



# City of Pompano Beach, Florida

## Special City Commission Meeting Minutes

Agenda No. 2016-19

Date: June 23, 2016

Subject	Page
<b><u>APPROVAL OF AGENDA</u></b>	
Special City Commission Meeting Agenda June 23, 2016	1
<b><u>REGULAR ITEMS</u></b>	
<b>RES. NO. 2016-226:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2016-172 RELATING TO THE IMPOSITION OF A ONE CENT INFRASTRUCTURE SALES SURTAX UPON VOTER APPROVAL; APPROVING A COMPROMISE SALES SURTAXES PROPOSAL BETWEEN THE PARTICIPATING BROWARD MUNICIPALITIES AND BROWARD COUNTY; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE TRANSPORTATION SYSTEM AND INFRASTRUCTURE SURTAXES INTERLOCAL AGREEMENT, ATTACHED AS EXHIBIT "A" AND INCORPORATED HEREIN; SUPPORTING THE COUNTY'S PLACEMENT OF A 30 YEAR ONE HALF-CENT INFRASTRUCTURE SALES SURTAX AND A 30 YEAR ONE-HALF CENT COUNTYWIDE TRANSPORTATION SYSTEM SALES SURTAX ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT IN ACCORDANCE WITH THE SURTAXES INTERLOCAL AGREEMENT AND SECTION 212.055, FLORIDA STATUTES; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.	1-6
<b>RES. NO. 2016-227:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A GENERAL DESCRIPTION OF PROJECTS THE CITY PROPOSES TO FUND WITH THE CITY'S SHARE OF PROCEEDS FROM THE ONE-HALF CENT PER DOLLAR INFRASTRUCTURE PORTION OF THE SURTAX IF THE SURTAX IS APPROVED BY THE VOTERS AT THE NOVEMBER 8, 2016 REFERENDUM ELECTION; PROVIDING FOR PUBLIC DISTRIBUTION OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.	6-8
<b><u>ADJOURNMENT</u></b>	8



# ***CITY OF POMPANO BEACH, FLORIDA***

## **SPECIAL CITY COMMISSION MEETING MINUTES**

Agenda No. 201619

Date: June 23, 2016

Commission Meeting Room

---

The Mayor called the meeting to order at 10:00 a.m. and presided as the chairman.

---

**ROLL CALL:**

***Mayor***  
***Vice Mayor***  
***Commissioner***  
***Commissioner***  
***Commissioner***  
***Commissioner***

**Present:**

*Lamar Fisher*  
*Charlotte Burrie*  
*Barry Dockswell*  
*Rex Hardin*  
*Barry Moss*  
*Edward Phillips*

and

***City Manager***  
***City Attorney***  
***City Clerk***

*Dennis W. Beach*  
*Mark E. Berman*  
*Ascelela Hammond*

**INVOCATION BY:**

*Mayor Lamar Fisher*

**PLEDGE OF ALLEGIANCE LED BY:** *Ascelela Hammond, City Clerk*



Names of Commrs.	M	S	V Y	V N
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N
<b><u>ROLL CALL</u></b>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N

**SPECIAL CITY COMMISSION MEETING MINUTES**

**June 23, 2016**

**PAGE 3**

## **REGULAR AGENDA CONTINUED**

Essentially, staff would utilize the funds and later return to the commission to get the projects approved as well as the approval to execute bonds through sales tax proceeds. Furthermore, a number of cities and counties in the state have done this. In fact, 57 out of 67 Florida counties that are above the 6% tax rate that is currently in effect in Broward County. This proposal would increase the sales tax to 7%. As far as proceeds to the City, staff would be considering the first 20 years. Currently, a conservative estimate would be around \$7 million per year that can be utilized to repay a bond in order to finance projects.

In sum, Mr. Harrison stated that all those funds would return to the City incrementally as the need arises. Moreover, many questions have been asked about the sales tax in general. However, the positive side of using a sales tax to finance projects of this nature, approximately 30% of the proceeds of sales tax comes from outside the geographic areas of all of the different cities. Also, the sales tax is not assessed on groceries or medicine, and individuals can file a form 1040 and itemized the deductions on their income tax.

Mayor Fisher clarified that the percentage of the half of a cent would be based on the population. Also, he noted that this is to bring to the attention of the voters that this is not a vote for the sales tax. It would be placed as a referendum so the voters can consider it in November.

Comr. Dockswell stated he was under the impression that the cities considered it a deal breaker to have to give up a portion of the City's half of the cent at some point in time during the 30 year period. He questioned why staff did not hold firm not to give up a portion of that half of a cent.

Mr. Harrison responded that staff held fast and witnessed a 4-4 tie. The interlocal agreement was placed on the table to be revisited after recess; however, during recess all the cities met and decided that if the county would contribute on a 13% requirement of the cities' infrastructure tax, then it was going to be required by the county to spend it on transportation.



Names of Commrs.	M	S	V Y	V N

**SPECIAL CITY COMMISSION MEETING MINUTES**

**June 23, 2016**

**PAGE 4**

## **REGULAR AGENDA CONTINUED**

Also, they have arbitrarily written it in at a 60% limit on the proceeds to be bonded, so staff decided if they would give on 13% and 60%, the cities would offer the difference in the 10% for the last 10 years.

Comr. Dockswell stated it does not look like they contributed on the 13% because it states between 13% and 25%.

Mr. Harrison replied it came out, and currently it is written as a goal, before it was written as a requirement.

Comr. Dockswell expressed concerns relating to the Oversight board. Besides, he is worried about how bureaucratic it can get.

Mr. Harrison explained that staff had concerns, however, that was one of the things that was never agreed upon.

Comr. Dockswell expressed that he wished that at the negotiation table staff would have included some language in the contract stating that there is a limit.

Mayor Fisher explained that the county was making a point that if they did not have an Oversight Board, the public would have a hard time passing it.

Comr. Dockswell noted that he would have been advocating for the cities to produce a report stating what is being done, and provide a timeline for dispute.

Mr. Harrison commented that every city has a Mayor and a local governing body, so approximately 200 individuals had taken an oath to replicate what the board was supposed to accomplish. There was an Oversight Board automatically built in all 30 municipalities. However, the County wanted to control that process; therefore, the City has an Oversight board that is appointed by the county.

Comr. Dockswell commented that the City does not have sufficient leverage to pry a project out of that.



Names of Commrs.	M	S	V Y	V N

**SPECIAL CITY COMMISSION MEETING MINUTES**

**June 23, 2016**

**PAGE 5**

## **REGULAR AGENDA CONTINUED**

Mark E. Berman, City Attorney explained the City could appeal to the Broward Circuit Court. Nevertheless, the cities are going to ensure that the proposed projects meet the intent and goals of the statutes. So, if something is unreasonably denied, there is a recourse.

Vice Mayor Burrie stated everything started a while ago through the Metropolitan Planning Organization (MPO), Florida Department of Transportation (FDOT) and Broward County and noted she agrees with Comr. Dockswell's comments regarding the compromises that the City had to make. She then asked, "What happened to the home rule?"

Comr. Hardin questioned whether all the county and transportation projects would have to go before the Oversight Board.

Mr. Harrison responded that the interlocal agreement only verbalized the infrastructure tax portion, which only applies to the cities. In fact, he has not heard in any of the meetings he has attended where the transportation projects, which the county would be doing, will be replicated in that fashion.

Comr. Phillips stated he was pleased to hear that there would be no taxes on groceries and medicine. It is imperative for him and his district's constituents that whatever projects are in the pipeline, staff should get an idea for each district or city, and the benefits. He understands that staff has already provided a list of projects, but prioritizing those projects would be the sensitive part for him as he proceeds. He reiterated what Mayor Fisher mentioned earlier that the commission is not approving a sales tax because it would be a decision for the voters. However, the commission will approve the ability of the initiative to appear on the November ballot.

Comr. Dockswell commented that he will support both items, and thinks that improvement is needed on the infrastructure and transportation, which is going to take money to complete. However, many people are going to be apprehensive towards an increase in sales tax.





Names of Commrs.	M	S	V Y	V N
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	



Names of Commrs.	M	S	V Y	V N

**SPECIAL CITY COMMISSION MEETING MINUTES**

**June 23, 2016**

**PAGE 7**

## **REGULAR AGENDA CONTINUED**

Mr. Harrison noted that one of the requirements of the City's eligibility is to provide the county with a list of potential projects that would be funded under the surtax scenario. Staff has replicated the general obligation bond project that was discussed. He recalled Comr. Hardin mentioning that this would be the next step to the process of funding the unfunded projects instead of going after the ad-valorem tax. Furthermore, the bonding requirements for sales tax revenues are more stringent than it is for general obligation bond proceeds.

As a result, the amount of income that is projected, which is approximately \$7 million per year would only produce about \$75-\$80 million in sales tax revenue bond. Therefore, that would place a big hit on the list but it is not all-inclusive, so those are the challenges that are ahead. All the information would be returning to the Commission incrementally as staff proceeds, once the sales tax is successful.

Comr. Dockswell reiterated what Comr. Hardin had mentioned earlier that all the projects will get done but it is just a matter of how would they pay for it. He added that it would also involve a matter of what timeframe they can get it done. Moreover, he reiterated what Mr. Harrison indicated earlier that the list of projects is a \$300 million list and it was mentioned that the revenue is giving the City the ability to bond approximately \$75 million. The City is very deficient in its infrastructure and it is not only that this may be a better way to pay for it, but a better way to get it done in a more reasonable timeframe.

Comr. Hardin commented that he does not look at the list as the City being deficient in its infrastructure in terms of the maintenance of the infrastructure. Furthermore, he thinks that they have all looked at their infrastructure and taken care of it, as they should. There are many things that staff would like to do, which should be done overtime. Moreover, the City is not spending the money somewhere else and neglecting the infrastructure needs, but there is no sense spending money before the need, especially since it is taxpayer's dollars.

Names of Commrs.	M	S	V Y	V N

SPECIAL CITY COMMISSION MEETING MINUTES

June 23, 2016

PAGE 8

**REGULAR AGENDA CONTINUED**

Furthermore, the list is not exhaustive of everything that needs to be done in the City, but it would give them a chance to enhance it in many ways or take care of things that would be paid for with ad-valorem taxes.

Comr. Phillips specified that it is important that people understand that the commissioners are giving the residents an opportunity to help the commissioners decide what to do, which is why the matter will appear on the ballot. In the next couple of months, he is hoping that the residents will have the ability to determine what the commissioners should do.

In conclusion, Mr. Harrison thanked City Manager Dennis Beach, Mark Berman, Phyllis Korab, Brian Donovan, Suzette Sibble, Horacio Danovich, and John Sfiropoulos for their efforts in compiling everything to present before the commission.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:27 a.m.

\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**