

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

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Tuesday, March 27, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:00 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### INVOCATION

Honorable Lamar Fisher, Mayor of Pompano Beach, offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes of March 13, 2018 be APPROVED. The motion carried unanimously.**

[18-288](#) Regular City Commission Meeting Minutes of March 13, 2018

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.**

[18-290](#) Special City Commission Meeting Minutes of September 25, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously**

[18-289](#) Special City Commission Meeting Minutes of September 19, 2017

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.**

#### **APPROVAL OF AGENDA**

Mayor Fisher mentioned that item 21 will be taken from the table and thereafter tabled to the May 8, 2018 City Commission meeting.

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

#### **CONSENT AGENDA DISCUSSION**

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

#### **A. PROCLAMATIONS**

##### [18-281](#) **Water Conservation Month**

Mayor Lamar Fisher proclaimed April as Water Conservation Month in the City of Pompano Beach. Utilities Director, Randolph Brown accepted the proclamation on behalf of the City.

A. Randolph Brown, Utility Director, accepted the proclamation and stated that water conservation is the biggest tool in conserving the City's resources. He stated that in 2004 the City was using 231 gallons per day per person. Currently, it is down to 163 gallons per day per person. Kudos to the customers using the product more wisely and efficiently. He concluded by introducing Krystal Aaron, who is the new outreach person for conservation and reuse water.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

##### [18-292](#) **Blanche Ely High School Basketball Champions**

Mayor Lamar Fisher presented a proclamation to the Blanche Ely High School Boys Basketball Team and Coach Melvin Randall for their success as the Class 8A State Basketball Champions of the State of Florida.

Mayor Fisher stated that the boys work all year round to achieve the goal of getting the championship ring. He understands that it will cost approximately \$15,000 to supply each player with a ring. He is aware that City Manager Greg Harrison had set up a Goto Page for donations. However, he would like on behalf of the City Commission, to recommend donating \$2,500 from the Commission Contingency toward the purchase of the rings.

A Motion was made by Vice Mayor Burrie, seconded by Commissioner Hardin to donate \$2,500 from the City Commission Contingency fund towards the purchase of the rings. The motion carried unanimously.

Mayor Fisher concluded that the City has been proud of the boys' achievements year after year and was sure the businesses and people across the community will want to join in and take part in the donation also.

Greg Harrison, City Manager clarified that the City's IT Department had offered to assist but the boys had already had the donation outreach going with the Booster Club. Therefore, for those in the audience or watching by TV, the GoFundMe is called "ETEXPRESS CHAMPIONSHIP FUNDRAISER," which will take you to Blanche Ely Tiger Pride logo, where you will be able to make a donation right on GoFundMe.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**B. PRESENTATION**

[18-283](#) Presentation of the Actuarial Valuation Report for the City of Pompano Beach General Employees' Retirement System as of October 1, 2017 by Board Actuary, Mr. Todd Green of Cavanaugh Macdonald Consulting, Inc.  
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Andrew Jean-Pierre, Finance Director indicated that the City relies on the Cavanaugh Macdonald Consulting, LLC Actuarial report for the General Employees Retirement System to determine the City's funding contribution.

Todd Green, Cavanaugh and Macdonald Consulting, LLC, provided the attached annual report (**Exhibit 1**) on the City of Pompano Beach General Employees Retirement System.

Comr. Sobel inquired how the City of Pompano Beach stacks up compared to the other municipalities in Broward County in terms of the unfunded amounts.

Mr. Green responded it is better to think more about the funded ratio because the plans are different in sizes and benefit structures, rather than the amount. But to answer the question, he said the City is right in the middle, which is not the worst they have seen but it is not at the top either.

Comr. Sobel requested clarity on the mandatory amount of \$235,000 required to be contributed, and asked if this amount is included in the upcoming fiscal year, to which Mr. Green responded yes.

Mr. Green explained how the unfunded amount of \$75 million is being funded. He said 75% of \$9.3 million will pay off the unfunded liability.

Comr. Sobel asked what plans do they have for the future to address the unfunded growing \$75 million amount, without speculating.

Mr. Green responded there is a plan and explained how the process works. In sum, he said listed in the backup material is an amortization table which states the plan to pay off the unfunded portion of the plan. He said the plan will be fully funded within thirty years if there are no benefit improvements, and if all assumptions are met.

Mayor Fisher indicated that when dealing with a fluid document there is no crystal ball to provide what the future will predict.

Comr. Sobel inquired if there is another recession in the next thirty years at any time, how would it impact the growing unfunded amount.

Mr. Green indicated that he expects recession at some point in the future, because there has been a nice run in the market in the last ten to fifteen years. He explained that when the market is doing well they are saving money to help offset any reductions or recessions that occur in the future. He said that is built in, and unless it is something prolonged, then similar to what happened in 2008, the plan will be negatively impacted. In fact, he mentioned that there is a \$3.5 million built into the plan that they are not counting, as this will contribute to the smoothing out process over time.

Comr. Hardin asked about the historical ratio that was overfunded in years gone by, and how much was the City's contribution back then.

Mr. Green replied that it was approximately \$1 million.

Mayor Fisher thanked Mr. Green for his presentation.

### **C. AUDIENCE TO BE HEARD**

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

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 person was called to speak:

**Survey by W. Mack Associates Inc.** - Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that he saw an article in the Pelican newspaper that \$74,500 was agreed upon to do a survey and he opined this is a scam. He provided his reasons how the City could spend less for similar services by utilizing a telemarketing team to conduct the survey.

**D. CONSENT AGENDA**

There was no discussion on Consent Agenda items 1 through 13.

1. [18-269](#) Approve ranking order for RLI E-11-18 Continuing Contract for Electrical Engineering Services, and authorize staff to negotiate contracts with the two highest ranked firms: Hillers Electrical Engineering, Inc. and SGM Engineering, Inc. (No cost at this time.)  
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

2. [18-247](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE STUDY ENTITLED, "POMPANO BEACH SHORT TERM RENTALS: RESEARCH AND RECOMMENDATIONS," PREPARED BY KEITH AND ASSOCIATES, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

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

**Enactment No: RES. No. 2018-110**

3. [18-265](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR THE MONITORING OF DEVELOPMENT ACTIVITY AND ENFORCEMENT OF PERMITTED LAND USES IN THE EAST TRANSIT ORIENTED CORRIDOR (ETOC); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

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

**Enactment No: RES. No. 2018-111**

4. [18-270](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/David Recor)

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

**Enactment No: RES. No. 2018-112**

5. [18-260](#) 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 HOLY CROSS HOSPITAL, INC. TO PROVIDE USE OF THE CITY'S AQUATIC CENTERS FOR OUTPATIENT AQUATIC THERAPY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Licensee will pay the city on a monthly basis \$12.50 daily rate individual sessions and \$6.25 for group sessions for each patient. )

(Staff Contact: Mark Beaudreau)

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

**Enactment No: RES. No. 2018-113**

6. [18-261](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY, ACCEPTING A GRANT IN THE AMOUNT OF \$58,000.00 TO FINANCE PLAYGROUND EQUIPMENT AT MCNAIR PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive \$58,000 in grant funds)

(Staff Contact: Mark Beaudreau)

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

**Enactment No: RES. No. 2018-114**

7. [18-266](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HOLA MUNDO!, LLC TO PROVIDE A BILINGUAL SUMMER CAMP FOR BOYS AND GIRLS AGES FOUR TO THIRTEEN YEARS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Licensee will pay the city \$3,000 for the use of Beach Pavilion #2.)

(Staff Contact: Mark Beaudreau)

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

**Enactment No: RES. No. 2018-115**

8. [18-267](#) 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 MINORITY HELP, INC. TO HOST A BRAZILIAN FOLK FESTIVAL AT THE MULTI-PURPOSE FIELD LOCATED IN COMMUNITY PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to provide \$1,688 in in-kind services)

(Staff Contact: Mark Beaudreau)

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

**Enactment No: RES. No. 2018-116**

9. [18-272](#) A RESOLUTION 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 NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., TO PROVIDE SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM SERVICES; PROVIDING AN EFFECTIVE DATE.



(Fiscal Impact: \$152,000.00)

(Staff Contact: Eddie Beecher/Bobby Bush)

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

**Enactment No: RES. No. 2018-117**

10. [18-279](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$40,805.91, PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA DESIGN DRILLING CORP. FOR THE WATER AND REUSE TREATMENT PLANTS METER REPLACEMENT PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$40,805.91)

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2018-118**

11. [18-284](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NW 5TH AVENUE BETWEEN NW 18TH STREET AND NW 2ND STREET TO A DUAL DESIGNATION OF ELLINGTON AVENUE AND NW 5TH AVENUE WITH NW 5TH AVENUE TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided by requester))

(Staff Contact: Robert McCaughan)

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

**Enactment No: RES. No. 2018-119**

12. [18-287](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF

MUNICIPAL LIENS AMONG THE CITY OF POMPANO BEACH, GUSTAVO PINEIRO, AS TRUSTEE, AND AC HOMES, LLC TO RESOLVE PENDING CITY'S FORECLOSURE ACTION AGAINST THE PROPERTIES LOCATED AT 2556 NW 4TH COURT, 412 NW 6TH STREET AND 416 NW 6TH STREET; ACCEPTING CONVEYANCE OF 412 NW 6th STREET AND 416 NW 6th STREET TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Fawn Powers)

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

**Enactment No: RES. No. 2018-120**

13. [18-280](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING THE CERTIFIED RESULTS OF THE MARCH 13, 2018 SPECIAL MUNICIPAL ELECTION FROM THE BROWARD COUNTY CANVASSING BOARD, BROWARD COUNTY SUPERVISOR OF ELECTIONS OFFICE, WITH RESPECT TO THE BOND REFERENDUM CALLED AND HELD IN THE CITY OF POMPANO BEACH, FLORIDA, PURSUANT TO RESOLUTION NO. 2018-01 ADOPTED BY THE CITY COMMISSION ON OCTOBER 10, 2017; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2018-109**

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

*Mark E. Berman, City Attorney, advised that items 14 - 15 are listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.*

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

14. [18-277](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A TERMINATION/RELEASE OF DECLARATION OF RESTRICTIVE COVENANTS FOR PROJECT ACCESS BY AND BETWEEN BRIDGE POWERLINE, LLC AND BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Director, Development Services Department, presented the item and indicated that the resolution requests to terminate a declaration of restrictive covenant for the project access that was agreed to by the previous property owner. The subject property is located at 1951 North Powerline Road. He continued to say that in 2010, Waste Management agreed to a restrictive covenant preventing trucks from accessing Powerline Road. The restrictive covenant was a condition in exchange for not constructing a turn lane on Powerline Road. Bridge Development has since acquired the property and has agreed to construct the turn lane, which is provided for in its major site plan approval, as well as the plat note amendment. The turn lane is also depicted on the paving, grading, and drainage plan included in the City Commission's backup material.

Additionally, Mr. Recor stated that the development will be constructing a Class A industrial warehouse distribution and logistics center on the property. Staff recommends approval as presented.

Nectaria Chakas, Esq., Lockrie & Chakas, P.A., on behalf of the owners, 401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL, stated that this is a housekeeping item along with the following item. She stated they received site plan approval from the City and as part of the approval process, they went to the County to amend the plat note that had a condition placed on it at that time, where they were required to build a turn lane but the County waived the requirement providing there is a declaration of restrictions limiting access. The current owner purchased the property and as part of the site plan approval will be constructing the turn lane as required by code.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-121**

**15. 18-271 P.H. 2018-58: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A FOURTEEN FOOT UTILITY EASEMENT LYING NORTH OF AND PARALLEL TO NE 2ND STREET BETWEEN NE 1ST AVENUE AND NE 2ND AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Director, Development Services Department, presented the item and stated that the ordinance proposes to abandon a 14-foot-wide utility easement on the property located north of and parallel to NE 2nd Street between NE 1st Avenue and NE 2nd Avenue. The abandonment request was considered by the Planning and Zoning Board on January 24, 2018, and was unanimously recommended for approval. There were no objections identified by any service provider and the abandonment request meets the standards for review in Chapter 155. Staff recommends approval as presented.

Nectaria Chakas, Esq., Lockrie & Chakas, P.A., on behalf of the owners, 401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL, indicated this is another housekeeping item similar to the previous item. Site Plan approval was received for the site and one of the conditions for approval by the Planning and Zoning Board is a requirement for them to vacate the easement that bisects the property. The utility easement is no longer needed; therefore, they will abandon it according to the Planning and Zoning Board requirements.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**END OF QUASI-JUDICIAL PROCEEDING**

16. [18-268](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE DEVELOPER'S AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HABITAT FOR HUMANITY OF BROWARD, INC.; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$641,960.00)

(**Staff Contact:** David Recor/Jae Eun Kim)

David Recor, Director of Development Services Department, presented the item, and stated that the resolution authorizes the execution of a first amendment to the developer's agreement between the City of Pompano Beach, and Habitat for Humanity of Broward Inc. (Habitat), originally approved by the City Commission on July 28, 2017. He stated in December 2017 Habitat purchased approximately 3.5 acres of adjoining property from FDG Rail Holdings 22, LLC. The additional property enabled Habitat to improve its stormwater management system from a series of catch basins and infiltration trenches to a drier retention area constructed on a portion of the adjoining 3.5 acres. He said Habitat's investment in this new affordable housing, single-family residential subdivision totals approximately \$3 million. Their costs to include water distribution, sanitary sewer, and reclaimed water totals \$641,960. The proposed first amendment provides for two primary considerations.

First, the 3.5 acres of adjoining property will be conveyed to the city via two separate parcels, Exhibit J of the agreement identified as the drainage parcel and Exhibit K identified as the second parcel, the future use of which will be determined by the city. These two parcels are collectively referred to as the dedication parcels. In exchange for conveyance of the dedication parcels, the first amendment provides that the city will reimburse Habitat the cost of its utility installation totaling \$641,960, which will be funded by the city's utility fund balance.

The second primary consideration of the first amendment allows Habitat to provide the city with a bond for the final lift of asphalt in the subdivision. This allowance will enable the city to issue certificates of occupancy for the newly constructed single-family homes.

Finally, Mr. Recor indicated that as the resolution states, the city desires to partner with Habitat as means of achieving future reduction in housing costs, meeting local housing needs and insuring decent, safe, and sanitary conditions for income qualified persons and families. In addition, having quality affordable housing options for all family generations including senior housing is identified as an objective of goal number one, Preferred Place to Live, in the city's strategic plan adopted by the City Commission in July 2017.

Comr. Perkins asked about the \$641,960 coming out of the utility funds and whether Rick Case or Habitat should have covered this amount instead of the City.

Greg Harrison, City Manager, responded that Habitat had expended all their efforts on fund raising and it came down to the timing in commencing the construction of the subdivision, when they discovered that there was a drainage problem that needed to be handled. The only way to take care of it was to spend their own money

out of the project for property that belonged to the railroad. When this was brought to staff's attention that this was a requirement of the City on the drainage that they needed to provide, rather than losing the project, there was a suggestion that the city could partner with them on this project. The city would pick up the cost of the utilities in order to make it happen. He explained the rationale behind it, which in the first year, the city would receive \$730,000 in fees from Habitat on the project itself. In addition, there will be the recurring revenue from the utilities going forward for all 77 homes that will be paying the utility bills. Mr. Harrison indicated that he had met with each member of the commission about this matter some time ago and he received the approval to go ahead and work with them on it.

Comr. Perkins wanted to know if any future problems are foreseeable with the project that might transpire prior to commencement, which the city may have to provide monetary assistance.

Mr. Harrison indicated that he was unable to provide an answer regarding this question. However, he said they do not expect any more problems to come up.

Comr. Perkins indicated that she received a number of calls regarding the use of the utility funds for this matter and that there is only \$4.7 million in the utility fund.

Mr. Harrison stated that there is approximately \$10 million in the utility fund.

Andrew Jean-Pierre, Finance Director, stated that based on his latest analysis there is \$4.7 million available for any utility related projects.

Mr. Harrison clarified that as it relates to reserves in the utility fund available for the \$641,960 being utilized, there is a balance close to \$10 million, which Mr. Jean-Pierre explained that there are other reserves available, but for the unrestricted there is an amount of \$4.7 million.

Mayor Fisher explained that the normal site plan that they were coming forward with the drainage issue was in the back yard of the single family homes that would be a ditch for drainage. This would take away from the properties' yards and it would become filled with water at times and create some dangerous issues. In order to make the project even better, the plan came along where the city could take the drainage off the back yard so that those people can use their yards to the fullest extent and bring it to those properties. Mayor Fisher noted that he sees it as an investment in the community to make it much better and making it more enjoyable for those 77 residents that will join the city, as well as to provide a quality type home. He reminded everyone about the Ortanique project that at certain points they had a drainage that took away a lot of the property of the residents' back yard to enjoy. In sum, the investment return in one year represents a win - win for everybody.

Comr. Moss indicated that sometimes it is useful to reduce this to a percentage to make things a little bit clearer. He said if this cost would come to \$8,338 per house, which for the smaller houses constitutes 4.9% and the larger 4%. So, it is a small investment that the City is making, which would be 4% of the total cost of the house. Therefore, Comr. Moss agreed with Mayor Fisher that it is a small investment to make in such a big project that will be important to the neighborhood.

Comr. Hardin noted that with the Ortanique project the City paid for the infrastructure also.

Comr. Sobel indicated that it is an important project for the entire community for a number of reasons, which he stated, and he asked, where would the funds be coming from.

Mr. Recor responded that there is an itemized cost for the water distribution, sanitary sewer, and reclaimed water fund that would total the \$641,960 to be used in this situation.

Comr. Sobel continued that it is just not a money issue, but there are \$3 million being put back into the community and it is a rare opportunity that the City does not see very often, which is the creation of an entire quality affordable community in which they are not only building quality, but there is a vetting process for the members of the community who are going to reside there who will add an enormous amount of enhancement and value to the City at large. Therefore, he will be voting for the item.

Mayor Fisher thanked Mr. Harrison for bringing this idea forward. In addition, Mayor Fisher understood that this would be the “last piece of the puzzle” as it relates to money coming from the City, because Habitat has funding for everything else and as soon as this is approved they will be able to receive the permit and commence the project.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-122**

17. [18-239](#) **P.H. 2018-54: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND PFM FINANCIAL ADVISORS, LLC, TO PROVIDE FINANCIAL ADVISORY SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: On an as needed basis, based on the stated fees in the agreement.)

**FIRST READING: MARCH 13, 2018**

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director presented the item and stated that there were no changes from the first reading of the ordinance.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-50**

**18. 18-240 P.H. 2018-57: (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 REINSTATEMENT AND EXTENSION TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE BROWARD SHERIFF'S OFFICE AND CITY OF POMPANO BEACH ALLOWING FOR THE ADMINISTRATION OF THE COMMUNITY ORIENTED POLICING SERVICES HIRING (COPS) GRANT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated that during fiscal year 2015, the City was awarded and accepted a \$1.1 million COPS hiring grant for the purpose of retaining nine School Resource Officers (SRO) for over a four-year period. Therefore, the Memorandum of Understanding (MOU) will provide for the extension of the administration of the grant and will be carried out by the Sheriff's Office. The MOU is a requirement of the COPS hiring grant in order for the City to continue to draw down grant funding. There is no additional cost for the purpose.

Mayor Fisher said he understood that the City did not spend all the money so the agreement is being extended.

Ms. Diamanti explained that there was a delay in the beginning when the City received the grant. She said although the City received the grant in 2014, they did not receive the money until 2016, and the grant timing will expire in February 2018, so the City is looking to extend it until August, to draw down on the remainder of the funding.



Comr. Sobel asked if the City is extending the agreement for three years, as well as extending the grant availability for three years.

Ms. Diamanti responded that the funding is not being extended, instead the City will have to withdraw the funding within one year then the grant will stop. It expires in February, so to allow withdrawal of the remaining of the funds there is a need to extend it for one more year.

Comr. Sobel asked if the City will have the matching grant for the three years, which Ms. Diamanti replied yes. However, Comr. Sobel asked, for the fourth additional year does it mean BSO is paying the full cost.

Ms. Diamanti replied, "we need to pay the full cost."

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

19. [18-257](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING AMONG THE CITY OF POMPANO BEACH, AZUR EQUITIES, LLC, AND FLORIDIANS FOOTBALL CLUB INC., RELATING TO THE DESIGN, CONSTRUCTION AND OPERATION OF A SPORTS COMPLEX AT THE CITY'S 12 ACRE PARK IN PALM AIRE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1.5 million)

**(Staff Contact: Horacio Danovich)**

Horacio Danovich, CIP Manager, presented the item and stated that the agenda item seeks the City Commission's approval to enter into a Memorandum of Understanding (MOU) with Azur Equities, LLC, which is a company that oversees the Floridians Football Club Inc. The goal is to give the applicant an opportunity to get the process started and to have some understanding of each entity's responsibility. They would have to go through the process with the County, get approvals from different government agencies, then the City has to do a remediation of the site to make it available and ready to go. He said the MOU will be setting the ground rules for approximately one year for the process to take place. Once the process is completed, a full developer's agreement will be brought before the City Commission, as well as a lease agreement, which will be the binding agreement between the two parties. He also said he will be requesting approval from the City Commission to allow him the opportunity to allocate funding to do the remediation, which would cost approximately \$1.5 million.

Mayor Fisher asked what is the recovery cost on the \$1.5 million.

Mr. Danovich responded that up to 75% can be received for every million as long as the million is spent on different calendar years. Therefore, if he could negotiate for \$1 million to do the project and not exceed that, then he could recover \$750,000, if not, it will depend on timing.

Kent Barding, 901 NW 31st Avenue, Pompano Beach, FL, voiced his concerns about the soccer training facility proposed for the location. He stated that it will be located next to the Golfview Estates, which is a 55 and older retirement community, which will severely affect the quiet enjoyment of the residents. He said to squeeze such an ambitious project into the narrow and hidden space is not only bad for the residents, but a disservice to the soccer complex, which is depicting such a nice facility. So, to have them squeeze into such a narrow area with no frontage on the main roadway, they will not be able to fit everything they require on the one parcel, and will have to spread it over several acres.

Phyllis Smith, President of Collier City Civic Association, Pompano Beach, FL, stated that the project is good for the community kids. Moreover, it is adjacent to the Collier City community. In fact, she said the warehouse was a bad idea and she wish Golfview would have spoken against it, but they did not, yet it is in their “front door.” However, this project will benefit the children and the retirees will have grandchildren that will enjoy the soccer stadium. She said she is excited and have been waiting for this project to commence.

Jocelyn Jackson, Pompano Beach, FL, asked about the location of the proposed sports complex.

Mr. Danovich stated it is the 12 acres site that the City owns on NW 31st Avenue, just north of Atlantic Boulevard on the west side of the street.

In response to Ms. Jackson’s question whether it will be available internationally, Mr. Danovich responded that there will be international events that the applicants will organize, as well as the Pompano Beach children will have access to the facility.

Ms. Jackson wants to ensure that the local kids will have accessibility, and asked if any specifics will be in written form to allow for this.

Mr. Danovich stated that there are provisions in the original proposal that gives the locals a preference in pricing and scholarships. Therefore, the local children will receive bigger benefits and greater opportunities than those who do not live within the City of Pompano Beach.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that the project is awesome and has been worked on for a long time. The end result of the project will be a real boom for the northwest community and the City as a whole. He hopes the permitting process can be expedited and once the site is cleaned up, the children will be able to enjoy it. He asked if they were still going to put a water feature in the park.

Mr. Danovich responded that the feature was in the original proposal but it will be subject to the City’s ability to complete the design as desired.

Mr. Brading asked if the facility will be opened to the public free of charge or will there be a membership fee that the public has to pay to use it. Also, will it be an open park for anyone to come in to play.

Mr. Danovich responded that the facility will be privately managed and operated for the purposes of establishing a team that will represent the City of Pompano Beach internationally. It will serve as a feeder to these teams in the future. He said children that are in the City of Pompano Beach who cannot afford to pay the fees will be afforded the opportunity through scholarships, which the proposers have already included in the proposal to the City.

Mayor Fisher explained that it will be a public private partnership.

David Miller, Pompano Beach, FL, stated that the word complex conveys the idea that it is a recreational center. Nevertheless, the project is a good idea for the area.

Michael Skversky, Pompano Beach, FL, asked how will a child qualify to play on the soccer field.

Mr. Danovich explained that they will have to apply and the management team will evaluate their ability to do what they need to do, and on a first come basis there will be scholarships for up to a year with funds allocated for it. He said it will be a professionally operated facility and there will be limitations as to how many people can sign up and play at the facility at any time.

Mayor Fisher reminded everyone about the project that went out for a Request for Proposal (RFP) approximately one and half year ago. The City Commission approved the developer to move forward with the development of the soccer facility. In addition, the developer was approved by the Community Redevelopment Agency (CRA) for multiple lots to build about 70 plus townhomes that would be for sale or rent. So it is not something new. Moreover, the property had to be designated as a brownfield and it went through the process. It has been discussed at the Collier City Community meetings, and there has been a groundbreaking on some of the townhomes on NW 27th Avenue that will be built. So, it has gone through the process and this is just a small piece of the puzzle tonight of the steps to be taken to get the process of the land cleaned and approved, to get to the development agreement and ultimately the development.

Michael Bell, Pompano Beach, FL, asked if this project would bring value to the City and increase the economics.

Mr. Danovich responded by providing a brief history of Lou Altidore who was bought out by the current group, which is renown international figure around the world and represented the United States of America with a national team, so this is what is being brought to the City of Pompano Beach.

Mr. Bell asked if there would be minority participation in the ground and construction building.

Mr. Danovich stated that the provisions indicate a minimum of 10% in both cases.

Mr. Bell stated that he is pleased with the idea for the community because it will create jobs, which is important to the City. Also, minority participation so everybody will be included, and the kids will get to go somewhere

to watch professional soccer.

Brianna Beetle, Pompano Beach, FL, expressed concerns with her current conditions living in Parkside Commons, which is a couple of blocks away from the proposed project site. She complained that the property manager, Christina Costa, has been harassing her. Moreover, there is gang violence, shooting and prostitution, which the property manager is not making the safety of the kids her first priority. Therefore, she believes something should be done with the apartment complex.

Mayor Fisher instructed Chief John Hale, Police Chief to meet with Ms. Beetle to talk about the crime in the area and hopefully, he along with City staff would be able to assist and guide her.

Mr. Miller stated that he likes the project but he does not like the density, which will make NW 31st Avenue and Martin Luther King Boulevard congested.

Comr. Moss stated that he is excited about the project not only for all the benefits to the City as stated earlier, but the architecture is great, and it will bring a lot of economic opportunities. Also, millions of dollars will be paid in taxes to the City. The rent schedule on the land lease amounts to \$2 million, which will pay for itself ten times over. This is a win-win for everyone and he encouraged the City Commission to vote for it.

Comr. Sobel stated he shares the consensus, and as discussed one and half years ago when the project was presented, he thinks the way the project was designed and the location for the benefit of the surrounding community, as well as the City at large, has an enormous potential to enhance the reputation and quality of Pompano Beach. Comr. Sobel indicated that he admires Mr. Danovich's optimism, but he does not agree this can be done in a year in terms of the initial permitting. However, the sooner it gets started and working together to do what is necessary the better.

Mayor Fisher reminded everyone that the 10 acreage was given to the City as a gift through the Palm Aire development that was made to Comr. Moss. So, this land was freely given to the City to enable this project to be done. He concluded, it is a long road, planning, visioning, and currently steps are being made to make it into a reality.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-123**

20. [18-285](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MONTH-TO-MONTH PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CREATIVE CITY COLLABORATIVE OF POMPANO BEACH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$65,000 per month = \$390,000 for 6 months )

**(Staff Contact:** Phyllis Korab/Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that this is a new agreement with the CCC organization, which is on a month to month basis with the amount not to exceed \$65,000, during the time it has an expiration date of September 30, 2018. Staff fully expects to make the transition sooner. Therefore, effective March 31, 2018, the City of Pompano Beach is assuming all operations, management, and programming at the Pompano Beach Cultural Center. The proposed agreement provides for a final transition of the City's new Cultural Affairs Department that assumes this responsibility. He said during this transition period CCCPB will support current commitments to operations, management and programming at the Pompano Beach Cultural Arts Center and continue to work with the city to fully implement an orderly transition to the City of Pompano Beach operations management programming of the center. He stated that final transitioning details are still in the planning process, so staff will be working with the assimilation of the CRA facilities, as well as the CCC people into the system.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated since this will be a month to month contract, would the City be closed minded to the idea if a credible firm came in to say they could manage it, would they be excluded from the opportunity. So, instead of adding more personnel to the City's pension benefit program, a credible company could provide an unsolicited proposal that could be considered.

Mayor Fisher responded that he thinks if they do, they need to do it quickly, because the City has been aggressively trying to find that cultural arts specialty.

Mayor Fisher asked if the current employees working would have the opportunity to be able to gain re-employment and what would that process be, because he understands from Assistant City Manager, Phyllis Korab, there would be assistance from her department to work with the Human Resources Department to get involved to assist those employees to get their applications and so forth. He knows some of those employees have had some fears about this period.

Mr. Beaudreau stated that everyone will have the same fair competitive opportunity to compete for those positions. Therefore, there is not a simple transference over of employees, instead they will apply and go through the process.

Mayor Fisher asked if the City will assist them in this regard.

Mr. Beaudreau replied yes. Ms. Korab had a meeting with the CCC people last weekend and assured them that Human Resources is available to assist them in whatever way to provide the expertise in completing and submitting and application online. So they will have the same fair competitive process to go through.

Comr. Sobel stated that he will be approving the contract with extreme caution and provided his reasons. He is approving because of the importance in the long run what the success of the cultural arts center means to the city at large. Also, the routine meetings and emails that he had with Mr. Tipton, Mr. Beaudreau, Ms. Korab, and people who are now overseeing and taking charge and doing what should have been done from the beginning. He believes the company hired to take on this venture from the onset had credible experience to take the lead but they failed. He said the problem with hiring some of these consulting firms when they are not properly managed and when there is not proper oversight, it is the taxpayers who pay the ultimate ticket. Therefore, he has a strong aversion to the City taxpayers being the safety net for private mismanagement or consulting companies/boards that do not do their job.

In sum, Comr. Sobel indicated that the City will be recognized of being diligent in this continued oversight, if this second opportunity is provided.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-124**

21. [18-220](#) **P.H. 2018-49: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM FEBRUARY 27, 2018**

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED to the May 8, 2018 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

22. [18-278](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DONALD H. TOTTER** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MICHAEL DEBERRY, ALTERNATE 2; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

Donald H. Totter, District, 1

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Sobel, seconded by Commissioner Moss to insert the name DONALD H. TOTTER, and that the Resolution be ADOPTED. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2018-125**

**F. REPORTS**

**Gregory Harrison, City Manager - Notably Awards** - Mr. Harrison reported that during the last few months the City of Pompano Beach has been awarded several really cool awards as listed:

- Expedia named the City of Pompano Beach the number one best place to escape to in the United States.
- Money Magazine named the City of Pompano Beach the fifth best place to go retire to in the United States.
- Trip Advisor named the City of Pompano Beach fifth out of the top ten up and coming cities in the United States.

- CNBC recently named the City of Pompano Beach the number seven throughout the United States for active retired adults.

He said these are really nice awards for the City of Pompano Beach, Florida.

Mr. Harrison asked the City Commission to congratulate Suzette Sibble, Erjeta Diamanti, Andrew Jean-Pierre and the Finance staff, because they just completed the seventh consecutive clean audit for the City of Pompano Beach.

Mr. Harrison reported that in mid-April two lanes of the Atlantic bridge will be shut down to commence work on the bridge. The two lanes will be closed for four months between the hours of 9:00 a.m. and 4:00 p.m.

Mr. Harrison reported that they closed out the A1A watermain project the last few weeks.

Finally, Mr. Harrison thanked the residents for placing their faith and trust in the City Commission and staff by approving all three ballots on the bond issue. He said there will be 25 very critical capital improvement projects funded and staff will deliver on the promise for all of those projects.

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

**Asceleta Hammond, City Clerk - Supervisor of Elections Outreach Team Visit** - Ms. Hammond reminded everyone that the Broward Supervisor of Elections Outreach Team will be visiting and stationed at City Hall on Tuesday, April 10, 2018 from 10:00 a.m. to 3:00 p.m. to answer questions regarding voters' registration and changing of addresses and so forth.

**Commissioner Rex Hardin - Fish Display** - Comr. Hardin reported that recently the second round of the painted fish unveiling was held at the Cultural Center on the front lawn. He indicated this is a continuation of the previous painted fish program. So, "hats off" to the public art committee and everybody involved with this effort, as well as the artists that participated. The fishes will be on display for one month, therefore, he invited the residents to stop by and enjoy.

**Lifeguard towers price tags** - Comr. Hardin pointed out that there was an article in the Sun Sentinel newspaper regarding some lifeguard towers that will be constructed in the City of Delray Beach. He said the residents had raised questions about it and the Inspector General looked into the situation and deemed the price of the towers as reasonable, which amounted to \$126,000 for each tower. He brought this matter up because in one of his attendance to the G.O. Bond presentation a number of people were "aghast" with the City of Pompano Beach price tag for lifeguard towers of \$80,000 each. Therefore, kudos to staff for getting the price for this so much cheaper.

**Commissioner Barry Moss - Collier City Civic Association Meeting** - Comr. Moss reported that Collier City Civic Association meeting will be held on Wednesday, March 28, 2018 at 7:00 p.m. at the Jan Moran Learning Library in Collier City and encouraged all residents of Collier City to attend.



**G.O. Bond Voting Results** - Comr. Moss took a moment to brag about District 5 and the G.O Bond. He said that Collier City on item 1 gave 85.34% of their vote, on item 2 - 86.90%, and item 3 - 83.77%. They were only outdone by John Knox Village who gave 88.19% of its vote to Streets and Bridges, and 77.5% to Parks and Recreation and on Public Safety they gave 84.4%. He congratulated district 5 for being there and making the difference, as well as carrying the weight of which he is very proud of them.

Finally, Comr. Moss indicated that when it is time to work on the projects, he will be reminding everyone of how the Collier City residents voted when it is time to do the McNair Center.

**Commissioner Beverly Perkins - Renaming of Runnette Williams on NW 16th Street** - Comr. Perkins reported that some of her constituents in the community are wondering when the signs will be replaced with Runnette Williams on NW 16th Street, as well as when will the road be resurfaced on NW 16th Street.

Greg Harrison, City Manager indicated that he is unsure as to the exact steps regarding the matter, however, he will check into it and provide an update to the Commission.

**Signage Issues** - Comr. Perkins expressed concern regarding placing of signage in Sanders Park to indicate there is an Elementary school in the area for those coming in the area on NW 16th Street.

Continuing, Comr. Perkins inquired as to when the Martin Luther King Boulevard signs will be replaced.

**Blanche Ely Museum** - Comr. Perkins requested a meeting either sometime this week or next week with the City Manager at the Blanche Ely Museum location to discuss some concerns, which were brought to her attention.

**Blanche Ely Basketball Champions** - Comr. Perkins stated that the City Commission was aware that the Blanche Ely Basketball team would be attending the meeting tonight and felt that they should have left with something in their hands from the City. She understands that the City is helping them to get their rings, and have started a GoFund for them. However, she just felt they should have left with something from the City of Pompano Beach to say that “we are proud of them other than a proclamation, which was good.” She suggested that even if they had left with a certificate or something to say that the City of Pompano appreciates what they are doing as young people, would have been good, because they can always look back on that years from now and say, this is what the city gave us. She reiterated that she is aware that the City Commission is assisting with the rings, but felt that something more could have been done to have them walk away with in their hands to let them know that we really appreciate them.

**Home Improvement Meeting** - Comr. Perkins announced that there will be a free home improvement meeting on Thursday, March 29, 2018 at 6:00 p.m. at the E. Pat Larkins Center. She invited anyone that is interested in this weatherization assistance program to attend. She said the purpose of the program is to reduce energy costs and heating in the home, and to improve health and safety for families. So, all are invited to attend this free home improvement meeting.

**Commissioner Michael Sobel - March in Washington** - Comr. Sobel asked for a follow up on the inspiring march that took place in Washington, as well as the inquiry about whether or not there are any efforts underway by the City itself to try and control by passing some ordinances pertaining to the gun shows within the public buildings, which was discussed previously.

He said he had commented on the bump stops, which are now banned and the high caliber ammunition and the AK-47's. He wanted to know if the City is working on bringing forward any type of ordinances that can try to carve out a judicial exception that will give the City of Pompano Beach the necessary legal authority to move forward, if needed, on future ordinances. Further, he could just tangentially relate to that question that he read about the federal grand jury investigation suggesting that subpoenas were issued to the City of Pompano Beach pertaining to the AK-47 manufacturer. He understands that a subpoena has been issued to the City with regard to records pertaining to whether or not that large employer in the City might have been black listed under the US sanctions as an affiliated Russian subsidiary. He asked if the City Attorney could provide a status on this.

Mark Berman City Attorney indicated that the questions are compounded. He stated that he is aware that the City Clerk's Office has received a request for records for public information regarding the project 762. He said the City is unaware of what it is in relation to, other than what was written in the article. The City was asked for any records it had with regard to the funding request and the program, which was forwarded to the United States Attorney's Office. He is aware that the City received a subpoena for records - "duces tecum" which the City Clerk has responded to the subpoena.

Additionally, Mr. Berman indicated that the City is not working on any legislation to prevent gun shows because we cannot have the 790.33 Florida Statutes legislation preventing gun shows. However, staff is looking into alternative means to ensure the community centers are all family friendly, safe for everyone and usable by everyone. If fruits of the research comes up with anything it will be brought forward to the City Commission. However, they are not legislating in the area of "gun this or gun that or gun shows or gun anything, because we do not do that." In terms of gun shows, the committee has looked at the application and it was approved and they have contacted the promoter because of concerns based on recent tragic events that have taken place here in Broward County, very close by. It is assumed that they will be hearing from the promoter or their attorneys to try and resolve the matter.

Comr. Sobel suggested that the research not be limited to guns but whatever the entity is or whatever the use maybe at the public buildings, and that the appropriate administrative costs be part of whatever it is that is being utilized and the City is being reimbursed 100% of the actual administrative costs. Also, the Broward Sheriff's Office (BSO) should be there to ensure it is safe and that all the current laws, including the recent ones passed by the State of Florida, are strictly adhered to whatever the product maybe that is being sold at the City of Pompano Beach public buildings.

Mr. Berman reiterated that they are not creating any type of ordinance, resolution, regulation or any type of other official action with regard to gun shows or guns at this time. He clarified that what the City is doing is to enter into the first step in litigation, to try and get rid of the odious penalties for even talking about it, for

basically trying to run the city with regard to the proprietary allowances that the State gives or the State constitution allows, which is what the City is exploring currently.

Mayor Fisher indicated that the City Commission voted to move forward with that action.

Comr. Sobel asked since the City Commission approved, how many other cities have since come on board.

Mr. Berman responded that several cities have joined in the litigation and he will have the final tally on Monday or sometime next week, which he will report to the City Commission at its next commission meeting.

**Vice Mayor Charlotte Burrie** - No Report.

**Mayor Lamar Fisher - McNair Playground Equipment** - Mayor Fisher thanked Broward County Commissioner Mark Bogen, who had contacted him with approximately \$58,000 he had in his account to be able to go to some cause, which he chose the playground equipment to offset those costs at the McNair Park. So, Mayor Fisher thanked him for his contribution to continue to improve that park.

#### **G. ADJOURNMENT**

The meeting adjourned at 7:40 p.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk



**Cavanaugh Macdonald**  
CONSULTING, LLC

*The experience and dedication you deserve*

**Pompano Beach General Employees'  
Retirement System  
October 1, 2017 Actuarial Valuation Results  
City Contributions for Fiscal Year 2019**

**Todd Green, ASA, FCA, MAAA**  
**March 27, 2018**



# Benefit Financing



## ➤ Basic Retirement Funding Equation

$$C + I = B + E$$

C = Contributions

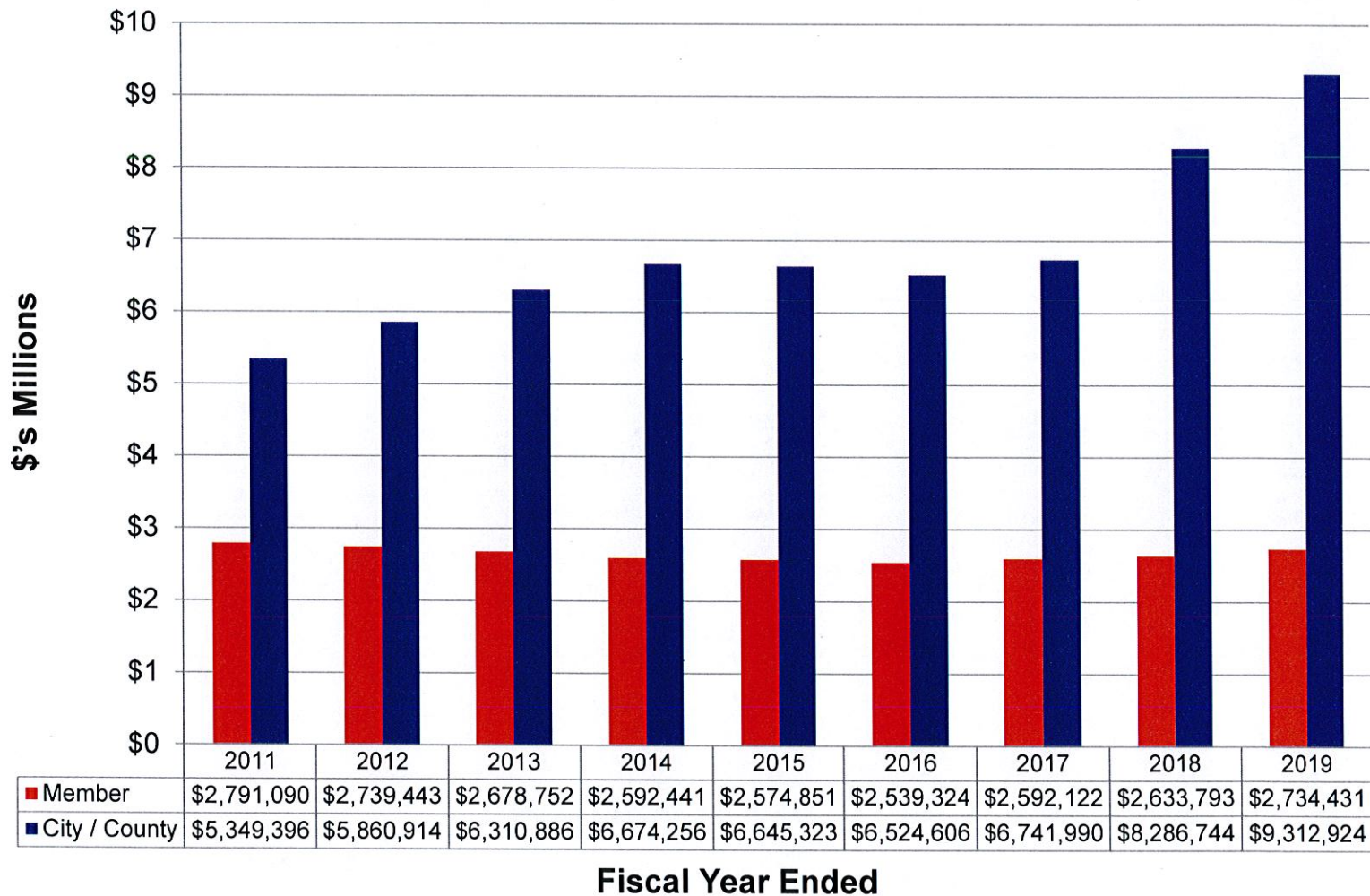
I = Investment Income

B = Benefits Paid

E = Expenses (administration)



# Employer & Member Contributions



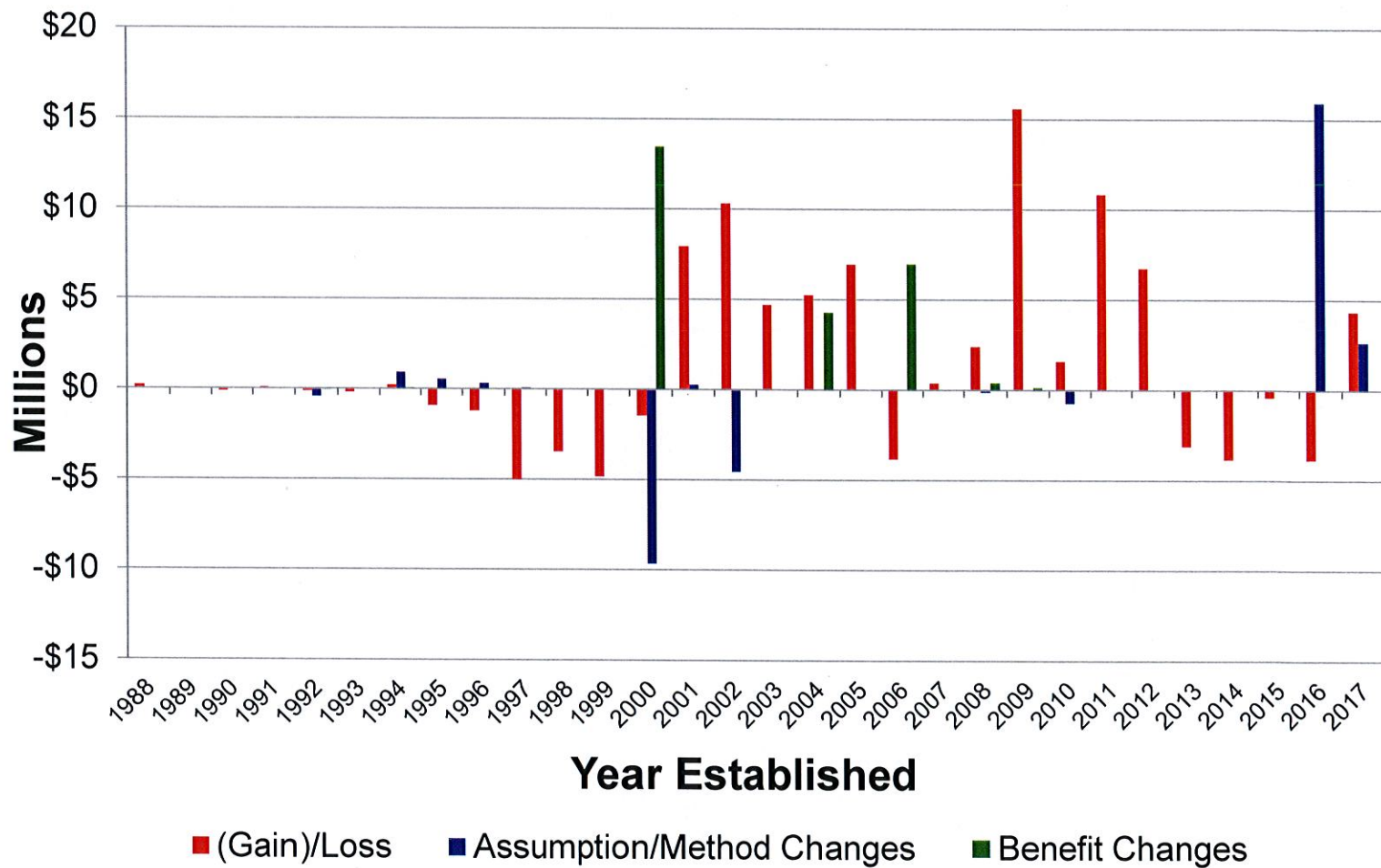
# Comments on Valuation



- \$1,026,180 (~ 12.4%) Employer contribution increase from fiscal year 2018 to 2019
  - 50% of the increase is due to assumption and method changes
  - 50% of the increase is due to actuarial losses

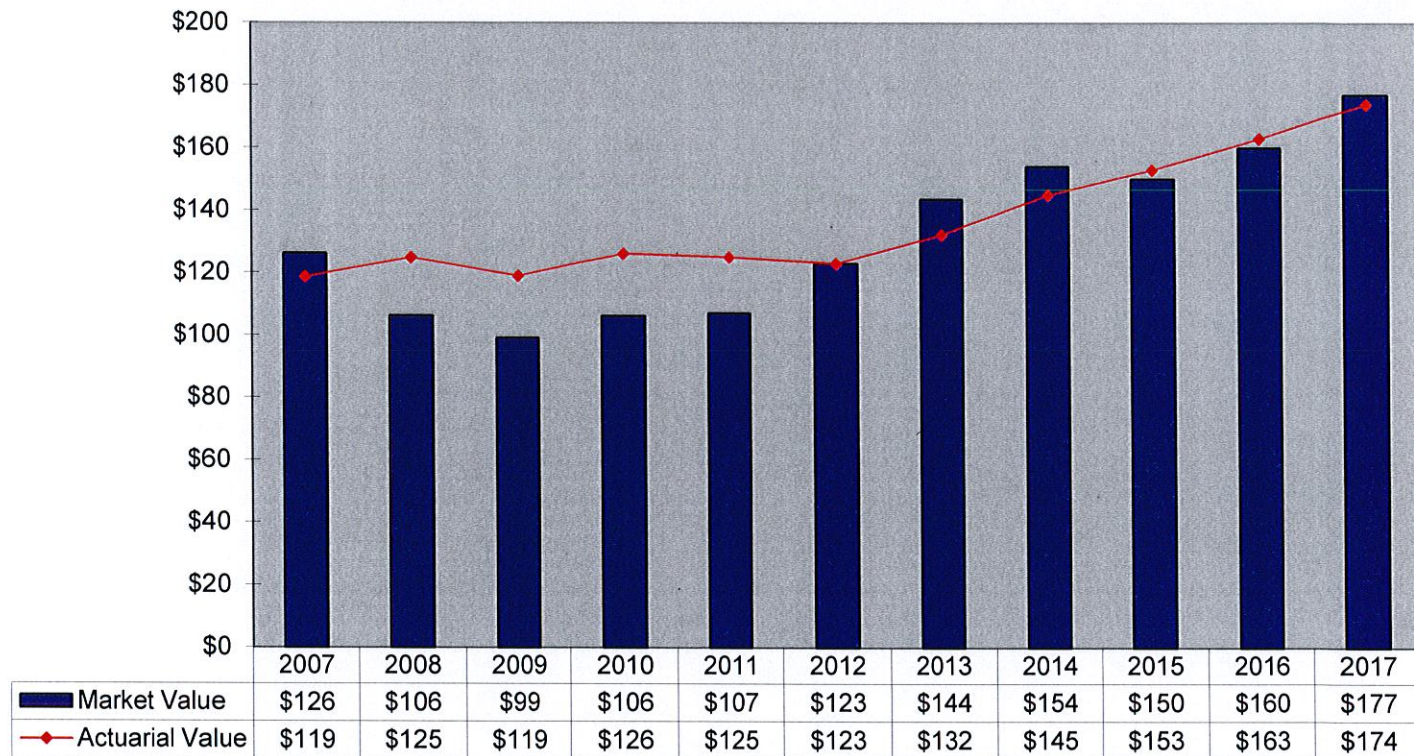


# Unfunded Liability Amortization Bases as of October 1, 2017



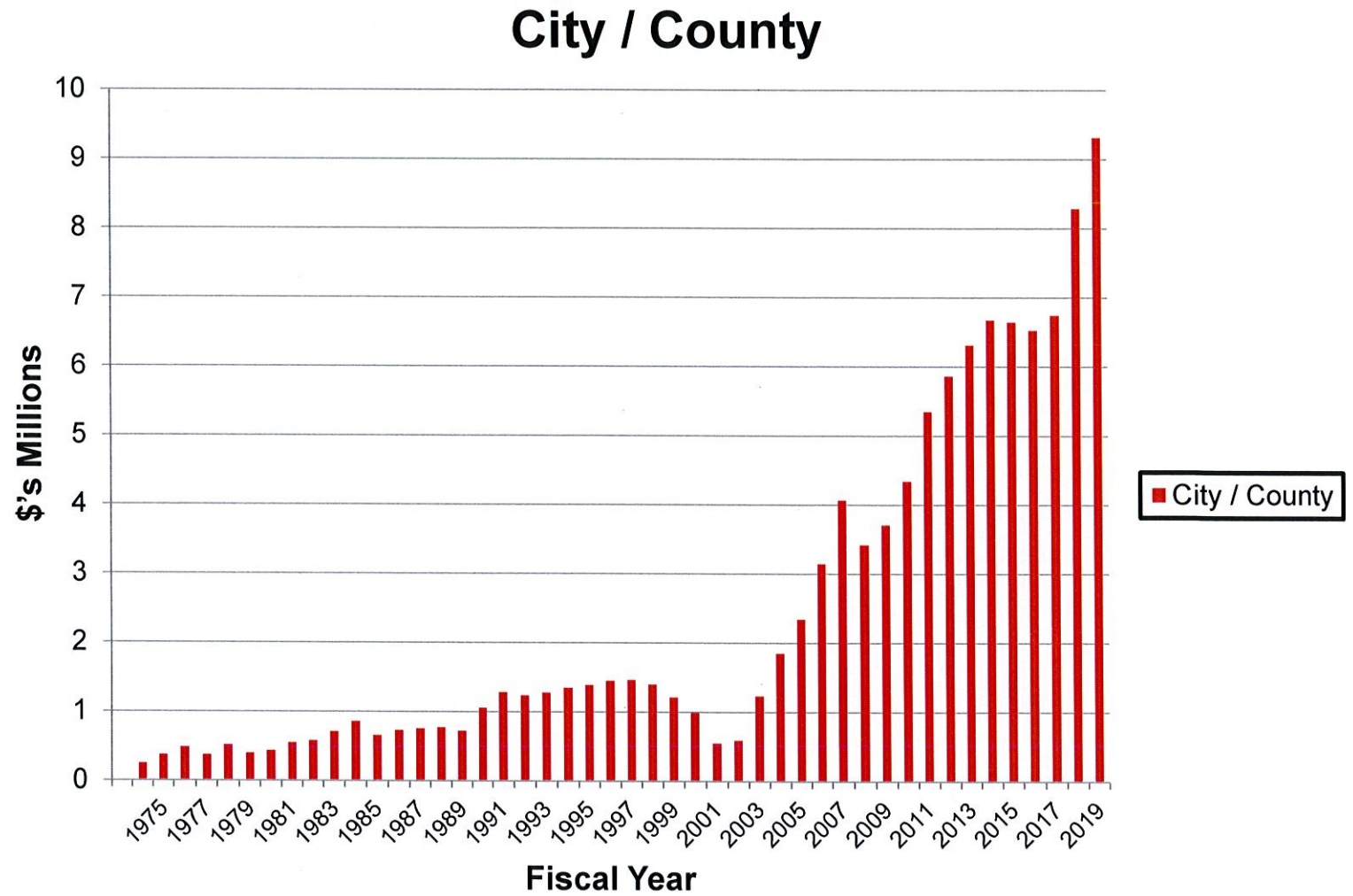


# Assets (\$ Millions)



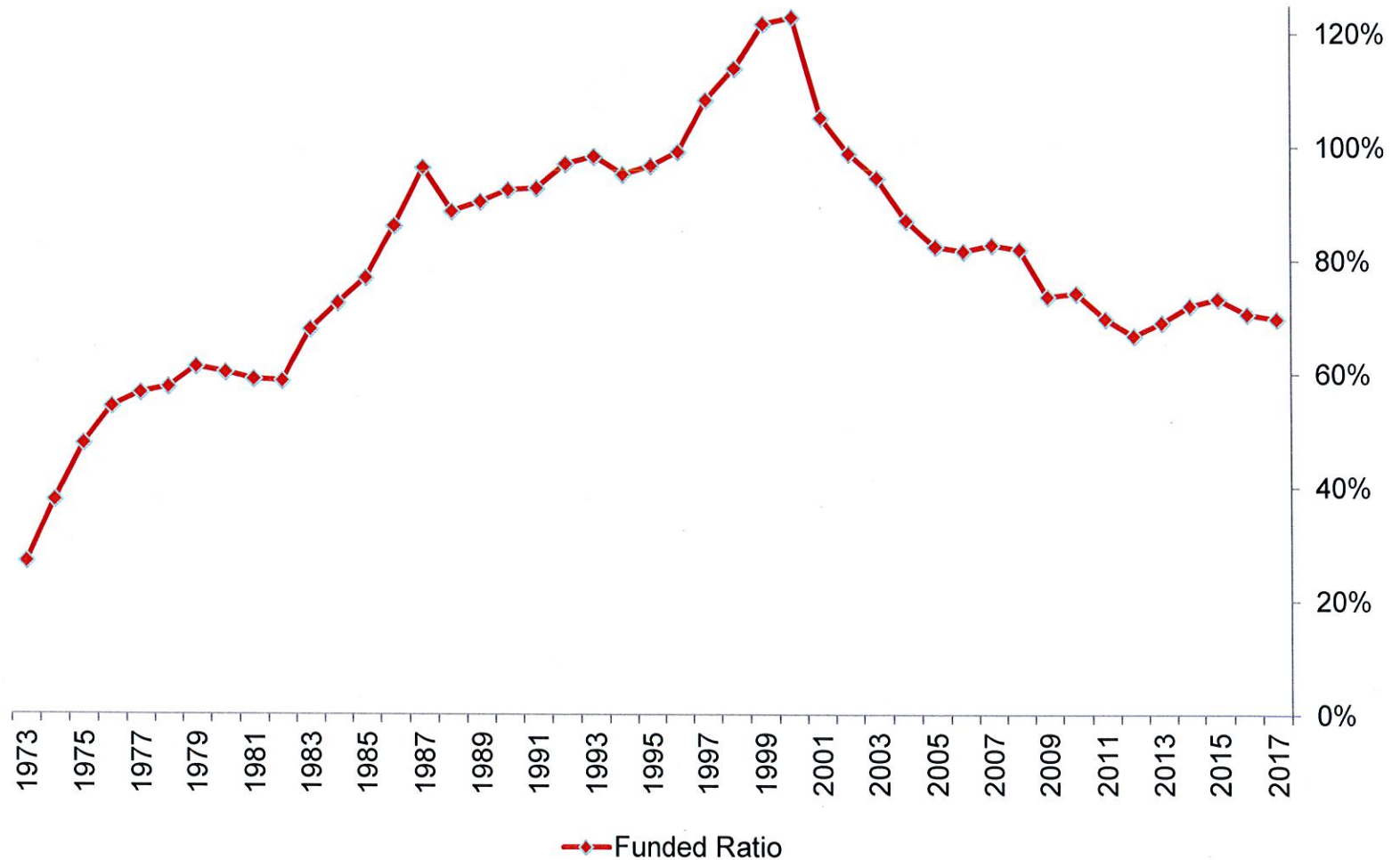
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Market Return	15.1%	(15.7)%	(6.4)%	7.5%	0.8%	16.9%	16.9%	8.8%	(0.2)%	9.6%	13.3%
Actuarial Return	10.3%	5.3%	(4.6)%	6.4%	(0.5)%	(0.2)%	7.5%	10.7%	8.7%	9.4%	9.26%

# Historical Employer Contributions





# Historical Funded Ratio September 30<sup>th</sup>



Valuations prior to 1976 are as of January 1<sup>st</sup>

# Future Outlook



- \$3.5 million in unrecognized asset gains which will be recognized over next 4 years
  - City contribution may decrease due to unrecognized gains absent other factors