

Detailed Minutes - Final

City Commission

Tuesday, November 8, 2016

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioner Barry Dockswell
Commissioner Rex Hardin
Commissioner Barry Moss
Commissioner Ed Phillips
Vice Mayor Charlotte Burrie
Mayor Lamar Fisher

INVOCATION

Dr. Greg Fitch, Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

[17-63](#) Regular City Commission Meeting Minutes of October 25, 2016

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 indicated that item 26A has been added to the agenda.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

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

Mayor Fisher indicated that Item 17 would be pulled from the Consent Agenda for discussion.

A. SPECIAL PRESENTATION

[17-40](#) Markham Elementary School - 50th Anniversary
Mayor Fisher and Dr. Craig Saddler, Principal of Markham Elementary School, will acknowledge Markham Elementary School on their 50th anniversary.

The presentation did not take place.

B. PROCLAMATIONS

[17-37](#) National Hunger, Homeless, and Youth Homeless Awareness Month
National Hunger, Homeless, and Youth Homeless Awareness Month proclamation presentation to James Whitworth, Director of Operations for the Broward Outreach Centers/The Caring Place and Michael R. Wright, MPA, Homeless Initiative Partnership/Continuum of Care Administrator.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

[17-38](#) Pompano Beach Holiday Boat Parade Day
Pompano Beach Holiday Boat Parade Day Proclamation presentation by Mayor Fisher to Rhonda Bunker, Chair of this year's Boat Parade.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

[17-39](#) WOW Pompano Cooperative Community Beautification Award
WOW Pompano cooperative community beautification proclamation and award presentation by Mayor Fisher and Diane Alford and Sherry Walters, Directors for Pompano Proud, to Phil Kasse owner of Phil's Heavenly Pizza.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

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.

The following persons spoke under Audience to be Heard:

Financial Contribution Request - Mary Phillips, 384 NW 19th Street, Pompano Beach, Small Biz Economic Development, located at 164 N. Powerline Road, Pompano Beach, FL 33060, requested financial contribution for their Fourth Annual Community and Wellness Fest, which will be held at the E. Pat Larkins Center on November 19, 2016 from 10:00 a.m. to 1:30 p.m. She indicated that the Broward Sheriff's Office (BSO) will not be partnering with them as they did in the previous year; therefore, she is reaching out to the City to assist with this endeavor. She indicated that she emailed a letter to the City Manager requesting \$1,500 to purchase turkeys.

Ms. Phillips indicated that the program reaches out to needy families in Pompano Beach to provide turkeys, healthy snack packs, as well as provide information about affordable healthcare, and pamphlets with community information for assistance, which include homeless services and legal aids. In addition, Broward Health has assisted with this event. Finally, Ms. Phillips thanked the City for their continued assistance over the years in allowing them to use the building for this event.

Sober Homes Issue - Kathy Bunting, 1240 NE 26th Avenue, Harbor Village/Avalon Gardens, Pompano Beach, stated that their neighborhood is inundated with sober homes and the people from those homes are wandering the streets, climbing into the windows of the residents' homes, searching through the cars, as well as stealing from the residents. Therefore, she wanted to know what kind of solution can the residents expect to stop the crime that is impacting their neighborhood from these sober homes. Residents are fearful sleeping at nights.

Mayor Fisher directed Captain Marks, Broward Sheriff's Office (BSO) to meet with the affected residents of the neighborhood to get a report on the activities that are taking place. In addition, he addressed the sober homes issue that has been plaguing

the entire city for many years. Nonetheless, he pointed out that the sober homes are protected under the federal government by the Americans Disability Act (ADA). The City has been lobbying the state and federal government. Last year, the legislation approved at the state level a voluntary registration process, which is not the best resolution. Currently, the City is working with Congresswoman Lois Frankel and Congressman Ted Deutch, who have been able to garner some nonpartisan support from residents of other cities experiencing similar situations. To date they have been able to meet with the Housing and Urban Development (HUD) representatives and the City Commission is hopeful that the federal government will pass some legislation to provide the City some “teeth” and some home rule to control the proliferation of the sober homes.

In sum, Mayor Fisher indicated that the Commission is well aware of the situations, in fact, in Vice Mayor Burrie’s district there are over one hundred of these homes established. There have been numerous complaints about increased crime and the decline of property values in the neighborhoods.

Unfortunately, at the local city level the commission’s hands are actually “handcuffed behind our backs.” It is a well-known issue, impacting not only the City of Pompano Beach, but cities such as Delray Beach and Boca Raton, who have lost millions of dollars trying to fight this issue. Nevertheless, the City Commission is hopeful that they will get some legislation passed in the federal government to provide that much needed “teeth” to protect the residents in our neighborhoods.

Comr. Dockswell indicated that the City of Delray Beach is experiencing a worse situation than the City of Pompano Beach. That City have a taskforce in place and City Manager Beach had some of his staff visited with them. Therefore, he asked for an update from that outreach.

Dennis W. Beach, City Manager, indicated that the Development Services Department spearheaded this effort and considered the different alternatives that could be applied to this situation. Therefore, Robin Bird, Director of the Development Services Department is available to provide an update as to the knowledge gained and the interaction with the Delray Beach taskforce.

Robin M. Bird, Development Services Director, reported that his team attended the Delray taskforce meetings, and found out that they do not do what the City would desire to do to keep the homes out of the neighborhoods. Instead, they are working with the Florida Department of Law Enforcement (FDLE) to investigate and to take down bad operators, which is the taskforce focus. The City of Pompano Beach is well

in line with what the taskforce is currently doing. However, we are hoping to get some resolution through the current legislation or possibly set up a taskforce with BSO and other agencies. Currently, there are 39 registered operators of these homes throughout the City, but these are the good ones. In fact, in one district alone there are over 100 sober homes. It is the desire to have the good operators point out the bad ones so that those violators can be “weeded” out.

In response to Comr. Dockswell’s question regarding Delray Beach taskforce, Mr. Bird responded that it comprises of the Police Department, the Fire Department, Code Compliance, a Planning staff member, and two members from the sober homes community.

Mr. Bird explained how a sober home qualifies under the federal law of ADA and that the homes are considered single-family homes rentable to anyone. Therefore, the main focus is to ensure most of these short term rentals are registered to operate as sober homes.

Mark E. Berman, City Attorney indicated that his office has been working with Development Services and have been attending the taskforce meetings as well. They have met with Congresswoman Frankel and have met with representatives throughout Palm Beach, Dade, and Broward counties. They have learnt that the sober homes are governed by the ADA and the Fair Housing Act (FHA). Currently, they are waiting for HUD’s next move for a position statement, which would allow the City, along with other cities some ground rules on how to regulate these homes. Currently, the case law is very nebulous.

Comr. Dockswell noted that the residents being impacted by theft and trespassing can contact the police services to report these activities.

Ms. Bunting mentioned that residents from apartments and condominiums are also impacted by the activities of some of these residents from the sober homes

Mayor Fisher suggested that staff might also want to check into lenders prohibiting mortgage holders to allow non-relative members to live in these homes.

Comr. Hardin suggested staff share with the residents who are negatively impacted by the activities happening in their neighborhoods, the information received from Congresswoman Frankel on the actions being taken to date. In fact, the more people who contact the representatives in Congress on this matter it will hasten the resolution from HUD and FHA.

Mayor Fisher suggested that Captain Marks of BSO compile a list of names and contact information and provide it to his office so that he will ensure this is forwarded to Congresswoman Frankel.

Finally, Mr. Bird indicated that he would work to get the word out on the City's website to provide the persons to contact for the various types of situations, for example, BSO for trespassing, Code Compliance on public disturbances and so forth.

Comr. Phillips indicated that he would support the idea of the City forming its own taskforce, as there appears to be a significant amount of "uptick" on the sober homes. This would provide a target specific approach.

It was the Commission's consensus to have staff put together a taskforce for the City of Pompano Beach.

Sober Homes Issue - Michael Grande, 825 NE 23rd Terrace, Pompano Beach, suggested that the sober homes problem could be attacked from the outside in starting with the insurance companies requiring the violators to do business with the conforming (good) operators. As well as, enforce rules for those properties that are neglected in the area are fixed prior to occupancy, instead of allowing them to be purchased at half price and rented to persons with not much work done on the house.

In sum, if Code Enforcement would be more vigilant it would curb some of the negative impacts of some of the homes in the neighborhood that are not properly maintained.

Sober Homes Issue - Steve Wright, 2534 SE 14th Street spoke on the same issue he is experiencing from the proliferation of sober homes in the neighborhood. However, he questioned the Code Enforcement activities to ensure that the population in a single family home is being complied with, as well as the yard and pool area are maintained according to city standards.

Mayor Fisher explained that if there is a property that is not being maintained to code standards, through nuisance abatement process the City can get the property cleaned up and lien the property for the cost. Therefore, he instructed the Code Compliance Manager to check into the homes that Mr. Wright has been complaining about for quite a while.

Comr. Phillips indicated that for quite some time the Commission has been trying to

get persons to serve on the Nuisance Abatement Board with little success. Recommended actions by this Board would significantly address some of the issues being brought before the commission on homes left unkempt.

Mayor Fisher indicated that staff, at the December meeting, would be bringing to the City Commission for consideration, the Ordinance regarding the Nuisance Abatement Board to reduce the stringent requirements of the board members. Therefore, he encouraged anyone wishing to serve on the board to contact the City Clerk for an application to be submitted and ultimately considered for appointment by the Commission.

Election Campaigning - Debresia LeSane, 100 West Atlantic Boulevard, Pompano Beach, indicated that for the first time she volunteered with the election campaigns and was disappointed to learn that politics was just a “big disrespectful process” and provided details of her experience while campaigning. She complained that a person wearing a T-Shirt supporting Mayor Fisher disrespected her along with a relative of hers. Ms. LeSane indicated that she reported the incidents to Comr. Phillips and Mayor Fisher and saw a marked difference in this person’s behavior. Nevertheless, she believes that at the local level people should not be bullied for votes so this type of behavior should not be tolerated.

Mayor Fisher acknowledged he did receive the complaint and spoke to the person involved. However, when there are volunteers in place this behavior may occur, but once it was discovered it got addressed to cease and desist that behavior. Therefore, he thanked Ms. LeSane for bringing this to his attention as he had no idea this was going on.

Sober Homes Issue - Mike Price, 1221 NE 28th Avenue, Pompano Beach, reiterated the problems experienced in the Harbor Village area by the proliferation of sober homes. He understands that the Federal law is a roadblock for the problems experienced. However, he does not understand why when compared to other cities such as Parkland, Plantation, Davie, Miramar, Sunrise or Weston, they do not have these problems with sober homes like the City of Pompano Beach does.

Mayor Fisher noted that at a meeting he had attended with representatives from Congress regarding this matter, it was reported that all the cities in Broward County are experiencing similar problems.

Vice Mayor Burrie explained that some of the buildings mentioned earlier, actually advertised on the social media, Twitter, Facebook, and so forth, encouraging people to

come to the sunshine in Florida. However, the coastal cities are inundated due to their proximity to the beaches. Vice Mayor Burrie stated that there are approximately 150 sober homes in her district, which is one of five districts.

Mr. Price thanked the Commission for being attentive to the problem, as well as the neighbors who came out to speak up on this issue.

Sober Homes Issue - Fred Gelfand, Harbor Village Island, stated that there was a meeting with approximately fifty of the neighbors and over half the households represented had some type of burglary at their house. Therefore, he just wanted to bring the matter to the Commission's attention as to the extent of what is taking place in the neighborhood.

D. CONSENT AGENDA

1. [16-245](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A FEDERAL FINANCIAL ASSISTANCE SUBRECIPIENT AGREEMENT WITH THE FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$16,000)

(Staff Contact: Robin Bird/Karen Santen)

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. 2017-39

2. [17-20](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO UPDATE AIRPORT MASTER PLAN AT POMPANO BEACH AIR PARK; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$350,000)

(Staff Contact: Steven Rocco/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. 2017-40

3. [17-30](#) Approve ranking order for RLI L-60-16 Professional Engineering and Related Services for an Update to the Pompano Beach Airpark Master Plan, and authorize staff to negotiate a contract with the highest ranked firm Kimley-Horn and Associates, Inc.
(Fiscal Impact: No cost at this time.)

(Staff Contact: John Sfiropoulos/Steve Rocco)

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.

4. [17-23](#) Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2016.
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti/Brian Donovan)

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.

5. [17-26](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE PARK LOCATED AT 220 E. ATLANTIC BOULEVARD AS THE BILL KEITH PARK; PROVIDING AN EFFECTIVE DATE.

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

(Staff Contact: Rob 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. 2017-41

6. [17-32](#) Approval to award Bid #E-47-16 Pavement Marking (Co-operative Bid) to the lowest responsive bidder Amroad, LLC, to establish an annual contract. The estimated annual cost to the City for Pavement Marking is \$60,000.00.

(Fiscal Impact: \$60,000.00)

(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.

7. [17-33](#) Approval to award Bid #E-58-16, Janitorial Services for City Hall, Commission Chambers, and various City buildings to the lowest responsive, responsible bidder Image Janitorial Services Inc., in the amount of \$93,132.00 annually.

(Fiscal Impact: \$93,132.00)

(Staff Contact: Robert McCaughan/Harold Beard)

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.

8. [17-36](#) Approval to purchase playground equipment for Community Park from BCI Burke Company, LLC per The Cooperative Purchasing Network (TCPN) contract R5199, at a total cost of \$127,794.58.
(Fiscal Impact: \$127,794.58)

(Staff Contact: Robert McCaughan/Harold Beard)

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.

9. [17-44](#) Approval to purchase repairs for lift station 132 from Trio Development Corporation per Broward County contract Y1180908B1, at a total cost of \$50,546.80.
(Fiscal Impact: \$50,546.80)

(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.

10. [17-45](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LUZ DEL MUNDO (LIGHT OF THE WORLD), INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$12,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-42

11. [17-46](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-43

12. [17-47](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$13,500)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-44

13. [17-49](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LEARNING FOR SUCCESS, INCORPORATED, PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$6,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-45

14. [17-50](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SECOND CHANCE SOCIETY, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$8,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-46

15. [17-52](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WOMEN IN DISTRESS OF BROWARD COUNTY, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,500)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-47

16. [17-53](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND COVENANT HOUSE FLORIDA, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,000)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-48

17. [17-55](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2016-275 AND CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NORTHWEST 26TH AVENUE BETWEEN WEST ATLANTIC BOULEVARD AND NORTHWEST 2ND STREET TO A DUAL DESIGNATION OF NORTHWEST 26TH AVENUE AND REV. JOHN L. MOHORN, JR. AVENUE WITH NORTHWEST 26TH AVENUE TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$500 provided to the City)

(Staff Contact: Robert McCaughan)

Comr. Phillips pulled the item to commend the City for allowing this action to take place. He indicated that Rev. John L. Mohorn, Jr. has been a friend of his and it is an honor to have him recognized by the City in this fashion as he both ministers in and outside of the church, where he has been pastoring for many years.

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

Phillips

Burrie

Fisher

Absent: Dockswell

Enactment No: RES. No. 2017-49

18. [17-61](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUBORDINATION AGREEMENT AMONG DOUGHERTY MORTGAGE LLC, REGENCY GARDENS APARTMENTS, LTD. AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-50

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

19. [17-29](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FIRE STATION 24 PLAT LYING ON A PARCEL OF LAND LOCATED AT NE 10TH STREET APPROXIMATELY 500 FEET WEST OF NORTH FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

NOTE: Mark E. Berman, City Attorney, advised that items 18-21 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.

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

Robin M. Bird, Development Services Director, presented the item and indicated that this is a City-initiated proposed plat for 1.23 acres of property known as Fire Station 24 Plat. The City desires to increase the size of the existing Fire Station; however, the plat restricts development to 20,000 square feet of fire station use. At the April 27, 2016 Planning and Zoning Board meeting the plat request was unanimously recommended for approval with two conditions that were met prior to placement on the Commission's agenda.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-51

20. [17-34](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FIRE STATION 61 PLAT LOCATED ON A PARCEL OF LAND LYING ON NW 3RD AVENUE, SOUTH OF COPANS ROAD AND COMMONLY KNOWN AS 2121 NW 3RD AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin M. Bird, Development Services Director, presented the item and indicated that this is a City-initiated proposed plat for 9.287 acres of property located at 2121 Northwest 3rd Avenue. The City desires to increase the size of the existing fire station to bring it up to standard. The plat will restrict development to 20,000 square feet of fire station use and 10,000 square feet of police station use. At the April 27, 2016 Planning and Zoning Board meeting, the plat request was unanimously recommended for approval with two conditions that were met prior to placement on the Commission's agenda.

Comr. Phillips asked if this was a prelude to a new fire station, which staff confirmed that this was the first step.

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: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

Enactment No: RES. No. 2017-52

END OF QUASI-JUDICIAL PROCEEDING

21. [17-01](#) P.H. 2017-04: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL 180-DAY TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: OCTOBER 25, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, presented the item, which is the second reading of the ordinance. He indicated that staff is still drafting the regulations and will have it in place prior to the expiration of the 180 days moratorium.

Comr. Phillips stated that depending on the outcome of the general election that these will be located in the proper area away from residential neighborhoods.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. No. 2017-06

22. [17-14](#) P.N. 2017-05: (PUBLIC HEARING 2ND READING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED IN THE NORTHEAST QUADRANT OF WEST ATLANTIC BOULEVARD AND THE FLORIDA TURNPIKE, IDENTIFIED BY FOLIO NO. 484232190020, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 25, 2016

(Staff Contact: Chris Clemens/Greg Harrison)

Chris Clemens, Economic Development Manager, presented the item as the second reading of the third phase of the Palm Aire North brownfield old golf course. Home Dynamics, LLC has proposed a development of 150 single-family homes at north Atlantic Boulevard and it wraps around the Island Club apartments and backs up to the west of the Florida Turnpike. The applicant has satisfied all five (5) criteria set forth in the Florida Statutes, which he indicated are as follows:

- 1) Agreement to redevelop the brownfield site. The Broward County Property Appraiser's report has provided proof that the subject owns the property.**
- 2) Economic development productivity is estimated at a total capital cost of the project at completion to be approximately \$39 million. The applicant is proposing 3.1 acres of park space on the site and has provided a signed affidavit that commits contribution to the City's local affordable housing trust fund at the time of the building permits.**
- 3) Consistency with the local Comprehensive Plan - the Planning and Zoning Board issued Development Order 151229 for the project.**
- 4) Public Notice and Comment - The subject property had a sign posted on it, and pictures were provided in the Commission's backup. The subject owners advertised in**

the Sun Sentinel and on Craig's List.

Additionally, two (2) public meetings were held, one (1) was unattended, which was held at the Collier City Library, and the other was a sub-contractor outreach meeting on August 17, 2016 at the McNair Community Center, which was well attended.

5) Reasonable Financial Assurance - The applicant provided the City with a non-binding term sheet agreement reviewed by the Finance Director who found it to be sufficient.

Michael Goldstein, 1 Southeast 3rd Avenue, Miami, FL 33131, commended staff for the assistance and guidance provided to the applicant, as well as the guidance provided by Commissioners Moss and Phillips.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: RES. No. 2017-53

23. [17-24](#) P.H. 2017-06: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR THE CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR VARIOUS CITY WATER AND REUSE TREATMENT PLANT PROJECTS; PROVIDING FOR SEVERABILITY PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director presented the item, which is a contract for the merging company Mathews Consulting, Inc. with Baxter and Woodman Inc., which involves a transfer of the contract to the joint consultants.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

24. [16-208](#) P.H. 2017-07: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR DOCK AGREEMENTS BETWEEN ABUTTING PROPERTY OWNERS REGARDING DOCKS EXTENDING BEYOND PERMITTED PROPERTY LINE AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer presented the item, which proposes to amend the language in Section 151.03 of the City of Pompano Beach Code of Ordinances, "Structures and Waterway" as currently stated, both docks and other related structures are not permitted to be installed within five (5) feet of side property lines unless both affected owners enter into an agreement with the City. However, this agreement becomes null and void should either property owners sell, which would require the new owner to either enter into a new agreement with the City or remove the structure out of the five (5) foot setback. Therefore, the revision, as recommended by the Marine Advisory Board, enables these agreements to run with the land and would not become null and void upon sale of the property.

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

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

25. [17-31](#) P.H. 2017-08: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH OFFICE DEPOT, INC. FOR THE PURCHASE OF OFFICE SUPPLIES AS NEEDED PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN CITY OF TAMARAC, FLORIDA, RFP 13-23R, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$163,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$163,000)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: Otis J. Thomas)

Otis J. Thomas, General Services Director presented the item, which is a contract to piggyback with the City of Tamarac. It is a cooperative contract which will provide savings to the City due to the volume of participation with other cities.

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

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

26. [17-42](#) P.H. 2017-09: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, MATHEWS CONSULTING, INC. AND BAXTER & WOODMAN, INC. FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 8, 2016

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer presented the item which is similar to item 23 with the exception that this contract is for civil engineering services as opposed to water and reuse treatment plant projects. The City has a continuing services contract with Mathews Consulting Inc., who recently merged with Baxter and Woodman therefore, the assignment and assumption agreement is required to enable the continuation of services by Mathews Consulting firm.

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Dockswell
Hardin
Moss
Phillips
Burrie
Fisher

- 26A. [17-72](#) P.H. 2017-10: (PUBLIC HEARING 1ST READING)
AN EMERGENCY ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ORDINANCE NO. 2015-06 SPECIALLY SETTING THE DATE AND TIME OF FUTURE MEETINGS OF NEWLY ELECTED COMMISSIONS FOR INDUCTION INTO OFFICE, IN ACCORD WITH SECTION 4 OF CHAPTER 2004-443, LAWS OF FLORIDA, AND ARTICLE II, SECTION 16, OF THE CHARTER OF THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

SECOND READING: NOVEMBER 8, 2016

(Staff Contact: Asceleta Hammond)

Mark E. Berman, City Attorney, presented the item and indicated that the results of the current election would not be made official by the Supervisor of Elections Office until November 18, 2016, which City Clerk Asceleta Hammond confirmed that is correct. The Commission, by ordinance, had set the next Special Meeting for induction of the new Commission dates from 2014 to 2024 for each subsequent election as the first week after the election, however due to the unavailability of the official results from the Supervisor of Elections the ordinance will revise the dates to reflect the second week after the elections and all other subsequent dates in the previous ordinance. Therefore, the current Special Meeting will be changed from November 15, 2016 to November 21, 2016 at noon.

A motion was made by Commissioner Hardin, seconded by Commissioner Phillips, that the Ordinance be ADOPTED AS AMENDED. The motion carried by the following roll call vote:

Yes: Dockswell

Hardin

Moss

Phillips

Burrie

Fisher

Enactment No: ORD. No. 2017-07

27. [17-57](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

Janice Griffin - (Incumbent) - District 3

Velma Flowers - (Incumbent) - District 4

Colleen Murphy - (Alternate 1/Incumbent) - District 1

Alice Chattman - (Alternate 2/Incumbent) - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Dockswell, that the name JANICE GRIFFIN be inserted and the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-54

28. [17-58](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-57 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Phillips, seconded by Commissioner Hardin, that the name VELMA FLOWERS be inserted and the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-55

29. [17-59](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-57 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Dockswell, seconded by Commissioner Hardin, that the name COLLEEN MURPHY be inserted and the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-56

30. [17-60](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 2, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO. 17-57 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Phillips, seconded by Commissioner Hardin, that the name ALICE CHATTMAN be inserted and the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-57

F. REPORTS

Dennis, W. Beach, City Manager - No Report. He then wished the Commission good luck on their election.

Mark E. Berman, City Attorney - No Report. He also wished everyone good luck.

Asceleta Hammond, City Clerk - No Report. She also wished everyone good luck

Commissioner Barry Dockswell - Change of Commission Meeting - Comr. Dockswell indicated that while consideration is being given to changing meeting dates for the Special Meeting for induction, perhaps, consideration could be given to ensure that a Commission meeting is not held on the same night of the general election in November.

Community Redevelopment Agency Meeting - Comr. Dockswell indicated that he may not be attending the upcoming Community Redevelopment Agency meeting due to prior plans.

Commissioner Rex Hardin - Best Wishes - Comr. Hardin indicated that it was a pleasure to serve with Comr. Dockswell, who has done a great job for the City of Pompano Beach and District 1. He stated that he will be sorely missed.

He also wished everyone good luck.

Bulk Trash Pickup - Comr. Hardin asked for an update on the Bulk Trash pickup issue.

Dennis W. Beach, City Manager indicated that staff will be recommending some policy changes to the City Commission, which would be presented at the December Commission meeting.

Yuletide Parade - Comr. Hardin reminded everyone of the Yultide Parade coming up on December 1, 2016.

Commissioner Barry Moss - Best Wishes - Comr. Moss wished Comr. Dockswell good luck in his retirement and thanked him for his services.

Commissioner Ed Phillips - Best Wishes - Comr. Phillips also wished Comr. Dockswell and all his fellow Commission members good luck.

Vice Mayor Charlotte J. Burrie - Best Wishes - Vice Mayor Burrie indicated that it has been a pleasure working with Comr. Dockswell and he has done a great job with District 1 and

looking out for the City's welfare on a whole. She concur with Comr. Hardin that he will be missed. She expressed best wishes for his retirement.

Mayor Lamar Fisher - Best Wishes - Mayor Fisher indicated that he was able to recognize Comr. Dockswell as a colleague and a dear friend and he hopes he will continue to provide input which will be welcomed by the Commission.

G. ADJOURNMENT

The meeting was adjourned at 7:29 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk