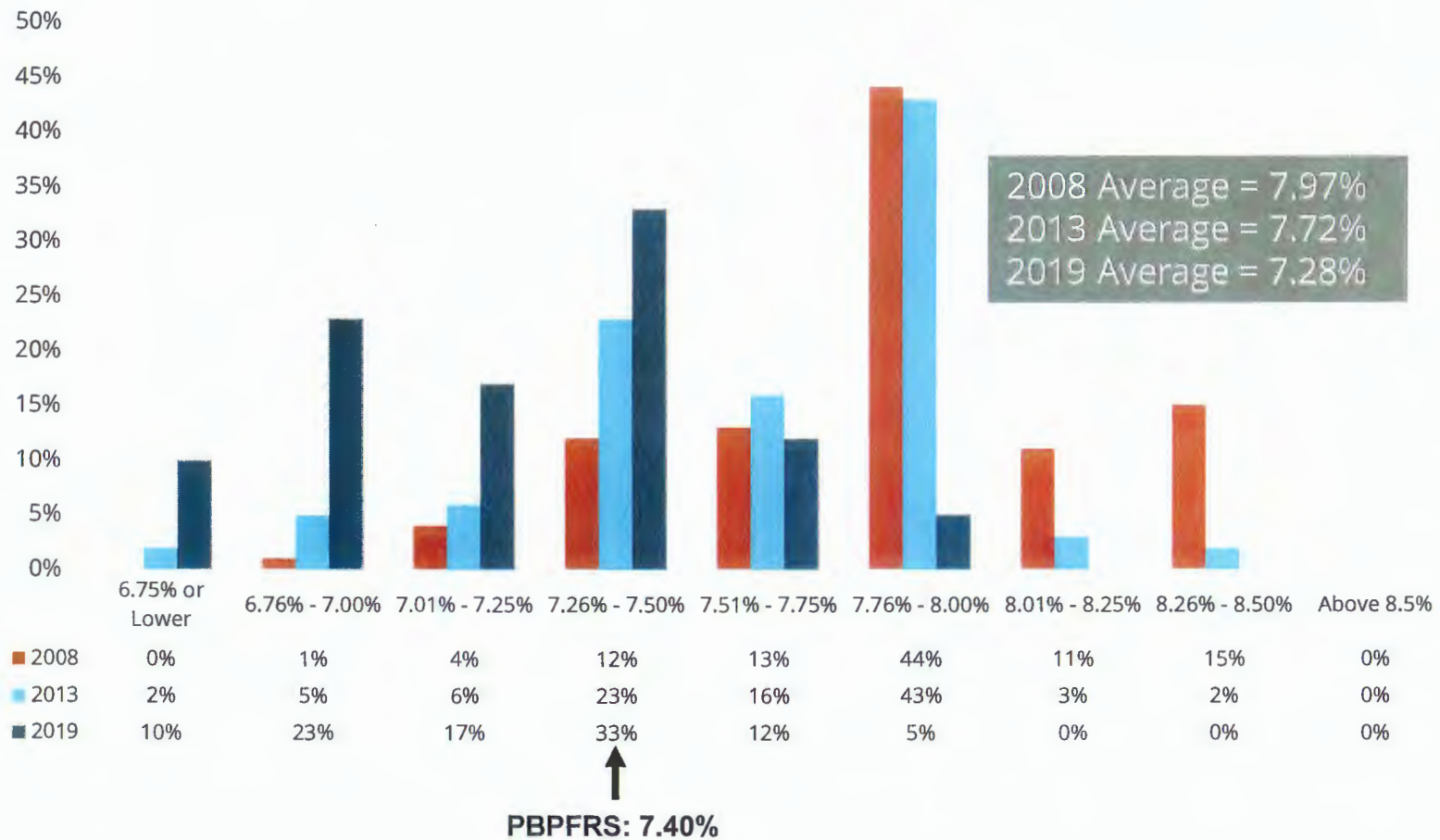
Rate of Return Assumptions for Florida Public Plans



Source: Florida Department of Management Services, rates for Florida plans with valuation dates of 9/30/2017 to 1/1/2018.

The average return assumption was 7.31%, a decline from the average assumption of 7.44% seen in the previous year. The current valuation was performed at 7.4%, with planned movement towards 7.0% in the coming years.

NASRA Survey Results: Large Public Plans



Source: Public Fund Survey Summary of Findings for FY 2008, FY2013, and preliminary FY2019



Participant Information - Total

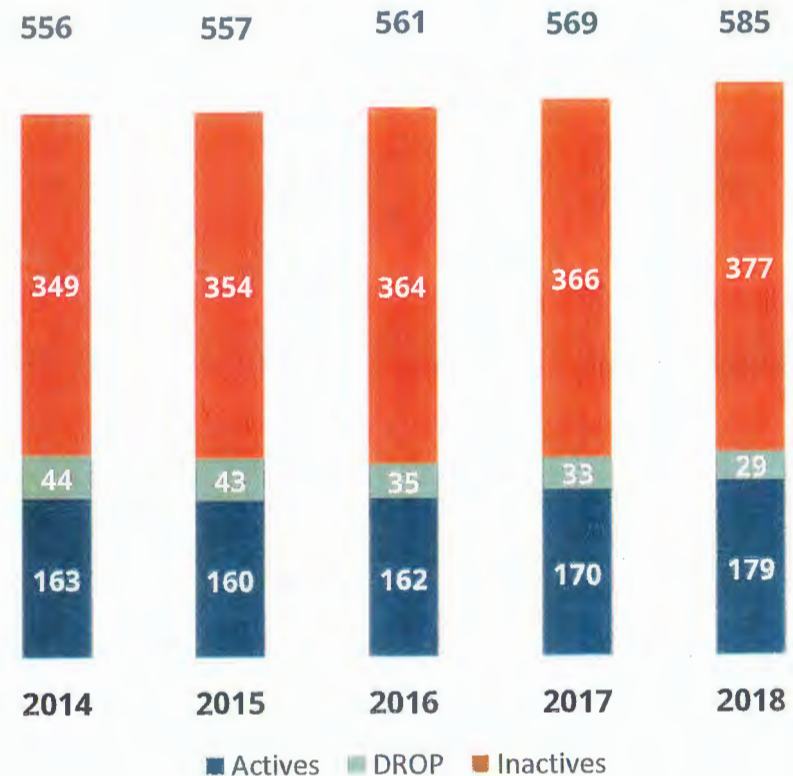
Active Demographics

	2016	2017	2018
Average Age	39.0	38.8	38.4
Average Service	10.8	10.6	9.9
Average Plan Compensation	\$83,501	\$84,433	\$82,153

Inactive Demographics

2018	In Pay	Term Vested	DROP
Average Age	65.0	41.2	53.6
Average Monthly Benefit	\$4,466	\$2,606	\$5,785

Participant Counts





Looking Forward

- Experience Study planned for this year: will help ensure assumptions are up-to-date and appropriately valuing the plan's liabilities.
- ASOP 51: New Actuarial Standard that guides actuaries to ensure plan stakeholders are well-informed about the exposure to risk that their pension plans face.
- Appreciate continued dialogue between City and Board; collaboration has ensured good management of plan and its obligations.