

**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*

*Ascleeta Hammond, City Clerk*

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Tuesday, February 12, 2019

6:00 PM

Commission Chamber

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**City Commission Meeting**

**CALL TO ORDER**

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

**ROLL CALL**

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

**Absent:** Commissioner Andrea McGee

**INVOCATION**

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation. Prior to the invocation, Mayor Hardin asked for a moment of silence for Marjory Stoneman Douglas High School. He then encouraged everyone on February 14, 2019 at 10:17 a.m. to observe a moment of silence in remembrance of the lives lost at Marjory Stoneman Douglas High School.

**PLEDGE OF ALLEGIANCE**

Led by Kervin Alfred, Deputy City Clerk

**APPROVAL OF MINUTES**

[19-220](#) Regular City Commission Meeting Minutes of January 22, 2019

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

**unanimous voice vote.**

**APPROVAL OF AGENDA**

Mayor Hardin announced that item 19 would be postponed to the February 26, 2019 City Commission Meeting. Items 15 and 16 would be pulled from tabled and postponed to the February 26, 2019 City Commission Meeting as well. Also, Item 17A would be added to the Agenda.

**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**

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

Mayor Hardin announced that items 6, 13 and 14 would be pulled for City Commission discussion.

**A. PROCLAMATIONS**

**19-221 Proclamation for Black History Month**

Mayor Rex Hardin proclaimed February as Black History Month in Pompano Beach.

Hazel Armbrister, City Historian and Emma Ellington, President of the Pompano Beach Woman's Club accepted the proclamation.

Mayor Hardin announced that in the audience are representatives from the Broward County Health Department who are available for any questions regarding the sewage spill. They are Dr. Paula Thaqi, Director of Florida Department of Health, Broward Office, Andy Rike, Toxicologist, Orlando, and Anthony Vomero, Environmental Health Director, Florida Department of Health, 2421 SW 6th Avenue, Fort Lauderdale, FL 33315.

**B. AUDIENCE TO BE HEARD**

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

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

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

**Tiger Trail Festival** - Edward Phillips, 384 NW 19th Street, Pompano Beach, FL, congratulated the members of the City Commission.

Continuing, Mr. Phillips indicated that the prior Commission supported the Tiger Trail Festival and he is now requesting the support of the current Commission. He stated that no major events were planned by the Tiger Trail Festival for the current month due to his reservation and slow movement as the Chair. However, they have decided to do an event for "Women of Purpose" on March 30, 2019, to be held at the Pompano Beach Cultural Arts Center. Consequently, they are requesting the Commission to co-sponsor the Tiger Trail Festival in this event and if possible, waive the fees for the Cultural Arts Center.

Mayor Hardin asked what would be involved for sponsoring an event, as well as how much are the fees charged by the Pompano Beach Cultural Center. Moreover, he believes honoring the women would be a good idea.

Greg Harrison, City Manager, responded that the first step is to complete the application and submit it to his office.

Vice Mayor Moss enquired if the City could waive the fees at the Cultural Center. Therefore, he made a motion, seconded by Comr. Perkins, to waive the fees for the event at the Cultural Arts Center, as well as to request that the City Manager look into how he can assist with other extraneous things. The motion carried unanimously.

Finally, Mr. Phillips announced that on February 14th he would be married to Mary Phillips for thirty years and thanked her for her support.

**Pompano Proud** - Sandy Von Staden, 3201 Beacon Street, Pompano Beach, FL, Chair of the Pompano Proud, Hillsboro Inlet Park and Lighthouse Museum project, in cooperation with the City of Pompano Beach and the Hillsboro Lighthouse Preservation Society. She stated that she will be sharing her time with Ken Herman regarding the project. Ms. Von Staden then provided a brief history of the Pompano Proud project, the issues and other initiatives along the corridor. She indicated that the mission of Pompano Proud is to enhance and preserve the natural amenities and the local heritage of the City of Pompano Beach through community beautification projects, partnerships, education and advocacy. She then listed a number of projects they successfully worked on throughout the City, which included the launching of the public art installation, planting and interior renovations at the McNab Park, beautification of green space along the Atlantic Boulevard corridor, thus eliminating blight. In addition, they have worked along the scenic A1A cleaning up the beaches, doing dune plantings, donating public art displays at the beach branch library, making plantings at Indian Mound Park and so forth. She said they have worked in partnerships with the City staff, professional artist, Donna Sely, Hillsboro Shores Improvement Association donated funds to successfully accomplish many other projects done throughout the City.

Finally, Ms. Von Staden requested that the Commission allocate resources to fund and complete the project of native salt tolerant landscaping in the area around the museum, incorporated with steps leading up to the

museum entrance directly from the sidewalk for pedestrian safety and aesthetics, which is an integral part of the project. The project bid has returned with the lowest bid of \$41,000.

Ken Herman Pompano Beach, FL, mentioned that the late Hibbard Casselberry, was the past president of the Hillsboro Lighthouse President Preservation Society, and was one of the founding members of the Florida Lighthouse Association and was known as Mr. Florida Lighthouse. He said he recently passed and a memorial is planned later in the month for him.

Continuing, Mr. Herman indicated that they are one step away from completing the dream of what they have for the museum, and is requesting some steps that would take people up to the museum from the ground. He said this project is more than a museum but they are also the northern entrance into the City. They supply information on the water taxi, businesses around the neighborhood and basically, they are the northern information center, where everybody volunteers. They are planning to be opened seven days of the week instead of the current five days of the week.

Mayor Hardin appreciates all that the volunteers of the Lighthouse Society do for the City. Also, they will discuss with the City Manager the issues of the Society.

**Community Sports Programs** - Fernando Yurkin, 320 SE 2nd Avenue, Deerfield Beach, FL, stated that he does business in Pompano Beach. Mr. Yurkin is with the organizations Sports Contender X that sets up community sport programs in different community parks for kids for free. They provide the equipment for the kids. He explained this is a pick-up sport, so they bring their own friends to play football, soccer and basketball. They currently do two events in Commissioner Eaton's district at the north Pompano Park and Commissioner Perkins' district at the McNair Park. He then displayed pictures of their last events held at the McNair Park. In addition, he provided details of their mission and their goals for the kids in the community. He wanted to introduce their program to the City Commission, which is geared to introduce positive energy to the neighborhood kids in the Parks, planned on a monthly basis.

Vice Mayor Moss indicated that McNair Park is located in his district which is district 5.

**Additional Funds for Black History Month** - Terry A. Williams Eden, 757 NW 15th Street, Pompano Beach, FL, stated that she attended a meeting last evening regarding CRA's in Pompano Beach at the E. Pat Larkins Center and there were some concerns regarding black history month. She said while the proclamation is great, they need to have funding to have events in the community to honor and celebrate the month.

**Opportunities for Funding in the Neighborhood** - Ms. Williams Eden indicated that she met Delvin King who expressed that he could not get any funding for his project. She has been hearing from the community that people who live in the community are not afforded the opportunities to receive funding, as well as receive contracts to build within the City. Therefore, she urged the City Manager to make some changes within the City to afford these people within the areas the opportunity to participate in the decision of building their neighborhoods.

**Respectability within the Community** - Ms. Williams Eden indicated that the G.O. Bond funds were passed and a lot of funds were spent in this regard, therefore, changes need to be done for the people within their



neighborhood.

**Sewage Spill Report** - Melanie Webster, 288 SE 3rd Terrace, Pompano Beach, FL, stated that she is concerned because Sandra King keeps providing emails, stating, "After numerous lab results from all surface water samples collected and analyzed for fecal coliform by the City of Pompano Beach and Broward County which are well below the target level of 800 Colony Forming Units/100mL, the City will no longer be testing for fecal coliform."

Ms. Webster stated that she hired Pace Analytical to do surface water testing behind the canal, which indicates it is above 800. She said she is concern about this. Behind the canal east of G-57 the gate lock has E.coli (*Escherichia coli*) in it, yet the City feels the levels are safe.

Mayor Hardin advised Ms. Webster to get the results to the City Clerk so the right people can review them and do a comparison. All the City's tests are done by the Broward County Lab.

**Collier City Update** - Pamela Hightower, 3028 NW 2nd Street, Pompano Beach, FL, acknowledged the Commission for listening, which is important to get situations resolved. She indicated that Vice Mayor Moss did listen and showed up on their streets to their surprise and they exchanged a good dialogue. As a result, they received new lights, trees were cut down and the street is cleaner, nicer and brighter. During the same day she met several majors, detectives, and captains of the Broward Sheriff's Office (BSO). Since the meeting, especially, Captain Mathis who has daily visited to check on the residents in the area. Therefore, Ms. Hightower indicated that she is thankful for the progress and changes being made. She requested more and a constant relationship so they do not fall.

Ms. Hightower indicated that there is an empty small lot on the street, which they are unaware of its owner, but would desire to have that space for a small park for the children. Therefore, she will be drafting a resolution for the City Commission's consideration in this regard.

Finally, Ms. Hightower, thanked the Commission for caring and Vice Mayor Moss for his visit, as well as City Manager Harrison for his visit, which shows that they care about all the residents in Pompano Beach.

**Drug Addiction** - Eugene Steele, Fort Lauderdale, FL, related a story about two doctors in mainland China operating without anesthetic with a side effect for the people no longer interested in heroine. They found a way to stop addiction using acupuncture. He said the drug business of people addicted is a \$35 billion per year business. He said if the City has a problem with addicts he suggested that they put something together, because for very little money, he would be happy to assist in this manner. These people could be turned around to become valuable additions. He said if the City gets rid of the addicts then they will get rid of the drug dealers and these will assist to get rid of prostitution in the parks. This is a chain that can be broken and he would be happy to discuss this with the City at any time as to how to do this.

**Urban Forestry Issue** - David Collier Jr., 1909 NE 2nd Street, Pompano Beach, FL, complained about an experience he had with the Department of Urban Forestry. He purchased a duplex on the northwest corner of Atlantic Boulevard and Federal Highway. The property had four black olive trees, two of which are causing structural damage. He submitted for permits on September 24th, and was told by Mark Brumet that it will not

happen, without receiving any facts as to why the permit is being submitted. Three weeks later, Mr. Collier said he received a decline permit stating that the trees were in good condition. Five months later since he bought the property and trying to invest in the community, and \$1,600 in costs, \$10,800 in lost rents, it will take about two years to get back to a positive cash return. The trees are creating structural damage and stated that the City is stonewalling him in his attempt to mitigate the risk to the property. In sum, he has spoken to numerous residents and contractors about their experiences with the Department of Urban Forestry and they all had the same comments, unnecessary delays, and abuses of power. Besides, delays have monetary value. Therefore, Mr. Collier requested that the Commission conduct a full review of the Department of Urban Forestry from leadership to the permitting systems and processes.

Mayor Hardin requested that Mr. Collier meet with the City Manager or his designee and provide them with the details of his experience.

**Sentiments of Thankfulness** - Carolyn Singletary, 3017 NW 2nd Street, Pompano Beach, FL, indicated that Ms. Hightower expressed the sentiments she wanted to share. Nevertheless, she wanted to thank the City Commission and Management for what they have done for the residents and they are looking for more to come. The police officers are great and they are getting to know the officers. She also appreciated being kept in the loop via emails, and the lighting is good in the area. A little more needs to be done, but she is not complaining.

**City Parking Garage** - Thomas Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that he read an article in Sunday's Sun Sentinel newspaper that the City is going out for an RFQ (Request for Quote) for another parking garage and wanted the City to enlighten him and the other citizens on some of the facts on the parking garage. For example, the size, the cost, and where the money will come from, and so forth.

Mayor Hardin indicated that he will get staff to provide Mr. Terwilliger with the information he is requesting.

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

**Sewage Spill** - Tracy Martin, 714 SE 7th Avenue, Pompano Beach, FL, expressed concerns regarding the sewer spill. She thanked Mayor Hardin and Vice Mayor Moss for handling the situation in the way they did. The City was proactive in assisting to get testing on the canal near her home, which is located in District 1, as well as providing an aerator.

Ms. Martin enquired about the geographical boundaries of the remediation plan, as well as the seawall footer sludge build up, and the canal bottom being cleaned, and vacuumed as part of that plan. She implored the City to hold the Florida Department of Transportation (FDOT) accountable for this clean up so that there are no adverse effects later. She displayed a picture of the seawall, which depict that the sludge has not gone away because it is on the seawall and the footers.

Mayor Hardin instructed Ms. Martin to provide a copy of the pictures to the City Clerk for the records. He said the City received the remediation plan from the FDOT side, which is reviewed by the City's environmental specialists. He enquired how far does the remediation plan extend.

Greg Harrison, City Manager, responded that the remediation plan covered every area from the point of the accident on NW 15th Street and I-95 to the lettuce lake. Each week more information will be provided to the City as the plan progresses.

Jason Whitman, Environmental Consultant for FDOT contractors, reported that the plan submitted to Broward County covers remediation of the entire area. The data in place represents data points throughout the entire canal as far as the intercoastal and the entire finger canal system. The County required that several things be done first and one was to identify the extent of the spill. Based on the data, it was every point that had an impact. So, from a microorganism extent the data points provided showed contamination of over 800, this is something so small a microscope is needed to look at it. However, when it came to a sediment aspect, they are working on steps to conduct an assessment, which will start at the source and progressively move down stream. The first phase of the assessment focuses from G-57 upstream all the way to the spill site, as well as it looks at a few background locations to compare sediment. The coring started last week and is ongoing and they anticipate preliminary results next week for the coring. Based on the coring, it will determine whether sediment made at 100', 1,000', 10,000' or 10,000 miles, it just determines where any evidence is seen of sediments. Thereafter, they can determine if additional coring is needed in areas that are tighter and those zones be looked at in more detail. Based on what is seen they can determine if it is a millimeter, a meter, centimeter so that way the thickness is determined, which will give the means and method for removal. In sum, it is progressive steps towards assessment.

Ms. Martin said she is concerned that it was assumed that it did not go south of the Federal Highway bridge, in the District 1 area. Therefore, the Cypress Creek canal residents were not notified. So if she did not voice her concerns perhaps there would not have been any testing being done in the area or placement of an aerator. She said none were placed into the lake or the canals south of where she resides on SE 10th Street. She complained that she has not seen a cleanup boat or a coring boat. There is no visible activity from the City other than a person coming to her home to take a sample for her. In sum, Ms. Martin reiterated that she wanted to be assured that they will be part of the remediation plan in District 1.

Mayor Hardin noted that the evidence will be followed as far as it goes and in whatever direction it goes.

Mr. Whitman responded that all the data they are collecting gets submitted to Broward County and becomes a public document. He said the core limits is starting at NW 15th and the most down stream core in the first evaluation is at the G-57 lock. He then provided details of the process and how other areas are being determined.

Comr. McMahon asked what is the plan for the seawalls.

Mr. Whitman responded that the current remediation plan focusses on the upstream portion west of G-57, and the determination of the data is next week. Once that is evaluated, they can determine the next steps based on that. It is not part of the initial phase but as required by law, if it is something to be looked at, Broward County will enforce it and FDOT will have to comply. Currently it is not in the plan but it does not mean it does not exist as an option.

Comr. McMahon indicated that he has heard many concerns expressed regarding the seawalls and wanted to



know if the City has this in its plans.

Mr. Harrison stated that the City's environmental expert is following the information that is currently being supplied by the sampling and tests are being done by the analytical company and Broward County.

**Traffic Issues on NW 15th Street** - Emma Ellington, NW 15th Street, Pompano Beach, reported that BSO is doing their job by monitoring 15th Street on the west side. However, there are still many problems with the traffic and especially with the large trucks.

Continuing, Ms. Ellington stated that three signs were put in the NW 15th Street area that reads, I-95 pointing in three different areas. She argued that if any signs are being put up for I-95 it should not be placed on 15th Street, because that is the reason for the increased traffic in the neighborhood.

During the spill, when the streets were closed off, the trucks went where they were supposed to go on the Andrews Avenue extension, however, they have returned to speed through NW 15th Street neighborhood, and it is dangerous.

Mayor Hardin directed the City Manager to find out why the signs directing traffic to I-95 were placed on 15th Street. Also, for BSO to keep the speed enforcement out there.

Mr. Harrison pointed out that NW 15th Street is a County road.

Comr. Perkins mentioned that NW 15th Street is a County road but thought the City was enquiring about purchasing the road to better manage it.

Mr. Harrison said he heard about transferring the road to the City not to purchase it. Nevertheless, he will find out that information as well.

**Sewage Spill** - Laurie Seltzer, 331 SE 5th Avenue, Pompano Beach, FL, stated that she supports the Garden Isles neighborhood and to express concerns about the recent sewage spill.

Additionally, Ms. Seltzer expressed concerns regarding the litter in the canals. She has been paddle boarding around the canals and remove as much trash as possible. She said she read on the EPA website that lists all types of trash capture technologies that are being deployed around the country to prevent debris from entering the waterways. She understands a system was in place around the G-57 lock but was removed and wondered why this was done. Also, she wanted to know if the City is doing, or have plans to clean and protect the waterways.

Mayor Hardin asked about the system that was in place and if it was a trash collecting system at the G-57 lock. Nevertheless, Mayor Hardin mentioned that the City can check with South Florida Water Management District (SFWMD) about this as it is their canal that goes through there. To put anything in there, the City would have to get their permission. Also, he directed the City Manager to find out from SFWMD if they have a system that would collect trash from the waterways.



Ms. Seltzer replied yes, the system was in place.

**Sewage Spill** - Steve Grzybek, 198 SE 2nd Avenue, Pompano Beach, FL, stated he is one canal away from the G-57 dam. He said even though the surface water samples that the City has been providing the results, have shown that they have more than acceptable waters in the canals. He said he has a different take on this. He has been conducting weekly samples from his dock and he has been collecting from the canals and you can see the different layers which he displayed samples to the Commission. There is the bottom, the sludge of fecal matter and then the water. He said he is hoping that the environmentalist will go much further than was indicated earlier, because there are problems. He is concerned that all the stuff that flows through the pipes with the tide coming in twice daily the stuff is seeping into their back yards. The seawall is a barrier to hold the dirt back but if they should dig down deep enough all the water is seeping into their backyards. He wants to know if they will be testing for heavy metals, pesticides or any cancer-causing elements that flows through the pipes into their back yards.

Mayor Hardin concluded that the environmental people are working on the remediation plans both from FDOT and the City. Perhaps, the City could get some answers regarding the heavy metals and pesticides testing or maybe it have already been addressed on the City's website updates.

Mr. Harrison provided Mr. Grzybek his contact information and he would be able to discuss some of his concerns.

Mr. Grzybek appreciates the time the City officials have taken to talk with him and update him on this issue.

Mayor Hardin reiterated that some preliminary results are expected from the first steps of the remediation plan by next week. They are doing some core samples west of the G-57 to figure out what is at the bottom of the canal. Once that is determined, they can decide on how far out, if they continue to go out and do core samples, which was explained earlier.

Mr. Grezbek reported that the pumping company that had gone out that was assisting with the removal of the disaster area. He said just this week they came down his street and were pumping their tanker down the storm drain in front of his house. They had to be stopped and they indicated that they did not know that they could not pump things in the canal.

Scott Case, HNTB, representative for FDOT on the I-95 construction, stated that the contractor that removed the sludge was from Lonzo that has been contracted by the City.

A discussion followed as to which company was responsible for removing the sludge and hauling it away versus who was dumping in the City's canal, as reported earlier.

### **C. CONSENT AGENDA**

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

1-5 and 7-12

**A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that items 1-5 and 7-12 be APPROVED. The motion carried unanimously.**

1. [19-192](#) Nelva Hauger is requesting to Transfer Ownership of Block 13, Lot 8, Plot 34 to The City of Pompano Beach in the North lawn, Burial Right Agreement 3364  
(Fiscal Impact: \$625.00)

(Staff Contact: Robert McCaughan)

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

2. [19-122](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN OPEN-END MASTER EQUITY LEASE AGREEMENT AND AMENDMENT THERETO BETWEEN ENTERPRISE FM TRUST, A DELAWARE STATUTORY TRUST, AND THE CITY OF POMPANO BEACH FOR THE LEASE OF 13 VEHICLES TO BE USED TO REPLACE EXISTING CITY FLEET VEHICLES, PURSUANT TO THE TERMS AND CONDITIONS AS PROVIDED FOR IN SOURCEWELL CONTRACT NO. 060618-EFM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$97,935.12 annually)

(Staff Contact: Andrew Jean-Pierre/Robert McCaughan)

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

**Enactment No: RES. No. 2019-91**

3. [19-198](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING EUGENE M. STEINFELD, AND ALAN L. GABRIEL AS SPECIAL MAGISTRATES, TO PRESIDE OVER CODE ENFORCEMENT PROCEEDINGS OF THE CITY OF POMPANO BEACH FOR A TWO-YEAR TERM; SAID TERM TO EXPIRE DECEMBER 7, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$130.00 per hour)

(Staff Contact: Mark E. Berman)

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

**The motion carried unanimously.**

**Enactment No: RES. No. 2019-92**

4. [19-173](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 19 IN AN AMOUNT NOT TO EXCEED \$196,190.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$196,190.00)

(Staff Contact: Chris Schlageter/Tammy Good)

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

**Enactment No: RES. No. 2019-93**

5. [19-191](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND YA LAFORD FINE ART, LLC TO COMPLETE THE COLLIER CITY ARTIST IN RESIDENCY PROJECT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$30,000.00)

(Staff Contact: Laura Atria/Phyllis Korab)

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

**Enactment No: RES. No. 2019-94**

6. [19-210](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INNOVATIVE FOOD GROUP, LLC FOR THE CITY'S PLACEMENT OF A MOSAIC TILE ON AN EXTERIOR WALL OF 165 NE 1ST AVENUE PURSUANT TO THE MOSAIC TEAM PROJECT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$10.00)



(Staff Contact: Laura Atria/Phyllis Korab)

Comr. McMahon pulled the item for Commission discussion. Comr. McMahon stated that the item is related to a property that is owned by his family. Therefore, due to the fact that it is owned by his family he will recuse from voting on this item and will file the necessary forms with the City Clerk.

See attached Form 8B.

Comr. Perkins asked about the installation of the Honey Bees for the 731 MLK Blvd. property.

Laura Atria, Public Art Program Manager, responded that the artist, Sonata Kazimieraitiene installed all the other mosaics on this trail and she will be installing it on the building as well.

Comr. Perkins asked about the Honey Bees for the E. Pat Larkins building, as well as the Annie Gills Park.

Ms. Atria mentioned that for the E. Pat Larkins building they are placed on a small pillar in the front.

**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 roll call vote:**

**Yes:** Eaton  
Perkins  
Moss  
Hardin

**Absent:** McGee

**Recused:** McMahon

**Enactment No: RES. No. 2019-95**

7. [19-199](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KATHERINE KAHN TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER RHONDA EATON; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-96**

8. [19-204](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **SHARON STONE-WALKER** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-97**

9. [19-206](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DODIE KEITH-LAZOWICK** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON; FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-98**

10. [19-207](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MIKELANGE OLBEL** TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2019-99**

11. [19-200](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING HAZEL ARMBRISTER TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-100**

12. [19-202](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TONY PARRISH TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2019-101**

13. [19-203](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JOCELYN JACKSON TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)



**(Staff Contact: Ascelela Hammond)**

Comr. McMahon pulled the item for Commission discussion, because he has some concerns. He served with Ms. Jocelyn Jackson for a few meetings and he has a lot of respect for her and he believes she has her heart in the right place. However, he understands that there is an ongoing investigation. Therefore, due to this fact, once it is resolved he would have no problem agreeing that Ms. Jackson be allowed to serve on the Board. But until this is resolved he does not feel she should be placed on the Board.

Jocelyn Jackson, 1572 NW 7th Terrace, Pompano Beach, FL, provided a brief background of her residency within the City and what she has done for the community. She said she advocated for the G.O. Bond, and believes this is a “slap in the face” and explained her reasons. She said even though she is in the current situation, she still holds her license as a realtor, cosmetologist, and instructor. In addition, she sits on the board for the football cheer-leading organization. Also, she helps several organizations in the City of Pompano Beach. She said she advocated for the City to rent a golf cart out of her personal funds to take the City Manager out for a tour to inform him of things that nobody appeared to know about. She said while she may not be the better candidate to sit on the Board this is an insult. Nothing is being taken away from her. Moreover, she is not being paid to serve on the Board. In sum, Ms. Jackson said that she “is for Pompano” and volunteers her time for the City in numerous activities, therefore, she is the best person for this position.

Terry Williams Eden, 757 NW 15th Street, Pompano Beach, FL, spoke in favor of putting Ms. Jackson on the Board. She provided her reasons and she appealed to the Commission to give Ms. Jackson the opportunity to serve the citizens in the northwest area.

A female, requesting to remain anonymous, stated that if the Commissioner said Ms. Jackson is good enough to serve then it should be good enough for everyone on the Commission.

Eula Foster, 570 SW 14th Street, Deerfield Beach, FL, said she was raised in Pompano Beach and served under prior Mayor E. Pat Larkins, Vice Mayor Herb Skolnick, and Mayor Emma Olsen. She is the aunt of Ms. Jackson, and provided her reasons why the Commission should give Ms. Jackson the opportunity to help the City of Pompano to become better. She said the northwest section needs some help. She thanked Comr. Perkins for doing a great job. Nevertheless, she mentioned that the area still has a lot of blight.

Joe Jackson, 1802 SW Our Court, Port St. Lucie, FL, brother of Ms. Jackson, said he was raised in Pompano Beach and spoke in favor of putting her on the Board and provided his reasons.

Minnie Frazier, 4866 Beacon Street, Orlando, FL, mother to Ms. Jackson, mentioned that they were part of the farming community that were raised in Pompano Beach. They were raised with values, to be hard working people, and all of her children to include Ms. Jackson was raised accordingly. She said Ms. Jackson is outspoken and honorable. Therefore, she spoke in favor of putting her on the Board.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that he has known Ms. Jackson for quite a while and although they do not always agree politically, he respects her because she stands up for what she believes and works for it. Therefore, he spoke in favor of giving Ms. Jackson a chance to serve on the Board.

Wayne Vereen, 2420 NW 7th Street, Pompano Beach, FL, stated that he believes Mayor Hardin will do a good job as mayor and that he respects Vice Mayor Moss as his commissioner. Therefore, he asked that the Commission listen to the people and he provided an example of when Ms. Jackson helped him out of a situation. Mr. Vereen spoke in favor of the Commission allowing Ms. Jackson a fair chance to serve.

Stacey Kelly, 802 SW Our Court, Port St. Lucie, FL, stated that Ms. Jackson has a lot of passion and works hard. She worked with her at the Park with the kids and she was very helpful and patient to assist the kids with equipping them for their football games. Therefore, she spoke in favor of allowing Ms. Jackson a second chance to serve the community.

Comr. Perkins asked if Comr. McMahon knows Ms. Jackson.

Comr. McMahon responded that he personally knows her and he respects and thinks she is a great person. However, with what he has read, he has some concerns, hence the reason he pulled the item for discussion.

Comr. Perkins stated that this is someone volunteering to serve on a Board and not someone that has murdered someone. If there was a problem with placing the item on the agenda the City Clerk or the City Attorney would have indicated that her name could not be placed on the agenda. In fact, she took the opportunity to call Ms. Jackson's attorney regarding her rights to be placed on the Board and found out that she has every right to be on the Board. She said Ms. Jackson is a caring individual and is concerned about the people in the community. Consequently, Comr. Perkins stated that she wants to put people on the Boards who care about the community, and has the best interest of the people and the residents. So she highly recommend Ms. Jackson to serve on this Board, which she has thought and prayed about prior to suggesting her appointment.

Vice Mayor Moss stated that he respects Ms. Jackson even though they do not agree on "much at all." However, he appreciates her passion and would like to vote for her, but considering the allegations, he would find it difficult to do it. Therefore, he made a motion to table the appointment until the issue is resolved at which time he would vote for her.

Mayor Hardin suggested that the Commission could postpone the item until a time certain, if this is the will of the Commission. Since this is Comr. Perkins' appointment, she can also bring it back at a later date if she so chooses. In essence, there is no date certain to postpone the item to.

Vice Mayor Moss changed his motion to postpone for at least three months or until the legal issues are sorted out. Subsequently, the item would be brought back for the first meeting in May 2019. This motion was seconded by Comr. McMahon.

Comr. Perkins indicated that there are people currently serving on boards that do not live or own a business in Pompano Beach. Therefore, she stated that the Commission cannot hand pick who they do not like because they are outspoken or tell the truth. So, she would not agree to postpone the item.

Mayor Hardin stated that he is not personally trying to issue any kind of indictment of Ms. Jackson as far as the comments made by Comr. Perkins.

Comr. Eaton, stated that she served on the Planning and Zoning Board with Ms. Jackson and in her mind she came prepared, she was attentive, eager and an active, thoughtful participant in the meetings. Therefore, she would support Comr. Perkins' appointment of Ms. Jackson.

Ms. Jackson indicated that she has a hard time understanding the Commission's need to postpone a volunteer desiring to serve the City and provided her reasons.

Mayor Hardin stated that he was surprised to see the item on the agenda. He said he has always admired the passion of those people who want to serve on the Boards and appreciate all the volunteers. However, he was surprised to see this particular item on the agenda.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, to postpone the item until May 14, 2019 City Commission meeting. The motion failed by the following roll call vote:**

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

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

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

**Absent: McGee**

14. [19-205](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JAY GHANEM TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS; FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)



**(Staff Contact: Asceleta Hammond)**

Mayor Hardin pulled the item for Commission discussion, because the appointment process seems to be a bit messy lately. This particular individual was acting as the campaign manager for his opponent during the race for Mayor and it is odd that people would be placed on boards that are so diametrically opposed to the apparent will of the people. He said he would not try to put somebody on a Board who was opposed to a member on the dais. Therefore, he could not support it as it does not represent the will of the residents of Pompano Beach.

Comr. Eaton said in her district, she has very few people on most of the boards. However, she concurs with the mayor in that Mr. Ghanem was derisive, divisive and seem to disagree with everything the City has been about, and all the progress that have taken place in moving forward. He seems to be suspicious and she does not think he would be beneficial in anyway on any board anywhere in the City of Pompano Beach. She offered an apology to Comr. Perkins regarding her views on this individual.

Mandy Striggles, 1871 NW 5th Terrace, Pompano Beach, FL, stated that she has been attending the Commission meetings for quite some time and recalls prior City Commission's discussion on decorum and respect and how to talk and act with people. She is currently annoyed with the Commission and wanted an explanation on why someone who campaigned against an opponent would make him not eligible/qualified to serve on the board.

Mayor Hardin explained that he is not discussing qualifications as this is completely separate when it comes to serving on boards. Therefore, he did not say Mr. Ghanem was not qualified/eligible.

Ms. Striggles noted that it appears that every time Comr. Perkins has somebody to appoint, there is always something to oppose her, yet when anyone else is doing something, she has not opposed them. Therefore, Ms. Striggles stated that if people want certain things to happen in their district, she does not understand why there is opposition.

Mayor Hardin clarified that this does not have to do with anybody's particular appointment. In fact, everybody has the right to put forth people if they want to appoint them then it has to be approved by the Commission, so this is the way it works and it does not matter whose appointment it is.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that they live in a democracy and in the congress democrats and republicans do not agree. The City election was a close one. Therefore, he thinks it is important to have ex-Commissioner Sobel's voice and vision on this and explained his reasons. Consequently, he would support voting for Mr. Ghanem.

Robert Holmes, 1577 NW 7th Avenue, Pompano Beach, FL, stated that what Mayor Hardin has done tonight was somewhat surprising. He said as mayor, he should lead the people and not inflict his belief because someone who opposed him should not have a right to serve on the board. He believes that Mayor Hardin may have just "pulled off his Ku Klux Klan hood, right in front of our face, because he showed his true raise to date."

Jay Ghanem, Pompano Beach, FL, stated that he lives for his community whether he supported Mayor Hardin or somebody else. He clarified that he did not run the campaign for Mr. Sobel but rather he supported him and explained his reasons. He said yesterday, a community meeting was held that he felt all the Commission, the City Manager and everybody should have attended. Besides, he reiterated that he was not Mr. Sobel's campaign manager, instead he volunteered his time to support him because he believed in him. In sum, he felt he is being chastised for his action of standing up for his community, and this is not what the nation was built upon.

Comr. Perkins stated that she respects all her fellow commissioners and has never disagreed with anybody's appointment, because she thinks they all know what they are doing. She is still unclear, other than the fact that Mr. Ghanem opposed Mayor Hardin at the time he ran for mayor, and he is now voting not to appoint him to this particular board. She stated that she does not have a "evil spirit" and explained how she supported her opponent Ed Phillips who requested support for the Tiger Trail Festival because she wants the best for the community. She then said it sounds like somebody is doing some talking to each other. Additionally, she is always looking out for the best interest of the people not her own personal benefit. The bottom line, she thinks it is a disrespect not to appoint somebody just because they do not agree with certain official's idea and they speak up.

Mayor Hardin pointed out that there has not been any discussion between he and anyone else on the dais on any of these issues being considered, therefore, any kind of reference to violation of the Sunshine Law is untrue.

Vice Mayor Moss stated that Mr. Ghanem not only opposed the mayor who won by 123 votes, but pretty much the rest of the commission who won by much larger numbers. In addition, he said someone mentioned about yesterday's meeting that Comr. Perkins had, and that the rest of the Commission should have attended. That would have been a potential violation of the Sunshine law, when there were members from the Northwest CRA, as well as commissioners. Therefore, for someone to suggest that they all should have been in attendance is unwise. Finally, he explained his reason why he would oppose Mr. Ghanem's appointment, which is he does not live in the City. Therefore, he would suggest that Comr. Perkins appoint someone who lives in her district.

Comr. Perkins indicated that the meetings she holds on the second Monday of every month at 6:30 p.m. at the E. Pat Larkins' Center is open to the public and she does not control who can or cannot attend.

Mayor Hardin advised in the abundance of caution going forward any meeting being held should be noticed so anybody could attend.

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

**Yes:** McMahan  
Perkins

**No:** Eaton  
Moss  
Hardin

**Absent:** McGee

**Enactment No:**



**D. REGULAR AGENDA****QUASI-JUDICIAL PROCEEDING**

**Mark E. Berman, City Attorney, advised that items 15-16 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.**

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

15. [19-87](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE BLANCHE ELY PLAT LOCATED ON BOTH THE EAST AND WEST SIDE OF NW 6TH AVENUE, NORTH OF NW 16TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM DECEMBER 11, 2018**

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

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be removed from TABLED and POSTPONED to the February 26, 2019 City Commission Meeting. The motion carried by a unanimous voice vote.**

16. [19-59](#) **P.H. 2019-15: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE ABANDONING A CERTAIN PORTION OF THE RIGHTS-OF-WAY OF NW 7TH WAY, NW 16TH LANE (ALSO REFERRED TO AS NW 16TH PLACE), NW 16TH COURT, NW 7TH AVENUE, AND NW 5TH AVENUE LYING SOUTH OF NW 17TH STREET AND SITUATED ON BOTH THE EAST AND WEST SIDES OF NW 6TH AVENUE, BETWEEN NW 7TH WAY AND NW 5TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM DECEMBER 11, 2018**

**FIRST READING: NOVEMBER 13, 2018**

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

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be removed from TABLED and POSTPONED to the February 26, 2019 City Commission Meeting. The motion carried by the following roll call vote:**

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

**END OF QUASI-JUDICIAL PROCEEDING**

17. [19-181](#) Approval to award Bid E-03-18 Esquire Lake Neighborhood Stormwater Improvements to the lowest responsive responsible bidder, DBF Construction, LLC, at a cost of \$2,829,223.34.

(Fiscal Impact: \$2,829,223.34)

(Staff Contact: Anthony Alhashemi/Tammy Good)

Anthony Alhashemi, Engineering Department, presented the item stating that staff received eight bids and the lowest qualified bidder was DBF Construction, LLC is a local Pompano Beach company and have successfully worked on multiple construction projects within the City.

Comr. Perkins enquired if this was a loan as stated.

Mr. Alhashemi responded that it is a loan, which is a State Revolving Fund (SRF). They provide funding for projects, which the City uses for certain infrastructure and stormwater projects. However, the City must pay back the loans received from the state.

Mayor Hardin commended staff for doing a great job in engaging a local firm.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Regular Agenda/ Approval Request be APPROVED. The motion carried by the following roll call vote:**

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

- 17A. [19-233](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO AMEND THE TRANSPORTATION SYSTEM SURTAX INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MUNICIPALITIES IN BROWARD COUNTY, TO PROVIDE THAT THE MUNICIPALITIES' ALLOCATED SHARE OF NO LESS THAN TEN PERCENT OF THE PROCEEDS OF THE TRANSPORTATION SURTAX WILL BE DISTRIBUTED TO THE MUNICIPALITIES PRO RATA BASED UPON POPULATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Greg Harrison, City Manager, presented the item stating that the Commission needs to adopt a resolution, which most of the thirty-one cities in Broward County are passing a similar resolution. He indicated that at first when the ruling came down after the election that the County would be distributing these funds based on projects. The cities got together and wanted to make this request to the Broward County Commission because it would be easier for everybody to administer and understand over the years about this project. This is the best route to go forward in managing these funds, therefore, the Commission is being asked to approve the resolution to allow the City to join with the other cities to present it to the Broward County Commission.

Comr. Eaton noted that this would make things uncomplicated.

Mayor Hardin concurred and indicated that it will enable the City to bond appropriately and things of that nature.

Mayor Moss also supports this effort.

Comr. Perkins thinks it is important and asked why this was not put on the regular agenda.

Mayor Hardin responded that he had requested that this be added to this agenda rather than wait until the next agenda meeting, because the issue is time sensitive to get the item before the County Commission.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahon, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2019-102**

18. [19-120](#) **P.H. 2019-25: (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 CONTRACTS FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND SGM ENGINEERING, INC., AND THE CITY OF POMPANO BEACH AND HILLERS ELECTRICAL ENGINEERING, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: No fiscal impact at this time)

**FIRST READING: JANUARY 22, 2019**

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item stating that there were no changes since the first reading.

Comr. Perkins asked what exactly is being done for the engineering services.

Mr. Sfiropoulos responded that it is for electrical engineering consulting services for the entire City. This is the master contract for individual work orders that the City can enter into which will come before the Commission for review and approval.

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

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

**Enactment No: ORD. No. 2019-25**

19. [19-154](#) **P.H. 2019-27: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 110, "ALCOHOLIC BEVERAGES," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 110.01, "HOURS OF SALE," TO CLARIFY ESTABLISHMENTS REGULATED UNDER THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED to the February 26, 2019 City Commission Meeting. The motion carried by a unanimous voice vote.**

20. 19-189 **P.H. 2019-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO INCLUDE AIR PARK OBSTRUCTION PERMIT APPLICATIONS; BY AMENDING SECTION 155.2305, "PUBLIC HEARING SCHEDULING AND NOTICE," TO AMEND TABLES TO INCLUDE AIR PARK OBSTRUCTION PERMITS, COMPREHENSIVE PLAN NOTICE REQUIREMENTS FROM CHAPTER 154, AND TO MODIFY A FOOTNOTE REFERENCE; BY AMENDING SECTION 155.2422., "AIR PARK OBSTRUCTION," TO INCLUDE REFERENCE TO OBSTRUCTIONS IN FORT LAUDERDALE EXECUTIVE AIRPORT (FXE) AIRSPACE, MODIFY PURPOSE, APPLICABILITY AND PROCEDURES FOR AIR PARK OBSTRUCTION PERMITS, AND PROVIDE FOR APPEALS; BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE PROCEDURES FOR APPEAL OF AIR PARK OBSTRUCTION PERMIT DECISIONS; BY AMENDING SECTION 155.3707., "AIR PARK OVERLAY (APO) DISTRICT," TO MODIFY PURPOSE, DEFINITIONS, REQUIREMENTS, RESTRICTIONS AND PROCEDURES TO INCLUDE FXE AIRPORT ZONES AND HEIGHTS AND INCLUDE THE PROCESS FOR REVIEW OF OBSTRUCTIONS IN FXE AIRSPACE; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE - RELATED SERVICES USES," TO MODIFY A CROSS-REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item stating it started out as a minor polishing of the airport zoning to better match Chapter 333 based on comments the City received from Florida Department of Transportation (FDOT), and slowly morphed into more when staff realized that most of Fort Lauderdale Executive airspace was inside Pompano Beach, so buildings are being approved within their restricted airspace. After discussion with Fort Lauderdale Executive (FXE), they are now writing their own regulations. She then explained in details the coordinated efforts between the two cities regarding each other's airspace.

Tom Drum, Pompano Beach, FL, enquired if this has anything to do with the Hidden Harbor project.

Ms. Dolan responded no. She explained that the project started a few years ago, when the state passed Chapter 333 that requires cities to adopt airport zoning ordinances, which the City did. However, after FDOT reviewed the ordinances they had a few comments on the omission of certain state laws, which was addressed and it was discovered that the City has part of its airspace in FXE airspace, hence the creation of a process for

FXE reviewing of the City's building permits and site plans that might encroach on their airspace. Notwithstanding, Hidden Harbor must pay attention to their heights because they are within the airspace of the airport, which has been the case whether this ordinance was in place or not. So, they always needed to get Federal Aviation Administration (FAA) approval of any heights that would encroach on the airport height limits.

Vice Mayor Moss indicated that this will affect District 5 the most being closest to the airport.

Mayor Hardin asked if there is a development in the overlapping airspace, and could the City protest to Fort Lauderdale and they in turn could protest to the City of Pompano Beach.

Ms. Dolan responded that they would just review the documents and there would not be any protesting. In sum, the state law requires that the cities recognize this process and address it.

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

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

21. [19-194](#) **P.H. 2019-28: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC. FOR THE COMPREHENSIVE PLAN UPDATE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$110,130)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services, presented the item stating that last August a Request Letter of Interest (RLI) went out for updating the City's Comp Plan in which several firms responded with Calvin, Giordano & Associates, Inc (CGA) coming out as the highest ranked. On December 11, 2018 the Commission approved the ranking and since then the fees and scope has been negotiated with CGA. Therefore, the proposed ordinance is to adopt the contract developed.

Comr. Perkins enquired if the City is paying the firm to update the City's Comp Plan and how long would they take to complete.



Ms. Dolan responded approximately eighteen months, which is mentioned in the Scope of Work provided in the backup documents. Ms. Dolan indicated that they plan for longer to accommodate for any extra time needed for public meetings and things of that nature.

Mayor Hardin indicated that he also wanted to get the timeline, because he recalled the City's experience going through the zoning code with meeting its projected time. However, he enquired if the extra time for this project was already built into the Scope of Work.

Ms. Dolan responded that the eighteen months is a logical and reasonable timeframe, but if there are any complications, the City has the ability to extend, which is built into the front-end of the contract. If more time and money is needed to be spent, another contract would have to be done for a work authorization. So, if it is within a certain amount it may not need to come back before the Commission but over a certain amount it would have to get the Commission's approval.

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

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

22. [19-197](#) **P.H. 2019-29: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PROSERVE CONCEPTS, INC., TO PROVIDE SERVICES AS THE HEAD TENNIS PROFESSIONAL FOR THE POMPANO BEACH TENNIS CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$70,000 minimum revenue back to the City of Pompano Beach)

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item stating that ProServe Concepts, Inc. has responded to RFP-P238-18 as listed in the backup document. They are the current service provider and they have made sweeping changes and have improved everything about the Tennis Center. This is a five-year agreement with two one-year extensions, which is good.

Comr. Perkins asked if this would include the tennis courts near the Sworn Houston pool, because there are

tennis courts in that location not utilized. She then asked how can the City incorporated those tennis courts that are not included.

Mr. Beaudreau responded no. He said while this agreement does not entertain those courts, they could take a look at it, but this is strictly for the tennis center.

Comr. Perkins suggested tabling the item to see if that could be included.

Mr. Beaudreau respectfully suggested that tabling the item would not be wise as the contract is about to expire unless a temporary agreement is entered into, he thinks they could work something out that would not necessitate postponing the agreement. He explained that there are other tennis courts throughout the City so they could allow ProServe to work out programming the other facilities.

Mark Berman, City Attorney, advised that as advertised it is just to provide services at the head tennis professional to the tennis center. Therefore, any additional services could not be put on for second reading. If this is passed, it can be brought back as an amended contract with amended services.

Greg Harrison, City Manager stated that there are a number of tennis courts throughout the City that are not included in this project because this is the tennis center project. Therefore, if the Commission desires for staff to look at a program with a tennis professional that would apply to all the tennis courts throughout the City, then some time would be necessary to evaluate, and bring back to the Commission and bring it back in the budget as it would be a large project.

Comr. Perkins indicated that she did not intend for all the tennis courts to be included and provided her reason for bringing up this particular tennis court, which could operate somewhat as a tennis clinic for the neighborhood kids who could be taught the rules of the sport.

Mayor Hardin agreed that if staff could get some ideas from ProServe for this court it would be good instead of discussing it when the budget is completed.

Vice Mayor Moss indicated that if it will be done for one park it should be done for all the other parks, and asked if there is a list of parks with tennis courts.

Mr. Beaudreau indicated that there are approximately five parks with tennis courts.

Discussion followed among the Commission and City Manager regarding providing options to the City Commission to select from regarding the various programs for one or all of the other tennis courts at the various parks throughout the City, as well as how utilized is each tennis facility.

Comr. Eaton indicated that there are no tennis courts in the District 2 area.

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

**Eaton, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

23. 19-217 **P.H. 2019-30: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 131, "OFFENSES AGAINST PERSON AND PROPERTY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 131.24, "UNLAWFUL LODGING AND STORAGE OF PERSONAL PROPERTY," TO MODIFY DEFINITIONS, PROHIBITED CONDUCT AND ENFORCEMENT PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** James E. Saunders III/Mark Beaudreau)

James E. Saunders III, Assistant City Attorney, presented the item and stated it is an amendment to an ordinance the City Commission passed in July 2018, Ordinance No. 2018-59, regarding the unlawful lodging and storage of personal property on public property. The amendment was to clarify the language as it relates to the term lodging, to clarify which particular properties that would be inclusive, and to provide clarification of the instances where violators of the ordinance would receive civil citation notices to appear or would be taken into custody. Finally, it is to provide City Staff and the Broward Sheriff's Office (BSO) an opportunity to better implement the ordinance.

Comr. Perkins asked for clarification regarding hazardous conditions, and public property. For example, she asked does this refer to homeless people that place things such as tents and blankets on somebody's property to sleep and if the City has the right to go in and remove it.

Mr. Saunders explained that the ordinance was to address not only individuals that potentially maybe homeless, but individuals that are camping otherwise or lodging in those public places. For those particular individuals, it would allow BSO, the park rangers, and others who have that authority, based on the ordinance, to go in and get those individuals to move along. In fact, this will go beyond public parks and include all of public properties, to include the Cultural Centers. For example, if a person left a package at the Cultural Arts Center, typically the package would be there and no one would have the ability to remove it because it was someone's personal property. There are postings at the Cultural Arts Center informing the public if individuals leave a personal package in the cultural arts center it will be removed as no one is allowed to store property at the Center. This will also include individuals that are in the parks who leave their personal properties that are not to



be left there, so those items can be removed during the specific period of time left in the parks.

Mayor Hardin provided another example, when he visited the Bill Keith Park and noticed somebody's towel was on the hedges and a plywood that was propped up, which could not be removed by the City.

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

**Yes:** Eaton  
McMahon  
Moss  
Hardin

**No:** Perkins

**Absent:** McGee

24. [19-195](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JUAN JUSTINIANO TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD OF THE CITY OF POMPANO BEACH AS ARCHITECT; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 12, 2022; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Juan Justiniano, *Registered Architect* - Coral Springs

(Staff Contact: Asceleta Hammond)

Vice Mayor Moss enquired if this was the only applicant on file, which Deputy City Clerk, Kervin Alfred replied yes, it was the only applicant with the specific discipline required for this position.

Comr. Perkins enquired if a person is to be appointed on a board the City is requiring people to be residents of the City or actually own businesses in the City.

Mark Berman, City Attorney, explained specifically for this board there are requirements for certain positions to properly serve and make the decision necessary for this board. For example, there is an attorney, realtor, and in this case, it is an architect who is needed. The enacting ordinance provides that if there are no qualified individuals that are volunteering to serve that resides or do business in Pompano Beach, that the City can utilize residents outside the City for that position. This is similar for only certain boards throughout the City. In fact, for this particular board this discipline is required by the Florida Building Code, so to follow the law the City will need to go outside the City to identify individuals to serve.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the name JUAN JUSTINIANO be inserted, and the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Eaton  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** McGee

**Enactment No: RES. No. 2019-103**

25. [19-208](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BARBARA ARMBRISTER-BOYNTON TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF COLLEEN MURPHY; SAID TERM TO EXPIRE ON JUNE 13, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Barbara Armbrister-Boynton, Alternate #1 - District 5  
Claudia Mazzocchi - District 1  
Patrice DaCruz - District 2  
Carmen Jones - District 4  
Jazzmann LeSane - District 4  
Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss to nominate to insert BARBARA ARMBRISTER-BOYNTON, and that the Resolution be ADOPTED. The motion carried by unanimous voice vote.**

**Enactment No: RES. No. 2019-104**

26. [19-209](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MONA SILVERSTEIN TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #2 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-208 FOR APPLICANTS.**

(Staff Contact: Ascelela Hammond)

A motion was made by Vice Mayor Moss to nominate CARMEN JONES. Commissioner Perkins nominated JAZZMANN LESANE and Commissioner McMahon nominated MONA SILVERSTEIN. It was voted to insert the name MONA SILVERSTEIN and that the Resolution be ADOPTED. The motion carried by the following vote:

**Yes:** Eaton  
McMahon  
Moss

**No:** Perkins  
Hardin

**Absent:** McGee

**Enactment No: RES. No. 2019-105**

27. [19-211](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID MILLER TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS AN ARTIST FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

David Miller, **Artist/Incumbent** - District 5  
Linda Houston-Jones, **Media Specialist/Incumbent** - District 5  
Marie Goodrum Johnson, **Resident/Incumbent** - District 3  
Mimi Botscheller, **Art Professor/Incumbent/Alternate #1** - District 1  
Carol Dickler, **Fashion Designer** - District 1  
Joseph A. Grisafi, **Resident** - District 1  
Edith Kappler, **Resident** - District 2  
Sharon Stone-Walker, **Business Developer** - District 2  
Michael Tipton, **Performing Arts Manager** - District 2  
John Cote, **Artist** - District 3  
Michelle R. Cote, **Office Manager/Bookkeeper** - District 3  
Patricia Knight, **Art Teacher** - District 3  
Sarahca Peterson, **CEO** - District 3  
Tyler Townsend, **Museum/Collector** - District 3  
Monifa Aruwajoya, **Resident** - District 4  
Velma Flowers, **Resident** - District 4  
Shellie Morrison, **Business Owner** - District 5



Wayne Vereen, **Resident** - District 5  
Agata Mosery, **Designer** - Boca Raton  
Cherie Saleeby, **Artist** - Hillsboro Beach

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss to nominate to insert DAVID MILLER, and that the Resolution be ADOPTED. The motion carried by unanimous voice vote.**

**Enactment No: RES. No. 2019-106**

28. [19-212](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LINDA HOUSTON-JONES TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-211 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss to nominate to insert LINDA HOUSTON-JONES, and that the Resolution be ADOPTED. The motion carried by unanimous voice vote.**

**Enactment No: RES. No. 2019-107**

29. [19-213](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARIE GOODRUM JOHNSON TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-211 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Vice Mayor Moss, that the name MARIE GOODRUM JOHNSON be inserted, and the Resolution be ADOPTED. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2019-108**

30. [19-214](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING MIMI BOTSCHELLER TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #1 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-211 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss to nominate to insert MIMI BOTSCHELLER, and that the Resolution be ADOPTED. The motion carried by unanimous voice vote.**

**Enactment No: RES. No. 2019-109**

31. 19-215 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SARAHCA PETERSON TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #2 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2019-211 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Vice Mayor Moss, that the name SARAHCA PETERSON be inserted, and the Resolution be ADOPTED. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2019-110**

## **E. REPORTS**

**Gregory Harrison, City Manager - Brownfield Designation** - Mr. Harrison read into the record the following Brownfield designation:

*"The City is in receipt of a request from St. Elizabeth Gardens Apartments Limited, to designate property located at 801 NE 33rd Street a Brownfield area. This item will come before the Commission in February or March to be heard as a resolution, which will require two public hearings." Mr. Harrison concluded that this is part of the Brownfield process to get into the City's record.*

**Wastewater Issue** - Mr. Harrison read into the record the following information on the wastewater issue.

*"As you are aware the Florida Department of Transportation (FDOT) contractor breached one of our wastewater pipelines. The City has been focused on doing what is necessary, as rapidly as possible to*

*manage the spill. As you know, because this is the FDOT's issue, caused by its contractors, we do not have much control, but we have done what we can as soon as we can. We just acted.*

*While administrative processes are moving forward, we will keep you apprised of the issues. In the meantime, I wanted you to know what is happening and what we expect next. FDOT has proposed a remediation plan to restore the canals. We have hired an independent third-party environmental consulting firm with expertise in water quality to review that work. With our consultants, we are conducting a complete overview of what happened in order to develop plans to manage any issues like this that may happen in the future. As part of that process we have revised our calculations with the spill, and determined that it may have been closer to 50 million gallons rather than 40 million. The difference has no material impact on what happened. One gallon of spilled sewage is too much.*

*Our independent third-party consultant has performed a site visit and requested additional water quality test, which the City has initiated. We plan to have a report providing our consultant's analysis of the impacts to the environment and human health ready for you and presented at the February 26, Commission meeting."*

**Update on Development in District 4 and the City at large** - Mr. Harrison reported that he has some documents that he would like to make available as a matter of record, which he will distribute copies to each member of the Commission with a copy given to Deputy City Clerk, Kervin Alfred.

Continuing Mr. Harrison stated that there has been a lot of discussion back and forth, especially about District 4 not getting their fair share. There is an explanation and a graph that shows District 4 from FY 2016 through FY 2025 in the Capital Improvements Programming. The budgets are \$72,797,340 or 33% of the entire budget being allocated to District 4. Funds were spent on utilities expansion and replacement, funds were spent on streets and drainage, as well as funds went to maintaining and cleaning out vacant properties. From the General Obligation Bond Issue, District 4 is going to receive 29% of the total or approximately \$51 million.

The other items to be made part of the record, are that we keep hearing that District 4 is not being examined from an economic development perspective. During FY 2016-2017 there were 140 new businesses opened in District 4, with 644 new jobs. In FY 2017-2018 there were 134 new businesses with 1,009 new jobs. These are not the same businesses, but are new and different businesses - documented evidence provided. So far, since October 1, 2018, there has been 65 new businesses in District 4 with 334 new jobs already. He also has the individual breakdowns by district for each commissioner so they can see over the same time period what effects they are having in each individual district. But here again, District 4 outpaces the rest of the districts.

The other items he has are job seeker newsletters that have been done by Dahlia Baker who has done a remarkable job through the CRA job placement center, such as holding job fairs, and talking about leasing information to new businesses. There is a wealth of information available that he wanted to ensure will not only be available as public record, but that each commissioner is familiar with the items to keep in their resource material for review and information. Once the Commission has had time to review, he would be available to answer any questions.

Finally, Mr. Harrison stated that it is not gloom and doom in District 4 or any of the other districts in Pompano



Beach. He said we are doing very well.

**Mark Berman, City Attorney - Nuisance Abatement Board Meeting** - Mr. Berman reported that the first meeting of the Nuisance Abatement Board took place today. Five properties were involved. The meeting went well and Tracy Lyons, Deputy City Attorney is taking care of the responsibility with that board along with the Broward Sheriff's office and it was a very productive first meeting. Also, it was reported that the board members that were appointed were actively engaged in the process and did a great job. Therefore, the City is looking forward to using the board to make a difference, and cleaning up some of the problem properties in the City. He will provide updates as things progress.

**Board Ethics Training** - Mr. Berman indicated that he is in the process of setting up training for all the board members. There are new board members coming in so it is time again for ethics and sunshine law training. At the same time he could provide opportunities for the commissioners if interested to sit in on that training and get some live hours of ethics and sunshine law training as well. In addition to the League of Cities and the Inspector's General training the Commission may need some additional hours. Perhaps this will take place late March early April, but he will keep the Commission apprised of this effort.

**Confidential Memorandum** - Mr. Berman stated that he sent out a confidential memorandum to all the members of the Commission regarding update in the OPIOD litigation.

**Kervin Alfred, Deputy City Clerk - Agenda Backup Accessibility** - Mr. Alfred encouraged the public to notify the City Clerk's office if there are any issues in accessing the backup on line.

**Commissioner Rhonda Eaton - Cresthaven Civic Association meeting** - Comr. Eaton reminded the Cresthaven residents that the Cresthaven Civic Association meeting will be held on Thursday, February 14, 2019 at 7:00 p.m. at the Moose Lodge, located at 33rd and Dixie Highway.

**Valentine Wishes** - Comr. Eaton wished everyone a Happy Valentine's Day.

**Commissioner Tom McMahon - Plant and People Day Event** - Comr. McMahon reported that he attended Plant and People Day at the Sample McDougald House, which had a lot of volunteers from Pompano Proud. This was their best attended event in the history of the event. City staff provided assistance. He thanked the volunteers who attended.

**Green Market Growth** - Comr. McMahon stated that the CRA had made some changes to the Green Market that is really growing and doing very well.

**Commendation to Broward Sheriff's Office and Park Rangers** - Comr. McMahon stated that the Broward Sheriff's Office and Major Adkins have done an incredible job on taking the City's request seriously and responding to calls and to vagrancy throughout the City. As well as the rangers. Therefore, he commended them for doing an outstanding job. They have taken on quite a task and have made huge accomplishments in a short period of time.

**Collier City NW 2nd Street update** - Comr. McMahon indicated that with regards to NW 2nd Street in

Collier City he voiced the same concerns his fellow colleagues expressed earlier. The City electrician was out there immediately to make sure everything was as good as it can be with the current poles until the City switches to a different system. The neighborhood is cleaned up, however, there is an empty lot which the property owner is undetermined at this time. He is hoping that the City can secure that small piece of land which is currently an eye sore to the community. Therefore, if something could be done as a basic park it would be a great asset to the community.

**Commissioner Beverly Perkins - Community Outreach** - Comr. Perkins thanked the State Attorney's Office, Mike Satz for hosting a Community Outreach on January 24, 2018 at the E. Pat Larkins Center, which was very successful, and well attended by approximately 294 people. Out of those who attended 203 received expunged records or sealing of their records. Fourteen juveniles attended and all had their records expunged.

**Construction in Downtown Pompano Beach** - Comr. Perkins stated that she has received several complaints regarding construction in the Downtown area. The MEC Ministries church at 350 NE 1st Avenue congregants are having difficulty getting in and out of the church because some of the roads are blocked off. Therefore, if staff could reach out to the church to inform them of the road closures, which they did not get any notification on this.

**Community Empowerment Meeting** - Comr. Perkins stated that on Monday, February 11, 2019, she had her first empowerment meeting for the year, which she plans to have the second Monday of every month. The reason for the meetings is to inform and educate the community as to what is going on and try to build relationships of understanding on how City Hall operates. In attendance were 145 people who were expecting answers. In addition, she was expecting to see the City Manager who had assured her that he would be attending. However, to date he has not said anything to her as to why he could not attend. Nevertheless, it was a successful meeting even though some questions did not get answered with regard to the CRA.

Comr. Perkins indicated that the report the City Manager handed to her, she cannot go back to her community and deliver it to them to see if they are happy with it. She said the numbers that he read earlier do not impact the community where she lives. So, this means nothing to her District. Therefore, she would like to sit down and have another talk with the City Manager. Moreover, she thought it was disrespectful that the City Manager did not get back to her to inform her of him not being able to attend her empowerment meeting.

Mr. Harrison tried to explain what transpired when he communicated with Comr. Perkins about attending the meeting. However, a heated discussion ensued among Comr. Perkins and City Manager Harrison.

Comr. McMahon stated that he attended the empowerment meeting and followed the sunshine guidelines. He said he did acknowledge to Comr. Perkins when he arrived at the meeting, because he had spoken to Mr. Harrison prior, and he indicated that he would not be able to attend the meeting because the environmental people were in town and he had to meet with them and then he had family obligations.

**Thank You** - Comr. Perkins thanked the City Manager for sending her a birthday card.

**Valentine Wishes** - Comr. Perkins wished everyone a Happy Valentine's Day.



**Vice Mayor Barry Moss - Shameful behavior** - Comr. Moss said for Comr. Perkins to call the City Manager a liar at a public forum is shameful.

**Saturday Morning Community Meetings** - Vice Mayor Moss announced that he has changed his Saturday morning meetings at Palm Aire Skolnick Center from every Saturday to every Saturday preceding a Commission meeting. Therefore, there will be two meetings per month instead of four.

**Farmer's Market** - Vice Mayor Moss reported that Tuesday, Farmer's Market continues to go very well. It is well attended and successful.

**Vacant Property at NW 2nd Street** - Vice Mayor Moss stated that the property that Comr. McMahon referred to on NW 2nd Street, he believes is owned by Broward County and it would behoove the Collier City community, if Ms. Hightower and Ms. Singletary could place a phone call to Commissioner Bogen to see if they could solicit his support to change that lot into something useful for the kids in the neighborhood.

**Collier City Civic Association Sentiments** - Vice Mayor Moss stated that he was extremely touched at the last Collier City Association meeting when the Collier City community presented him with a beautiful engraved plaque thanking him for all the work he has done on their behalf and with them. This shows what a community can accomplish when it works together and with one another. A lot of strides have been made but there is a long way to go, but good things are happening there. He thanked the Board of Directors and the members of the Collier City Civic Association for the honor bestowed.

**Mayor Rex Hardin - McNab Park Issues** - Mayor Hardin thanked Steve Hoffman, who was at the meeting earlier to speak. He opened his building adjacent to McNab Park for a meeting that was held with Broward Sheriff's Office (BSO) and the local residents in the area, to discuss issues that have been happening at the McNab Park area.

**United Way Meeting** - Mayor Hardin stated that there was a wonderful meeting at the E. Pat Larkins Center, sponsored by the United Way to discuss student and youth depression and everything that goes with it. He thanked the Education Advisory Committee for coming up with the idea for that type of forum. The meeting has received rave reviews from everybody that was there. Nora Rupert from the School Board attended and a bunch of other officials. They are hoping to have several more meetings of this type to further delve into those topics.

**Unity in the Community Event** - Mayor Hardin offered "hats off" to everybody involved with plans for Unity in the Community, which was a great event. At last minute due to weather they had to move the event in doors at the Emma Lou Olsen Civic Center, but they made it work. It was a wonderful event.

**International Summit Event** - Mayor Hardin reported that he had the opportunity to visit with County Commissioner Lamar Fisher at the Pompano Beach High School that had an International Summit, which had over 150 guest students, teachers and administrators from Brazil, China, Egypt, France, India, Ireland, Nigeria, Peru, Poland, Switzerland, Turkey, United Kingdom and Zimbabwe. They had a great opening ceremony presenting all the flags. This is an example of expanding the City's international footprints. He thanked Pompano Beach High for hosting this event.



**Brazilian Community in Action Event** - Mayor Hardin reported that the Brazilian Community Center held an event at the Emma Lou Olsen Civic Center recently, there was Community in Action, Health and Entrepreneurship, catering mainly to the Brazilian Portuguese speaking population in the greater Pompano Beach area. Arbano Santos is doing a great job with the Brazilian community center.

**Hats off to Broward Sheriff Office (BSO)** - Mayor Hardin reported that he received a copy of a letter from someone who was thanking a number of deputies, Aaron Moors and Michael Johnson. Apparently, the person was trying to find a location in the northwest area to attend a funeral/wake and could not find the location, he stopped to ask the BSO officers for help and they tried to direct him where to go but he got confused and they actually led the way to his location.

**Broward League of Cities Annual Gala** - Mayor Hardin announced that the Broward League of Cities will be having their annual gala where they install the new officers on Saturday, May 18, 2019, and he hopes the City will be able to purchase a table at that event.

**MOTION:** A motion was made by Vice Mayor Moss, seconded by Comr. Eaton for the City to purchase a table for the event. The motion carried unanimously by voice vote.

**Roasting City Manager Harrison** - Mayor Hardin announced that the Sample McDougald House Preservation Society is holding an event where they will be roasting the City Manager, which promises to be a fun event of dinner and program. It will be a jeans, jackets and jewels attire. Therefore, he was hoping the City could purchase a table to honor the City Manager.

**MOTION:** A motion was made by Vice Mayor Moss, seconded by Comr. McMahon for the City to purchase a table for the event. The motion carried unanimously by voice vote.

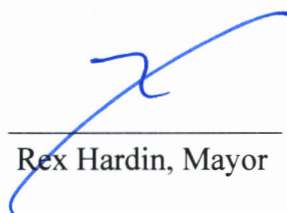
**Remember Marjory Stoneman Douglas Disaster** - Mayor Hardin reminded everybody about the moment of silence on February 14, 2019 at 10:17 a.m. to commemorate and remember those who went through the Marjory Stoneman Douglas disaster and lost their lives. He urged everyone to please keep them in our prayers now and forever.

#### **F. ADJOURNMENT**

The meeting adjourned at 9:24 p.m.



Asceletha Hammond, City Clerk



Rex Hardin, Mayor

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McMahon, Thomas		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pompano Beach City Commission	
MAILING ADDRESS 473 NE 1st Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach 33060		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Broward		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED February 12, 2019		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas McMahon, hereby disclose that on February 12, 20 19:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☒ inured to the special gain or loss of my relative, My Family \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on February 12, 2019, I recuse/abstained from voting on the following Agenda Item:

- Item 6 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INNOVATIVE FOOD GROUP, LLC FOR THE CITY'S PLACEMENT OF A MOSAIC TILE ON AN EXTERIOR WALL OF 165 NE 1ST AVENUE PURSUANT TO THE MOSAIC TEAM PROJECT; PROVIDING AN EFFECTIVE DATE.

The nature of the conflict, which I orally disclosed prior to the vote on the item, is that the subject property is owned by my family.

February 19, 2019

Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.