

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

Tuesday, April 24, 2018

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:01 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

Pastor Gary McLamore of Jesus Supernatural Church of Deliverance offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[18-343](#) Regular City Commission Meeting Minutes of April 10, 2018

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried. by a unanimous voice vote.

APPROVAL OF AGENDA

Mayor Fisher noted that item 16 would be moved up from Regular Agenda to be heard just before Consent Agenda.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, 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 items 4 and 5 will be pulled from Consent Agenda for City Commission discussion.

A. PROCLAMATIONS

[18-339](#) Earth Day Proclamation

Mayor Lamar Fisher proclaimed April 24, 2018 as Earth Day in the City of Pompano Beach. Russell Ketchem, Solid Waste Manager for the City accepted the proclamation.

Russell Ketchem, Solid Waste Manager provided a brief history on Earth Day, which has been established since 1972, and that the City is committed to environmental issues.

Beth DuBois, Recycling Coordinator, explained and provided details of the City's successes and efforts in its recycling efforts. She mentioned that the Solid Waste and Recycling Division is on the frontlines and the Public Works Department is engaged constantly to keep the City clean. The two biggest enemies are litter on the streets, beaches and waterways, as well as contamination in the recycling containers. Nevertheless, they have forged partnership with Crime Stoppers to help eliminate illegal dumping. Therefore, there are signs erected around the City urging citizens to report criminal dumping activity. Tipsters can remain anonymous and receive up to \$3,000 in reward money if violators are caught and convicted with no cost to the City or its residents.

Additionally, Ms. Dubois highlighted the many ways the City is engaged in keeping the City clean, which include programs such as community clean up designed to keep the City's parks and public places spruced up, the canals and the streets, as well as distribution of educational materials and brochures on recyclables and household hazardous waste collection and electronic scrap recycling. Also, helpful information is provided on their web page and is updated constantly.

Ms. Dubois mentioned that the City of Pompano Beach was the first city in Broward County to complete its cleanup efforts after Hurricane Irma due to the many long and tireless hours of the Public Works staff. She mentioned all the annual events that the City provides trash collection services, to include festivals. She announced some of the efforts the Solid Waste and Recycling Committee are engaged in which include a Recycling Zone, which is being created to operate during some of the events and festivals.

Finally, Ms. Dubois introduced four graduating seniors who are the recipients of the 2018 City of Pompano Beach Solid Waste and Recycling Scholarship funded from a generous grant from Waste Management. She said the \$2,500 scholarships are for the students continuing education. The recipients are Christina Lachana, Parker Epler and Samantha Bolduc graduating seniors from Pompano Beach High School, and Teandra Nelson,

graduating senior from Blanche Ely High School.

Mayor Fisher recognized Luigi Pace from Waste Management Inc. He said Waste Management is part of the scholarship program and at a recent Earth Day event two elementary students received \$1,500 each in scholarships.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

B. SPECIAL PRESENTATIONS

18-305 Special Recognition to City of Pompano Beach Utilities Employees

Special recognition was given to Daniel Mondesir, Ben McCullough and Lori Frund of the Utilities Department of the City of Pompano Beach for their quick actions in helping to extinguish a potentially dangerous fire in a field at NW 7th Avenue and NW 8th Street and notifying the Fire Department. They went above and beyond their duties to ensure the safety of the community.

A. Randolph Brown, Utilities Director, related the story where on March 20, 2018, two of his employees were conducting their regular tasks when they spotted a fire in the field and engaged themselves to put out the fire. Thereafter, the Fire Department was engaged to ensure the fire was completely out.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

18-330 SMART Bond Program in Pompano Beach

Mr. Danny Jardine, Deputy Program Director for CBRE/Heery provided an update to the Mayor and Commission on the progress of the SMART Bond Program in Pompano Beach. Also in attendance was the Broward County School Board Superintendent Robert Runcie, Chief Facilities Officer Leo Bobadilla and John Sullivan, Director, Office of Legislative Affairs.

Superintendent Robert Runcie thanked the City Commission for the opportunity to update the residents regarding the SMART Bond Program, which has been put in place by the taxpayers. He said they got off to a slow start intentionally, to ensure all the right pieces/infrastructure were put in place, adding the different delivery methods. This was also to ensure a balance of speed and doing the right thing. He said all 1,400 plus projects in the Bond Program have been started. They have accelerated many of the four and five years' work. The goal is to start all projects within five years to be completed within seven years. He said they are well on track to deliver on the time frame established.

Danny Jardine, Deputy Program Director of CBRE/Heery, said they were hired by the School District to manage the SMART program. He then provided a detailed presentation of what has been accomplished and the work that will commence in Pompano Beach and throughout Broward County. He said the

program involve safety, music and art, athletics, and technology. Specific to Pompano Beach, Mr. Jardine indicated that there are seventeen schools in the City, which include nine elementary, two middle, two high schools, and four educational centers. He provided details on the projects in the elementary, middle and high schools, as well as the educational centers. He said their goal is to have all the projects completed by end of calendar year or no later of the first quarter of 2019. They are currently anticipating a successful implementation of all single point of entries across the district to be completed this fiscal year.

Finally, Mr. Jardine indicated that a handout was provided to the City Commission. See Exhibit I attached herewith.

Comr. Sobel thanked Superintendent Runcie and Mr. Jardine for providing an update on the projects. He said several parents from Norcrest Elementary asked if funds are being released for school resource officers.

Superintendent Runcie responded that the School Resource Officer (SRO) component of the Marjory Stoneman Douglas Safety Act 7026, which was passed, provides Broward County schools with approximately \$8.5 million with \$1.2 million going to the charter schools. The Board plans to utilize the \$7.2 million to not only meet the state's goal of one (1) SRO per school, but the goal should be one (1) per thousand, which would require additional SRO's. He then provided a very detailed explanation as to the challenges they have in meeting the requirements. In sum, nothing has been finalized but they are working to finalize things as quickly as possible, which will be communicated to the City Commission along with other municipalities throughout the County. To answer the question on the Norcrest Elementary School, Mr. Runcie indicated that they intend to renew the contract with the municipalities and Broward Sheriff's Office (BSO) to provide the SRO's as early as July/August 2018.

The Special Presentation was ACCEPTED.

18-331 Actuarial Valuation Report Presentation

Presentation of the Actuarial Valuation Report for the City of Pompano Beach Police and Firefighters Retirement System as of October 1, 2017 as prepared and certified by the Nyhart Company, Inc.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Tayt Odom, Nyhart, Actuary for the Police and Firefighters Retirement System provided highlighted information from his presentation of the Overview of October 1, 2017 Valuation Results, as outlined in Exhibit II attached herewith.

Comr. Sobel said he is pleased with their recommendation of the 20-year amortization versus the 30 year, and asked who would adopt that decision.

Mr. Odom responded that ultimately it would be the Board who would adopt this path.

Comr. Sobel asked about the current rate of paying down the unfunded a year later, and if the money runs out and the payments go below what was promised and then stopped.

Mr. Odom responded that no, it would not happen that way. He said as long as the contributions continue to come in each year all the benefits would be paid for and so forth. He said for one of the plans, specifically, it will take on a thirty year amortization of fifteen years before they can start paying down any principal. Therefore, interest is being paid for the first fifteen years of things, so by shortening it to twenty years, it will provide a savings over the life of the payment because a lot less interest will be paid. In fact, the concept works similar to taking out a mortgage on a house.

Mayor Fisher asked how they would rate the City's plan as being healthy as it relates to other plans throughout the State.

Mr. Odom responded it is in good shape and explained that it is a little below average from a funded status standpoint compared to other similar plans in Florida. However, as long as the contributions keep coming in and the money is going in, from an actuarial standpoint, he has no concerns about the solvency or payment of benefits of the plan.

Comr. Hardin asked about the current practices of the board as it relates to the recommendation, and how long has these been in place.

Mr. Odom responded he is unsure, but in looking back since they have been doing the evaluation, they have been using thirty-year amortizations for approximately twenty to thirty years. He said it has been a long time since things were amortized over a thirty year period.

Finally, Mr. Odom stated that this year it will cost more for the plan.

Mayor Fisher indicated that the mortality rate had changed which contributed to the increase in the overall costs.

This matter was for information purpose.

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 persons were called to speak:

Blanche Ely Boys Basketball Fund Raising Efforts - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he appreciated the City Commission’s prior action regarding the Blanche Ely High School Boys Basketball team and asked if any additional action could be taken to assist them with the ET Express. He said they commenced a GoFundMe account and so far they are way behind. He said the boys deserve it and he would respectfully ask the City to assist them to realize their goals to get each member a championship ring.

Security Cameras in Parks - Mr. Thrower asked if the City Commission could consider in this budget cycle security cameras in some of the City’s parks.

Mayor Fisher stated a few weeks ago it was discussed and agreed that one park ranger will be assigned per park from 8:00 a.m. to 11:00 p.m. Also, they will each have direct access to Broward Sheriff’s Office (BSO) and keys to the bathrooms.

Comr. Perkins asked Mr. Thrower to repeat his comments regarding Blanche Ely High School.

Mr. Thrower indicated he was referring to the Boy’s Basketball team in trying to help them raise the necessary funds for their championship rings.

Comr. Perkins asked how much more money is needed for the rings.

Mr. Thrower responded that he was unsure.

Comr. Perkins asked if there are any funds available where the City could cover the costs of the rings for the team.

Mayor Fisher indicated that the City Commission donated \$2,500, which was a great kick start. The total was about \$15,000. The GoFundMe was set up to realize the total amount and he had suggested trying to get the community involved to see how this effort will assist the boys.

Comr. Perkins stated that she believes as a City, we should be able to do more, because when the champions came before the City Commission, the City did not give them a certificate to acknowledge them for being the champions, and at that time she felt more should be done. Therefore, she believes the City could do more if the funds could be realized from somewhere to assist in the purchase of the rings.

Parking Spaces Issues - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, asked the City Commission a few questions, to include how many cars they have in their family.

Comr. Sobel responded that he and his wife drives a car. Vice Mayor Burrie responded that she has one just for her. Comr. Hardin responded that he has two cars. Comr. Moss responded that he has one. Comr. Perkins responded she has two.

Mr. Drum indicated that he does not understand with the new building requirements for the ETOC (East Transit Oriented Corridor) why 1.4 is the standard for parking spaces and can go down further for people asking for exceptions. He explained his reason for not understanding the .4 car count, which will not provide for enough parking. Therefore, he asked what could be done to increase the count to 2.0.

Mayor Fisher explained that the ETOC was passed along with the zoning code and perhaps Mr. Drum should have attended those meetings to provide his input.

Mr. Drum indicated he did bring it up but wanted his comments to be on record regarding the matter.

Professional Firefighters' Association Inc. Event - Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, stated that an employee of the City is being honored by an organization, Professional Firefighters' Association, Inc., which is a private non-profit organization she assisted in starting. She mentioned their primary mission is to highlight fire services in the community. To date, they have done this in 300 locations. She said American Ambulance is one of the partners, who have provided scholarships to students interested in going into the fire service. Fire Chief John Jurgle will be honored. She said he has assisted the organization in any way he could to enhance the knowledge of becoming a firefighter, and encouraged young students in Pompano Beach to become firefighters. His unwavering commitment has reflected in diversity in his hiring practices, thus putting the City in one of the leading positions in Broward County in diversity hiring in the Fire Department.

Ms. Jones is requesting that the City support this endeavor. She said the City of Miramar has donated the use of their Cultural Center. Therefore, she suggested that perhaps the City of Pompano Beach could purchase a table or do a sponsorship to have a presence at this event.

Gregory Harrison, City Manager, indicated that Ms. Jones had communicated with Shelley Bartholomew this afternoon and she has already taken care of this request.

The City Commission congratulated Chief Jurgle for being one of the 2018 honorees.

Haitian Heritage Month - Andy Cherenfant, 2821 N. Course Drive, Palm Aire, Pompano Beach, FL, provided a recap on Haitian Heritage Month that took place approximately one year ago. He said for their event coming up next month he spoke with the directors at the Ali building and the same topic came up regarding the budget. It was noted that this was not in the budget, however, last year Comr. Hardin had nominated that an amount of \$5,000 be budgeted for the event, which was approved by the City Commission. Therefore, he asked how he could go about getting the funds that were allocated for the event. He added that the CRA did their part, but he is now looking to the City to honor its commitment.

Mayor Fisher indicated that the budget was approved for this fiscal year and suggested that City Manager Harrison attest to it and organize to get those funds to Mr. Cherenfant as promised.

Mr. Harrison instructed Mr. Cherenfant to communicate with his office through Audrey Suttle who will assist with whatever he needs to get those funds.

D. CONSENT AGENDA

There was no discussion on Consent Agenda items 1-3 and 6-10, which were approved.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to approve items 1-3 and 6 through 10. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

1. [18-328](#) Approval of budget adjustment to transfer funds from Cemetery Revenue Accounts, to a Cemetery operational expense account for the purchase of grave markers and burial vaults.
(Fiscal Impact: \$145,946.00)

(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.

2. [18-188](#) Virginia Little Boardman is Requesting to Transfer Ownership of Block 5, Lot 6, Plots 2 & 3 in the South Lawn to Beverly Gaye Boardman.

(Fiscal Impact: N/A)

(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.

3. [18-336](#) 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 AMONG BROWARD COUNTY, THE CITY OF POMPANO BEACH, AND OTHER BROWARD COUNTY CITIES; PROVIDING FOR USE OF TEMPORARY DEBRIS MANAGEMENT SITES AND OTHER RELATED SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: None until utilized)

(Staff Contact: Robert McCaughan/Russell Ketchum)

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. 2018-143

4. [18-237](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO THE DEVELOPMENT OF A LANDSIDE/AIRSIDE ACCESS FOR PARCEL "Y" AT THE POMPANO BEACH AIR PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$255,000.00)

(Staff Contact: Robert McCaughan/Steven Rocco)

Robert McCaughan, Public Works Director, presented the item and stated they are requiring the City Commission's approval to sign a joint participation agreement to receive a \$255,000 grant, which is half of the total cost of \$510,000 to provide infrastructure to the parcel. This is for roadway, water, sewer, and electric for the development of the approximately 8 acres, Parcel Y at the air field, located immediately northeast of the Blimp Hanger,

Doug Matthes, Pompano Beach, FL, stated he is concerned with the item and indicated that at a recent Commission meeting, a representative from Development Services Planning staff said that property

development requires a traffic plan. This is to ensure that the adjacent or nearby neighborhood would not be impacted by traffic. Mr. Matthes stated that this needs to be enforced. He said the backup for the item does not have a traffic plan and should be in place prior to proceeding. He then stated that Old Pompano is a residential neighborhood and NE 5th Avenue has no commercial zoning. However, it has thousands of vehicles that cut through traffic, along with trucks utilizing NE 5th Avenue, which is a truck route. He said this situation creates gridlock in the afternoons. Therefore, to open access to the area wide will increase traffic on NE 5th Avenue with a high probability that it would go through Old Pompano unless action is taken now to prevent it.

Mr. Matthes said a traffic plan needs to be implemented before any roadways are improved or built for access to the Air Park. Moreover, NE 5th Avenue is five blocks east of Dixie Highway, a four lane highway, likely underutilized and designated for through traffic. He suggested to convert the roundabout at NE 4th Street to a diverter with northbound traffic diverted west, and southbound diverted east. This would make 5th Avenue inconvenient for all the traffic which will go elsewhere. He requested that the City Commission table the item until a traffic plan is fully implemented.

Mr. McCaughan stated that he is unaware of any requirement for the traffic plan; however, this is asking for a grant for the access road only, so the question is what will be put on that parcel, which will drive the traffic. This is strictly providing a road access and utilities that dead ends at that parcel. Currently, it is a vacant piece of property and nothing that would generate any traffic.

Greg Harrison, City Manager confirmed that this is not a development. It is an ingress/egress on the north side of the plan on city property.

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. 2018-144

5. [18-337](#) 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 6TH STREET BETWEEN DR. MARTIN LUTHER KING, JR. BLVD. AND DIXIE HIGHWAY TO A DUAL DESIGNATION OF NW 6TH STREET AND NELLIE F. POITIER STREET WITH NW 6TH STREET TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided by requester)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated it was revised from when it was previously presented to the City Commission on the western boundary for the dual naming of the road. Therefore, there is a revision to the resolution that was placed on the dais stating it will now be at NW 10th Avenue the west boundary.

Former Commissioner Woodrow Poitier, 901 NW 4th Avenue, Pompano Beach, FL, expressed thanks to Mr. McCaughan and the City Commission for the support of the item. He mentioned that his mother was a vital part of Pompano Beach and he is sure she is “smiling” at this. He said as it relates to the boundary NW 10th Avenue would be sufficient and would leave anything on the other side of I-95 for any other business that wants to come in and possibly name that street. He likes the idea and will have a formal ceremony and he will invite the City Commission when that time has been decided upon. He reiterated his thanks to the City Commission for doing this for his mother.

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. 2018-145

6. [18-294](#) Approve ranking order for RFP E-10-18 Inspection and Cleaning of Storm Water Systems and Utilities Jet-Vac On-Call Service, and authorize staff to negotiate a contract with the highest ranked firm: Tele-Vac South, Inc. (No cost at this time.)
(Fiscal Impact: N/A)

(Staff Contact: 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.

7. [18-291](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS

REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY NECESSARY CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 2018-2022 SHIP Funds)

(Staff Contact: Miriam Carrillo)

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. 2018-146

8. [18-302](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE PROGRAM FOR PUBLIC INFORMATION AND FLOOD RESPONSE PREPARATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Paola A. West)

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. 2018-147

9. [18-318](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF OFF-STREET PARKING AGREEMENT AMONG DOWNEY PROPERTIES, LLC, 1010 HOLDINGS, LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Paola A. West)

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. 2018-148

10. [18-327](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE REINSTATEMENT AND LEASE EXTENSION AGREEMENT NO. 5 BETWEEN THE CITY OF POMPANO BEACH AND MERRITT'S BOAT AND ENGINE WORKS, INC. FOR LEASE OF LAND LYING UNDER CALIBAN CANAL AND WATER RIGHTS CONNECTED THERETO FOR BOATING, RECREATIONAL, CONSERVATIONAL AND MARINE PURPOSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(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. 2018-149**E. REGULAR AGENDA****QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 11-12 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.

11. [18-297](#) **P.H. 2018-60: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE EAST AND WEST SIDES OF A1A, APPROXIMATELY 500 FEET NORTH OF TERRA MAR DRIVE, COMMONLY KNOWN AS 1380 SOUTH OCEAN BOULEVARD, FROM RM-45 HR (MULTIPLE-FAMILY RESIDENCE 45 HIGH-RISE OVERLAY) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 10, 2018

(Staff Contact: David Recor)

Sarah Sinatra-Gould, Calvin Girodano & Associates, presented the item and stated that the City has retained

her firm to review certain applications. The application has been reviewed on behalf of staff, and the property is located at 1380 South Ocean Boulevard. The request is to rezone from RM-45 HR (Multiple Family Residence 45 High-Rise Overlay) to PD-I (Planned Development-Infill). She indicated that first reading was approved so this is the second reading of the ordinance and the applicant is available for any further questions.

Stephanie Toothaker, Esq., Tripp Scott, 110 SE 6th Street, FL 33301, stated that many years were spent with the neighbors of her client and at the last meeting they came out and spoke in favor of the project. She said they have had conversation with the neighbors in between the meetings and they are still supportive of the project.

Molly Moor, [REDACTED], stated that she does not support the extreme height of the proposed development by Lionheart Capital. She understands that there are four existing buildings along A1A that are over 300 feet. No building over 300 feet have been constructed in over forty years, and no buildings over 200 feet have been constructed since 1980, the exception is Sabbia Beach, which is currently under construction and will rise to 227 feet. She asked that the current City Commission respect the vision of their predecessors who recognized the importance of preserving the fragile barrier island by limiting the height of new development. She said towering condominium buildings do not belong in the City of Pompano Beach. In addition, she stated that as a resident of the north beach area of the City she was not directly involved in the discussions with the developer, but she wanted to state that this type of high-rise development is not welcomed, particularly in the north beach area of the City.

Finally, Ms. Moor warned that any attempts to rezone parcels in the north beach area to construct high-rise developments would be met with strong opposition by her and the newly formed Pompano North Beach Alliance.

Ms. Moor urged the City Commission to act as responsible stewards of the land and respect the foresight of the past leaders and oppose the excessively high development and oppose future attempts to rezoning an overdeveloped other parcels located on the Pompano Beach barrier island.

Mayor Fisher mentioned that he appreciates Ms. Moor's comments. He said she talked about the vision and the past leaders, the City Commission's predecessors. However, he provided a quick background about those who sat prior to the current Commission. He said there are eight parcels along the beach that were rezoned at one time for RM-HR 45 and this site happens to be one of the parcels they did. It meant unlimited height was allowed on that site, which was the zoning in control. However, with the PD-I, it provides a little more control on the site.

Comr. Sobel stated that he did some research to find out how they arrived at this point and their predecessors did commit unlimited height on a handful of parcels in the late 80's and early 90's. But the rationale then was, there was so little development the goal was to enhance development and have developers come to Pompano Beach, but the "pendulum swung too far" and it is out of perspective with what is happening currently. In that regard, since this item is quasi-judicial, he stated that Ms. Toothaker had called him at City Hall office last Friday, and had a ten-minute discussion about the first vote. The nature of the discussion was inquiry as to his

views on this particular building and why it does not fit into the vision, as well as why he voted no. Finally, he said he filed a lobbyist report which Mayor Fisher indicated it was not necessary.

Thomas Drum, Pompano Beach, FL, stated that there is a limited amount of car trips along A1A, and he wanted to know how close are these. He asked how many car trips are done. He said there is Broad Stone coming just down the street and the City is about maxed out.

Ms. Sinatra-Gould responded that this is a rezoning application and when they are checking into traffic they are considering it on behalf of the site plan coming into place. The applicant can confirm that when they do come forward with the site plan. Nevertheless, they will be conducting a traffic analysis on that as well.

Mayor Fisher confirmed that they will be required to do so as per City code.

Ms. Toothaker stated that the applicant did do some preliminary studies and this was presented in their first presentation. She said a significant reduction was done from what was previously approved on site pursuant to the plat. It went from 3,532 total daily trips to 786 total daily trips for this current project. She said this is preliminary and will be updated as they go through the site plan process.

Mr. Drum asked if they knew how many car trips they have left before building is approved.

Mayor Fisher indicated that this is a rezoning so when they return for a site plan they will have to provide that information.

Ms. Toothaker stated that the car trips are vested with the original plat, so they still have to go through a site plan process and have to be reviewed by the City. But there is concurrency associated with the plat that was recorded.

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

Yes: Hardin

Moss

Perkins

Burrie

Fisher

No: Sobel

Enactment No: ORD. No. 2018-54

12. [18-326](#) **P.H. 2018-63: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 16TH STREET

WEST OF NORTH DIXIE HIGHWAY AND COMMONLY KNOWN AS 140 NW 16TH STREET FROM B-2 (COMMUNITY BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: APRIL 10, 2018

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Development Services Director, presented the item and stated that this is the first reading of the ordinance. He said there were a few modifications to the backup information, which have been provided to include the aerial for the effected property, the updated CRA comment, the applicant's written narrative, as well as the corrected declaration of restricted covenant. So, staff recommends approval as presented.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL., stated that two weeks ago he was requested to display a drawing of how they would direct traffic to and from Dixie Highway, which he presented to the City Commission.

Mr. Mele displayed the site plan they would be processing and he showed the access point, which is shown along 16th Street along the north end of the drawing and center of the property. He said they are channelizing the driveway using curbing and striping, pavement markings, and they are also signing it so that all the vehicles coming in and out of the site will come from Dixie Highway, going west bound on 16th, come into the driveway and then leave by going out 16th, turn right and go east bound on 16th to get back to Dixie Highway. Therefore, they will not go into the neighborhood.

Mr. Mele indicated that he met with some of the residents from the community who are associated with the delta sorority, and they expressed concern about making sure the trucks do not go west towards the Boys and Girls Club, so this is the reason he has addressed it. Also, the street has recently been named and he wants to ensure the site is looking good.

Comr. Hardin thanked Mr. Mele for providing the information. He asked if staff will approved the site plan currently presented. In addition, Comr. Hardin indicated this alleviates his concerns of truck traffic in the neighborhood.

Mark Berman, City Attorney, responded that staff will not be approving any other site plan.

Comr. Perkins asked if anything is located on the south side of the property.

Mr. Mele replied that there are some warehouse buildings. He confirmed that there is one way in and one way out for the trucks. He said the only street that they border is 16th Street, so they are not adjacent to any other street.

Comr. Perkins reiterated her concerns with the trucks and the Boys and Girls Club being impacted. Therefore, if Mr. Mele could guarantee that trucks will not go into that direction it would be greatly appreciated. She said the main concern is for the safety of the children.

Mr. Mele explained the reason he is confident the trucks will not go west. He said they do not receive deliveries from a number of different people, rather they receive deliveries from the manufacturers, therefore, they have control over that process and they can direct them to only come in and out that way. Also, there is the added protection as designed so they can only come in and out that way. So, even if they decided not to follow the rules, they could not, because there is no other way to get in.

Comr. Perkins also reiterated her other concerns regarding jobs for the local community and the upscale landscaping for 16th Street.

Mr. Mele stated that they have already committed and will follow through on having a job fair type of activity so that the local people will have the first opportunity to apply for jobs. Secondly, he assured Comr. Perkins that the decorative fencing and the landscaping around the edge of the property will look good.

Comr. Hardin stated that when this project goes to the Development Review Committee (DRC), he would not want to know that the fire department cannot do what they planned to do because they cannot access the property from the west side. He is sure there can be some creative ways to address it, should that come up.

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

Enactment No: ORD. No. 2018-52

END OF QUASI-JUDICIAL PROCEEDING

13. [18-319](#) P.H. 2018-61: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA PROVIDING FOR THE ISSUANCE, IN ONE OR MORE SERIES, OF THE CITY'S GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$181,000,000 TO BE APPLIED, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS OF THE CITY, IF ANY, TO FINANCE, REIMBURSE AND REFINANCE THE COST OF ACQUIRING, CONSTRUCTING,

EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PROJECTS APPROVED BY THE QUALIFIED ELECTORS OF THE CITY VOTING IN A BOND REFERENDUM HELD IN THE CITY; PROVIDED, HOWEVER THE AGGREGATE PRINCIPAL AMOUNT OF THE GENERAL OBLIGATION BONDS (EXCLUDING REFUNDING BONDS) TO BE ISSUED IN CONNECTION WITH (1) THE PUBLIC SAFETY PROJECTS SHALL NOT EXCEED \$46,000,000, (2) THE PARKS, RECREATION AND LEISURE PROJECTS SHALL NOT EXCEED \$56,000,000 AND (3) THE STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS SHALL NOT EXCEED \$79,000,000; PROVIDING FOR THE CREATION OF CERTAIN FUNDS AND ACCOUNTS; MAKING CERTAIN COVENANTS IN CONNECTION WITH THE GENERAL OBLIGATION BONDS; AUTHORIZING CITY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE GENERAL OBLIGATION BONDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 10, 2018

(Staff Contact: Andrew Jean-Pierre/Suzette Sibble)

Andrew Jean-Pierre, Finance Director, presented the item and stated it is a second reading of the ordinance and there are no changes from the first reading.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-49

14. [18-345](#) Consideration of the General Obligation Bonds Proposed Project Prioritization List.
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Meeting went into Recess

Meeting Reconvened

Greg Harrison, City Manager, presented the item and stated that staff is recommending that the City Commission accept the phased approach of selling the bonds pursuant to the priority list enclosed in the backup packet. Phase 1 will be approximately \$104 million, and then the remaining balance of the bonds will be sold three (3) years later. In addition, Mr. Harrison stated that of the 25 projects listed, they would immediately begin with the design and engineering work.

Thomas Drum, Pompano Beach, FL, asked if they were going to sell part of the bonds now and then three years later more will be sold and asked if the interest rate will be the same.

Mr. Harrison responded that the interest rate is undetermined at this time.

Mr. Drum understood that the reason for the special election was to get the lowest possible rate. He said now staff is splitting it, and for the \$104 million at approximately 3% in the next three (3) years, it could be at an interest of 7%, which is not what this was "sold on."

Mr. Harrison explained that in the presentations made prior, staff said that they may recommend having a split sale of the bonds. Therefore, this is what is being followed through.

Mr. Drum believes the public was misled.

Suzette Sibble, Assistant City Manager clarified the reason for the special election and the additional cost associated with it. Staff did say that if they had waited to place the G.O. Bond ballot in November, they would not have been able to sell the bonds until next spring. Also, there was a potential for interest rates to rise from the time it would be sold this fall (September-October) to next spring.

Ms. Sibble further explained that staff had always contemplated a split sale and even in the estimates, just to be conservative, if the City wait three years to sell the second bonds the interest rate could go up. She said they have always represented that in all their presentations to the public.

Mayor Fisher said at one time there was discussion of doing a complete sale and putting the dollars away in an interest bearing account, and asked if that would be more prudent, because of the unsure validity of doing an interest rate in another three years.

Ms. Sibble responded yes, they did look at that option with the city's financial advisor, but when they reviewed the model in terms of what the current cost would be if all the projects could not be completed within three years, which is the time frame realized for the phase 1 projects, the carrying cost of the interest rate versus waiting and selling the second phase of the bonds, it would not have made sense. The interest rate on the second sale would have to be approximately 1.4% higher than the first sale for it to have made sense in terms of investing those proceeds and earning interest on them during that carrying period. Ms. Sibble reiterated that

the public was informed that the plan was potentially to break it up into two separate sales.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if the 25 projects were all being started the same time.

Mr. Harrison responded no. He clarified that the first bond sale will include the funds for design and engineering work on all 25 projects. Therefore, for the ones listed in phase 2, those would be part of the second sale of the bonds, and the actual construction would start after the third year.

In response to questions Mr. Skversky had on the sale of the bonds, Ms. Sibble explained that each time the bonds are sold, the City would enter into a fixed interest rate arrangement. Staff is recommending two separate bond sales, so the rate would be fixed when the first set of bonds are sold. Ms. Sibble indicated that they anticipate to close on the first bond sale early October or sooner. Currently, the interest rate is at 4.0% and being conservative staff had projected at 4.6%.

Comr. Moss asked about the money borrowed to start the fishing pier replacement and is it going to be paid from the \$9 million.

Ms. Sibble replied that the entire \$9 million borrowed from the reserves will be reimbursed in phase 1, as well as any other monies borrowed from reserves are contemplated to be reimbursed in phase 1.

Comr. Moss asked if the same thing applies to the youth sports complex, the amounts borrowed of \$5 million.

Ms. Sibble replied that is correct.

Comr. Perkins asked if the \$9 million for the fishing pier, the \$5.5 million for the Elks Club property, and the \$400,000 for the land purchase for the fire station will all be taken from the bond. Comr. Perkins also asked if the public knew about this prior.

Ms. Sibble replied correct that those funds will be for reimbursement of the reserves. Additionally, Ms. Sibble stated that these projects were discussed at the City Commission meetings on the three occasions, and each time prior to enter into contracts to purchase the land, or to start construction on the pier it was mentioned in the backup materials. Also, as a legal requirement the internal revenue service does require that the City Commission has to formally adopt a reimbursement resolution. This went before the Commission, and at that point there was a comprehensive discussion about the plan of action, and specifically, the two projects highlighted were the Elks acquisition and the pier replacement project. The plan was to include them in the bond issue and get reimbursed from the proceeds back into the city's general fund reserves.

Comr. Perkins mentioned that there appears to be some confusion with the phase 1 and 2 which has no

breakdown. She then explained her thoughts on why she believes the people were treated unfairly by both the City and the CRA. She continued to say that CRA produced a “fake” resignation and that there is no transparency seen in the City. In sum, Comr. Perkins indicated that they would like to hear from the City Manager on the breakdown of all the projects and their priorities, as well as the districts they are in, because they do not understand phase 1 and phase 2. Also, they need to know what projects were started prior to the bonds passing. Therefore, she suggested that similar to the promotion of the bonds the citizens need to be educated as to what is taking place currently with the projects, and which ones will be done first, second, and so on.

Comr. Perkins opined that the fire stations should be done first and provided her reasons. She asked how are they going to work through the bonds so that everyone understand it clearly. Finally, she would like to hear from the City Manager on what projects will be started first and what projects were started prior to the passing of the bond.

Mr. Harrison indicated that he is amazed that Comr. Perkins would wait until she is on the dais to talk to him about these things. He stated that he is in office at City Hall Monday through Friday. Moreover, Comr. Perkins acts as if she is unaware of what is going on, and she tries to put him on the spot in this public meeting. He explained that there are 25 projects and everyone will start with architectural and engineering services and after the bonds are sold and those projects progress, they will go into the construction phases under phase 1 in the first three (3) years. In addition, City Manager Harrison stated that this information is provided in the agenda backup.

Comr. Perkins asked the City Manager who he works for and indicated that she expects him to respect her like she does him. She said anything she decides to bring up at the dais she can do that.

Comr. Perkins reiterated her request as to which project would start first.

Mr. Harrison responded that there is no way for him to tell her which one out of the 25 projects will be the first ones to start because they will all start with the architectural and engineering programs for each one of those projects and as they progress then those projects will start. A report will be provided to the City Commission on the projects.

Comr. Perkins insisted that there are things being done at City Hall, staff makes decisions, and the public does not know anything about it. She said this is the time now to inform the people to let them know what the processes are and how it will be done. She said the City Manager asked for them to vote for the bonds, which they did, and they want to remain informed on every single detail.

Mr. Harrison replied that they will be informed.

Comr. Perkins felt that the City Manager has not been cooperating with her in particular for most of the things

she has asked him to do. She said whenever she comes to him with request for things to be done in her district he might or might not do it. She mentioned there are some things he has done while there are some he has not done. She continued to say it appears the City Manager is upset that she is asking him questions from the dais rather than asking it on the telephone. However, she felt that “there is too much behind the scenes stuff going on in this city.” She provided an example of the dumping of trash in her district from the hurricane incident, which she did not know anything about and felt the City Manager could have called her about the matter prior to dumping the trash where it was done in front of people’s homes, who called her to get it removed. She said she does have a list of things that she could not bring up under his evaluation.

Mr. Harrison invited Comr. Perkins to come to his office or communicate with him over the phone or via email about the issues she has and he will follow up accordingly.

Comr. Perkins stated that she sent an email to the City Manager in February regarding RMA, asking for a transition report which was approved on the dais and nothing has been received to date on that report.

An extensive discussion followed among Comr. Perkins and City Manager Harrison on the ability to communicate effectively with each other.

Mayor Fisher suggested that perhaps both Comr. Perkins and City Manager Harrison could commit to getting together to work out those issues that need attention.

Vice Mayor Burrie mentioned that of all the projects in phase 1, it was stated that they will all go out at the same time for engineering and architecture services, and she understands that whichever one comes back first would come before the City Commission to be bid on. She said she could not pin point any particular project commencing first. For example, Kester Park improvements would be the first one to be done if the engineering and architectural work is completed.

Vice Mayor Burrie agreed with Comr. Perkins that the fire departments are needed most.

Mayor Fisher used the first item as an example to clarify the prioritization process. He said the first item listed the McNair Park Renovation a \$10.6 million project in District 5. Phase 1 is \$10,647,000 and under comments it states, design and construction phase 1. Therefore, under phase 1 the McNair Park Renovation would occur, it would be designed and built in phase 1.

Mr. Harrison replied yes.

Mayor Fisher continued and said in the item regarding the Centennial Park Improvements, Sample McDougald House site a \$1.1 million project in district 2, the phase is \$1,000,375, and construction of that will be in phase 2. Mayor Fisher indicated that he wants everyone to understand the chart, which is somewhat difficult but it provides the phase 1 and 2 columns and most importantly the comments column. It indicates whether it would

be built in phase 1 with those dollars and what would be built in phase 2. For example, the Senior Citizen Center is in phase 1 that will be designed and constructed in phase 1, of the \$104 million that the City will receive.

Mr. Harrison replied yes.

Mayor Fisher continued to clarify the items on the chart and indicated that fire station 61 in district 4 will be built in phase 1 of the \$104 million.

Comr. Hardin congratulated the City Manager on the prioritization list that was presented to the City Commission. He said there were certain commitments that were made during the bond presentations and the district 4 residents were emphatic that they wanted to see their projects, especially done as soon as possible. He does see on the list that district 4 projects overall, are in phase 1. If phase 1 means design and construction then that will be done. He said it will be big for the community and keeping the commitment that was made during the bond presentations throughout the city. Therefore, it is a commitment kept.

Comr. Moss mentioned that the McNair Park renovation project's plans were drawn up many years ago and while they might change them somewhat, those plans are there.

Mr. Harrison replied no, not the architectural and engineering plans, it is just the conceptual drawings.

Comr. Moss asked if the McNair Park would be done first because at least something was done about it. However, there might be other projects such as the Senior Citizen Center that there are no conceptual ideas as yet, or a place to build it, so it might come in later. So, he reasoned that those facilities that are already existing may get done first.

Mr. Harrison responded that the natural sequence of events of the projects would be takeoffs of whatever those conceptual were in the different plans that have been on the shelf. In addition, Mr. Harrison stated that they will be meeting with the public through the processes as the projects are being designed.

Thereafter, the City Commission was engaged in an extensive discussion regarding the understanding of how the projects in phase 1 will get done under the suggested list provided by the City Manager.

Comr. Hardin asked how soon can the public go online and see the progress being made on the projects.

Mr. Harrison indicated that the bonds must be sold first. Hopefully, by September-October then they will start the online reporting, and monthly reports provided at the City Commission meetings. Also, there is an article coming out in Tradewinds that explains the time sequence in selling the bonds and the list of projects to be done.

Comr. Sobel commended city staff for putting together Exhibit A, and starting to give some framework to the prioritization of the projects once the bond money becomes available. In addition, he said it would be much clearer if Exhibit A would have been available to the residents prior to the bond being voted upon. He said he did not see any specificity in the exhibit other than a list of the projects and the phase 1 and 2. Once the bond money is received he asked how it will be divided. He said he heard countless times in the presentations from staff that it would ultimately be the City Commission who would determine the priority of the projects - 1, 2, 3, 4 and 5 - after staff was able to put some specs together and decide what was feasible to build upon. In other words, he asked if there is a list of factors that went into deciding when the exhibit was put together, which particular projects would be built in phase 1 and phase 2.

Comr. Sobel stated it appears that the information should have been more forthcoming in exactly the same fashion as it is seen today. He said there was a misstatement of fact and presentation on the pier money. He said even the bond itself specifically stated the need for the \$9.2 million in order to build the pier, but it is not accurate. He mentioned that the pier is getting built, it is already underway under construction and is scheduled to be completed in March 2019. Therefore, the pier would get built whether the \$9.2 million was passed in the bond or not. In addition, in phase 1 the \$9 million project in reality, it is a transfer of funds over to the emergency hurricane fund where it was borrowed. Also, there is \$5.5 million in the youth sports complex, the Elks Club that was purchased. If the bond did not pass that amount of money would have been spent anyway from the disaster fund.

Comr. Sobel said with regard to the first \$14.5 million that is not a project in phase 1, but rather a transfer of funds, once the bonds are sold, to replace the monies that got depleted from the hurricane and disaster emergency funds. Therefore, interest will be paid on those bond funds for the next 30 years. With regard to the pulling down of the funds in 2021, he does not think it would be possible for these projects to all be built within the seven (7) years promised by the City. One of the main reason is the new indication that the second amount of bonds will be available for sale in 2021. Moreover, in the presentations, he understood that the second set of bonds would be made available in 2019.

In sum, Comr. Sobel asked if there is a list of factors that went into determining this and now that the framework is there, and the likelihood of the phase 2 construction costs are going to increase, because those projects will not start until 2022. The money will not be pulled from the bond or made available for bonds until 2021, so how much cost are they going to incur, and was that a factor staff used to prioritize which projects get built first. He then provided an example. There are two projects in particular, one is fire station 52, which is in district 5 and needs immediate renovation, yet parks are renovated before constructing the fire station, which is scheduled to be built in phase 2. Therefore, he recommended that the Commission move the fire station to phase 1 as a top priority project, as a life safety project, as a project that has to be built within stated cost as represented to the residents in the presentations.

Comr. Sobel mentioned the other project was the McNab Road Improvements including the bridge which are in District 1 and 3. Nothing has happened on McNab Road in over 40 years. The bridges are in poor shape

in terms of infrastructure. This was placed in phase 2 without any particular factor stated. Therefore, the cost at the projected time to construct will increase greatly.

Comr. Sobel concluded that if there is a way in getting those particular projects into phase 1 first and if there is flexibility by the city staff, when the specs and the plans come in, and the City is actually ready to “pull the trigger” if there could be enough flexibility to move certain projects from phase 2 to phase 1 because it involves life safety, infrastructure and increased costs.

Mayor Fisher clarified certain comments made by Comr. Sobel and stated that the Elks Club property and the pier were always stated as a reimbursement matter. He said it was never intended to be a project. As far as the crystal ball questions, he wished he had one to be able to say that they will not complete all the seven projects, which he believes it will be done. As it relates to great increase of costs, again, this is unknown. Lastly, it is likely for much higher interest rate, again, this is unknown. Finally, Mayor Fisher stated the question to be addressed is what staff did to prioritize these items.

Horacio Danovich, CIP Manager, stated that they proposed the list, in particular fire station 61 and 52 being back to back, so that two fire stations would not be nullified at the same time. He said they are both being designed on the first go around and the amount of time it will take to complete the design and get permitted, by the time they go into the third year and the funding is secured, they can award the construction part. It will be close in time that station 52 would start almost at the end of 61. Plus, there will be one trailer facility to facilitate 61 to continue operations. Then they will do the same thing and move it to 52. This way normal operation of the fire department is not upset.

Additionally, Mr. Danovich indicated that with regards to McNab Road Improvements the reason it was scheduled to be built later is because of the bridge. The bridge must be permitted through the Corps of Engineers which will take a bit of time to get the permit. The design is being placed at the front end knowing it would take some time to get to that point so the funding is not needed all upfront for McNab Road, just the design and the rest can be funded later.

Comr. Hardin asked if everything goes well, can the bonds be sold in 2020 instead of 2021.

Ms. Sibble replied absolutely, and explained 2021 is the latest staff anticipates sale of the bonds.

Comr. Moss agrees with Mr. Danovich’s reasoning regarding the back to back construction of the fire stations. Should station 52 be closed down prior to the new station being built then the entire southwest quadrant of the city will be with no fire station at all, which will be a severe danger to the people who live in that area.

Comr. Sobel asked if there is any material or content in Exhibit A that was not available prior to the G.O. Bond vote.

Mr. Danovich stated that most of the decision making on how to rank the projects came from the comments that were received from the public during the presentations. The public spoke very loud on certain projects. So, staff did not have that information, so they took the public's comments at heart and came up with Exhibit A for the City Commission to make a decision.

Comr. Sobel commented on the language regarding the funding of the rebuilding of the pier being misrepresented. Therefore, he concluded that there appears to be some misstatement, particularly on the face of the bond itself.

Mayor Fisher indicated that it was stated several times on the dais that it was a reimbursement.

Ms. Sibble explained in details how the questions were formulated and indicated, it was not a conscious effort on staff's part to mislead the public. However, they were restricted in terms of the ballot questions on what they were legally allowed to do and present to the public.

Mr. Berman added that the City Commission passed two resolutions for reimbursement for the pier and for the Elk's property that meet IRS regulations, which was discussed at the public meetings with participation from the public, as well as Commission discussion. The intention was to approve the resolutions prior to the bond issue and if passed, reimbursement of those expenditures. So, if the bond did not get passed, they would find another way to pay the money and get the project done. He said there was no misrepresentation of information as this was done at a public hearing.

Comr. Perkins directed the City Manager to keep the public/residents informed and educated as this process with the bonds unfolds.

Mr. Harrison committed to ensuring this will be done.

Comr. Hardin moved to have the City Commission approve the item with the priority list as presented by City staff, which is referred as Exhibit A.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item for Consideration/Discussion be APPROVED to select Exhibit A. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

15. [18-322](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PIER HOTEL PARKING SPACE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, POMPANO BEACH PIER HOTEL, LLC AND POMPANO PIER ASSOCIATES, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/ A)

(**Staff Contact:** Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item and stated it is requesting approval of a pier hotel parking space license agreement among the City of Pompano Beach, Pompano Beach Pier Hotel, LLC and Pompano Pier Associates, LLC. She provided a brief background on the progression of activities, which started out as a development agreement to develop seven parcels around the pier area, known as the Fishing Village.

Pastor George Rich, 2180 NW 18th Avenue, Pompano Beach, FL, spoke in favor of the project. He said it will not be just another hotel coming but it will represent more permanent jobs coming to the City.

Comr. Sobel indicated that he is supportive of the project. He said it is essential to let the hotel proceed, which will allow for the development of the pier and the Fishing Village. However, special attention must be paid to ensure the residents understand what is being done. He said the Hilton brand hotel is requiring 150 parking spaces and the City is committing that amount out of the garage to that operation for the next fifty years.

Ms. Sibble confirmed that staff estimated a capacity of 70% to 80% of the 150 spaces, so on an average it may not be 100% usage for the year.

Comr. Sobel asked how many employees were anticipated for the hotel to use the fifth floor employee passes on a monthly basis.

Aashish Patel, Pompano Beach Pier Hotel, LLC, 17595 S. Tamiami Trail, Suite 120, Fort Myers, FL 33908, responded that the morning and afternoon shift employees would be 15-20 and the evening shift would be 5-8, totaling 50-70 employees expected. In answer to Comr. Sobel's question of any foreseeable obstacles to prevent the project from coming out of the ground, Mr. Patel indicated that the only possible delay would be

the building permit process, which he does not anticipate any issues.

Comr. Sobel asked what is needed to get the Fishing Village in the development project to succeed. In addition, he mentioned his concern about the number of adequate parking spaces available for the public. It appears with all the planned development, there will be a need for another parking garage. So, he asked if Mr. Hernandez and his team of developers estimate that there will be enough parking for the fishing village.

Tim Hernandez, Pompano Pier Associates, LLC, 200 Congress Park Drive, Suite 201, Delray Beach, FL 33483, responded that when the original design was done they did not know whether a hotel was going to come. However, with the known fact of the hotel industry they would need at least one (1) space per room. He said for most of the year not all the parking spaces requested for this hotel will be utilized. On the other hand, he said the Beach House restaurant has been very successful and it has exceeded everyone's expectation. Due to the success, and discussions with staff and Denison Parking the City is getting a good number of cars parked in the garage. In addition, the other tenants are expressing concern about what is going to happen when they open up their facility, there will be a little bit of parking crunch. He said in the garage there are 625 parking spaces and 54 surface spaces around the garage. Therefore, there would be close to 700 spaces within a block of the garage, which is a good thing. He said it is prudent that the design process be initiated for whatever is going to happen on Oceanic. Finally, he said there is a need to be proactive, and nobody is saying start building that second garage now, but the design process needs to be implemented real soon.

Comr. Sobel asked under the master development agreement what the contemplation for the next step will be, and where do they anticipate that design for the garage would be and how many spaces, the size of the garage, and the location.

Mr. Hernandez indicated that the location would be at the Oceanside parking lot which they have always discussed with staff over the years. So, the first garage would be the one where it is located currently, and the second garage would be on the Oceanside lot. He said from his perspective, the number of parking spaces would be adequate for the area to accommodate the flow of parking demand with consideration of people choosing alternative modes of transportation, among other external factors that cannot be controlled. So it will take a number of minds to figure out the right amount of parking spaces needed.

Comr. Sobel asked if there would be any contemplation to modify the lease being entered into with the hotel to allow for some of the 150 parking spaces in a different structure should that be realized.

Ms. Sibble responded that is not contemplated. She said the City is guaranteeing the hotel the spaces in that particular garage. She confirmed that the Oceanside lot has been contemplated from the initial stage. However, it is hard to predict without doing a formal analysis. In addition, discussions are underway with all parties involved to come up with an ideal solution that will be in the best interest of the city and the residents.

Mayor Fisher stated for several years, this is what the vision was supposed to do, so it is right on target. The plan was to build the garage first, so it is in place for when the restaurants come, as well as the development comes, then the City would have the opportunity to accommodate. Therefore, as Vice Mayor Burrie alluded to, if we build it they will come, and that is exactly what is happening today. Therefore, he is excited and happy to see the vision coming into reality.

Vice Mayor Burrie stated that she is happy that everybody is seeing the success because the Commission took a lot of flak after the garage was built. People were complaining it was empty, and nobody is parking in the garage and asked why the “white elephant” was built. She thanked Mr. Hernandez for the gorgeous restaurant. She also said she is looking forward to the hotel, and then to get another garage in place. Vice Mayor Burrie added that the current garage is more than just a garage, as it will have a community place, stores, and fast food restaurants.

Comr. Hardin mentioned that some people see things as overpriced and that is an opinion not a fact, and some people would say the garage was priced right. But, it was an investment to the City’s future which is paying off dearly. He said it is great that we are having a problem with parking spaces and this was anticipated for years, but another garage is anticipated as well. In fact, the City will need more parking not just in the east Community Redevelopment Agency (CRA) but in the northwest CRA as well, and staff has been working with these things.

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. 2018-150

16. [18-296](#) **P.H. 2018-62: (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 THIRD AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: (\$1,500/month in lease revenues)

FIRST READING: APRIL 10, 2018**(Staff Contact:** Adriane Esteban)

Adriane Esteban, Project Manager, presented the item and stated it is the second reading for the parcel E ground lease third amendment. She explained that the amendment will extend the abatement period until the fence around the pier construction is removed.

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. 2018-55

17. [18-346](#) 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 THE CITY OF POMPANO BEACH AND POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE PUBLIC PURPOSE OF RESOLUTION OF LITIGATION INVOLVING THE COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$265,000.)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that during the April 18, 2018 meeting of the CRA, the item was thoroughly vetted and all the information has been provided in the backup material in the form of a memorandum. He then provided details of the court process involved and the final agreement to settle the case that had started out at \$483,000. Consequently, an amount of \$265,000 has been agreed upon, which would come from the City's risk insurance fund that would settle the lawsuit. Therefore, he recommends that the City settle the lawsuit.

Tom Terwilliger, Pompano Beach, FL, stated that he thinks Mr. Thrower should be paid for his legal expenses in the case under discussion. However, he does not believe the citizen taxpayers of Pompano Beach should be involved, or pay a bill of the Community Redevelopment Agency (CRA). He stated the suit is between Mr. Thrower and the CRA not the City, therefore, the CRA should pay its own bill. He then provided his reasons for his opinion. Mr. Terwilliger asked the City Commission to vote no and send this item back to the CRA and have them pay their own bill.

Michael Skversky, Pompano Beach, FL, inquired if the \$265,000 is the final amount agreed upon.

Mayor Fisher responded correct. He explained that the case was mediated and this was the final results.

Pastor George Rich, 2180 NW 18th Avenue, Pompano Beach, FL, stated that when the item was discussed at the CRA meeting comments were made that the item came up out of nowhere and they were not privy to the information prior to the meeting. However, he understands from his research that this is not just coming up, but has been vetted through multiple legal counsels specific to the case. Pastor Rich said this is the right thing to do and provided his reasons for making this statement. Therefore, he urged the City Commission to move forward with this case to put closure to it and to allow for the community to also move forward in its healing process.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, stated that the truth has come out and Mr. Thrower has been proven innocent. He stated that the CRA is part of the City, so the City is being tasked to handle the matter.

Pastor Allan Jackson, Pompano Beach, FL, stated that he is pleased to have the opportunity to speak before the City Commission. He said he learned to do what is right and right will always follow. Therefore, he is asking the Commission to do what is right so that what is right will follow the commission and the city. He said that Mr. Thrower was found innocent and should be treated as such. This will allow him to move on with his life and to continue being the light in the community that he is. Therefore, he urged the Commission to go ahead and do the right thing and settle this case so that all parties can move forward.

Mark Berman, City Attorney, noted for the record that should the Commission determine this is not appropriate, the expenditure would determine that it is a valid public purpose to support volunteers and encourage volunteers in public service on the City's boards and committees that is so greatly depended upon in the everyday workings of the City. As well as, to protect those volunteers on the boards/committees from personal financial jeopardy.

Comr. Hardin stated that he wanted to comment on the CRA versus the general fund to use for this bill. He said in the end it is all taxpayers' dollars. Furthermore, it is an opportunity to end this situation and move on. He thanked the City Manager for his skills at negotiating to arrive at this agreement.

Mr. Harrison expressed thanks to the City Attorney for his support in this matter.

Comr. Moss indicated that at the CRA meeting he voted no on this matter pending further information, as he did not get sufficient time to review the material presented to him two hours prior to the meeting. He has since researched the matter with the City Attorney and the CRA Attorney, as well as several persons who has experiences with these type of situations and he has concluded that this is the right thing to do. Therefore, he will vote yes on the item.

Comr. Sobel stated that for all the shenanigans he has seen and heard since getting elected this one ranks towards the top. He quoted a phrase he recently heard from a sermon by Rev. Robert Stanley, "Compromising our integrity we become a muddy fountain." Therefore, he believes this settlement proposal for item 17 is one giant muddy fountain. He said the CRA does not owe the money, but if it did, it would be their responsibility to pay not the city's taxpayers, and only if a court ordered the payment, which is highly unlikely.

Additionally, Comr. Sobel asked a number of questions to include, who authorized and paid the CRA outside legal counsel fees in this case. Also, why is there not a settlement recommendation anywhere from the expert outside counsel, who has been paid enormous amount of moneys over the years to defend this case? So, the City

Commission is being asked to reward a bad and likely unethical behavior of a local resident, a community activist who he understands do a lot of volunteer work, and who he personally likes. Comr. Sobel said Mr. Thrower needs to be responsible for his own actions. He said the issue was not disclosed to the residents or the CRA board until the beginning of their meeting last Tuesday. Further, it was not on the CRA agenda and there was no backup materials for the board or residents to see and there is none currently, contrary to Mr. Harrison's statement that this has been thoroughly vetted. Comr. Sobel added that there is only a conclusory memorandum from the City Manager that says, "Pay the \$265,000 in taxpayers' dollars." He then provided in detail results of his search to find information regarding the matter. He said he tried to be fair minded but concluded this is a shady deal. Also, he said it is another example of why the northwest has ended up on the short end after years of limited economic growth, especially compared to the east, because some people get special deals while the residents as a whole suffer. He said the leaders of the northwest should think hard about that.

Comr. Sobel provided his detailed opinion on why he believes this is a shady deal and when someone violates ethics law they should not be compensated. In conclusion, Comr. Sobel stated that this settlement will encourage more bad behavior knowing the City will step in and reward it.

Mayor Fisher asked if by voting for the settlement the City Commission would be doing anything illegal, or would it be a conflict of interest.

Mr. Berman replied, "Not if you find there is a valid public purpose for the expenditure of public funds." He said there is no conflict of interest if the Commission is sitting tonight to determine if the City's best interest as a commissioner or mayor of the City of Pompano Beach, not in the CRA's best interest. He said when they are sitting in the capacity as a CRA board member they can determine if it is in the CRA's board interest as state statute permits City Commissions as a whole to sit as CRA board members. Therefore, he encourage the City Commission that their vote whether for or against this item is determined to be in the best interest of the City of Pompano Beach not Pompano Beach CRA. Also, there would be a valid public purpose for this expenditure if voting for the matter.

Mr. Harrison indicated that Comr. Sobel made a few statements that are at the edge of accusing him of wrongful acts and he is unsure why this is done. He then explained the matter on hand and the progression of activities involved. He emphatically stated that he has never promised Mr. Thrower or anyone else close to him any enumeration from the city for helping the city with the Bond issue. Therefore, to indicate that he would have done it is a real "slap in the face," which should not be said.

Mr. Harrison wanted the record to reflect that there were no preconceived information or promises from him to Mr. Thrower with regard to the bond issue or him getting up before the City Commission along with the president of the fire union, the employees union, and Mr. Dejong with the business community, advocating for his raise.

Mayor Fisher stated that for the record Mr. Thrower was acquitted on his charges.

Mr. Berman replied that is correct.

Comr. Hardin pointed out that staff does their job and make recommendations to the City Commission and the bottom line is that nothing happens until the Commission votes on something. People may not always agree with the commission's votes but it is the will of the commission.

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
Burrie
Fisher

No: Sobel

Enactment No: RES. No. 2018-151

18. [18-333](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LEE A CORSON TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JANUARY 10, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANT:

Lee A. Corson, District 5, *Incumbent*

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Moss, seconded by Commissioner Hardin, to insert the name LEE A. CORSON and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2018-152

19. [18-334](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KENNETH C. ARNOLD TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON APRIL 25, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Kenneth C. Arnold, *Incumbent* - District 3

Mary C. Antoine - District 1

Patricia DeSanctis - District 1

Rafal Dradrach - District 1

Bruno Munoz - District 1

Kerry-Ann Parsons - District 2

Sarahca Peterson - District 3

Philip J. Schulte - District 3

Hazel K. Armbrister - District 4

Monifa Aruwajoye - District 4

Jazzmann LeSane - District 4

Marguerite K. Luster - District 4

Marcus A. McDougale - District 4

Shelton Pooler - District 4

John Reed - District 4

Bettye A. Walker - District 4

Andy Cherenfant - District 5

Frank Shulman - District 5

Mona Silverstein - District 5

(Staff Contact: Ascelela Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name KENNETH C. ARNOLD and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

Enactment No: RES. No. 2018-153

F. REPORTS

Gregory Harrison, City Manager - Employee Training Life Safety Solutions - Mr. Harrison stated that in light of the happenings in schools and other locations, he has requested the Human Resources Department to organize a CPR First Aid training for all employees, referred to as Life Safety Solutions. The training will take place for all city employees in May, June and July.

Election Candidates Forum - Mr. Harrison stated that after the filing of all City Commissioners' offices, which will occur at noon on June 22, 2018, shortly thereafter, he will organize with staff to hold a "candidate education forum," where all the persons who filed for offices will come in and sit to hear from each department head, as well as the four charter officers, City Manager, City Attorney, City Clerk and Internal Auditor with regard to how the city is organized and how it functions. Also, it would allow them the opportunity to ask questions about what is going on in each department. This will be scheduled for the early part of July.

Fund Raiser for Blanche Ely Basketball Championship - Mr. Harrison indicated as mentioned by Vicente Thrower earlier about the GoFundMe site, perhaps the reason it is not doing so well, it is under a name that not everyone is familiar with unless they are members of the Booster Club. Currently, it is under the Booster Club ETExpress Championship FundRaiser and not the Blanche Ely Boys Championship Basketball team.

Mr. Harrison stated that the Club had set up the GoFundMe account and only six donations have been made to date for a total of \$1,950 for a \$15,000 goal. He is unsure how he can assist with getting the word out other than what is being done already, as well as by word of mouth to get the community to go to the ETExpress Championship FundRaiser on the GoFundMe website.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report

Commissioner Rex Hardin - Old Pompano Area - Comr. Hardin mentioned that with everything that is going on especially in the Old Pompano Downtown area, there is the senior housing project coming out of the ground and another project in the development stages. Therefore, there will be additional activities, so now may be a good time to figure out how to take a look at the Old Pompano area and ways to protect it from the traffic that will be generated by the development that the City is creating in that area. He said this is separate and different from the East Transit Oriented Corridor (ETOC). As part of the ETOC process, each time a development along the Atlantic Boulevard comes in, the traffic impacts are reviewed. However, he is referring to a holistic approach to look at the Old Pompano area from what is being done on the west, east, north and south sides. So, they need to come up with ways to protect the area so massive traffic do not end up in the neighborhood.

Commissioner Barry Moss - Lakes at Palm Aire Purchase - Comr. Moss shared that the Lakes at Palm Aire has been purchased and is now owned by the City. There were some legal complications that had to be worked through. So, thanks to City Attorney Berman and his staff for fixing all the errors. He is hoping in the near future there will be a ribbon cutting and a little celebration.

Opening of Aroma Joe's Coffee Shop - Comr. Moss welcome Aroma Joe's Coffee Shop to District 5, which is located in the Planet Fitness Shopping Center across from the I-Hop on Powerline Road. He said

they have a wide variety of coffee offerings, as well as some “tasty treats that can’t be beat.” He invited anyone in the neighborhood to stop by.

Collier City Civic Association meeting - Comr. Moss reminded the public that the Collier City Civic Association meeting will be held on Wednesday, April 25, 2018 at 7:00 p.m. at the Jan Moran Library in Collier City.

Commissioner Beverly Perkins - More Lighting for NW 15th Street - Comr. Perkins stated that on NW 15th Street where the teenagers were killed in the car accident a few weeks ago, she spoke with County Commissioner Mark Bogen about repairing the second railroad track there. However, she requested that the City Manager check into working with the County, because NW 15th is a county road, to see if some flashers can be installed near the tracks or install some type of lighting. Currently, it is very dark to drive through at nights.

NW 6th Avenue Round-a-bouts - Comr. Perkins stated that she has been asking for the round-a-bouts to be maintained on NW 6th Avenue. She indicated that Public Works employees come in and put the plants there and never come back to maintain them. Therefore, she is requesting that someone in public works take a look at the two round-a-bouts again.

Pat Davis Community Garden - Comr. Perkins reported that last Saturday, at the Pat Davis Community Garden event, which was very nice, there was a young lady cooking some of the produce from the garden. However, there are a lot of things to be done, including signage, storage for gardening tools, and a shelter or some type of tent for future events to be held there.

Report of the Stonegate Bank - Comr. Perkins stated that she had previously requested a report on the Stonegate Bank when she got elected into office and is requesting, through the City Manager, another copy or to provide her with an update of what is happening with the loans being paid back from the Community Development Block Grant (CDBG).

Commissioner Michael Sobel - Beach House Restaurant - Comr. Sobel mentioned that the ribbon cutting took place last Saturday for the Beach House restaurant, which is a wonderful locale. The developers took great effort to design something that blended with the ocean and created an attraction for the residents. He encouraged everybody in the city to check it out.

Chamber of Commerce Ric Green Resignation - Comr. Sobel announced that he had read that Ric Green left the Chamber of Commerce last week. Therefore, he wanted to thank Mr. Green for the many years he served as president of the Pompano Greater Chamber of Commerce and wished him all the best. He said the Chamber board has some amazing people and leaders in place, and he recommended that in moving forward the chamber stay out of politics and focus on helping the small business owners in the cities of Pompano Beach, Margate and Lighthouse Point.

Voting by Mail/Absentee Ballots - Comr. Sobel stated that it would be his dream come through to have all 61,000 registered voters in the City of Pompano Beach vote in the November election. He believes the City should gain national recognition for the only city where every person votes, unlike the Bond vote which had less than 13% eligible voters. He said the November ballot will be “jammed packed.” There will be constitutional amendments, city and county issues so the lines at the polls in November will be extraordinary, which can be avoided. He said it is so easy and simple to vote by mail. He provided the contact number for the Supervisor of Elections (954) 357-7050, and said upon hearing the recording press 3 and a person will speak with you. They will send the ballot in advance with a self-stamped envelope for the return of a signed ballot to the Supervisor of Elections Office within time prior to the November 6th date. He said they will continue to do this for every general, primary and special elections thereafter.

Personal Newsletter - Comr. Sobel stated that soon he will be sending out his personal newsletter in which he tries to provide information to the residents of Pompano Beach with facts and details that are not easily available on the City’s website. He encouraged any interested party to send their email and request to be added to his email list to michael.sobel@copbfl.com

Vice Mayor Charlotte Burrie - Pressure Cleaners - Vice Mayor Burrie understands that the City has one or two pressure cleaners. Also, she is aware there is one in District 1 that is utilized. However, there is no pressure cleaning done in Districts 2, 4 or 5. Therefore, she is requesting that the other pressure cleaner be utilized to get the other areas cleaned up similar to District 1. This include the sidewalks, graffiti and whatever is done to keep the whole city clean.

Illegal Dumping Signs - Vice Mayor Burrie stated that the illegal dumping signs are in place and she along with her constituents are excited and asked how are these being distributed.

Greg Harrison, City Manager responded that the Solid Waste Division is erecting the signs at the known dumping spots. Therefore, if there are any known habitual spots that there is no sign posted, Vice Mayor Burrie and her constituents can call his office or the Solid Waste and report it.

Mayor Lamar Fisher - HUD Community Assessment - Mayor Fisher reported that the Commission received a Memorandum from City Manager Harrison concerning the HUD annual community assessment and it has been determined by HUD that the City of Pompano Beach is in compliance with the statues and has continued to administrate the programs for which assistance have been received. Therefore, he thanked Miriam Carrillo and her office for really taking the department to new heights.

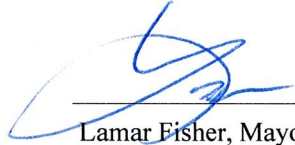
Employee Commendation - Mayor Fisher stated he received a call from Ms. Vivian King this past week informing him that Ms. Bosette Seymour, an employee of the Larkins Center, who assists with the seniors’ program became alarmed when one of the seniors was not showing up for the programs. She took it upon herself to go to the senior member apartment to check on her and found unfortunately, she had passed away in her apartment for a day or two. He commended her for caring for the seniors and taking time to follow-up with them during her own personal time. Therefore, Mayor Fisher on behalf of the City Commission and the City offered kudos to Ms. Seymour.

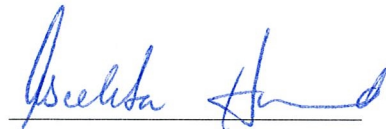
Brazilian Business Award - Mayor Fisher stated that the City of Pompano Beach is a winner within the Brazilian community. He said the City won the Business Press Award 2018, and he will be receiving the award at the Broward Center of Performing Arts on May 10, 2018 and invited everyone to join him. He said it was exciting to learn that the City was chosen for its outstanding support for the business community and the Brazilians in the United States.

City Parks Monitored by Police - Mayor Fisher indicated that a few weeks ago the city parks issue was discussed at a meeting with Chief Hale and the departments. As a result he is receiving multiple compliments on the City's parks. He commended the Broward Sheriff's Office for checking out the activities in the parks at night. Also, Mayor Fisher thanked Chief Hale and the Task Force for assisting in making a statement that illegal activities will not be tolerated in the City's parks.

G. ADJOURNMENT

The meeting adjourned at 9:50 p.m.



Lamar Fisher, Mayor

Asceleta Hammond, City Clerk

4/24/2018



City of
Pompano
Beach



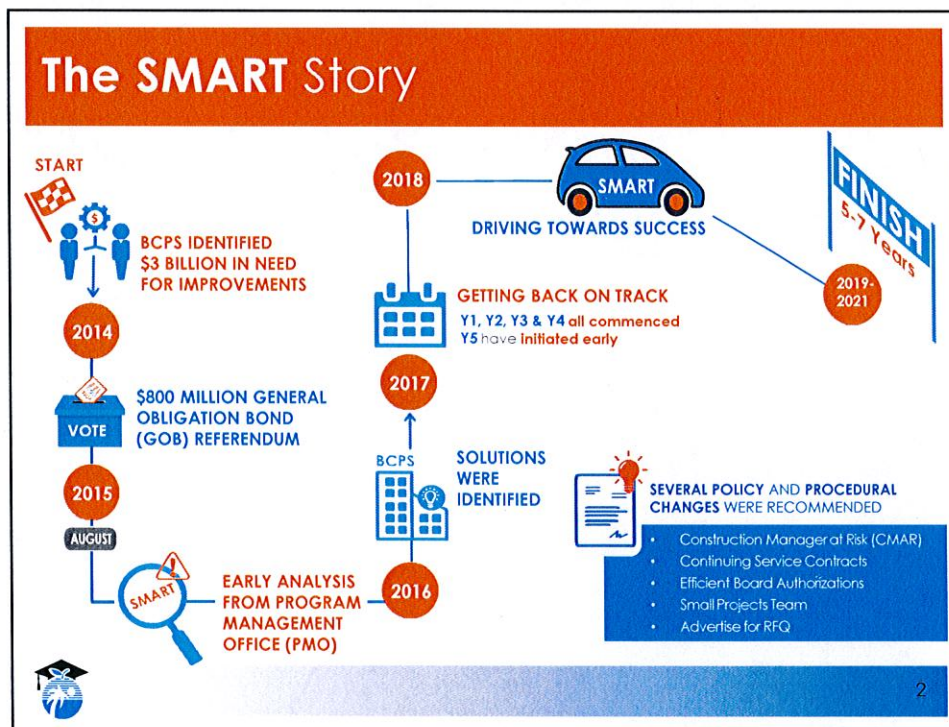
Established 1215
BROWARD
County Public Schools



**SAFETY
MUSIC & ART
ATHLETICS
RENOVATION
TECHNOLOGY**

CBRE | HEERY ATKINS

April 24, 2018



SMART by the Numbers



57,655

MUSIC INSTRUMENTS
HAVE BEEN ORDERED

48,730

ARE IN THE
HANDS OF STUDENTS



15
TRACKS

3 - MIDDLE SCHOOLS COMPLETE
9 - HIGH SCHOOLS COMPLETE
3 - SCHOOLS TO BE COMPLETE
Q2 2018

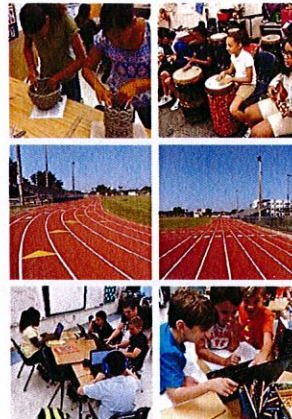


230/230

SCHOOLS FULLY COMPLETE
WITH TECH STANDARDS

83,362

NEW COMPUTER
DEVICES
26,970 NEW COMPUTER
ACCESSORIES



3

Phased Process = Project Success

1,511 Facilities Projects Initiated or Underway



Previous Year March 31, 2017 Data




*Figures provided are as of March 31, 2018




4

SMART Program

Impacting




pompano beach
Florida's Warmest Welcome

5


Your Community Schools

17 Pompano Beach schools in the SMART Program


9
Elementary Schools




2
Middle School




2
High Schools



4
Education Centers



Total Funding: **\$73,624,148**

6

Primary Projects in Your Schools



| Elementary Schools | Status |
|--------------------|---|
| C. Robert Markham | <div><div></div></div> X Design Project |
| Charles Drew | <div><div></div></div> X Design Project |
| Cresthaven | <div><div></div></div> X Hire Design Firm |
| Cypress | <div><div></div></div> X Implementation |
| McNab | <div><div></div></div> X Design Project |
| Norcrest | <div><div></div></div> X Design Project |
| Palmview | <div><div></div></div> X Hire Design Firm |
| Pompano Beach | <div><div></div></div> X Design Project |
| Sanders Park | <div><div></div></div> X Hire Design Firm |



*Data through December 31, 2017

Primary Projects in Your Schools



| Middle Schools | Status |
|-------------------------------------|---|
| Crystal Lake | <div><div></div></div> Hire Design Firm |
| Pompano Beach | <div><div></div></div> Design Project |
| High Schools | Status |
| Blanche Ely | <div><div></div></div> Design Project |
| Pompano Beach | <div><div></div></div> Hire Design Firm |
| Education Centers | Status |
| Charles Drew Family Resource Center | <div><div></div></div> Design Project |
| Cross Creek School | <div><div></div></div> Hire Design Firm |
| Cypress Run Education Center | <div><div></div></div> Hire Design Firm |
| Dave Thomas Education Center - East | <div><div></div></div> Design Project |



*Data through December 31, 2017

Single Point of Entry (SPE) in Your Schools

17

WITH SPE PROJECTS ARE
IN PROGRESS OR COMPLETE
POMPAÑO BEACH SCHOOLS

All District schools have **safeguards in place** for the safety of students. **SPE augments** and **enhances** those safeguards.

The District is working with the Program Management Team to accelerate all SPE projects for completion by end of 2018 or 1st quarter of 2019 at the latest.

*Note: In September 2017 the School Board approved funding to make additional Single Point of Entry improvements District-wide.

10

RECEIVED BOARD APPROVED FUNDING IN FALL AND ARE CURRENTLY IN THE DESIGN PHASE

4

PROJECTS ARE IN THE IMPLEMENTATION PHASE

3

PROJECTS ARE COMPLETE OR MEET DISTRICT REQUIREMENTS

*Data through March 31, 2018

9

School Choice Enhancement Program (SCEP)

Charles Drew Family Resource Center

Cypress Elementary School

745

Items Complete at
~171 Schools District-wide

Pompano Beach
Schools with SCEP
Projects

5

PROJECT IS IN THE IMPLEMENTATION PHASE

- Charles Drew Elementary School
- Charles Drew Family Resource Center
- Cypress Elementary School
- Dave Thomas Center- East
- McNab Elementary School

4

PROJECTS ARE COMPLETE

- Cypress Run Education Center
- Norcrest Elementary School
- Pompano Beach Elementary School
- Pompano Beach Middle School

10

School Choice Enhancement Program (SCEP)



Norcrest Elementary School



Pompano Beach Elementary School

745



Items Complete at
~171 Schools District-wide



2

PROJECTS ARE IN THE PLANNING/DESIGN PHASE

- Blanche Ely High School
- C. Robert Markham Elementary School



6

PROJECTS ARE PLANNING TO INITIATE IN Q4 2018

- Cresthaven Elementary School
- Cross Creek School
- Crystal Lake Middle School
- Palmview Elementary School
- Pompano Beach High School
- Sanders Park Elementary School



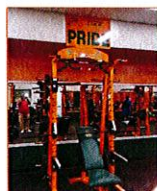
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Athletics in Your Schools

Blanche Ely High School



Weight Room Upgrades were fully **Completed** in January 2018



Pompano Beach High School



Weight Room Upgrades are in the **Design Phase** with Completion anticipated during Q3 2018



Track Improvements were fully **Completed** in March 2018



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SMART Website Enhancements

Individual School Spotlight Report

Spotlight Report by District

Spotlight Report by Municipality

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Questions & Answers

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CITY OF POMPANO BEACH POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM

Overview of 10/1/2017 Valuation Results
City Commission Meeting
April 24, 2018



Certification

This report was prepared for the Police and Firefighters' Retirement System for the City of Pompano Beach as of October 1, 2017. This is meant to be a summary of the valuation results, and may not be appropriate for other uses. Please contact Nyhart prior to disclosing this report to any other party or relying on its content for any purpose other than the intended use.

Except where indicated otherwise, the results included in this report are based on the same data, assumptions, methods, and plan provisions as the 10/1/2017 valuation. As a result, these sections of the 2017 report should be considered part of this report.

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

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



Tayt Odom, FSA, MAAA



Annual Contribution Requirement Firefighters - City

- The contribution requirement for the City on behalf of firefighters for the fiscal year ending September 30, 2019 is as follows:

| Firefighters | FYE 9/30/2018 | FYE 9/30/2019 | Increase (Decrease) |
|--|------------------|------------------|------------------------|
| Required City/State Contribution | \$ 6,591,607 | \$ 6,903,910 | \$ 312,303 |
| Estimated Amount of Ch. 175 Revenue to be Taken as a Credit | 821,230 | 821,230 | 0 |
| Required City Contribution (paid in one installment on 12/31) | \$ 5,770,377 | \$ 6,082,680 | \$ 312,303 |
| % of Expected Payroll | 44.2% | 43.6% | (0.6%) |
| Expected Payroll | \$13,041,483 | \$13,945,799 | 6.9% |



Annual Contribution Requirement

Police Officers - BSO



- The contribution requirement for BSO on behalf of police officers for the fiscal year ending September 30, 2019 is as follows:

| Police Officers | FYE 9/30/2018 | FYE 9/30/2019 | Increase (Decrease) |
|--|------------------|------------------|------------------------|
| Required City/State Contribution | \$ 5,931,061 | \$ 5,911,097 | \$ (19,964) |
| Estimated Amount of Ch. 185 Revenue to be Taken as a Credit | 966,486 | 992,141 | 25,655 |
| Required City Contribution (paid in one installment on 12/31) | \$ 4,964,575 | \$ 4,918,956 | \$(45,619) |

- The contribution requirement for FYE 2019 is increased to \$5,053,465 if the contribution is satisfied by making quarterly payments throughout the fiscal year.
- Plan closed to new Police Officers since 1999
- Active Police Officers in Plan decreased from 5 to 4



Annual Contribution Requirement

nyhart

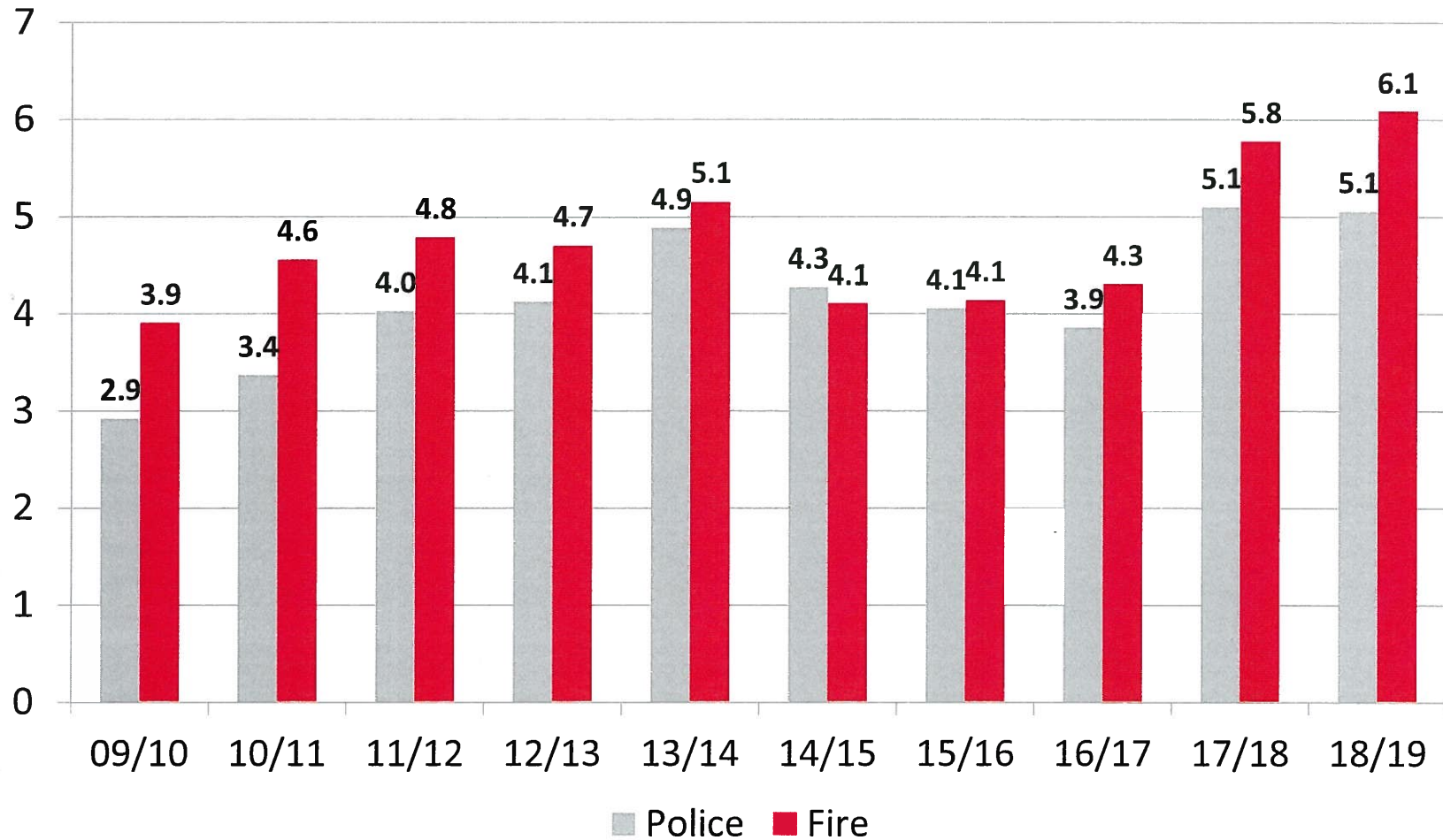
Total

- The contribution requirement for the City and BSO for the fiscal years ending September 30, 2019 and September 30, 2018 is as follows:

| | For FYE 9/30/18 Based on 10/1/16 Valuation | For FYE 9/30/19 Based on 10/1/17 Valuation | Increase (Decrease) |
|----------------------------------|--|--|------------------------|
| Required Total Contribution | \$ 12,522,668 | \$ 12,815,007 | \$ 292,339 |
| Estimated Chapter 175/185 Credit | \$ 1,787,716 | \$ 1,813,371 | \$ 25,655 |
| Required Employer Contribution | \$ 10,734,952 | \$ 11,001,636 | \$ 266,684 |



Funding Requirement (\$millions)





Funded Ratio

- The funded ratio is one measure of the health of the retirement system
 - This ratio shows the percentage of the actuarial accrued liability that is covered by the actuarial value of assets

| Date | Pompano Beach Police & Fire ⁽¹⁾ | Florida Public Safety Plans ⁽²⁾ (All) | Florida Public Safety Plans ⁽²⁾ (Assets > \$100MM) |
|-----------|--|--|---|
| 10/1/2017 | 68.0% | | |
| 10/1/2016 | 67.0% | 85% | 77% |
| 10/1/2015 | 72.2% | 86% | 78% |
| 10/1/2014 | 70.7% | 84% | 75% |
| 10/1/2013 | 68.5% | 78% | 74% |

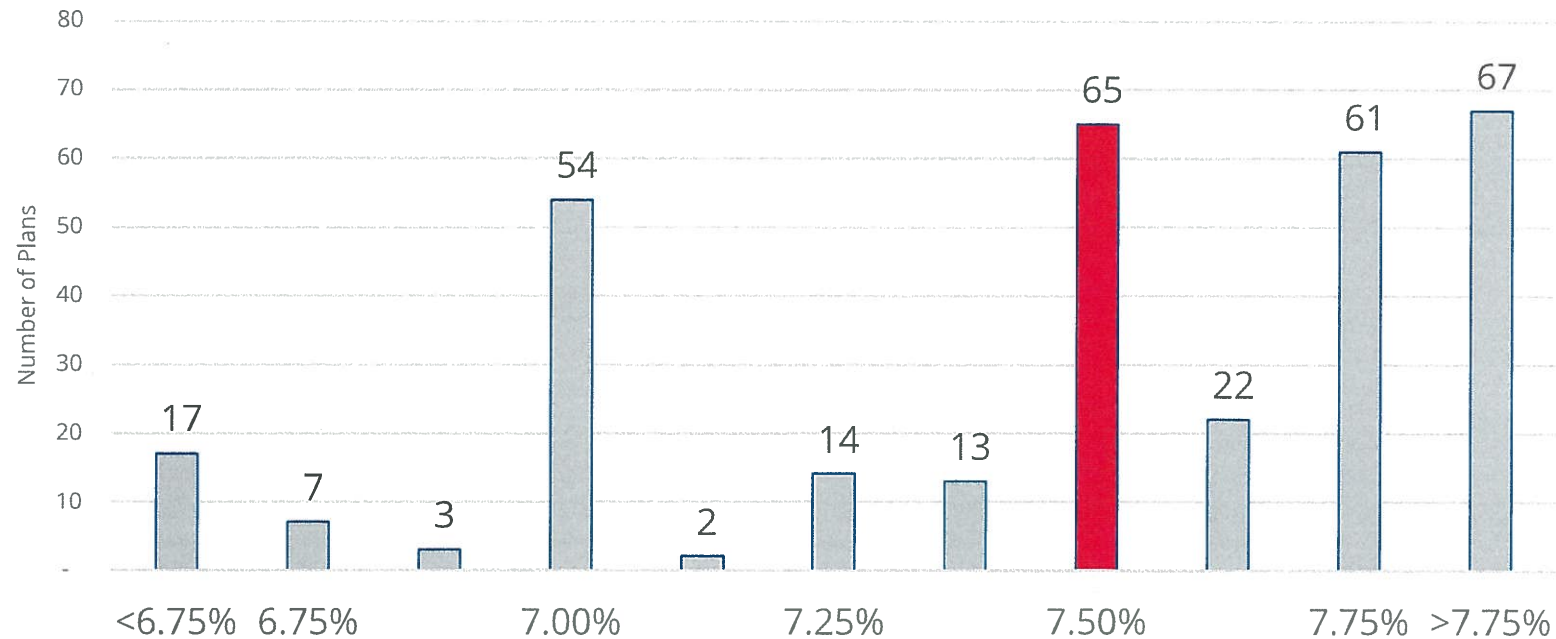
(1) Drop in ratio 10/1/2016 due to legislated requirement to use FRS mortality tables.

(2) Plans covering police and/or fire with valuation dates 9/30 – 1/1, as reported by the Department of Management Services



Benchmarking Rates of Return

Rate of Return Assumptions for Florida Public Plans



Source: Florida Department of Management Services, return rates for Florida plans with valuation dates of 9/30/2016 to 1/1/2017.

The average return assumption was 7.44%, a decline from the average assumption of 7.49% derived from the previous year.



Legislation: SB 376

Provides for worker's compensation to cover treatment for PTSD:

- Expands workers compensation benefits for first responders to mental and nervous injuries
- More liberal definition of total disability than the FRS standard
- Likely result is higher incidence of line-of-duty disability/death benefit awards.
- Employing agencies of first responders required to provide educational training related to mental health awareness, prevention, mitigation, and treatment
- Effective October 1, 2018



Future Recommendations

Recommendation to Board:

- *Reduce future amortization periods to 20 years*

Rationale:

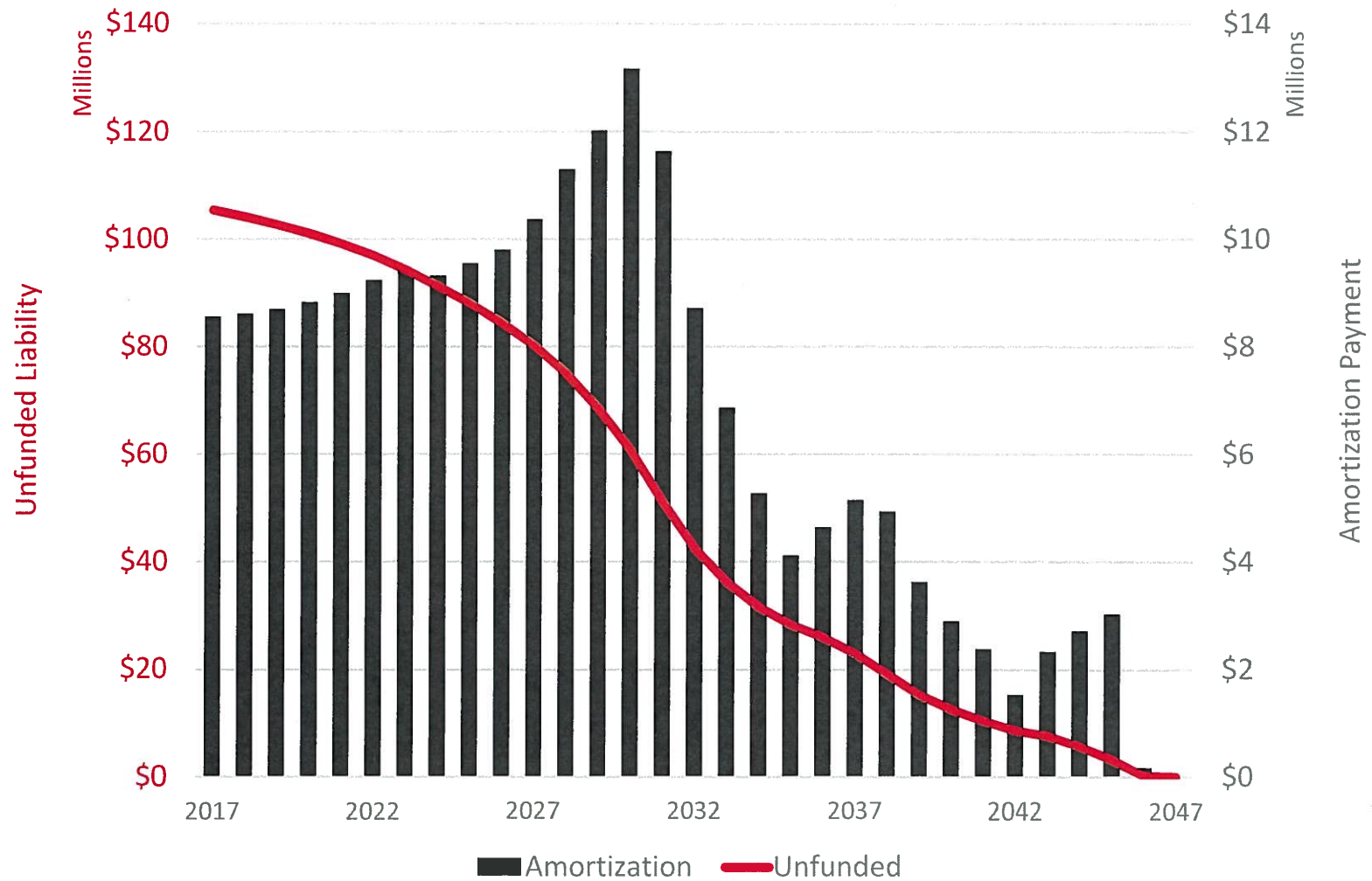
- *Current practice results in generational equity issues*
- *Negative amortization for Fire Plan for many years*
- *Unfunded liabilities currently amortized over 30 years*
 - *longest period allowed under Florida law*
- *Actuarial “model practices”*
 - *15-20 years for gains/losses*
 - *15-25 years for assumptions changes*

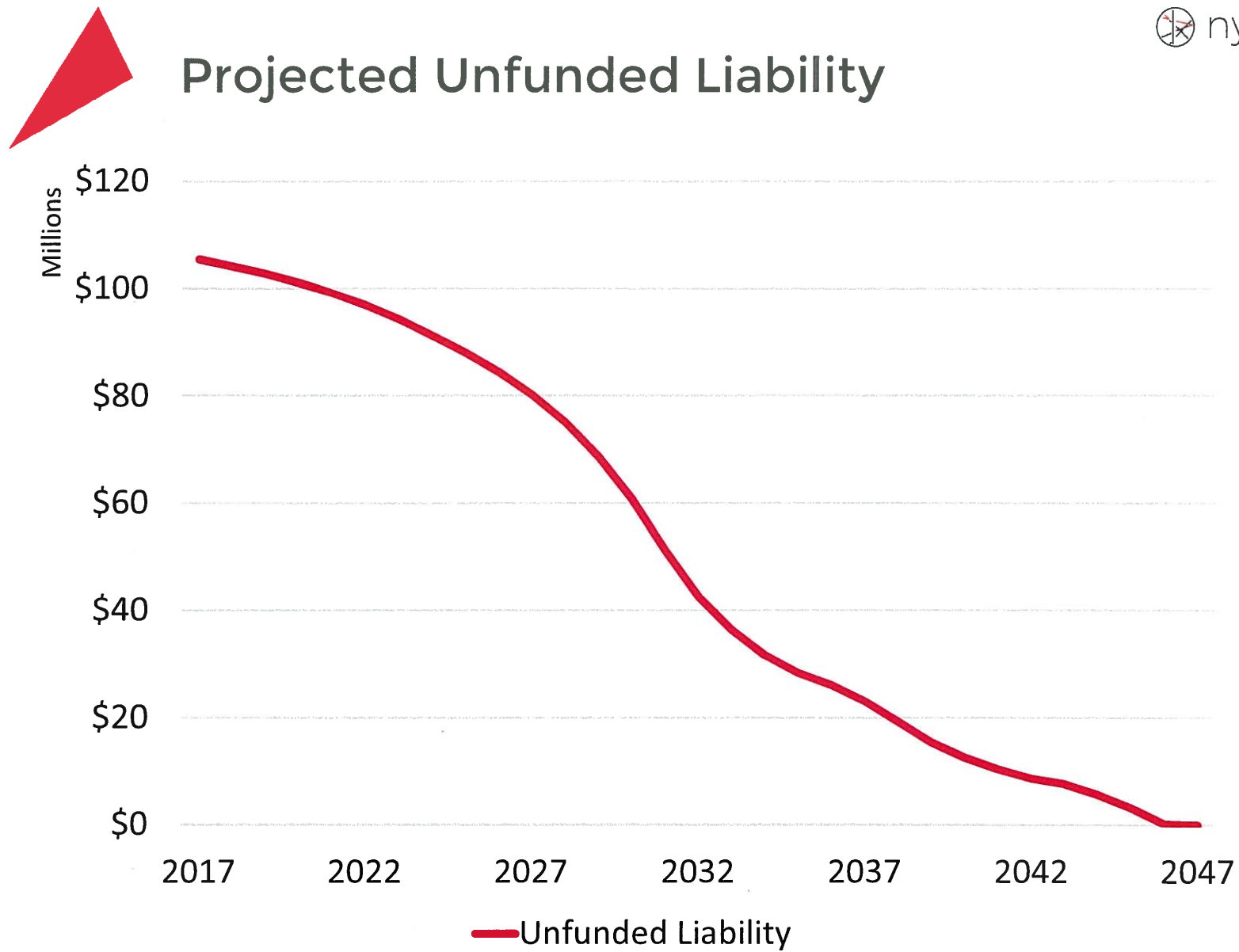
Impact:

Amortization charges/credits are approximately 6% higher using 25-year vs. 30-year period

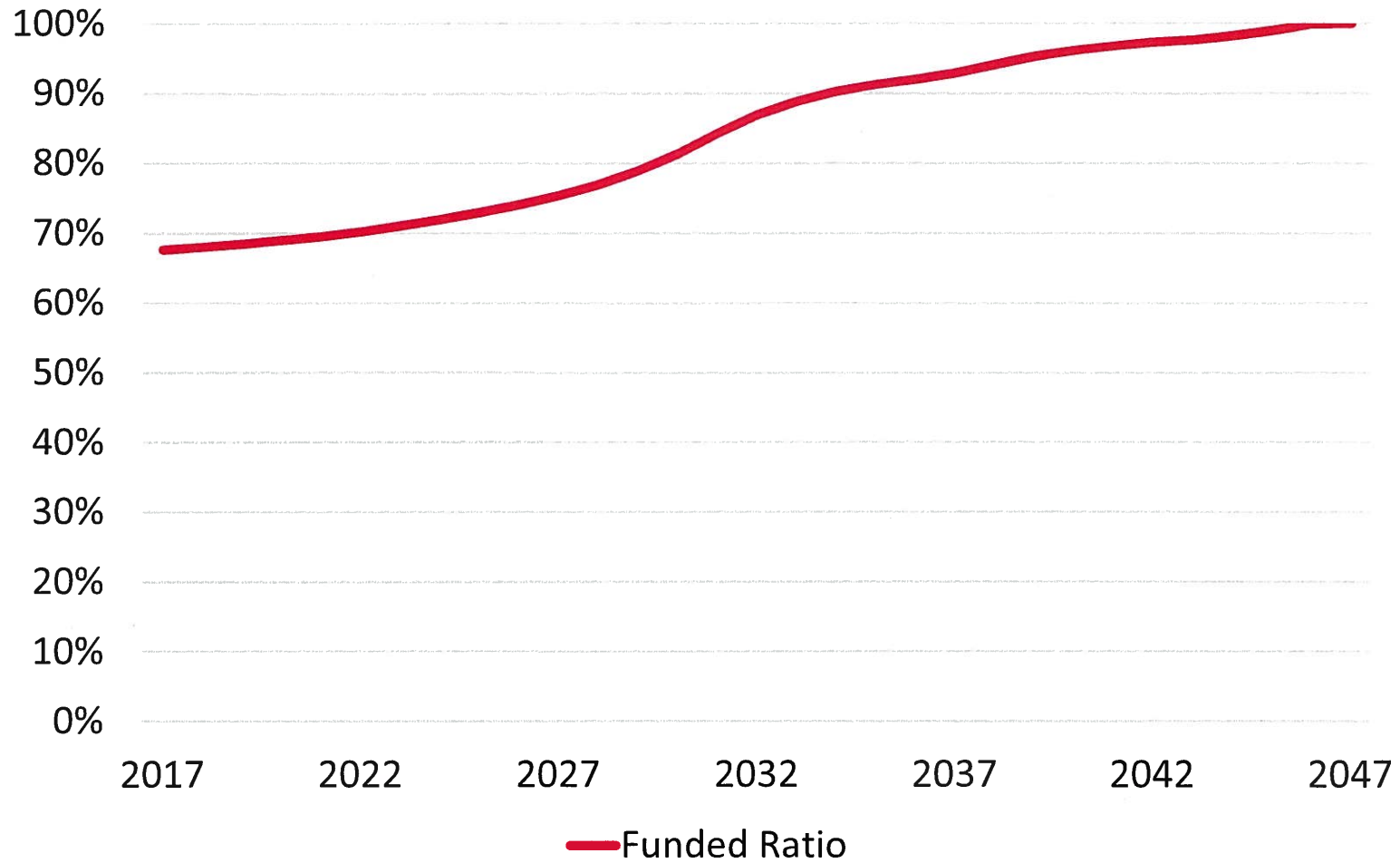


Amortization of Unfunded





Projected Funded Ratio





Questions?