

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, May 14, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Rabbi Tzvi Dechter of Chadbad of North Broward Beaches, offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[19-430](#) Regular City Commission Meeting Minutes of April 23, 2019

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

APPROVAL OF AGENDA

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Agenda be APPROVED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced item 3 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[19-391](#) Environmental Scholarship Presentation

Presentation of environmental scholarships to select college bound students from Pompano Beach by Russell Ketchem, Solid Waste Operations Manager and Mayor Rex Hardin.

Russell Ketchem, Solid Waste Operations Manager, stated this is the second year of partnership between the City and Waste Management providing high school seniors going on to college, who have exhibited environmental stewardship and dedication to the environment with scholarships. Beth Dubow, Recycling Coordinator for the City of Pompano Beach introduced three of the four recipients, who are graduating seniors and have been awarded scholarships. The students have taken active roles at the Blanche Ely High School and Pompano Beach High School, and are commended for their academic achievement, environmental stewardship, and dedication to furthering their education.

The students are: Charlotte Hood, a graduate from Pompano Beach High School with a 5.156 weighted GPA, who is involved with many extracurricular activities, and will attend University of Florida. Gracie Lauber is a graduate from Pompano Beach High School and has been the president of the Pompano Beach High School Environmental Club for the last two years. Last summer she earned a position to work alongside professional biologists and environmental scientists in the Youth Corps program, collecting data in the western everglades swam forests, and she will be attending the University of Florida. Kecynthia Matthews, is one of the top ten graduating seniors from Blanche Ely High School, and she holds several leadership positions to include the National Honor Society Recording Secretary, Team Manager in Volley Ball, Peer Leader, and Treasurer of the Ely Scholars Association, she has accrued over 500 community service hours and will be pursuing a degree in Child Behavioral Psychology. Merika Vassal a graduate from Blanche Ely High School, will be attending the University of Florida, and she has participated in a number of community organizations and school clubs to include the National Honor Society Key Club, Ely Scholars Association, and Students Working Against Backup. She volunteers and mentors for Broward Outreach Giant Steps Academy and the Jan Moran Collier City Library. She has earned over 700 hours of community service.

The Special Presentation was READ AND PRESENTED INTO THE

RECORD.**19-404 Teacher Appreciation/Teacher of the Year Acknowledgement**

Brian Campbell, Education Advisory Committee Member and Mayor Rex Hardin presented certificates to the following Pompano Beach public school teachers in honor of Teacher's Appreciation Month. They have been selected as "Teacher of the Year" at their respective school:

Cortney Valme	McNab Elementary School
Jolie Stevens	Pompano Beach Middle School
Joline Green	Palmview Elementary School
Cassandra Blume	Crystal Lake Middle School
Chana-Kay M. Pommels	Blanche Ely High School
Regine Tertulien	Cypress Elementary School
Marlie Sylvestre	Charles Drew Elementary School
Martine Joseph	Markham Elementary School
Florence Petit	Pompano Beach High School
Jenny Mann	Sanders Park Elementary School
Kim Ruggieri	Northcrest Elementary School
Kendra Torrella	Pompano Beach Elementary School
Katrina Zaiff	Cresthaven Elementary School

Brian Campbell Education Advisory Committee introduced the teachers who continue to inspire their students and have gone beyond the call of duty to ensure that the students in their classes reach their highest potential. As a result of their dedication, their schools have given them an honorable distinction. On behalf of the Committee and the Chairwoman, Barbara Armbrister-Boynton, he recognized the Teachers of the Year from the public schools within the boundaries of the Pompano Beach Education Advisory Committee, and presented the Teacher Appreciation/Teacher of the Year Acknowledgement Certificates to the above mentioned teachers.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS**National Safe Boating Week**

Mayor Hardin announced that the proclamation was not on the printed agenda, however, he wanted to add this one because National Safe Boating Week will be coming up and it is important to get it on the agenda. He then presented a proclamation to Bruce Fried, Flotilla 3-4 Commander of the US Coast Guard Auxiliary and Sam Kelly, Commander of the Pompano Beach Power Squadron declaring May 18-24, 2019, as National Safe

Boating Week in the City of Pompano Beach. He then urged all citizens to join in learning and practicing safe boating by wearing a life jacket, taking boating education courses, getting a vessel safety check, and operating their vessels responsibly, safely, and soberly.

Bruce Fried provided information regarding the US Coast Guard Auxiliary and the classes they provide to do the vessel exams. He said it is important to ensure that vessels are in compliance and one of their inspectors can do this at no cost to the owner. The next safe boating event will be May 18, 2019, at the Imperial Point Hospital.

Sam Kelly stated that only 15% who drowned in boating accidents had on life jackets. This means 85% of the drowning could have been prevented by the wearing of life jackets. They concentrate on safety in Broward County, and the last count, they had over 42,000 registered boats in the County. He encouraged anybody wanting to look into the services provided to educate boaters to get in touch with the US Coast Guard Auxiliary.

This matter was READ AND PRESENTED INTO THE RECORD

19-193 Firefighters Appreciation Month and MDA Fill the Boot Drive

Mayor Rex Hardin presented Firefighters Appreciation Month proclamation to Pompano Beach Fire Captain, Steve Hudson. Jeaneece Washington, Development Coordinator for the Muscular Dystrophy Association was present to give MDA's appreciation to the Pompano Beach Firefighters for their ongoing help with MDA's Fill the Boot Drive in February.

Mayor Hardin commended all the professional firefighters for their efforts on behalf of the Muscular Dystrophy Association (MDA).

Jeaneece Washington thanked the Mayor and City Commissioners for granting her the opportunity to honor the Firefighters who did so much throughout the year. Most importantly, one particular time throughout the year they assist the MDA family. She reported that in April they raised approximately \$13,000, which they would not be able to do for their families.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

19-397 Emergency Medical Services Week

Mayor Rex Hardin proclaimed Emergency Medical Services Week in the City of Pompano Beach. Frank Galgano, Assistant Chief of Emergency Medical Services accepted the proclamation on behalf of Pompano Beach Fire Rescue.

Mayor Hardin proclaimed May 19-25, 2019, as Emergency Medical Services Week and encouraged the community to observe this week with appropriate programs, ceremonies, and activities.

Frank Galgano stated that the theme for the year is "EMS Strong Beyond the Call," which words convey a

powerful message about the EMS profession that goes beyond the 911 call. He thanked their community partners Fire Prevention, Emergency Management and the CERT members who have successfully secured locations for activities in celebration and honorarium for the week, from 10:00 a.m. to 2:00 p.m. On May 20, 22, and 24, fire rescue will be conducting blood pressure and glucose screenings, fire life safety, as well as a booth will be set up to educate the public on life safety in their homes and special giveaways. Additionally, hurricane preparedness information will be provided and enrolling family members into special needs programs. The locations are at the LA Fitness, Lowes and Walmart, which are along Federal Highway.

This matter was READ AND PRESENTED INTO THE RECORD

[19-407](#) **Jewish American Heritage Month**

Mayor Rex Hardin proclaimed May as Jewish American Heritage Month in the City of Pompano Beach as requested by Congresswoman Debbie Wasserman Shultz.

This matter was READ AND PRESENTED INTO THE RECORD

C. PRESENTATION

[19-409](#) Presentation of the City of Pompano Beach Comprehensive Annual Financial Report, Single Audit Reports and Management Letter for the fiscal year ended September 30, 2018 and the results of the annual audit by Marcum LLP, Independent Certified Public Accountants.
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, stated that for the fiscal year ended September 30, 2018, the City is required to have an annual financial audit of its accounting records. He then introduced Moises D. Ariza, Senior Manager of Marcum LLP, Independent Certified Public Accountants, to present the results of the audit and to make other presentations.

Moises D. Ariza, Senior Manager of Marcum LLP, Independent Certified Public Accountants, stated that he served as the senior audit manager on the audit engagement for September 30, 2018, and he introduced Nicholas Martin, CPA, Senior Auditor, who served as the audit in charge. He noted that he distributed to the City Commission a copy of the Comprehensive Annual Financial Report (CAFR) and he will be presenting certain reports that were included in the CAFR generated by the Finance Department of the City.

Mr. Ariza made references to Page 1 - Marcum's independent auditor's report. Included in this report is reference to what was audited, which is the City of Pompano Beach for the fiscal year ended September 30, 2018. Also, listed are the standards that the City's management follows, which is the United States General Accepted Accounting Principles. This is what the external auditors, Marcum is responsible for, which they are required to follow a set of standards depicted by the United States General Accepted Auditing Principles. In addition, reference is made that they follow a second set of standards, the "German Auditing Standards" and explained their reason for following these standards.

Page 2 - Auditor's Report it references, "Opinions" and he explained the reason for the opinions, which relates to all the major funds and the aggregate remaining fund information. He then read the paragraph in its entirety.

"In our opinion based on our audit and the report of other auditors, the financial statements referred to above, presents fairly and in all respects the respective financial position of the City of Pompano Beach." He indicated that this is a clean and unmodified opinion and it is the only opinion the City Commission wants to be associated with as a City. In regards to a financial audit which was performed, this is the highest regard that one can receive.

Page 3 - The last paragraph makes reference to the German Auditing Standards. They issued a compliance reporting package that stands alone from the CAFR which Mr. Martin will explain. He indicated that a compliance reports package was also distributed to the City Commission as part of the agenda backup.

Nicholas Martin, Senior Auditor, Marcum LLP, explained in detail the compliance section.

Page 1 - Independent Auditors Report on internal control, they explained that as per Government Auditing

Standards in planning and performing their audit through the financial statements, they considered the City's internal control over financial reporting to determine their appropriateness for their audit procedures. Also, the bottom paragraph discusses and defines what a deficiency in internal control and material weakness, as well as what significant deficiencies are.

Page 2 - Within the first paragraph they noted that they concluded that there were no deficiencies noted during their audit within the internal controls. In the following paragraph, they discussed compliance and other matters. They performed tests over compliances regarding any laws, regulations, contracts and grant agreements and through their audit procedures and testing they noted that there were no incidents of noncompliance.

Page 3 - This is regarding the single audit report, and within this report the City receives grants from federal and state agencies and was subject to a single audit during the current year because it exceeded the thresholds.

Page 6 - At the bottom, it noted that there is a total of federal awards received by the City for a total of \$2.6 million, as well as on the next page there was a total of state financial assistance received by the City for a total of \$4.3 million. Throughout the audit and testing procedures they tested two federal programs along with three state projects, as well as a conclusion of their audit and testing procedures they did not have any findings to report.

Mr. Ariza went over the last two reports in the compliance section, which is on page 12. This is an auditor letter to the Auditor General of the State of Florida, which is required. He said they are required to follow up on prior year audit findings. However, because there were no prior year findings, they noted no yearly findings or recommendations to observe regarding any progress that refers back to year 2017 audit.

The last report on page 14 refers to a requirement by Florida Statutes 218, that as the external auditor they should ensure that the City complies with its investment policy. The City has an investment policy that dictates what investment securities they could invest in and to what degree the investment portfolio can be fluctuated. Therefore, they ensure that there is compliance with the guidelines set forth by the investment policy and they make sure they look at the portfolio to ensure the City is investing in what it is allowed to invest in. As a result of their testing, there was no issue of noncompliance.

Mayor Hardin asked if they were to rate the City A being the top and F being the bottom, where would they rate the City based on what they have seen.

Mr. Ariza responded that they have audited approximately 32 municipalities in South Florida and it is very common to provide recommendations, exceptions and findings. He said with the City of Pompano Beach they do not have any findings in prior years or current year, which is uncommon. One thing they were required to do outside of an audit they were required to do a financial condition assessment. In sum, when compared with some of the surrounding cities, there were no items to bring to the City Commission's attention.

SPECIAL RECOGNITION

Mayor Hardin recognized Mr. Willie Moody, Commissioner Perkins' husband, who has had some health

challenges for some time now, and that it was good to see him up and about.

D. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

City’s Good Financial Report - M. Ross Shulmister, South Pompano Civic Association President, 590 SE 12th Street, Pompano Beach, FL, stated that thanks can be given to the City Manager and his department heads and the awesome City staff for the good financial report for the City.

Mr. Shulmister announced that the City is home to the world’s famous Hillsboro Inlet Fishing Fleet.

Advisory Board/Committee Appointments - Mr. Shulmister commended the Mayor for making appointments that were necessary for City boards and committees. There are still some appointments to be made, therefore, he challenged each commissioners and the mayor to get those on the agenda for May 28, 2019, so that they can get the boards and committees functioning again. He said if they do not have somebody they think would serve well on the board, they can make some contacts and get a hold of some of the leaders in the City and they will assist them to find somebody, as well as he could assist in that endeavor.

Charter Amendments Workshop - Mr. Shulmister stated that next Monday, May 20, 2019, the Commission has scheduled a Workshop on Charter amendments. He said May 20th is the traditional annual dinner meeting for the South Pompano Civic Association where they hoped to have the Commission attending their meeting to hear what the residents have to say about the proposed Charter amendments. So, this is a conflict of time. Therefore, he suggested that the City cancel the workshop and schedule it as part of the Commission agenda for May 28, 2019, and make the proposals as discussion items where more people could participate.

Mayor Hardin indicated that he did not disagree with Mr. Shulmister’s comments.

Appreciation of Quick Response to New Home Concerns - Linda Burton, Homeowner, 1120 NE 42nd Court, Pompano Beach, FL, said she is a proud homeowner of a new home that was built through the City of Pompano Beach. She came before the Commission earlier in March and expressed her concerns and the challenges she was experiencing with the contractor of her new home. She is returning to express her thanks for

the City's team that "nailed it." She indicated that she had Mayor Hardin's assistance, as well as the City Manager Harrison's office. Also, she had wonderful meetings with the Director of Housing and Urban Improvement, Miriam Carrillo, along with Assistant City Manager Sibble, she received a call from Commissioner Rhonda Eaton, and she is elated that the response was so quick. She said the team listened and she had constant communication via phone and email on updates, which she believes this is the way the team should operate. Therefore, Ms. Burton thanked the City of Pompano Beach for coming through for her.

Appreciation for Proclamation - Andy Cherenfant, Executive Director Save Our Boys, Inc., Pompano Beach, FL, thanked the Mayor and Commissioners as well as the City Manager for the proclamation of naming May 2019, the Haitian heritage month in the City of Pompano Beach. He said as a community they are proud, excited and thankful for the proclamation that was shared at the last Commission meeting, which unfortunately he was unable to attend due to unforeseen situation beyond his control.

Save our Boys Incorporated Event - Mr. Cherenfant invited the City Commission and the entire City to the Save our Boys Incorporated second annual Haitian heritage cultural arts celebration that will take place on June 22, 2019, between 5:00 p.m. and 8:00 p.m. at the Cultural Arts Center. He has flyers of the event he will pass on to the City Commission and Clerk.

First Annual Cultural Arts Award - Mr. Cherenfant reminded the Commission and the entire City regarding the first annual cultural arts award in the City of Pompano Beach, which will be held on tomorrow, Wednesday, May 15, 2019, at 6:30 p.m. at the Cultural Arts Center. He thanked Phyllis Korab the Cultural Arts Director who put a lot of work in guiding the Cultural Arts Committee Chair Hazel Armbrister, along with the subcommittee consisting of Sharon Stone-Walker, Kelly Ann McGuire, and Kris Coffelt who put a lot of work in the preparation of the event. He then briefly described how the event will honor the cultural arts in the community, the dress code being semi-formal, and the activities that will take place. He encouraged the entire City to come out and celebrate this momentous event.

Comr. Perkins asked about the Haitian Flag Day that normally occurs in May.

Vice Mayor Moss responded that this will take place on May 15, 2019, at 5:00 p.m. at the Collier City Jan Moran Learning Library.

Appreciation for honoring former Commissioner Woodrow Poitier - Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, thanked the City, Mayor Rex Hardin, City Manager Greg Harrison, Human Resources Director Eddie Beecher, and the legal counsel for supporting the Progressive Firefighters' Association of South Florida whose mission is to ensure diversity in fire service hiring. The City sponsored a table, the Pompano Beach Housing Authority attended as Woodrow Poitier, a former Commissioner of Pompano and former employee of the Pompano Beach Fire Service was one of the honorees. Blanche Ely was also represented in that event.

Carmen Community Fish Fry Event - Ms. Jones invited the Commission to attend "Carmen's Community Fish Fry" which was by request over the last five years for candidates and new commissioners to come out and get together with the community. This will take place on May 25, 2019, at 5:00 p.m. at 721 NW 16th Street. This will be a free event.

Updates of Collier City Future Events - David Miller, District 5, Pompano Beach, FL, provided an update on certain events taking place. First, he encouraged everybody to come out and support the Haitian Heritage Celebration at the Jan Moran Collier City Learning Library. Second, he invited everyone to the Westview Community Cemetery Memorial Day celebration, which will be held on May 27, 2019, from 9:00 a.m. to 10:00 a.m. Third, he invited everyone to the Collier City Civic Association luncheon on May 25, 2019, to be held at Galuppi's, 1103 N Federal Hwy, Pompano Beach, FL 33062. Fourth, Mr. Miller stated that he will be hosting an historical display at the Jan Moran Collier City Learning Library, on June 19, 2019.

Jobs for 2020 Census - David Wilkinson, Recruiter, US Census, 6053 NW 3rd Street, Margate, FL, stated that he works for the 2020 Census. His purpose is to inform the City of the thousands of jobs that are available and that they are hiring from now until 2020. This is the longest temporary job as the census will end approximately October 2020. He said the wage scale in the area is \$17.50 - \$25.00 per hour, plus people will get paid training for the position being offered, as well as hotel and transportation will be provided to the prospective employee. The jobs include both working inside and outside. There are clerical jobs, administrative and supervisor. Therefore, he encouraged everyone to apply now to get hired. Application is on the internet at 2020 Census.gov/jobs which should take approximately twenty minutes to complete. The next step would be that a person would get called for a job and then sent for training.

Greg Harrison, City Manager stated that the City already have their site on the City's website, so people can go to the City's website to get the information that Mr. Wilkinson just shared about where to go on the internet to get an application.

Safety of Children with Broward Sheriff's Office (BSO) - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, referred to an incident that happened at the Blanche Ely High School recently. He said the residents do not condone violence with young people toward administrators. Nevertheless, the incident that happened he hopes will not be consistent in happening in the City of Pompano Beach. He said the Broward County Sheriff, who is employed by the City of Pompano Beach should have done an investigation instead of just dismissing the incident. Therefore, he would like the Commission to assure the community that the children will be safe as long as BSO is operating in the City.

Mayor Hardin stated that it is troubling to hear the news by the media, lately, about BSO. He said this is Pompano Beach which is not like other cities such as Tamarac, where an incident took place involving the BSO personnel. He agrees that children and residents of Pompano Beach should feel safe and not fear law enforcement.

Fence Permit Issues - Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, complained about the permitting process she recently experienced with the City. She indicated that the City keeps denying her of a wood fence behind her house. In 2006, the City agreed for her to put up a fence around her house, but she did not have all the funds to do it at once, so a partial permit was granted. She said she spoke with Scott Reale and there is no reason why she cannot put up a fence around her house, which she is being told it will be in the future.

Fence Permit Issues - Robert Reese, 1851 NW 15th Street, Pompano Beach, FL, explained that the

problem pertaining to the permit for Ms. Duncan's fence, each time they get to City Hall to discuss the fence, they are told they are being denied a permit for a possibility/maybe/one day somebody might think about making this a roadway. He does not understand the denying of someone of a permit for a future assumption that they may or may not, which is the situation they are bombarded with.

Mayor Hardin indicated that the Commission is not aware of the details of this case and advised Mr. Reese to contact the City Manager and meet with him and provide him with the information regarding the matter.

Comr. Perkins asked if the main concern of the property owner is that the City is requiring them to give up 25 feet of their personal property for a road that is supposed to be coming through the area.

Mr. Reese replied yes. He said currently there is a dirt road through the property, but their property line goes to the road already being utilized, but the road is on someone else's property going further down. However, the City wants them to give up 25 feet of their property for easement/variance and they have not provided any documentation that states what is needed to be done. They are saying there is a possibility that this may be done 30 years in the future.

Parking Lot Issues - Delores Bullard, Cal's for Hair, 212 N. Flagler Avenue, Pompano Beach, FL, thanked the City for removing the trash can that was at the rear of her business place. However, she was told by surveyors that the City will be moving the historical house from across the street and put it inside the parking lot, which there is not enough parking spaces for the existing customers. It appears no decision has not yet been made to put the house at the alleged spot she mentioned earlier, therefore, she wants to alert the Commission that there are six businesses in that location that do not have any parking. She is hoping that the City would consider this prior to deciding to move the historical house to the location where parking is already very limited for the existing businesses.

Illegal Activities - Ms. Bullard reported that she has been receiving numerous complaints about the illegal activities that the new owner of Ward City is doing to his tenants. She said she called the Broward Sheriff's Office to put those complaints in, but wanted to provide the Commission with a heads up of what is really happening.

E. CONSENT AGENDA

Consent Agenda items 1, 2, 4-10 were Approved/Adopted without discussion.

1. [19-432](#) Terry Shater-Payne is requesting to Transfer Ownership of Block 27, Lot 4, Plot 4 located in Cemetery South Lawn to Gordon Vinkemulder.
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

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

2. [19-382](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING MOSAIC MURAL FLOOR DESIGN AND INSTALLATION LOCATION AT CITY-OWNED GAZEBO TO BE CONSTRUCTED AT THE NORTHEAST CORNER OF WEST PALM AIRE DRIVE AND OAKS DRIVE AS PROJECT FOUR OF THE MOSAIC TEAM PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Laura Atria/Phyllis Korab)

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

Enactment No: RES. No. 2019-161

3. [19-394](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND T E P M, INC. FOR THE CITY'S PLACEMENT OF A MOSAIC MURAL ON AN EXTERIOR WALL OF 135 NE 1ST AVENUE PURSUANT TO THE MOSAIC TEAM PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10.00)

(Staff Contact: Laura Atria/Phyllis Korab)

Comrs. McMahon and McGee pulled the item for Commission discussion.

Comr. McMahon stated that the subject property is owned by his family member; therefore, he will abstain from casting a vote on this item. The appropriate Conflict of Interest Form will be completed and submitted to the City Clerk regarding the matter. See attached Form.

Comr. McGee indicated she had pulled the item but sent an email earlier to Laura Atria. Comr. McGee is concerned with the wall being part of the bringing together and repaving of the area. Therefore, to do something with the entire wall, and especially since this is a mosaic and cannot be moved around, she wanted to be assured that the future plan is known so that whatever is being installed does not contradict with what will be done in the grand scheme later.

Laura Atria, Public Art Program Manager, explained that the mosaics can be removed and the artist and she know how they are bolted down, and in the event they are needed to be removed, they will be able to do so.

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

Perkins, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
Perkins
Moss
Hardin

Abstain: McMahon

Enactment No: RES. No. 2019-162

4. [19-395](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RENEWAL OF A HEALTH CARE AGENCY AFFILIATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE DISTRICT BOARD OF TRUSTEES OF BROWARD COLLEGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Jurgle)

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

Enactment No: RES. No. 2019-163

5. [19-402](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HOLA MUNDO!, LLC TO PROVIDE A BILINGUAL SUMMER CAMP FOR BOYS AND GIRLS AGES FOUR TO THIRTEEN YEARS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City will receive \$2,625 as compensation for the use of Beach Pavilion 2)

(Staff Contact: Mark Beaudreau)

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

Enactment No: RES. No. 2019-164

6. [19-420](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FORMAL COMPETITIVE BIDDING FOR THE

PURCHASE OF FILTRATION SYSTEM RECONDITIONING AND APPROVING THE PURCHASE OF SUCH SYSTEM FROM PARKSON CORPORATION FOR A TOTAL COST OF \$123,260.00; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$123,260.00)

(Staff Contact: Randolph Brown)

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

Enactment No: RES. No. 2019-165

7. [19-377](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2019 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE CENT LOCAL OPTION GAS TAX ON MOTOR FUEL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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

Enactment No: RES. No. 2019-166

8. [19-378](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2019 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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

Enactment No: RES. No. 2019-167

9. [19-414](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING WHITNEY RAWLS TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-168

10. [19-415](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BARBARA ARMBRISTER-BOYNTON TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF MAYOR REX HARDIN, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-169

F. REGULAR AGENDA

11. [19-398](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CREATING A LOCAL COMPLETE COUNT COMMITTEE; PROVIDING FOR MEMBERSHIP, QUALIFICATIONS, TERMS, POWERS AND DUTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the resolution proposes to create a new committee that will be charged with increased awareness and motivating residents to respond to the 2020 census. He provided a brief history regarding the last census in 2010. He explained that the population count from the census is used to distribute the number of seats in the US House of representatives in each state. Additionally, the census data is used for distribution of federal funds to the state and local governments, districting of state representatives, or casting for transportation needs, and the planning and implementation of several other state and local programs. It will be important for the Mayor and Commissioners to encourage motivated individuals to submit an application expressing an interest to be considered on the Committee. The City Clerk will forward all application to the Commission for consideration. Given the definitive deadlines of the census, the group after being appointed would need to start meeting no later than July to afford sufficient time to brainstorm and implement their ideas.

Mr. Keester-O'Mills provided some important information regarding the census changes that the bureau made for the upcoming 2020 census. This will be the first time people will be able to respond electronically through ease of email, however, responding by phone and standard mail will remain an option. The cost of the census in 2010 was approximately \$13 billion and they are looking to reduce costs significantly with some of the new electronic use. Security measures will be in place to ensure electronic information submitted will be secured and individual records from the census are confidential for 72 years under federal law. The census has already commenced taking applications for some positions, as Mr. Wilkinson mentioned earlier. Individuals can go to the official website 2020.census.gov/jobs to find jobs in the State of Florida.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked what the population was in the last census.

Mr. Keester-O'Mills responded that in 2010 the City of Pompano Beach population was approximately 99,845.

Vice Mayor Moss asked if an employee of the Census Bureau as an enumerator serve on the Complete Count Committee.

Mr. Keester-O'Mills responded he does not think there would be a conflict of interest. The pre-requisite for the Committee does not specify any job conflict, however, he will check into the matter.

Comr. McGee suggested that interested persons should ensure they reach out to the Commission because the

census is such an important thing for the state especially with the population growth that Florida has seen over the past ten years to make sure an accurate count is done.

Mayor Hardin stated that this Committee is vitally important and the Commission should act quickly on it. He said he knows people who worked for the census ten years ago and it was a nice extra pay check for those who went out to get the count done.

Comr. McGee agreed regarding receipt of the pay check. She indicated that being in high school to do census work for service hours was great. Also, to get involved with the government and to learn what runs the country and cities is a “cool” experience.

Comr. Perkins asked if the Committee members will be paid. She also understands that the Committee will recruit, educate, and will be responsible for outreach within the City.

Mr. Keester-O’Mills responded no and indicated that they are volunteers. He then explained the committee members will be assisting with coordinating information to the Development Services Department, and the frequency of their meetings which will be established by the Committee once they commence their meetings. In sum, the Local County Committee is an advisory board made up with volunteers who will be responsible to get awareness and information out regarding the census. Finally, the Committee will sunset December 2020.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-170

12. [19-431](#) Consideration to name the new Pier the “Fisher Pier” after the Fisher family.
(Fiscal Impact: N/A)

(Staff Contact: Sandra King)

Sandra King, Marketing and Communications Director, presented the item and stated that the Economic Development Council (EDC) brought the recommendation before the Commission when a motion was made by the EDC secretary, Joe Usman, in their March meeting that was unanimously passed to name the City’s pier, under construction, the “Fisher Pier” after former Mayor and now County Commissioner Lamar Fisher

and his family. She indicated that Lamar Fisher served the City for seventeen years as Commissioner and Mayor. However, the Fisher family legacy goes back over 100 years in the City of Pompano Beach. She provided a brief historical background on the services of the Fisher family. In 1943, Louis Fisher, the grandfather of Lamar Fisher, served as mayor in the City. In 1931, Henry Bud Lyons, the great uncle of Lamar Fisher, served as Broward County Commissioner. In 1908, Clinton Lyons, great grandfather of Lamar Fisher, signed the City's Article of Incorporation. Therefore, naming the pier, currently under construction, would honor the family's contribution and legacy, but most appropriate and ironic name is to call the fishing pier the "Fisher Pier."

Tundra King, District 4, Pompano Beach, FL, stated that she is proud and elated of the great work that Mr. Fisher and his family has done in Pompano Beach, however, her family and parents have also done great work in Pompano Beach. They came to Pompano Beach in the early 1950's and her dad, with second grade education, was able to own his business and has employed hundreds of people that were unable to get jobs due to lack of experience or education. In addition, he has owned apartments in the City for many years and provided affordable housing. Also, her mother worked as a volunteer in the high schools. Therefore, while Mr. Fisher has done a great work in the City, she would suggest that the Commission consider other people who have been giants in the community.

Tom Terwilliger, Pompano Beach, FL, stated that several months ago he was thinking of the idea to name the pier the "Michael Sobel Pier," however, he did not proceed because the Commission in September 2018, passed a resolution for a contract with the Superlative Group representative to sell the naming rights of all the many facilities in Pompano Beach. Moreover, seventy five thousand dollars (\$75,000) was paid for an initial study, an additional \$10,000 was allocated for transportation, as well as a monthly fee for the next eighteen months from October of 2018, of seven thousand five hundred dollars (\$7,500), that was paid to the group specifically to go out and find people/companies that would purchase the names or put their names on the City's buildings.

Continuing, Mr. Terwilliger stated that Pompano Beach has, or will in total spend \$250,000 to attempt to get businesses to name the pier and other facilities. One of the top facilities they are trying to market is the fishing pier, which they claim some business will pay to the City between \$60,000 and \$90,000 per year to put their name on it. He concluded that it would be inappropriate and counterproductive of the Superlative Group's efforts to put anyone's name on the pier while they are out attempting to market it to the commercial enterprises throughout the country. Therefore, he urged the Commission to leave the pier unnamed until the Superlative Group returns with their determination whether they could rent or put the name out for \$60,000 to \$90,000 per year to pay back the taxpayers.

Mayor Hardin asked if currently the naming would prohibit the City from soliciting naming rights for the pier.

Ms. King responded no it would not.

In response to Mayor Hardin's question regarding diminishing the naming rights for the pier, Suzette Sibble, Assistant City Manager, responded that they had a number of assets listed that the Superlative Group went through and assessed in the City, which included the Cultural Center, and some Parks. Initially, there was the fishing pier, therefore, this would be naming the pier itself. This initiative was discussed with the Superlative

Group so there are ways around it and different opportunities that can be explored. She indicated one of the most important endeavor that they are considering is “pouring rights,” which an update was sent to the Commission as to where the City is with that in terms of working with the Superlative Group. She concluded that the City signed an eighteen month contract with the Superlative Group for \$7,500 per month, which equates to \$135,000. This is only if the Group negotiates and are successful that they would get a percentage of what the City gets over a five to ten year period.

Tom DiGiorgio, Chair, Economic Development Council, 24 NE 24th Avenue, Pompano Beach, FL, stated that the item was taken under consideration and the answer was, this would not prohibit any naming rights. The Board thought it was appropriate and they supported it unanimously. There is an understanding of the history of the Fisher family and the importance this family has had in the community, as well as the significance and how their contribution has helped shaped the City of Pompano Beach to where it is today. The Council thought it was important to see this to fruition and actually the person who made the motion was Mr. Usman, who provided highlights behind his motion.

Joe Usman, 61 NE 1st Street, Pompano Beach, FL, believes you cannot put a price on someone like Lamar Fisher or his family. He said it is the services that they have devoted to the City and they are justifying that. There will always be a mechanism to make money, but sometime you will have to justify the services of a family for 100 years contribution to the City. This is a well deserving action to name the fishing pier to “Fisher Pier.”

Carlene Duncan, Pompano Beach, FL, alleged that Lamar Fisher has “stolen all the money from the black folks, by buying these houses from the black folks.” Therefore, she does not agree to name the pier after Lamar Fisher.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated he has lived in the City since 1994, and as a kid he grew up watching Good Times, with Esther Rolle who lived in the City of Pompano Beach.

Jocelyn Jackson, Pompano Beach, FL, stated that from the northwest side of the City, as a whole there are so many pioneers that have been overlooked. She mentioned that her mother and her grandparents picked beans. Therefore, it is unfair for them to work so hard and to have them overlooked. The best thing going on in the City is the pier, therefore, she felt it was selfish to name it after one family and wondered if they could come up with a name as a whole of the residents of the City of Pompano Beach, because that would be the best thing.

Mayor Hardin pointed out that the item is only for consideration and any action to be taken on it will have to return as an agenda item.

Comr. McMahon made a motion for staff to move forward to do a resolution to name the pier Fisher Pier, which seems appropriate after 100 years of services to the City from the family, that the pier be named after one of the families. He asked that as part of the Fisher Pier name that an historical plate from the Historical Board be made with the history of everything that this family have done for the City. The motion was seconded by Vice Mayor Moss.

Comr. McGee asked if the City would be able to double name the pier, for example similar to places such as the “Joe Robbie Stadium” which has been renamed several times.

Ms. Sibble responded yes. They had discussed these issues with the Superlative Group when this was brought to her attention, as it was one of the assets in the contract. Therefore, discussions were entered into to determine how the City could do this and still be creative in reaping some kind of benefits from naming rights or something of that nature. This is still being considered in the “mix” with potential sponsors.

A discussion followed among the Commission regarding the pros and cons of keeping the item in consideration status versus creating a resolution to move forward with the naming of the pier.

Mayor Hardin recommended that if the pier is going to be named after Lamar Fisher that it be changed to “The Fisher Family Pier” instead of the Fisher Pier.

Comr. McMahon amended his motion to say Lamar Fisher Pier or the Fisher Family Pier. After some deliberation the motion was changed to state, the “Fisher Family Pier,” seconded by Vice Mayor Moss.

Ms. Sibble indicated that she could get a memorandum to accompany the item to explain all that was discussed with the Superlative Group so the Commission can understand the options. The consensus was to bring a resolution back to the Commission on May 28, 2019, as an agenda item to name the pier the Fisher Family Pier. The motion carried unanimously.

A motion was made by Commissioner McMahon, seconded by Vice Mayor Moss, that the Item be brought back under the next City Commission meeting, regular agenda, as a Resolution to name the fishing pier the "Fisher Family Pier" The motion carried unanimously.

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 13-17 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.

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

13. [19-392](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE HUOK PLAT LOCATED ON THE NORTHEAST CORNER OF POWERLINE ROAD AND NW 9TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated it is a proposed plat for a 4.24 acre property, generally located on the northeast corner of Powerline Road and NW 9th Street. The proposed plat will restrict the property to a maximum building size of 80,000 square feet for commercial use. The property is currently vacant and the zoning of the property is B-3 (General Business), with a land use designation for commercial uses. There is a companion item on the agenda for the abandonment of a road reservation easement, which has been eliminated on the proposed plat. The service providers are required to provide a letter to the City prior to the Commission's approval and all service provider letters have been received without objection.

Continuing, Mr. Keester-O'Mills indicated that the agent, James McLaughlin represents the owner of the property, US Gateways Investments LLC, and is requesting the plat in order to develop the property. The review standards for the plat have been included in the Planning and Zoning (P&Z) staff report. The plat was unanimously recommended for approval at the February 29, 2019, P&Z meeting with seven conditions required to be addressed prior to Commission approval. These conditions have been addressed. Upon approval the applicant must seek the approval of the Broward County Commission.

Quinton Thompkins, 436 NW 19th Street, Pompano Beach, FL, expressed concern that on the property the citizens do not want any building going up as storage in the residential community and provided his reasons. He said the residents want to see something else besides tall storage buildings throughout the neighborhoods. Therefore, he urged the Commission to consider his request to put something else besides tall storage buildings in the community.

Phyllis Smith, President, Collier City Civic Association, Pompano Beach, FL, stated that the plat is next door to the proposed senior center, so they would not want to have a warehouse built there.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, asked for the location of the plat.

Mayor Hardin indicated that it would be on Powerline Road just south of MLK Boulevard, which is south of "Freeze."

Mr. Thrower thought the property was slated for the City to build residential units on the property. In sum, he thinks it would be wrong to approve the item since the City is unsure what is being planned to be built on the property, which is close to the residential neighborhood. A lot of money was spent to open a road and to make the place beautiful, so he asked why approve a plat that no one knows what is being planned to be done at that property.

Vice Mayor Moss expressed his concerns about the matter. He spoke with the people who purchased the land and at the moment their plan is to put a retail in the front, and a warehouse facility in the back. This would be similar to what is on Atlantic Boulevard where Floor and Décor is located. This is a very visible parcel of land, which will be next to the senior citizens center. Furthermore, the P&Z Board expressed concern about the

traffic cut through. In sum, Vice Mayor Moss believes this is not the right building in the right place and it will not add much to the City.

Comr. Perkins agrees with Vice Mayor's comments and that this is going to be a warehouse and a retail store. Her biggest concern would be the traffic that would impact the area. In sum, this is not something they would want at that particular location; therefore, she would not be supporting it.

Mayor Hardin mentioned that it is a request to approve a plat.

Mark Berman, City Attorney, indicated that he would have to provide the same advice he had done prior, as this is a plat approval and this is an act of ministerial nature for the Commission. Once all conditions are met and the testimony and the backup indicate accordingly, then the Commission should approve the plat. This is what the law says. This is not discussing uses or buildings but rather a commercial plat, and what it is zoned as a land use designation. Therefore, he would recommend approval based upon the extensive case law on plat approvals.

Comr. Perkins understands that the Commission should go ahead and approve the plat and when it comes back before the Commission with their plans to build on the property then it can be declined at that time.

Vice Mayor Moss asked if the item returns to the City Commission would it also be of a ministerial nature. He enquired if there is any point in time when the Commission could say no to the project.

Mr. Berman replied that site plan approvals do not involve the Commission, so he is unsure if it would come back for any other purpose for rezoning or for anything else to the Commission.

Mr. Keester-O'Mills stated that if the property is currently zoned B-3, unless they were proposing to do something like a warehouse or some sort of facility that would not be permitted in B-3, in which case they might try to rezone it towards a zoning district that would allow for those uses.

Comr. Eaton asked if in the current zoning category storage is not permitted.

Mr. Keester-O'Mills replied yes, that is correct. So if they are going to do a self-storage or a warehouse, these are not uses permitted in the B-3 category.

Vice Mayor Moss asked for a motion to postpone the item until all the information is complete prior to the Commission deciding to move this item forward. Comr. Perkins seconded the motion. Consequently, the item was postponed until May 28, 2019, City Commission meeting. The motion carried unanimously.

Vice Mayor Moss asked that the zoning for Floor and Décor be provided to the Commission for the next meeting.

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

Perkins, that the Quasi-Judicial/ Resolution be POSTPONED until May 28, 2019 City Commission meeting. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

14. [19-389](#) **P.H. 2019-72: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THAT CERTAIN TWENTY-EIGHT FOOT ROAD RESERVATION EASEMENT LOCATED PARALLEL TO POWERLINE ROAD AND NORTH OF NW 9TH STREET, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated it is a request to abandon the 28 foot wide road reservation easement, which was recorded in 1988. The applicant is requesting to abandon a portion of the easement since the property is currently undergoing platting. Broward County will have to determine that the 28 foot reservation is no longer needed. The easement is parallel with Powerline Road north of NW 9th Street. The applicant is not available. The review standards for abandonment are (1) the easement is not now or in the foreseeable future to be of any benefit to the City or its inhabitants, and (2) the abandonment is consistent with the Comprehensive Plan. Staff has determined that both standards have been met. Additionally, the request was unanimously approved at the February 2019 P&Z Board meeting with a condition that has been addressed.

Vice Mayor Moss indicated that since this is a companion item to the one that was just postponed, he made a motion to postpone this along with item 13, which was seconded by Comr. Eaton.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be POSTPONED until May 28, 2019 City Commission meeting. The motion carried by the following roll call vote:

Yes: Eaton
McMahon
Moss
Hardin

Absent: McGee
Perkins

15. [19-388](#) **P.H. 2019-75: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING THAT CERTAIN TWENTY FOOT LANDSCAPE EASEMENT LOCATED ON THE SOUTHWEST CORNER OF DR. MARTIN LUTHER KING, JR. BOULEVARD AND NW 12TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the applicant is requesting an abandonment of a 20 foot wide landscape easement. This easement runs parallel to Dr. Martin Luther King, Jr. (MLK) Boulevard on the subject parcel that is located on the southwest corner of MLK Boulevard and NW 12th Avenue. The applicant, Julian Stein of Smax LLC is present on behalf of X-mail Court. The applicant has filed a site plan application, which has received a development order from the P&Z Board. The proposal is for a new 12,000 square foot office warehouse building on the subject property. The applicant proposes to construct a covered walkway within the easement area. The review standards for an abandonment are (1) the easement is not now or in the foreseeable future any benefit to the City or its inhabitants, and (2) the abandonment is consistent with the comprehensive plan. Staff has determined that both standards have been met. Additionally, the request was unanimously recommended for approval at the February 2019 P&Z Board meeting with a condition that has been addressed.

Julian Stein, Smax LLC, 601 SE 5th Terrace, Pompano Beach, FL, is available to answer any questions.

Jocelyn Jackson, Pompano Beach, FL, stated that the residents like to be involved in the development within the northwest district and also they normally get responses from the community meetings that are held at the E. Pat Larkins Center. As mentioned earlier, the residents do not want to see warehouses, storage spaces coming along side MLK Boulevard. They would like for the area to look like Atlantic Boulevard going towards the beach. They would like to see some lighting and beautification with palm trees, as well as some storefronts. Consequently, she recommended that the Commission postpone the item to allow for some feedback from the community as it relates to the development of that parcel. She indicated that they are not looking to have more warehouses. The homelessness have some people sleeping under the bridge near the parcel. Also, she enquired what the developer is giving back to the community. There are several schools in the area that could be assisted especially with their sports program.

Mayor Hardin asked if the parcel under discussion was zoned industrial.

Mr. Keester-O'Mills responded yes it is.

Julian Maxwell Stein, Owner of Max Marine Electronics, which is a Pompano Beach based business. He said

he is not a developer but a business owner. In addition, he believes in the area and as the area is undergoing changes he wants to be a part of it. They are involved with the community by making charitable contributions and are involved. They have fifteen employees that they provide income for them and their families. Therefore, his company is not just another development or warehouse. They have gone through the process with the City to make this a very attractive warehouse that will be landscaped. Further, the parcel is zoned I-1, and there are a number of things that could go there that would not be anything close to as nice as what they are proposing. He believes it would be a mistake to postpone the item or vote no on it. This is just for a landscape easement abandonment and the awning does enhance the appearance of the building.

Comr. Eaton noted that the parcel is zoned I-1 and was purchased to put a business on it. The landscape easement abandonment is meant to enhance and soften the look of the building. Therefore, Mr. Stein has the right to put his business there because the property is zoned for it. He has the legal right and the City needs business owners in the industrial district, because they employ people and create jobs for the community.

Horacio Danovich, CIP & Innovation District Director, stated that the subject parcel is in Phase III of the MLK Boulevard improvements and is part of the Education corridor. It is the area that is being funded with the Tiger grant. He met with the applicant several times to discuss the improvements along MLK Boulevard in front of his property to ensure whatever he does, will either match what the City has done or the City would build it and then he would reimburse the City.

Vice Mayor Moss thought the item was already approved by the Commission and is only tasked to allow him to “fine tune” the parcel.

Mr. Keester-O’Mills responded that the site plan has been approved by the Planning and Zoning Board, so this is the first time the Commission is seeing the item. Additionally, he mentioned that the only thing that they will not be able to construct, if denied by the Commission, is the walkway. Therefore, the building is legal to be built according to the zoning.

Comr. McGee asked if he was putting in a covered walkway, to which Mr. Stein replied yes and explained the process they went through with the City.

In response to Comr. McGee’s question, Mr. Stein stated that the walkway is five feet and it does not go all the way across the front of the property. However, they have been working with Urban Forestry to design a “superior landscape plan.” In essence, they are going above and beyond what is required by the City.

Mayor Hardin indicated that it will be much nicer looking than what is currently there and adjacent to it. This is the missing link in landscaping that is coming to the MLK Boulevard.

Comr. Perkins stated that when you describe a warehouse it does not matter how it is made to look, a warehouse is a warehouse. MLK Boulevard needs a lot of improvement and everybody can agree with this statement. When someone lives in the community they see the blight every day. Notwithstanding, she will not agree with the item, because this is another instance that Mr. Danovich and staff does all the time, which is to come up with things for District 4, which the District Commissioner knows nothing about it. She recalled meeting with Mr. Stein about the project and he still did not answer some of the questions that she had asked

him.

Continuing, Comr. Perkins indicated that the Commission needs to meet with staff and come up with some type of zoning from the overpass of I-95 to the Turnpike, to have some consistency with the zoning.

A very intense discussion followed regarding the need to involve the residents of District 4 in the plans for their neighborhood.

David Recor, Director, Development Services Department tried to clarify the matter. He said it is not a warehouse. The Office/Warehouse classification that is permitted in the I-1 is how this use happens to be classified. He then provided a description of the applicant's business, and reiterated that it is not a warehouse. This just happens to be the use classification that the City uses for these types of buildings.

Mr. Stein confirmed that most of their business is eCommerce, so there will not be any eighteen wheelers coming in nor will they have forklifts or outside storage.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

16. [19-390](#) **P.H. 2019-73: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A 4.46-ACRE PROPERTY LOCATED SOUTH OF NW 33RD STREET AND APPROXIMATELY 1,050 FEET WEST OF NORTH ANDREWS AVENUE EXTENSION FROM OFFICE-INDUSTRIAL PARK (O-IP) TO GENERAL INDUSTRIAL (I-1); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that it is a request to rezone property from OI-P (Office Industrial Park) to I-1 (General Industrial). The subject property is located at 3135 North Andrews Avenue, on the south side of NW 33rd Street, approximately 6.8 acres in size. Currently, the development site is within two zoning districts. A portion of the

property houses approximately 95,000 square foot industrial building located within the I-1 zoning district. The truck weld loading areas and non-building areas lie within an industrial office park. The applicant has requested that the entire development be wholly within one zoning district, which is I-1. Richard Coker is the applicant on behalf of Duke Sample 4 LLC.

The review criteria for a rezoning requires that competent substantial evidence be provided and that there is consistency with the land use category, goals, policies, and objectives of the comprehensive plan. There are two policies that require a minimum negative impact to the existing residential and compatibility with adjacent properties. In addition, the applicant held a neighborhood meeting and a representative of the community to the north was satisfied with the rezoning requests. Finally, a copy of the report reviewed by the Planning and Zoning Board has been included in the backup. The request was approved unanimously by the P&Z Board at their March 27, 2019 meeting.

Richard Coker, Esq., 1404 South Andrews Avenue, Fort Lauderdale, FL, stated that he is accompanied by David Dicks, the Development Manager of Duke Realty. He provided background information via an overhead presentation on Duke Realty and its acquisitions along with the property and the structure located in the Sample 95 Industrial Park south of Copans Road and west of Andrews Avenue, along with the proposed area to be used for outside storage. Finally, at the P&Z Board meeting there were no objections expressed.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, understands the request is for outside storage, it is an enclosed area and the fence will be no more than five feet, eleven and seven eight inches high.

Mr. Coker confirmed it is a six foot fence.

Comr. Eaton understands that it is one parcel of land with two different zoning designations and it does not look like there would be enough land area in square footage. To propose building anything additional in the property, as nothing else can be done with the property but for what it is, which is I-1 usage.

Mr. Coker responded that is correct, and the drainage area is common drainage that cannot be removed.

Comr. Perkins has no problem to rezone the outdoor storage.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Hardin

No: Moss

17. [19-400](#) **P.H. 2019-71: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON THE NORTHWEST CORNER OF NW 27TH AVENUE AND NW 13TH STREET COMMONLY KNOWN AS 2701 NW 13TH STREET FROM RM-12 (MULTIPLE-FAMILY RESIDENCE 12) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Paola West/David Recor)

Paola West, Principal Planner, Development Services Department, presented the item and stated that the request is for a rezoning of a .8 net acre site from a RM-12 (Multi Family) zoning district to an RPUD (Residential Planned Unit Development). The project is named the Kensington 11, located at the northwest corner of NW 27th Avenue and NW 13th Street, in the NW CRA district, also known as 2701 NW 13th Street. The proposal is for eleven townhouse units. The current property is vacant and undeveloped. This is the result of a Community Redevelopment Agency (CRA) initiated RFP to develop the eleven townhouse units, which was approved via resolution 2017-13 that is the CRA's property disposition and development agreement.

Continuing, Ms. West stated that during the Development Review Committee (DRC) site plan review, staff learned that the zoning district did not allow for the eleven townhouse units, so, the developer had to either decrease the units to nine or rezone to RPUD in order to recapture the gross density, which is to the center line of the road, thereby allowing the eleven units. They obtained approval from the DRC on March 21, 2018 and the P&Z Board approved them in July 25, 2018. All recommended except one member. The two deviations being requested are the spacing between two principal structures, which is twenty five foot required in the RM-12 zoning district. They are proposing eleven feet eight inches and they are requesting the reduction of the 5 acre minimum requirement for the RPUD, Besides, except for the density in spacing between the buildings, the plans comply with the current zoning requirements. Planned Development's typically have many more deviations, but this planned development was initiated solely as a corrective action in order to recapture the density of the eleven units that is consistent with the adopted resolution mentioned earlier.

Matthew Scott, Esq., Law firm of Dunay, Miskel and Backman, 14 SE 4th Street, Boca Raton, FL, stated that he represent the applicant Hadar Homes. He then made an overhead presentation depicting the process and progress they made over a period of time, which resulted in a RPUD rezoning.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated ground has been broken so it is time to see some buildings go up.

Mike Skversky, Pompano Beach, FL, asked for the price on the units.

Mr. Scott stated that under the CRA agreement the applicant who is the owner of the property is required to own the property for at least five years and rent them out. The rental will be at the market rate.

David Miller, 2621 NW 13th Street, Pompano Beach, FL, stated he does not have a problem with the RM-12, but when he read about Residential Planned Unit Development (RPUD) it appears to be something different. However, he would like to see the project be kept the same, to build townhomes instead of apartment buildings to attract undesirable people to the area.

Phyllis Smith, President, Collier City Civic Association, Pompano Beach, FL, stated that the project was presented to the homeowners' association on three separate occasions, as well as she attended the P&Z Board meeting where it was approved, but it appears the project is moving backward instead of forward. Therefore, she respectfully requested that the Commission put this project on the "front burner" and get it going.

Vice Mayor Moss echoed Ms. Smith's comments and to get this project done.

Comr. Eaton stated that she is familiar with the project because she was serving on the P&Z Board at the time it was approved. The project looks great and her vote has not changed.

Meeting went into Recess

Meeting Reconvened

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

END OF QUASI-JUDICIAL PROCEEDING

18. [19-413](#) Approval of certain budget adjustments to reflect actual operational costs for Fiscal Year 2019.

(Fiscal Impact: \$4,482,965.00)

(**Staff Contact:** Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director presented the item and stated that this is a budget adjustment to line up the budget to reflect the City's operations. The first two items involve the Utility Fund, which is \$1.5 million to cover the cost associated with the waste water treatment due to an increased charge by Broward County, which is an unanticipated cost of the budget. The second item is for \$2.8 million to cover the documented cost due to the damage done to the utility infrastructure caused by the subcontractor working for the Florida

Department of Transportation (FDOT). In consultation with the City's attorney, reimbursement is being sought from the insurance company of the subcontractor and City staff is committed to recovering these funds. Finally, there is a request for \$166,000 to add video security and license plate recognition technology to various parks. Staff recommends approval of the budget adjustments.

Tom Terwilliger, Pompano Beach, FL, indicated that he has seen in the letter to the City Manager that the grand total of the adjustments are \$4,482,965, which is the same amount that is listed on the Agenda. However, when you go to the budget adjustment sheet it shows zero decrease and an increase of \$8,633,930, and asked where is the other \$4 million.

Mr. Jean-Pierre explained that to balance the budget the increased revenues must be shown, as well as the increased expenses, hence, the numbers reflect accordingly.

Mr. Terwilliger stated that a few weeks ago the City approved a \$500,000, five year contract with a company to install and maintain license plate readers. Under the item for Information Technology there is an expense of \$166,000, to add video security and license plate recognition technology and asked if this is for hardware not software and maintenance.

Gene Zamoski, IT Director, responded that it is to outfit parks with video security hardware to use software already on hand. This will purchase 41 cameras and license plate readers.

Mr. Terwilliger asked for a copy of the quote, which Mr. Zamoski will provide to him later.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

19. [19-419](#) Request of Ratification by City Commission for Emergency Procurement of Spill-Related Services at a cost of \$2,816,965.24.
(Fiscal Impact: \$2,816,965.24)
(Staff Contact: Randolph Brown)

Randolph Brown, Utilities Director, presented the item and stated that it is required that when there are these emergency expenditures that the expenses are approved by the Commission as presented by the Finance Director.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

20. [19-265](#) **P.H. 2019-53: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #52; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$5,723,368.64)

POSTPONED FROM APRIL 23, 2019

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item, however, he indicated that prior to addressing the item he asked for a thirty second commercial for the G.O. Bond presentations. He stated that staff wants to ensure that everybody is involved. There are a number of presentations still coming ahead. He said he made a copy of the latest agenda and posted them to the front and hope everybody will take a copy. He urged everyone to attend the scheduled meetings as it is important to get their input.

Continuing, Mr. Danovich stated that the first item is a contract for fire station 52. The item was heard on March 12, 2019, but there were issues that the City was trying to resolve contractual agreements, which has now been resolved.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-61

21. [19-266](#) P.H. 2019-54: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC., FOR FIRE STATION #61; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,746,702.82)

POSTPONED FROM APRIL 23, 2019

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that identical to the previous item, fire station 61 was heard on March 12, 2019, and was subsequently postpone due to contractual issues, which has been resolved.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-62

22. [19-267](#) **P.H. 2019-52: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION, FOR FIRE STATION #114; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,750,000.00)

POSTPONED FROM APRIL 23, 2019

POSTPONED FROM APRIL 9, 2019

POSTPONED FROM MARCH 26, 2019

FIRST READING: MARCH 12, 2019

(Staff Contact: Horacio Danovich)

Mayor Hardin indicated that the item will be postponed until the May 28, 2019 City Commission meeting, which City Manager Harrison confirmed that is correct.

Vice Mayor Moss indicated that he is getting a bit nervous with the continuous postponement of the item and asked what is the problem.

Horacio Danovich, CIP & Innovation Director, responded that staff is working with the contractor and that there is a meeting scheduled in a few days and believes the differences will get resolved.

Mark Berman, City Attorney, stated that he spoke with the attorney for DiPompeo and the contract that was resolved will be presented at the next City Commission meeting.

Vice Mayor Moss asked if the delay would affect the ground breaking and construction schedule.

Mr. Danovich assured the Commission that the companies will meet the City's schedule deadlines.

A motion was made by Commissioner Eaton, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be POSTPONED until May 28, 2019 City Commission meeting. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

23. [19-429](#) **P.H. 2019-74: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TECHNICAL SERVICE SUPPORT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PHYSIO-CONTROL, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$174,433.88 over four fiscal years. Approximately \$43,608.00 annually)

(Staff Contact: John Jurgle)

Frank Galgano, Assistant Fire Chief, presented the item and stated it is a technical service agreement for the Commission's approval. The agreement will save the City 25% each year.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

24. [19-399](#) **P.H. 2019-70: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 30, "CITY COMMISSION," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 30.07, "RULES OF CONDUCT AT PUBLIC MEETINGS," TO MODIFY CITY COMMISSION MEETING PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated that the ordinance proposes to modify the Audience to be heard portion of the meeting. Currently, the ordinance reads, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer shall be set aside." The proposal is that this be amended to "whichever is less shall be set aside." In this regard, there will be thirty minutes or ten speakers at the beginning, since the meetings are beginning to drag on with longer time for Audience to be heard. Therefore, the intent is to try to get City business done and not to keep people sitting in the meeting waiting until 10:00 o'clock to get business heard. This will allow time to get to City business earlier and then those persons who remain who still wish to speak can speak at the end of the meeting.

Mr. Berman stated that the second proposed change is to make clear that no audio visual materials may be presented by speakers during Audience to be heard, at the request of the Information Technology (IT) and Public Communication staff. The meetings are sent out in real time on the website and on television; however, the content is not determined prior to being displayed whether it is appropriate or not, which risk cannot be taken. Also, from an IT perspective this part of the City's computer system is vulnerable to a virus or malware that people are inserting into the system. Staff cannot determine what is coming from the outside ahead of time. Therefore, there are numerous reasons for discouraging uncensored materials.

In sum, these proposed changes should not have a big impact on Audience to be heard as there will be ten speakers or thirty minutes, whichever is less, and then the rest of the speakers will be allowed to speak later on.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he did not like what he heard the City Attorney just stated and that staff's recommendation sounds like smothering freedom of speech. He said the Mayor is the head of the body and could stop anything at any point in time. It is the Mayor's job to govern this board. So, this is an attempt to put something in place that limits speakers, this action has not been taken since the Commission has been created.

Mayor Hardin clarified that what the proposed amendment does to the ordinance that governs how the City runs Audience to be heard currently says, "Thirty minutes or such time needed to permit ten members of the public to speak," which is thirty minutes of ten members, whichever is longer. Therefore, he cannot cut it off, and if ten speakers take three hours he cannot cut them off. So, this is changing that to thirty minutes or ten members, whichever is less. In other words, the Commission will hear Audience to be heard for the first thirty minutes of the meeting, and if anybody is left over, they will have the opportunity to speak at the end of the meeting. The discretion of the Mayor will not be taken away on how to conduct the meeting.

Mr. Berman explained that one of the reasons that he was tasked to amend the language is that the public does

not sit all night waiting to get to do business that they are in the Chamber to discuss. In sum, this is not to quieten anybody but rather to get a better control of when City business is started on the agenda so the residents, attorneys, and other presenters do not have to sit and wait until late hours. Therefore, it would be just reorganizing the timing of the meeting so there is a better control as to when the City starts its business on the agenda.

An extensive discussion followed among Mr. Thrower, the City Commission and staff regarding the interpretation of the amendments proposed to the ordinance and the intent behind the proposed changes.

Andy Cherenfant, Pompano Beach, FL, stated that he found the two amendments a bit odd. He understands the intent to move the meeting along, but as taxpayers it is odd to put them at the back of the meeting and have to wait for staff who are getting paid by the taxpayer to conduct City business. Additionally, Mr. Cherenfant suggested that as it relates to the showing of a video, would the Commission consider having those who want to show a video have it reviewed prior to the meeting to get approval.

Mayor Hardin responded that the way it currently reads, "No audio visual material may be presented by speakers during Audience to be heard." This would be an easy fix to add, "Except with prior permission." He commended Mr. Cherenfant for that good suggestion.

Tom Terwilliger, Pompano Beach, FL, thinks the resolution is "terrible" and provided his reasons. The citizens have the right to come to the Board to tell what they believe. The Commission is the administrator and the way the current rule reads the Mayor can stop people at three minutes. The other part regarding the audio visual, a person can use the overhead projector that is audio visual and is not connected to any network, but will the City limit that use. In sum, the Commission needs to find a way to allow people to express things. There are times when visuals are important and better than a thousand words spoken many times. The way the ordinance is written is onerous and he urged the Commission not to pass it.

Mayor Hardin indicated that the audio visual section can be tweaked prior to second reading. He reiterated that this is in no way trying to limit the input from the public. The idea is to try and control the initial portion of the meeting to get to the City business on hand. This is not to save staff's time. There have been times when people are sitting in the audience that has business before the Commission and they brought their family and kids. However, as the Agenda and the Audience to be Heard goes on they leave because they cannot stay that long. Once the item comes up a person would say they had their whole family earlier but it took too long to get to the item. Therefore, Mayor Hardin indicated that is what he is trying to prevent.

Comr. McGee understands and would agree with the idea to have someone preview the audio visuals prior to presentation.

Comr. Eaton added that the City must ensure that there are no viruses or malware that could harm the system.

Vice Mayor Moss indicated that people waiting to conduct business are citizens as well as those who get to speak under Audience to be heard. Therefore, to favor one kind of citizen over another does not appear right.

Comr. McGee suggested that as it relates to reports, perhaps consideration could be given to do the reports

prior to allowing the remaining speakers who did not speak under Audience to be heard to speak.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

25. [19-353](#) **P.H. 2019-69: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE COMMUNITY BUS SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: City's share \$159,201.61/year FY 2019)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager presented the item and stated that this is the second renewal of the service agreement that the City has with Limousines of South Florida, Inc. to provide community bus services. The current renewal will end in June 2019, and this will extend the agreement for one more year to June 2020. This will be the final renewal based upon the original agreement that was entered into with Limousines of South Florida. The impact for this particular service is approximately \$160,000.

Tom Terwilliger, Pompano Beach, FL, stated that in years past the program was paid for by the City but reimbursed by the County and asked if that is the same for this year.

Ms. Diamanti replied yes the County reimburses the City.

Mr. Terwilliger indicated that last year the ridership on the particular routes dropped 22% and this year based upon Broward County's Transit Authority records the ridership has dropped over 20% more than last year's. The utilization of these facilities is negligible and ridership is decreasing, therefore, he cautioned the City in paying for the service even though it is being reimbursed.

Ms. Diamanti indicated that the City has a minimum ridership to maintain for the interlocal agreement with the County, which is being maintain regardless of the numbers shifting around from one year to another.

Phyllis Smith, President of Collier City Civic Association, Pompano Beach, FL, asked if this is the bus that provides free transportation to the residents and allow the homeless people to ride from one point to the next.

Ms. Diamanti stated it is free transportation for all residents and riders. The City does not discriminate based on status.

Ms. Smith stated that she wanted to ensure she had the right bus referenced as she knows quite a number of people that uses the bus to get to and from the Community Centers from Blount Road and other areas of the City.

Comr. McGee stated that she is interested in public transit. She knows there are discussions and thoughts happening at different levels to figure out a way to make ridership more of a reality in Broward County. Most of the agencies are trying to find a way to make it more user friendly.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

26. [19-403](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LEASE FINANCING OF CERTAIN EQUIPMENT PURSUANT TO AN ANNUAL APPROPRIATION LEASE; APPROVING THE FORMS, AND AUTHORIZING EXECUTION OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT AND RELATED LEASE DOCUMENTS BETWEEN THE CITY, AS LESSEE AND REGIONS EQUIPMENT FINANCE CORPORATION, AS LESSOR; AUTHORIZING THE APPROVAL OF RELATED FINANCING DOCUMENTS, INCLUDING A FUNDING AGREEMENT AMONG THE CITY, REGIONS EQUIPMENT FINANCE CORPORATION AND REGIONS BANK, AS FUNDING AGENT; PROVIDING FOR CERTAIN AUTHORIZATIONS AND OTHER MATTERS WITH RESPECT THERETO; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Approximately \$423,383 annually for up to 5 years.)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that this is a lease purchase agreement to finance the acquisition of vehicles and other equipment identified in the City's Capital Replacement Plan. The

cost to finance these capital items have already been approved as part of the fiscal year 2019 adopted budget. The City received a total of fourteen proposals from various banks to provide the financing, and staff recommends approval of the agreement with the bank that submitted the most favorable terms, which is Regions Equipment Finance Corporation.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-171

27. [19-408](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH AS ALTERNATE #1; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 12, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Anthony Coletti - District 1
Justin Cromartie - District 1
Lisa Ferreri - District 1
Molly Moor - District 1
Kerry-Ann Parsons - District 2
Tobi Aycock - District 3
Marianne Edge - District 3
Salah Elroweny - District 3
Carmen Jones - District 4
Marcus A. McDougale - District 4
Veronica Thomas - District 4
Andy Cherenfant - District 5
Deidra Daisey - District 5
Daniel P. Diaz - District 5
Luciene Gomes - District 5
Linda H. Jones - District 5
Clovis B. Nelson - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins that the Regular Agenda/ Resolution be ADOPTED and to insert the name TOBI AYCOCK. Commissioner Perkins voted for Molly Moor. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: RES. No. 2019-172

28. [19-410](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MOLLY MOOR** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH AS ALTERNATE #3; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 12, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-408 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MOLLY MOOR. Commissioner McMahon and Vice Mayor Moss voted for Linda H. Jones and Commissioner Perkins voted for Andy Cherenfant. The motion carried by the following roll call vote:

Yes: Eaton
McGee
Hardin

No: McMahon
Perkins
Moss

Enactment No: RES. No. 2019-173

29. [19-416](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WALTER CLARK** 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 MAY 14, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Albert Hill, ***Incumbent*** - District 4
Walter Clark, ***Incumbent*** - District 5
Molly Moor, ***Alternate 1*** - District 1
Philip Schulte, ***Alternate 2*** - District 3
Mary C. Antoine - District 1
Patricia DeSanctis - District 1
Rafal Dradrach - District 1
Bruno Munoz - District 1
Corey Staniscia - District 1
Kerry-Ann Parsons - District 2
Sarahca Peterson - District 3
Hazel K. Armbrister - District 4
Monifa Aruwajoye - District 4
Marie Goodrum Johnson - District 4
Marcus A. McDougle - District 4
Shelton Pooler - District 4
John Reed - District 4
Janice A. Simmons - District 4
Veronica Thomas - District 4
Bettye A. Walker - District 4
Andy Cherenfant - District 5
Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name WALTER CLARK. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-174

30. [19-417](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ALBERT HILL 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 MAY 14, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-416 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name ALBERT HILL. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-175

31. [19-418](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MOLLY MOOR TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH; TO FILL THE UNEXPIRED TERM OF WALTER HEAD; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-416 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner McGee, seconded by Vice Mayor Moss, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MOLLY MOOR. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-176

32. [19-423](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MARY C. ANTOINE** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF COLLEEN MURPHY; SAID TERM TO EXPIRE ON DECEMBER 12, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

Mary C. Antoine, **Incumbent**/Alt. 2 - District 1
Velma Flowers, **Incumbent** - District 4
Janice Griffin, **Incumbent** - District 3
Keith Haag, **Incumbent**/Alt.1 - District 1
Claudia Mazzocchi - District 1
Veronica Thomas - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MARY C. ANTOINE. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-177

33. [19-424](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **VELMA FLOWERS** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH; FOR A TERM OF TWO YEARS; SAID TERM TO EXPIRE ON MAY 14, 2021; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-423 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Perkins, seconded by Vice Mayor Moss, that the Regular Agenda/ Resolution be ADOPTED and to insert the name VELMA FLOWERS. The motion carried by the

following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-178

34. [19-428](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JANICE GRIFFIN TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH; FOR A TERM OF TWO YEARS; SAID TERM TO EXPIRE ON MAY 14, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-423 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name JANICE GRIFFIN. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-179

35. [19-425](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KEITH HAAG TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO SERVE AS ALTERNATE 1; FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON MAY 14, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-423 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

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

Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name KEITH HAAG. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-180

36. [19-426](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING VERONICA THOMAS TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO SERVE AS ALTERNATE #2; FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON MAY 14, 2021; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2019-423 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Perkins, seconded by Vice Mayor Moss, that the Regular Agenda/ Resolution be ADOPTED and to insert the name VERONICA THOMAS. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-181

G. REPORTS

Gregory Harrison, City Manager - Quiet Zone for Florida East Coast Railway - Mr. Harrison reported that effective May 18, 2019, the City of Pompano Beach, Deerfield Beach, Fort Lauderdale, Oakland Park, Wilton Manors, Dania Beach, Hollywood, and Hallandale Beach will be in a new 24 hour quiet zone along the Florida East Coast Railway in Broward County.

Non-profit Fair - Mr. Harrison announced that on June 5, 2019 the City will be sponsoring a non-profit fair at the E. Pat Larkins Community Center. The purpose is to teach anyone interested in how to qualify for

non-profit funding not just with the City but with other sources. This will be advertised via the City's Press Release, Website, through Dahlia Baker who visits the churches to provide the information.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - District 2 NE 33rd Street Project - Comr. Eaton reminded everyone that the first meeting on public input for the District 2, NE 33rd Street project, will be held on May 30, 2019 at 6:00 p.m. at the Highlands Triangle Park Community Center. She urged everyone to come out and provide their input for the project. In July, there will be another meeting, which date will be provided later.

Potential Advertising Location behind the Commission Chamber - Comr. Eaton stated that when she was heading west on Atlantic Boulevard to Dixie Highway and waiting in line she noticed a huge blank space at the back of the Commission Chamber that is visible from the intersection. Is it possible the City could utilize the space for advertising with lighting for the evening hours. The intersection is well travelled and perhaps the City could capitalize on that space to make announcements of upcoming events and things of that nature.

Commissioner Andrea McGee - Legislative Wrap Up Session - Comr. McGee reported that she attended the Becker Poliakoff Legislative Wrap Up session, which was informative. There are some good news coming from Tallahassee, upholding some local rule and with the Governor vetoing the ban on straws which the City has been trying to lessening the impact with plastic.

St. Coleman's 60th Anniversary - Comr. McGee invited everyone to come out this Sunday, May 19, 2019, to her Alma Mater, St. Coleman's 60th Anniversary celebration. They will be having a get together at the Parish Hall starting at noon. It will be a great event to attend.

Commissioner Tom McMahon - No Report.

Commissioner Beverly Perkins - Islamic Center Open House - Comr. Perkins thanked the Islamic Center for their invitation to their Open House event on April 25, 2019. There is a better and healthier relationship visiting the Center.

Appreciation of Mothers' Day Event - Comr. Perkins thanked the Kiwanis for having a wonderful Mothers' Day breakfast, as well as the E. Pat Larkins Center that had a great Mothers' Day event.

Battle of the Bands - Comr. Perkins announced that the Battle of the Bands event will take place on Sunday, May 19, 2019 at 6:00 p.m. at the Blanche Ely High School. In addition, Comr. Perkins mentioned that she would love to see the City get more involved next year because this event averages approximately 2,000 people. This year Keiser College will be giving out scholarships, as well as Tuskegee Institute. She invited everyone to come out to a great event.

Vice Mayor Barry Moss - Sanders Park Elementary Visit to the Performing Arts - Vice Mayor Moss stated that last week he had the opportunity to accompany a number of students, fourth graders, from Sanders

Park Elementary School to the Broward Center for the Performing Arts. The Center has a very impressive program where they coordinate with the Broward County School District and teach a lesson which is complemented by homework that reinforces the lesson that was taught at school. Then, the kids get on a bus and go to the Broward Performing Center to see a live performance reinforcing what the lesson and homework has initiated. He would like to see more done to assist the kids with getting involved in the arts and to express their creative side. Vice Mayor Moss encouraged his fellow colleagues to get involved in this effort as it is a very rewarding experience.

Florida Department of Transportation (FDOT) I-95 Ramp Signaling Program - Vice Mayor Moss reported that he attended a meeting with Florida Department of Transportation (FDOT) about the I-95 Ramp Signaling Program. He distributed a brochure regarding their recommendation, where they will have signal lights on the ramps to I-95 and Atlantic Boulevard will be one of the first ones coming up. He saw the computerized program about the sensors in the street that measures how many cars are on the highway and how many is lined up on the ramp to get on the highway. This is 22nd century being brought to the County's traffic control. It was very impressive. He said FDOT gives tours and if anyone is interested to take a tour they can contact FDOT Traffic Signaling Department.

Haitian Flag Day - Vice Mayor Moss announced that the Haitian Flag Day is coming up in Collier City on May 15, 2019 at 5:00 p.m. He encouraged everyone to be there and he plans to be there. Thereafter, he will be attending the Cultural Awards at the Cultural Arts Center

Collier City Association First Annual Awards Luncheon - Vice Mayor Moss reported that on May 25, 2019, the Collier City Civic Association is having its first annual awards luncheon at Gallupi's, which will be from 12:00 noon to 3:00 p.m. and he encouraged everyone to come out and enjoy the event. Also, if interested, advertising can be bought to be in their program.

Career Day at Cresthaven Elementary School - Vice Mayor Moss announced that on May 21, 2019 he will have the distinct honor and privilege of going to Cresthaven Elementary School where he will visit with students about their careers on career day and talk about his career as a Commissioner.

Collier City Family Fun Day Event - Vice Mayor Moss stated that every year the Collier City Family Fun Day has a day-long event in August. Therefore, he is requesting \$1,000 of his allotment to be allocated towards the Collier City Family Fun Day, and he requested that this item be placed on the next agenda.

Mayor Rex Hardin - Career Day at Cresthaven Elementary School - Mayor Hardin announced that he will also be attending Career Day at Cresthaven Elementary School to talk about his career as the Mayor. He encouraged the other Commissioners to get involved as they are always looking for people in the City to participate.

Mayor Hardin reminded everyone that Saturday, May 18, 2019, the Children's Piano Competition will take place at the Emma Lou Olson Community Center.

Obituaries - Mayor Hardin announced this past week the City experienced some losses from the fabric of its community. Pioneers such as Gordon Vinkemulder who was a landscaper in the Pompano Beach community

recently passed. Therefore, our thoughts and prayers go out to his family.

Alice Villim, who was also one of Pompano Beach's pioneers, passed away recently. Therefore, our thoughts and prayers go out to her family.

H. ADJOURNMENT

The meeting adjourned at 10:17 p.m.

Rex Hardin, Mayor

Asceletha Hammond, City Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME McMahon, Thomas	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Pompano Beach City Commission
MAILING ADDRESS 473 NE 1st Street	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Pompano Beach 33060 Broward	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED May 14, 2019	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas McMahon, hereby disclose that on May 14, 20 19 :

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

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

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

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on May 14, 2019, I abstained from voting on the following Agenda Item:

• Item 3 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND T E P M, INC. FOR THE CITY'S PLACEMENT OF A MOSAIC MURAL ON AN EXTERIOR WALL OF 135 NE 1ST AVENUE PURSUANT TO THE MOSAIC TEAM PROJECT; PROVIDING AN EFFECTIVE DATE.

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

May 15, 2019

Date Filed


Signature

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