

## Detailed Minutes - Final

### City Commission

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

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

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Tuesday, March 13, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:04 p.m

#### ROLL CALL

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

#### INVOCATION

The Rev. James Smith, New Jerusalem Missionary Baptist Church, offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

#### APPROVAL OF MINUTES

[18-258](#) Regular City Commission Meeting Minutes of February 27, 2018

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

**APPROVAL OF AGENDA**

Mayor Fisher announced that items 13 and 14 will be taken out of order and heard immediately after Consent Agenda.

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

**CONSENT AGENDA DISCUSSION**

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

Mayor Fisher announced that Consent Agenda items 2, 4, 5 and 6 would be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION**

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

**18-248 Tiger Trail Festival Inc. Donations**

On behalf of Tiger Trail Festival Inc., Tiger Trail Chairman Ed Phillips presented donations to various deserving community groups.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS****18-250 Firefighter Appreciation Month**

Mayor Lamar Fisher along with Jeaneece Washington, Fundraising Coordinator for MDA, recognized the Pompano Beach Firefighters for their efforts on behalf of the Muscular Dystrophy Association. Accepting a proclamation on behalf of the firefighters were Paramedic- Firefighter Michael Cleveland, Fire Captain and Fire Union President Steve Hudson and Fire Chief John Jurgle,

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

**18-256 Women's History Coalition Month**

Mayor Lamar Fisher proclaimed March 2018 as "Women's History Coalition Month" in the City of Pompano Beach and presented a proclamation to Joanne Sterner, member of the Women's History Coalition.

Joanne Sterner on behalf of the Broward Women's History Coalition expressed appreciation for the City's recognition of Women's History month. She provided a brief background on the activities of women who have contributed to changing history by challenging the status quo, securing the right to vote, as well as becoming astronauts, physicians, politicians and obtaining employment of women in several non-occupational professions in construction work and engineering. She invited everyone to visit the Broward County Library across from City Hall to view the Women's History exhibits.

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

**C. AUDIENCE TO BE HEARD**

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

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:

**Density Issues** - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, complained about the vision for the City, specifically, the proposed density. He is pleased with the transformation on the beach, however, to enjoy the resonance the residents would have to tolerate extreme density in the neighborhoods. He disagrees with the changing of the zoning in the East Atlantic corridor, to accommodate plans for multi-dwelling units. He stated that the City Commission should not control the zoning but rather the people should vote on it.

In addition, Mr. Drum commented on his views to have term limits for the Mayor and Commissioners’ for two four-year terms to be elected in November to keep the costs down. Finally, he stated that the City needs new vision and suggested that serious consideration should be given regarding the Community Development Agency (CRA) and the East Atlantic corridor.

**Drug Issues in the Neighborhood** - George E. Dillard, Pompano Beach, FL, thanked Commissioner Perkins for working hard to assist in getting the northwest section of the City “straighten,” although there are a lot of things still need to be worked on. He mentioned that everything has been cleaned up except for the drug issues that are running rampant, which he is concerned with. Mr. Dillard also thanked City Manager Greg Harrison and everybody who has assisted with getting the neighborhood cleaned up. His main concern is to make the neighborhoods within the City a safe place for the children. Therefore, he is hoping that everybody could come together from the various

neighborhoods and work together.

**Vision of the City and Accomplishments** - Tom DiGiorgio, Lighthouse Point, Business Owner, Pompano Beach, FL, Chairman of the Pompano Beach Economic Development Council, shared some good news about the result of the City's vision seen ten to twelve years ago. He stated that earlier in the year, one of the largest travel magazine in the world, Expedia, had awarded the City the honor of the best city to escape to in the State of Florida. Also, last week, Money Magazine named the top twenty destinations in the Country and Pompano Beach was named number five (5) destination to visit. Therefore, he thanked the City Commission and the private sector members that serve on city boards and committees, as well as staff all working towards the same goal. Mr. DiGiorgio disagrees with those who say the vision is off. He agrees that more can be done and encouraged everybody to work together to fulfill the vision.

Finally, Mr. DiGiorgio indicated that he had the privilege to go throughout the City to advocate for the bond issuance. He had to work with the City's staff, who are some of the most dedicated people he has ever met. He commended City Manager Greg Harrison for an amazing team. Furthermore, during after hours, staff members such as Greg Harrison, Suzette Sibble, Sandra King, Brian Donovan, John Jurgle, Kimberly Spill-Cristiano, Mark Beaudreau, Horacio Danovich and Erjeta Diamante attended approximately 35 meetings educating the residents about the Bond. In conclusion, Mr. DiGiorgio said there was phenomenal team effort by everyone to include some members on the dais. He said the vision for Pompano Beach is "spot on."

**Overdevelopment on Barrier Island** - Sandy Von Staden, 3201 Beacon Street, Pompano Beach, FL, stated that in December 2016 she provided a briefing on the Scenic A1A in the City of Pompano Beach. She reported that the City is making great strides in achieving some of the goals of the Scenic Corridor through the work of non-profits, city staff and the great vision of the City; however, there are issues. Most recently, she said she appeared before the City Commission to encourage more walking, biking and trying to find other ways for people to enjoy the corridor, however, the project has been delayed due to Hurricane Irma.

Ms. VonStaden commented on the "most fragile area of the corridor" and stated that overdevelopment cannot be tolerated in that area. She said the beach is too narrow and the residents have lost most of the beach at the northern end. Therefore, the communities of Hillsboro Shores and the area called north beach to northeast 8th must make a dedicated effort to stop overdevelopment and high density in the location. She said they have formed a new group called the Pompano North Beach Alliance (PNBA) whose members are trying to curtail overdevelopment in the north part of the barrier island.

**Overdevelopment on Barrier Island** - Jeanie Schermesser, Pompano North Beach Alliance, 1620 N. Ocean Blvd., Pompano Beach, FL, stated that she had started the petition against the rezoning of 1508 North Ocean Boulevard, currently named Ocean Park, which proposes to be a Planned Development Infill project with two twin towers at the height of 245 feet. This exceeds the current zoning height of 105 feet. Ms. Schermesser indicated that north beach is a true gem and people within the community and from other areas in Florida, the United States and the world to enjoy the area, which is not overcrowded and it has a private feel to the beach they can enjoy with their family. She said the area is a favorite spot for kite boarders, and a sensitive sea turtle nesting area. Therefore, the project will threaten the community by changing its character and giving people less access to the beach, increased traffic, and provide hazardous conditions for the many pedestrians that utilize the beach every day. Therefore, the PNBA has been formed by a community that opposes the 1508 North Ocean Park development, as well as opposing all development with extreme heights within the north beach area. In addition, they are concerned with protecting the sensitive environment and preserving the historical character of the neighborhood. She recognized the other members of the PNBA steering committee, as Molly Moore, Stephanie Steinberg and Sandy Von Standen. Finally, she distributed a copy of their quarterly newsletter and a letter to the City Commission.

Mayor Fisher noted that the property being referenced in the comments is located at the corner of NE 16th and A1A, which is directly west of North Park. He said the park is special because kite surf is allowed and it services the community. He indicated that the development was denied by the Planning and Zoning Board. He requested that PNBA ensures the City Commission receives a copy of their quarterly newsletter.

Comr. Sobel mentioned that the North Beach Alliance group also known as “my morning walk” and said he would be honored to attend, participate, and listen at any meetings that he would be notified about.

**Four City related Issues** - Douglas Matthes, 500 NE 6th Street, Pompano Beach, FL, mentioned that he has four items to talk about. First, he said last meeting there was a commotion at the back of the room and he could not hear the speakers because the group was talking. He asked them to keep it down and subsequently, he was threatened by their leader. The Chief came and asked him to keep it down not recognizing the real cause of the problem, which was a group of four individuals who were carrying on a conversation.

Second, there has been a "rash of theft of signs" in his neighborhood, mainly those that were opposing the bond vote. He said the pro-bond signs have remained untouched,

therefore, he concluded those who take those signs are common thieves, and should be punished by the law when caught.

Third, Mr. Matthes indicated that at the last City Commission meeting an item was pulled that addressed communication facilities on city property, besides mainly addressing wireless. He complained there is visual pollution in his neighborhood and recently it has gotten significantly worse and he explained the work of the communication companies. He is desirous to find out why the beach area gets underground facilities but his neighborhood gets visual pollution, as well as to know if they will get equal rights to receiving street side utility lines being placed underground.

Fourth, Mr. Matthes stated that there are two buildings being constructed in his neighborhood, one on 4th Street and Flagler Avenue and the other is on 4th Street and 20th Avenue. They are both residential high-rise buildings. Mr. Matthes complained that currently there is gridlock in his neighborhood on 5th Avenue. Therefore, these buildings will add another 650 people to the neighborhood thus increasing traffic.

**Eleventh Annual Black History Celebration** - Hazel Armbrister, President of Rock Road Restoration Historical Group, 1808 NW 6th Avenue, Pompano Beach, FL, mentioned that she has distributed a flyer indicating that the Rock Road Restoration Historical Group is inviting everyone to their eleventh annual black history celebration continuation. She stated that black history is not only in February, rather it is 365 days of the year. Therefore, on Sunday, March 18, 2018, at 4:00 p.m. they will be presenting a black history program. At that time, they will be presenting the Frank and Florence Ali Entrepreneurial Award, as well as honoring a number of pioneers of the City. She provided a detail background on Frank and Florence Ali and their contribution to the area. The Ali Building, located at 353 Dr. Martin Luther King Boulevard, which they constructed since 1933, was left behind and is now on the Pompano Beach Historical registry, as one of the historical buildings of the City.

**Stationary Trailer Food Business** - Kenneth Bynum, 2961 NW 6th Street, Pompano Beach, FL, stated he is requesting the City Commission's consideration regarding a place to locate his business and the City's zoning. He mentioned that he has a new trailer that is state certified and has met all the city's requirements and he is now ready to go to work in the City of Pompano Beach. However, having gone through all the zoning requirements, it appears there is no place that he can get his trailer business established in the City. Therefore, he is appealing to the City Commission for their consideration in assisting him to get his business started in the City of Pompano Beach, where he resides.

Mayor Fisher asked if it is a mobile food truck type business, which Mr. Bynum replied

yes.

Mr. Bynum indicated that he would like to get one location to do his business.

Mayor Fisher requested that David Recor, Director of Development Services meet with Mr. Bynum and provide him the zoning areas he can fit his business.

Ed Phillips, Pompano Beach, FL, stated that there are so many people that are set up in his neighborhoods for barbecue on various days on any spot. However, this person has decided to be in compliance to request the City's approval to set up his food trailer. He urged the City to find a way to allow Mr. Bynum to do right.

Pastor Gary McCleod Pompano Beach, FL, indicated that he supports Mr. Bynum's request, who has done everything he needs to do but he has no place to thrive in the City.

Mayor Fisher indicated that the City will work with Mr. Bynum to get him a place to thrive in the City of Pompano Beach.

Comr. Perkins indicated that there are a lot of vending business such as Mr. Bynum's but very few are licensed. Therefore, she asked about a stationary business versus a moving type business.

Mr. Bynum indicated that there is a different stipulation between mobile and stationary, however, his would be stationary.

Comr. Perkins mentioned it would be great to find Mr. Bynum a good location to set up that will not interfere with existing food vendors.

**Community Garden** - David Miller, Collier City, Pompano Beach, FL, stated that he had planned to speak in February, but missed out. Therefore, he invited everyone to attend one of his lectures or mentorship programs regarding the youth. Mr. Miller thanked the Tiger Trail Festival for awarding him for his hard work and dedication. He said both Comrs. Hardin and Moss attended the award event.

Mr. Miller stated that there is a community garden in Pompano Beach that he has assisted in managing. He said they have some stellar interns, who are tenth graders. Therefore, they are looking to hire more. He invited everyone to come out and enjoy the tranquility. He said on April 21, 2018 they will have an event called "Earth Day" at the community garden where organic food will be available and messages on holistic way of living and environmental way of recycling, and anything specific to saving the planet.



Mayor Fisher thanked Mr. Miller for his commitment to the community garden. In addition, he said soon after the ribbon cutting was done there were two young men from Blanche Ely High School that had a great story. He is asking Mr. Miller to meet with City Manager Harrison to coordinate with the two young men to attend a City Commission meeting to tell their story once more on how this project is changing their lives and speak about what their goals are.

Comr. Sobel congratulated Mr. Miller. He said he read the article regarding him and his accomplishments and he deserves all the recognition, and exemplifies the City of Pompano Beach, Collier City.

Comr. Hardin asked if all the plots have been leased out.

Mr. Miller replied that all are leased, but there are two that maybe opened in the near future for the northwest residents. He said they are looking for a great year for 2018.

**D. CONSENT AGENDA**

1. [18-249](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIRANHAS, INC. TO PROVIDE VOLUNTEER LEADERSHIP, ADMINISTRATIVE AND COACHING SERVICES TO THE POMPANO PIRANHAS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2018-97**

2. [18-245](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE ENHANCED LOCAL MITIGATION STRATEGY (ELMS) PASSED BY THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kimberly Spill-Cristiano/Jennifer Gomez/David Recor)

Comr. Sobel pulled the item for City Commission discussion. Comr. Sobel indicated he read the 300 pages of the Enhanced Local Mitigation Strategy (ELMS) report. He said it is chockfull of incredible information. However, he asked about the County proposal for the Floodplain restructuring and if it is mandatory for the City of Pompano Beach to adopt, or is it something being done voluntarily.

Kimberly Spill-Cristiano, Emergency Manager, responded that the consent item on the enhanced local mitigation strategy is currently in place with the City, which most jurisdictions within Broward County adopted. It is a joint effort with Broward County that will ultimately mitigate damages from manmade or natural disasters including flood.

Comr. Sobel inquired if the City is required to adopt it, but in terms of the implementation over time, and is there a timetable for going from 2007 Community Rating System (CRS) manual to the 2013 CRS manual. Also, he asked when will the City adopt the new stormwater and flood standards.

Ms. Spill-Cristiano replied that there is the floodplain management, which is part of this

process. However, this particular plan is a strategy - a framework, which she provided an example on the wind mitigation projects such as City Hall windows and Emma Lou Olson Civic Center hardening projects and flood projects. She explained that it is optional; however, when this comes into action it is after disasters such as hurricane Irma. In essence, there is approximately \$80 million coming to Broward County, which they will review the initiatives that are within the plan. They will then get prioritized and the funding is allocated to the County. Therefore, the City will have to adopt it in order to become eligible for the Florida Emergency Management Agency (FEMA) funding.

Comr. Sobel inquired if the goal after the City's adoption is to reduce the classification number, which in turn equals a reduced insurance rate for the residences and commercial businesses in Pompano Beach.

Ms. Spill-Cristiano responded absolutely, and it is the component of the item.

Comr. Sobel mentioned that the document indicates that the City of Pompano Beach had \$14.7 million spent in the last five years for stormwater improvements and that \$29 million is scheduled to be spent in the City in the next five years.

Ms. Spill-Cristiano responded that she would need to check those particular numbers. She said they are separate projects but are a component under a separate plan for floodplain.

Comr. Sobel asked if the \$29 million scheduled to be spent in the next five years for the stormwater improvements are fully funded.

Greg Harrison, City Manager, replied no. He stated that the City's rate system is structured where staff plan for these over the next five years, but the local governing body fund those one year at a time. There is nothing that is fully funded five years in advance. These will be funded out of the utility fund.

Comr. Sobel stated that he understood the goal of the item to be the free board standard that the City is trying to seek a total change in the requirement in the height from the base of the buildings in any new construction.

Ms. Spill-Cristiano indicated that there are many components to the plan. It is a framework which will enable the City to move forward with other projects.

Comr. Sobel inquired when it is done, will the City be changing the height standards as well as the construction standards at the base, to raise it up to a different flood level for all new construction.

Ms. Spill-Cristiano responded ultimately.

Jean Dolan, Development Services Department, stated that the CRS program is one small piece of ELMS. The whole ELMS process covers all types of emergency management preparation to include hurricanes, shelters, and evacuations. She said they have increased the free board standards, which are in the current 2018 building code. Also, the City recently adopted lemon chapter 154, but they are not exceeding the building code in terms of the finished floor elevations. She explained that the CRS manual converts to the 2013 manual for staff in July and provided details of the process in ranking the City to maintain its current rating of seven (7).

Comr. Sobel understood that the goal for the City was to get the rating down to a five (5) and asked if there are any realistic possibility.

Ms. Dolan replied that is the goal and that the City has a consultant working with staff who knows how to implement the manual and is creating a program for the City. However, in terms of ELMS it is one small part of it.

Ms. Spill-Cristiano clarified that the “Enhance” in ELMS means federal standards require local mitigation strategy, however, the City goes above and beyond for that in enhancing additional strategies and priorities on how to achieve the projects.

Mayor Fisher stated that the most important component in ELMS is the fact that it is a necessity to be able to maintain eligibility for the highest mitigation project grant funding. This is state required and it is necessary to ensure that the City gets all it can.

Ms. Spill-Cristiano concurred with Mayor Fisher and said it would amount to a 75% reimbursement.

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

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

**Enactment No: RES. No. 2018-98**

3. [18-246](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE STUDY ENTITLED, "POMPANO BEACH, FLORIDA: PRINCIPLES TO GUIDE ZONING FOR COMMUNITY RESIDENCES FOR PEOPLE WITH DISABILITIES," PREPARED BY DANIEL LAUBER, AICP; PROVIDING DIRECTION TO PREPARE AMENDMENTS TO THE CITY'S CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

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

**Enactment No: RES. No. 2018-99**

4. [18-234](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE-FUNDED GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF INCREASING THE AMOUNT OF GRANT FUNDING FROM \$194,000.00 TO \$294,000.00 TO PROVIDE RESIDENTIAL WIND MITIGATION RETROFIT IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$294,000.00)

(Staff Contact: Miriam Carrillo)

Comr. Hardin pulled the item for City Commission discussion. Comr. Hardin stated that this is an increase in grant funding that the City is receiving as a result of the excellent work of staff. So, "hats off to Miriam Carrillo and her department for doing a great job for the City.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-100**

5. [18-229](#) Approval of 2017 Affordable Housing Incentive Strategy Report.  
(Fiscal Impact: N/A)

**(Staff Contact:** Miriam Carrillo/Mark Korman)

Comrs. Hardin and Sobel pulled the item for City Commission discussion. Comr. Hardin thanked the Affordable Housing Advisory Committee members for their service.

Comr. Sobel stated that in November the item was presented to the City Commission and it is now being presented as delayed because a decision has not been made due to lack of recommendations from staff. Therefore, he asked why it is taking so long to get staff's recommendation for five houses per year on a \$2,000 flat fee.

Miriam Carrillo, Director, Office of Housing and Urban Improvement, (OHUI) stated that it is not five houses, but a total of one hundred houses per year and explained the process of housing rehab and construction.

In response to Comr. Sobel's question regarding the delay process, Ms. Carrillo provided a detailed explanation as to the timelines involved and to finalize the numbers in Building services to determine whether a flat fee can be done or not for any affordable housing being built throughout the city.

Mayor Fisher stated that the City Commission would accept the report tonight and then the recommendation will be brought back later before them. The timeframe used was to get all the input from the advisories to ensure the plan is accurate prior to submitting to the state.

Ms. Carrillo responded that is correct.

Ed Phillips, Pompano Beach, FL, indicated that he has an interest in affordable housing and believes there is plenty room for more of these. He inquired about the current fee for affordable housing.

Ms. Carrillo responded that whatever fees the department charges, everybody pays the same as well as it depends on the construction.

Mr. Phillips asked who determines the fees and if so what is it based on.

Mayor Fisher explained that staff will bring back recommendations to the City Commission at a later date on what the fees will be based upon. Those fees will be brought back for dissemination and to be voted on.

Ms. Carrillo responded yes.

Mr. Phillips stated that if there is a flat fee of \$2,000 it is already determined that those money will be utilized for something and wanted to know for what specifically.

Greg Harrison, City Manager explained that this is not an additional fee. It is a change to the percentage fee that is currently in place. The problem is with some of the houses, there are building permits in the neighborhood of \$5,000-\$6,000. Therefore, Ms. Carrillo is trying to implement a flat fee, which is not new, on the affordable houses that are being built with state and federal funds through the OHUI department.

Mayor Fisher also added that with affordable housing, if 100 plus units are built, there must be a certain affordable portion. There is a fee that can be paid to buy those out, which goes into the trust fund and enables the City as a trust fund to be able to pay towards more affordable housing.

Comr. Sobel stated that according to the backup he thought it was a new fee. The flat fee appears to be replacing the subsidy of the grant money through the OHUI, so it is a new fee for the contractors.

Ms. Carrillo indicated that it is the same fee no matter what. She said the amount will be less because once the construction of the property is done it goes to the client. The client purchases the property and even though the contractor pays, for example, \$150,000 to build a house and they paid \$5,000 in permit fees, instead they would only pay \$2,000 and the department would reimburse only \$2,000 instead of \$5,000, so the \$3,000 will go back into the "pot."

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

6. [18-219](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD SASSO** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER MICHAEL SOBEL; 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)

Comr. Hardin pulled the item for City Commission discussion. Comr. Hardin thanked Elaine Fitzgerald the incumbent that served on the Economic Development Council for many years.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-101**



**E. REGULAR AGENDA**

7. [18-262](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING AND DIRECTING THE FILING OF A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS PUNISHING ELECTED OFFICIALS SET FORTH IN SECTION 790.33, FLORIDA STATUTES, FOR VIOLATING THE PREEMPTION RELATED TO THE REGULATION OF FIREARMS AND AMMUNITION ARE INVALID, AND INVITING OTHER LOCAL GOVERNMENTS TO JOIN THE LAWSUIT; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: Maximum of \$10,000.00)

**(Staff Contact:** Mark E. Berman)

Mark Berman, City Attorney, presented the item and stated that the City of Weston started a lawsuit and asked that other interested municipalities participate. The resolution makes several findings and there are additional backup information he has available for discussion. However, he explained that the resolution makes several findings that the City Commission, if able, could take certain steps and measures under the law to protect the residents of Pompano Beach with regard to firearms. Because of the preemption and unduly harsh punishment language in the Florida Statutes, the City is prevented from doing so. Therefore, by making that finding and approving the resolution they would have standing to participate in the lawsuit, hence it is done this way. He then explained the process in details. Mr. Berman reminded the Commission that it would mean immediate removal from office for any member of the commission by the governor with no due process or right to defend. Fines are up to \$5,000 each with no ability and no reimbursement from the City or for any reimbursement from any attorney or legal action that they may want to take to defend themselves. So, it is harsh, it is without due process, and the City of Weston is challenging but they wanted to know if the City of Pompano Beach was interested.

Additionally, Mr. Berman provided the Commission with information on why they would consider participating. He said since the last meeting, the Florida legislature passed Bill 7026, the Marjory Stoneman Douglas High School Public Safety Act, which bans long gun purchases in the state or rifle purchases to anyone under 21 years of age. It imposes a three day waiting period, bans bump stocks, and makes it easier to take away guns from those considered to be at a safety risk. Also, it increases funding for mental health, earmarks \$67 million to arm teachers, subject to local control, and only if both the school district and sheriff's department are on board. It did not ban the sales of semi-automatic rifles. He said there is another lawsuit that is also taking place. The City of Coral Springs have merged with every town and another law firm. They will be challenging the right to ban large capacity magazines, and they are teaming up with a couple of organizations as well as the national organizations.

Mr. Berman indicated that currently, the City is looking to the firm of Weiss Serota Helfman as well as to merge with Weston. Moreover, they have limited the fees at \$10,000 maximum for the life of the litigation, which may be reduced depending on how many cities join in. But that would be the maximum liability for the City. He reiterated that this is just to attack the punishment and penalty provisions that are in the statutes it is not making changes.

Mayor Fisher mentioned that the first action was to adopt a resolution, which would show the effectiveness at the state level, so this would be the City's second opportunity to come forward with this action. Mayor Fisher thanked Mayor Daniel Stermer from the City of Weston for kicking this off and taking the lead on it. This will allow the cities not to get punished. Also, to reaffirm, Mayor Fisher stated that anyone can sue up to \$100,000 per person, so you could have anybody suing an individual either a commissioner or a mayor and it would be so out of hand, therefore, this allows the City Commission the opportunity to avoid that punishment and to create opportunities for the city to move forward with legislation that it sees fit at the end of the day.

Ed Phillips 384 NW 19th Street, Pompano Beach, FL, commended City Attorney Mark Berman and the City Commission for working towards removing the inhibitors and to be able to do something. As a resident of the City, the City Commission needs to know that they are supported, and stated that he supports them within the purview of the people who support him. Therefore, for the City to join in this action it is a very positive step forward for the community and the children.

M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, FL, agreed that City Attorney Berman is doing an outstanding job. He said he is commenting as a citizen not as a politician. He mentioned that this appears to be about the preemption clause in the statutes, which says the state legislature hereby preempts all legislation with regard to firearms and gun control. He expressed concerns that there are twenty nine (29) cities and Weston is looking for \$10,000 per city, which will be significant for some law firms and a pretty good chance they would lose it, but even if they win that is a huge amount and nothing is being accomplished. He said they have not addressed what really needs to be done and that is to get rid of the preemption. He does not think that will happen and provided his opinion on how the \$10,000 could be utilized.

Mr. Berman stated that Article A, Section 2 (b) of the Florida Constitution gives municipalities inherent, corporate, and proprietary powers, which he elaborated on. In sum, Mr. Berman indicated that they are seeing more preemptions coming out of Tallahassee and the City's hands being tied on its ability to do things that the citizens want to get done, as well as the City attorneys wanting to do it. He said this is the first step in pushing back and testing the limits to get some more time to present what is good for the City; therefore, he believes the City should pursue this.

Mayor Fisher mentioned that the fees are a maximum of \$10,000, which Mr. Berman confirmed it is correct.

Comr. Moss indicated that he represents the City on the Broward League of Cities and one of their meetings this matter was a "hot topic." He believes that perhaps all the cities in Broward County will be signing on for this. He expressed his concerns that this is a "slippery slope" and wanted to know at what time the legislature will tell the municipalities to restrict everything they want to do. They want to trample down on the obligations and the rights of municipalities. So, when and where will it stop. Therefore, he encouraged the Commission to support this effort.

Comr. Sobel stated that the City should acknowledge how shameful it is that the Florida legislature passed this placing all the municipalities in this position because it is an onerous one and completely unfounded. In fact, he said if you look at the legislature's latest change since the City Commission last met and spoke about this, they have now banned bump stocks, which is what he had previously talked about the City doing at the gun shows. They banned the sales statewide. So, as a municipality, if the Commission had done that just a month ago, they

would be subject to, theoretically, removal from office and a fine of up to \$5,000, and in this instance, the legislature has gone and achieved that. Therefore, his concerns are about the equivalent of a declaratory judgment action and that is the reason for a flat fee and the underlying facts, the difference between Weston's facts, which is trying to ban guns in public parks, and the City's potential facts, which might be limited to high capacity magazines or military style rifles, AR-15 and AK-47 at public buildings gun show sales.

Comr. Sobel stated the underlying facts do not matter but just the law itself is what the City is seeking to challenge that one exemption. He said what Mr. Shulmister stated earlier in essence is correct that even if the City Commission prevails they would be back to square one, which at high risk, passes an ordinance theoretically, and carve out a judicial exemption, which will depend on the facts. However, he does not believe being tied up with the same facts as Weston or any other municipality is in the best interest of the residents of the City.

Mr. Berman clarified that the City is not tied up with the same facts as Weston, in this case. He said there is a lot of discussion from different cities as to what they want to do. However, everyone has engaged their City Attorneys and have backed off a bit to look at the law, which is the first step. So, the City is not joining with Weston to ban anything other than to attack the onerous language. As it relates to the \$10,000 fee, he can only assume that based on his participation in the meetings, they are looking for a number that would encourage and not prevent most cities from joining in.

In sum, Mr. Berman indicated he is unsure why they came up with a number and it could have been a balancing act. Therefore, this is to provide the City with the right to sit and wait or whether to do something or not, have a conversation, and if there is the need to pass something, it could be done without the worry. It may be voided and then it could be challenged further. It is just a bad precedence and something that has sat around. Therefore, this is just for the City Commission's consideration. He will be meeting with other cities to determine what they are considering, so this is it.

Comr. Sobel stated he understood from the backup that as more cities join this potential effort, the actual attorney fee goes down to \$7,500, which Mr. Berman confirmed that it would, with a maximum of \$10,000. In sum, there is still a process that is ongoing even if the City Commission voted in favor of the item, there will still be a delay for further consideration to determine how many other cities would be participating in this.

Mr. Berman believes they will be moving along so people can jump on board instead of sitting and waiting for another two to three months and do nothing. Therefore, they will start the ball rolling and interested parties can jump on board the slow moving train. This has been done in the past with other group litigations and it is how they intend to do this one.

Mr. Sobel said he understands from the backup material that an individual commissioner has a choice of being named as a plaintiff, individually or not being named individually.

Mr. Berman responded that is correct. The City Commission would vote as a whole to take the action, however, if anyone needed to put their name on it individually they can do so, if so desired in the official capacity as a commissioner/mayor.

Mayor Fisher stated that after their several meetings over the past three weeks, he wanted to thank City Attorney Berman for his efforts to try to continue the momentum and to make change in what has been faced at Marjory Stoneman Douglas (MSD). Mayor Fisher indicated that Mr. Berman has continued to work with other municipalities and it is appreciated. He encouraged his fellow commissioners to vote yes on this item as it is sorely needed.

Mr. Berman concluded that he will report back to the City Commission as it progresses and any other measures or steps that the City might be able to take, so it is a work in progress.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-102**

8. [18-263](#) Discuss and consider a service contract with W Mack and Associates, Inc.  
(Fiscal Impact: \$74,500.00)

**(Staff Contact:** Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that Comr. Perkins had brought forth a concept to hire the services of consultant, Dr. Wilhelmina Mack, to do a northwest community survey and thereafter to conduct meetings with select groups of people within the community, prepare reports as a result of those activities, and make recommendations on what could and should be done for the northwest community. He indicated that Dr. Mack met with each member of the City Commission individually, and there are no additional comments from the previous conversations.

Mayor Fisher summarized that the proposal was reviewed, and individual meetings were held between the City Commission members and Dr. Mack.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, indicated he sees this as a great opportunity to keep moving forward, and encouraged everybody to keep moving forward and get on board.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, inquired if this item should be put out for bid.

Mayor Fisher responded no because it is under the allowed threshold of \$75,000 for service contracts, which City Manager Harrison confirmed he is correct.

Mr. Phillips expressed concern regarding the project, because there have been other entities that have already done similar work. Therefore, he felt the money could be otherwise spent in the community, which he

elaborated on to include the O C Phillips barber shop plaza. Moreover, he is unsure what the survey will identify and asked if that could be expounded on further. In conclusion, he said there is a need to spend money on what will be built in the neighborhoods, as well as the density that will impact the community. Also, he is concerned about vocational training. In sum, he stated that there are a number of non-profit organizations assisting people in the community and he would prefer to see this money spent in that regard.

Comr. Perkins invited Dr. Mack to provide comments on the item, but prior to doing so, she clarified that the project is not comical and it is not about vocational training. She explained that district 4 has had its share of challenges over the years and still looks the same after many years. She then provided a brief history of her association with Dr. Mack and how she could assist the residents of the district with their needs, which will involve one on one interviews, focus groups, conducting sessions, getting stakeholders involved, and every aspect of district 4 will be involved in the process.

Finally, Comr. Perkins indicated that she believes the project is needed and it will reflect a more balanced City. Therefore, this could be a starting point for district 4 and then possibly it can be done in other districts throughout the city. She encouraged everybody to support this effort.

Comr. Moss indicated that he had met with Dr. Mack and found her to be well qualified to conduct the survey. Her credentials are impressive and he thinks this is a nice thing to do, but he does not think it is a necessary thing to do. He agreed with former Commissioner Phillips that there are multiple opportunities to listen to people from the northwest community who are not shy in expressing their concerns. He is unsure how the cost of the project could be justified to “take the pulse” of a particular district and then do it for the rest of the City, which will add up to be quite expensive. He opined that the City should either do it for all districts or none; therefore, he will not support this item.

Vice Mayor Burrie indicated that she did not have the opportunity to meet with Dr. Mack for a long discussion, but she met her at the naming event of the Dr. Martin Luther King Boulevard. She said she had thought the survey would been for the entire northwest area. So since it is not just residents of district 4 that is requesting changes, she asked if it will be just for district 4.

Comr. Perkins responded yes, the project will just be for district 4.

Comr. Sobel indicated that Dr. Mack is wonderful, well qualified, and his meeting with her was very informative. He said it will be taking one step forward if it is done and done right then it could be an asset. He asked why this particular contract is coming before the City Commission for discussion, when there have been so many others that did not come before the Commission after the City Manager was approved to handle any contract that was \$75,000 or less. Therefore, he felt perhaps it is time that the City Commission take a more careful look at all the consulting contracts even those under \$75,000, which is what he has started to do. In sum, he wondered why this particular contract is being presented to the City Commission for discussion while there are similar consulting contracts that do not go before the City Commission for consideration.

Mr. Harrison stated that on December 12, 2017, when this matter was brought to the City Commission’s attention, the instructions to him were to bring the item back for discussion and consideration. Consequently, there have been meetings periodically since that time to get it to this point. Hence, the difference from those

other contracts being used for comparison purposes.

Comr. Sobel understands the instructions given regarding this item, but said it does not diminish the necessity of the City Commission doing its job for oversight and making sure that all the contracts and all the monies are spent in a manner that will be most beneficial to the residents, who should hear what the value of other contracts and consulting contract expenditures are as well.

Additionally, Comr. Sobel indicated that with regard to the substance of the item, he agreed with Mr. Phillips' comments that "this is our job." Therefore, the City Commission should go out to hear what the residents are saying through public outreach. Notwithstanding, this is a high end, sophisticated public outreach proposal for approximately \$75,000. Since this is what the City officials should have been doing for years, so now, the question is, will the City spend another \$75,000 as an initial step to focus on one particular area and once the results are determined, after five months, what will be done with the findings. He concluded that this project has great potential but it also has the potential to be just another outreach program at great expense that ends up being filed away after the report is completed. Therefore, it is incumbent on the City Commission to start bridging the gap between districts 1, 2, 3, 4 and 5, because this is one city. He repeated his question as to how district 4 residents will specifically benefit from this program.

Mayor Fisher said he does not want to lose focus on the item, and to go outside the contract and so forth. As the mayor, he represents the entire City and he has had a tremendous amount of dialogue with community leaders who have also contacted him on this item requesting that the Commission pass the item and he provided the reasons they were stating. He said they desire to build consensus and most people feel that maybe the northwest district 4 might be fragmented to some extent. Also, they have communicated to him that once the full study, survey, report, and the consensus building comes out with a number of items, say 1 through 10, or 1 through 20, whatever it maybe, that this is what they will support.

In sum, Mayor Fisher noted that the City would want the outside influence to get everybody together and follow what the proposal is saying.

Dr. Wilhelmina Mack, Lauderhill, FL, confirmed that the amount of \$74,500 is the total cost for the project, therefore, it includes any expenses that might occur. She said the program is regarding community engagement, and empowerment proposal and it will start off initially with five individuals being part of the project team. This includes the City Manager, along with the City Commissioner and three other people from the community that will serve as the guiding force behind the project to get it started. It is designed to identify five to ten people from the community and within the areas identified it would be community and civic group organizations, religious leaders, community residents, activists, and business leaders. These individuals would be people that she would spend time conducting a one on one interview and just allowing them the opportunity to share with her what they see in the community, and what are their challenges and perspective. Also, what is being done right, or what are some of the areas they need to focus on, what are their vision, thoughts and ideas. So, from this group, she will identify within the community different areas to conduct the survey. She understands what is important with the Community Redevelopment Agency (CRA). There are 50 people attending all the workshops and they have to decide what the document will look like. However, she is looking to spend more time working in each of the key areas and going in to personally administer the survey to accommodate all types of different persons within the community.

Dr. Mack continued to provide a step by step process in which she will be conducting her survey and to determine by generation, the needs, wants, and expectations of the community, as well as expectations of the City. Once the data has been collected there will be three feedback sessions where they will invite the community as they are reviewing it, to hear the results from the survey. Thereafter, they will go to an empowerment workshop that will allow the community to tell them of the issues identified what are their top five and this is where they need to focus time, effort and energy. In sum, this is an opportunity to hear from the residents and allowing them the opportunity to speak out on their concerns with someone who is unaffiliated with the community. She said she wants to help people to share what they have to say and that there is someone collecting the data and information and is assisting them to formulate a process that makes sense as they move forward.

Comr. Moss asked who will select the core group of five to ten people. He mentioned it is easy to select up to fifty people that are like-minded and if like-minded the answers received will represent those people but not everybody. Therefore, he wanted to know how Dr. Mack will ensure that the select group will be representative of a real cross section of people in district 4, keeping in mind, there are approximately 20,000 residents living there. Also, he asked what the timeline for the completion of the project would be.

Dr. Mack responded that the individuals that would serve on the project team are people such as the City Manager and the Commissioner and then they in turn will provide her with recommendations in terms of suggestions and who will make up the initial five persons. From the five, there will be approximately forty other individuals selected from the community, who will provide recommendations and ideas from a greater dimension of people.

Mayor Fisher asked if Dr. Mack will be taking the list of recommended individuals and interview those five people.

Dr. Mack clarified that the initial five members will be selected by the Commissioner and the City Manager. Then with the five individuals they will select forty more people, so it will be a growing process that will dilute the potential of having one source being the primary influencer. The process will continue to grow.

A discussion followed between Comr. Moss and Comr. Perkins on the pros and cons of selecting a group of people from the community that will be representative of a wide cross section of residents from the neighborhoods.

Comr. Sobel asked if there has been success in other cities using the proposed format proposed by Dr. Mack.

Dr. Mack responded that most of these types of projects once they have been completed, normally she turn it back over to the city and they have moved forward in terms of continuing those activities. She provided examples of the program used at Memorial, which she started the community program, recently she started one for her church that over 250 people participated. All of the recommendations have been implemented and the church as moved forward with it. She then explained the dynamics of working within a community environment and understanding that the strength of it ultimately remains with the community and the success lies with the will of the person that is in charge and the will of the individuals within the community wanting to participate in the

program. The short answer is yes.

Comr. Sobel stated that the end product is only as good as it will be because of the willingness of taking the first step of the City Commission taking it to the next level and implementing the recommendations.

Dr. Mack responded yes.

Comr. Sobel stated that in order to implement, it is meaningless unless it is tied into the “purse strings” which is a connection to the budget and the ability to put into place the recommendations. He concluded that in the past these type of surveys have taken place with nothing happening; therefore, it must be different from what has been done in the past. He said there has been disparity citywide.

Mayor Fisher reiterated what they are committed to do. He said the community is committed and have indicated that they will come together and whatever the results are they will get behind the program. Therefore, Dr. Mack will commit to look into problems and also getting solutions to the community, which will be the key for the City Commission to react on whatever the issues identified. Mayor Fisher said he desires for Dr. Mack to focus on what the community would see as a solution.

Comr. Phillips apologized to Comr. Perkins for his outburst earlier. On the other hand, he is concerned because he has seen a number of charrettes and a full gamut of having meetings with different entities to include the schools, and civic associations with little success. He said Comr. Sobel made a great point that there have been numerous surveys and studies that are on shelves, therefore, his concern is with stabilizing the community, because based on development the community currently is in a transitory position. Therefore, he asked if this project will stabilize the community.

Dr. Mack stated that in regards to stabilizing the community they will identify with the community what they feel those real issues are, what are the challenges, what are the things that they feel need to be done, and what does a solution looks like. In other words, if a particular issue was addressed what does success looks like. So once that is determined they can start to put together action strategies to achieve the success. Therefore, if stabilization is an issue or jobs, which can expand over a number of different facets, she would spend time defining what stabilization means to get everyone in the group to be on the same page.

Comr. Perkins explained that this is regarding disparity between district 4 and this is having a formal process of directives to move forward. The community, the clergy, and the businesses need this program.

Comr. Hardin asked why this program is not done through the CRA, because a number of similar work have been done through the CRA, further, at the very least why not pay for it through them.

Mr. Harrison responded that they could look into the financing of the project. However, the reason why it is being discussed is because the City Commission had directed to proceed with exploring this and bring it back to them for consideration.

Vice Mayor Burrie mentioned that where the problem began and where most people had attended the meetings to voice their concerns is because of the CRA. Therefore, she believes Comr. Perkins wanted someone to



come in from the outside that had nothing to do with the CRA and get a totally unbiased group together and let the people in the northwest area work to fix their own problems.

Comr. Moss indicated that he would be more comfortable knowing that the funding would come from the northwest CRA, which would be coming from within that community.

Mayor Fisher thinks it should stay in the city budget because the CRA takes in other areas throughout the city to include districts 5 and 3 and portions of the other districts as well. So, he recommended that they keep focus on a recommended outside consultant to come in.

Comr. Sobel concurred with Mayor Fisher on keeping it out of the CRA budget. Also, he agreed with Vice Mayor Burrie that part of what makes this so credible it is completely independent from every source that have been tried previously to get the same desired result.

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

**Yes:** Hardin  
Perkins  
Sobel  
Burrie  
Fisher

**No:** Moss

9. [18-242](#) Consideration to designate NW 5th Avenue as a dual named road "Ellington Avenue".  
(Fiscal Impact: \$500 provided by requester to the City)

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Director of Public Works, presented the item and indicated this is a City Commission request to consider dual naming of Northwest 5th Avenue as Ellington Avenue. He said a memo was provided in the backup that explains the contributions of the Ellington family and to justify renaming the road. As well as a map was included to identify where the road is and the areas to be dual named.

Mayor Fisher provided a background history on the commencement of the policy, which is a worthwhile endeavor especially as it relates to certain pioneer families to include the Ellington family, who are truly pioneers. His only wish would have been that Charles would have been alive to see it. This is truly a well-deserved honor.

Emma Ellington, 137 NW 15th Street, Pompano Beach, FL, stated that she was born in the City seventy-seven years ago and her husband, Charles was shy of one month of being eighty. She provided a brief background on the Ellington family. She said the family consists of twenty different families within the City of Pompano Beach and said McLamore is part of the Ellington family. She said her grandson is currently in college, one of her sons, Julius is an educator in Broward County and Charles Junior has served as a Pompano

Beach firefighter. In 1908, Grandfather Ellington came to Pompano Beach and Charles father came in 1918. She said the Ellington family came in 1908 and started building houses in the community. She hopes the pioneer families will get the history together and place it in the Blanche Ely museum. She thanked the Mayor and the City Commission for their consideration.

Comr. Perkins said this is fitting for the Ellington family who has a lot of history in the City of Pompano Beach but a lot of history is gone having been torn down. However, it can be continued with naming streets and roads after those ancestors. She urged the City Manager to get busy as some continuous cleaning up needs to be done on NW 5th befitting for the name.

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

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

10. [18-239](#) **P.H. 2018-54: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND PFM FINANCIAL ADVISORS, LLC, TO PROVIDE FINANCIAL ADVISORY SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

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

Mayor Fisher announced that Vice Mayor Burrie had to leave the meeting due to illness and will not return for the remaining of the meeting.

Andrew Jean-Pierre, Finance Director, presented the item and indicated that Public Financial Management was selected as the number one ranked firm in December. They are the leading financial municipal advisory firm in the nation and in Florida. In addition, the firm had provided assistance to the City when it was going through its debt insurance process. Finally, he said they have no set annual fee for the contract and is based on work done with a set fee.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

11. [18-255](#) **P.H. 2018-56: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL 90-DAY TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY CONTROLLED BY THE CITY; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated that staff is in the process of amending Code Section 100.46 - Communication Facilities and City Right-of Way, to be in compliance with the new state statute. There is a draft that still needs some work, as a result staff is requesting to extend the moratorium to refine it and bring it back before the City Commission on May 8, 2018. However, because the existing moratorium is set to expire March 24th prior to next City Commission meeting, staff is respectfully requesting an emergency second reading be heard on the item at this meeting.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-45**

John Sfiropoulos, City Engineer, presented the item and indicated that there were no further changes to the item since first reading.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to declare the item an Emergency 2nd Reading**

**and that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-45**

12. [18-221](#) **P.H. 2018-50: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING A NEW SECTION 32.40, "LOCAL BUSINESS PROGRAM," TO PROVIDE FOR AMENDMENT TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 27, 2018**

**(Staff Contact:** Chris Clemens/Otis J. Thomas)

Chris Clemens, Economic Development Manager, presented the item and indicated that this is the second reading for the local business program ordinance that was developed via a joint effort between the Pompano Economic Development Council (EDC) and City staff. This was part of an effort to enhance competitive opportunities for local Pompano Beach and Broward County businesses and to ensure participation of local businesses and residents as contractors and subcontractors for procurement of city goods and services.

Pastor Rich, 2180 NW 18th Avenue, Pompano Beach, FL, stated that this is a great action of the city to move from just a voluntary program to an actual local business ordinance. He supports this effort and hopes that eyes, ears and hands are on this to ensure it is doing what it is intended to do. Also, at some level there will be a circle back to make sure local businesses are actually getting more work out of it.

Mayor Fisher thanked Ms. Keith for all her efforts contributed in making this happen, which has been a long time coming.

Dodie Keith-Lazowick, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, stated that the members of the EDC have worked a very long time on this item. She thanked the City Commission for their support and efforts and stated that they feel that this will, across the board, create great opportunities for all businesses and residents in Pompano Beach, because it encourages businesses to hire residents of Pompano Beach, thus increasing opportunities for all of the people in the city.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that this was a promise made and a promise kept and he believes this is a win-win situation for all the businesses and the community at large.

David Miller, Pompano Beach, FL, invited them to the civic association meeting in district 5 in Collier City to make a presentation to bring an awareness to the residents in that area. He likes what is being done and said it is a win-win for the city.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, stated that with all the differences between the City Commission, they have found the will inside each other to come together to allow the people within the City to have a "piece of the pie when it gets put on the table." Therefore, he thanked everyone for this.

Comr. Sobel stated that he did not receive any backup for the item. He understands from the last meeting that the City is giving preference to the Pompano Beach vendors and not necessarily the lowest bidder.

Mr. Clemens responded that it would be for Pompano and Broward County vendors.

Mayor Fisher clarified that there are two tiers. Tier I deals with Pompano Beach businesses that have to require at least ten percent (10%) of residents and must provide a street address of the business and must be in business for a period of time to qualify to participate. Tier II is for Broward County businesses in which fifteen percent (15%) must be residents of the County. The purpose of the ordinance is to provide local business with the edge of opportunity to be able to do business in the City.

Comr. Sobel indicated that the City's procurement practices are now taking into account not just the lowest bid but the Pompano Beach vendor aspect of it.

Otis Thomas, General Services Director, responded that if a company is local and they are within 5% then it would come into effect.

Comr. Sobel asked if a Broward County vendor would be given preference over a Pompano Beach vendor as the lowest bidder.

Mr. Thomas explained that in the Tier II the Broward County vendor would be given preference over a Pompano Beach vendor. However, if they are from Broward County they would have to employ local Pompano Beach residents as well. Also, they would be within a 2.5% issue versus a 5%.

Comr. Perkins indicated that she supports local businesses, and said the last time this came before the City Commission she voted against it because she thought it would not be a fair process. However, she will change her vote and trust what it was intended to do.

Comr. Hardin mentioned that there are eight pages of backup for the ordinance.

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

**Yes:** Hardin  
Moss  
Perkins  
Fisher

**No:** Sobel

**Absent:** Burrie

**Enactment No: ORD. No. 2018-46**

**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 13-14 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

13. [18-243](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TOLLING THE EXPIRATION TIME PERIOD FOR A DEVELOPMENT ORDER DURING USE OF THE PROPERTY FOR A PUBLIC PURPOSE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, presented the item and stated that the resolution is to request an extension for the expiration date on a development order. He said this is a unique circumstance provided for in the zoning code regarding a development order for a used parking lot being used since 2012. The development order by state statute extensions is currently valid through May 23, 2019, and the property owner is seeking a five-year extension based on the last five years the property was utilized by the City.

Bonnie Miskel, Esq., 14 SE 4th Street, Boca Raton, FL, is available to answer any questions.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-103**

14. [18-191](#) **P.H. 2018-45: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF NINETY-NINE (99) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED IN PALM AIRE, WEST OF POWERLINE ROAD AND SOUTH OF PALM AIRE DRIVE NORTH ON PROPERTY COMMONLY KNOWN AS 2606 PALM AIRE DRIVE NORTH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM FEBRUARY 27, 2018**

**(Staff Contact:** Jean Dolan/David Recor)

Mayor Fisher indicated that he will abstain from voting on the item under the provisions of Section 112.3143(2) (a) of the Florida Statutes. He indicated he will file the appropriate memorandum disclosing the nature of the voting conflict as required by law. He mentioned that one of the owners of the property is a business associate with him on other ventures, however, he is not involved with him in this particular property.

Thereafter, Mayor Fisher turned the gavel over to Vice Mayor Burrie to chair the meeting.

Jean Dolan, Development Services Department, presented the item and indicated that the Alltech Group is acting for the applicant for the request for 99 flex units on the 2.2 acres property, at 2606 North Palm Aire Drive, which was previously one of the recreational parcels in Palm Aire. She explained that the flex allocation is necessary because the property was not previously allocated residential units in the Palm Aire Stipulated Settlement Agreement because the parcel was identified as recreational. The recreational use on the site is no longer viable and the units allocated to the Palm Aire Dash Line planned use district has been fully allocated. Therefore, the allocation of flexibility units is the best method for allowing residential development of the site. The property is within the City's flex receiving area and is eligible for the allocation of flex. In addition, the site is zoned RM-45 and can accommodate the requested 99 units under the existing zoning district.

Finally, Ms. Dolan stated the only conditions of approval is that it needs to be compliant with the conceptual site plan that is attached to the resolution.

Robert Hartsell, Esq., 2407 SE 14 Street, Pompano Beach, FL, representing Alltech Group, stated that as

mentioned earlier, they are requesting 99 flex units on 2606 Palm Aire Drive. He presented a map of the referenced site and the intended use, which he said is compatible with the surrounding Powerline Road area.

Mr. Hartsell indicated the last time they appeared before the City Commission in February, the item was tabled to allow them to meet and discuss with the Palm Aire residents in the community, which was done. He said they were unable to provide the residents with the height of the building until they get pass the approval process for the flex use. He provided a summary of the community concerns, which were the height, aesthetics, traffic, taxes and fees.

In conclusion, Mr. Hartsell stated that the consistency with applicable goals, objectives and policies in the City's Comprehensive Plan in the chapter met the requirements, which he demonstrated in the slides presented. The Planning & Zoning Board unanimously voted in favor. Also, the affordable housing units will be addressed at the development approval stage. He stated the project will be an enhancement to the Palm Aire community as well as provide additional revenue to the City and the neighborhood retail stores.

Joe Usman, 61 NE 1st Street, Pompano Beach, FL, stated that he is part owner of the subject property, which was acquired over thirteen years ago and maintained as a RM-45. He said this is the right time to develop the property. They are not requesting any zoning changes or variance but rather for flex units that will be located in a flex unit zone.

Fred Bamman, 2251 NE 32nd Street, Lighthouse Point, FL, stated that his business and heart has been in the City of Pompano Beach for over 40 years. He believes that the City Commission has provided leadership which has changed the community that is unimaginable. He said they acquired the subject property and owned it for many years, which was a viable tennis facility at the initial acquisition. They maintained it and has always intended to develop the property as is it has always been zoned RM-45. Therefore, he hopes the City Commission will support the project.

David Miller, Pompano Beach, FL, inquired about the reference made in the presentation of "Palm Aire key comprehensive GOP plan" and asked for the meaning of GOP.

Ms. Dolan clarified that GOP is short for Goals, Objectives and Policies, which comes out of the comprehensive plan.

Comr. Moss stated that when the project was introduced there were quite a lot of noise in Palm Aire about it. He commended the developers for the way they responded to his request. They advertised their meeting in a local publication and the meeting was well attended. During the meeting there were the pros and cons discussed at length. Notwithstanding, their presentation of the plans was well done. They promised to work with the community as the project goes through the various steps. Comr. Moss indicated that the biggest concern of the community is the traffic and the egress and ingress are not good, which the City Manager is aware of. Therefore, he will support the project and thanked them for working with the community and being transparent.

Greg Harrison, City Manager reiterated Comr. Moss' comments regarding the "bottleneck" on the south side of the proposed location. He said the city has been waiting for the developer to come in to work with them to



get something done with this bottleneck issue.

Comr. Sobel complimented the applicant on the thorough way they handled the backup material, and answered the concerns previously mentioned. He also complimented Comr. Moss for tabling the item in the abundance of caution to ensure the community had an opportunity to be heard and have their concerns resolved and addressed.

Comr. Perkins stated that she supports the project; however, she requested to see the display of the location to determine where exactly the flex units will be built. She asked if the parking lot for the Palm Aire Country Club will remain, which Comr. Moss indicated it will. As well as confirmed that there is a proposal to build a nine story building.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Recused:** Fisher

**Enactment No: RES. No. 2018-104**

**END OF QUASI-JUDICIAL PROCEEDING**

15. [18-121](#) **P.H. 2018-55: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE AMENDMENTS TO THE POMPANO BEACH COMPREHENSIVE PLAN BASED UPON THE EVALUATION AND APPRAISAL REPORT LETTER, WHICH ADDRESSES THE GOALS, OBJECTIVES AND POLICIES IN THE COASTAL MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN; AND PROVIDES AN UPDATE TO THE COASTAL HIGH HAZARD AREA MAP; AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: DECEMBER 12, 2017**

**(Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated this is the second reading of the Evaluation and Appraisal Report (EAR) based amendments. She indicated that they made changes based on the state review comments, they added two policies dealing with coordination with entities that have

infrastructure within areas that are vulnerable to sea level rise, at the suggestion of Florida Department of Transportation (FDOT). They also updated the definition of coastal high hazard area based on the definition that is in Chapter 163, which the Department of Economic Opportunity (DEO) required. They also required the City to update its coastal high hazard area map, which is based on the most recent/model. The change to this map travels farther up the finger canals and goes all the way into Palm Aire, through the Pompano Canal, whereas the previous map stopped at I-95. This is based on the 2016 mean high tide. Staff's recommendations are to have the City Commission approve the EAR based amendment on second reading tonight and it would go through a DEO compliance review process, which takes about 45 days, and then the amendments will become effective in May 2018.

Comr. Sobel asked is the bar flex development on the barrier island.

Ms. Dolan replied yes.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-47**

16. [18-180](#) **P.H. 2018-37: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.3205, "SINGLE-FAMILY RESIDENCE 4 (RS-4)," SECTION 155.3207, "TWO-FAMILY RESIDENCE (RD-1)," SECTION 155.3302, "LIMITED BUSINESS (B-1)," SECTION 155.3307, "COMMERCIAL RECREATION (CR)," SECTION 155.3502, "PARKS AND RECREATION (PR)," AND SECTION 155.3505, "TRANSPORTATION (T)," TO REVISE MINIMUM AND MAXIMUM REQUIREMENTS IN ZONING CODE DIAGRAMS TO CONFORM WITH CORRESPONDING TABLES, AND BY DELETING CERTAIN UNNECESSARY DIAGRAMS; BY AMENDING SECTION 155.4210, "INSTITUTIONAL: OPEN SPACE USES," TO AMEND THE DEFINITION OF "PARK OR PLAZA" AND MODIFY STANDARDS FOR SAME; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 27, 2018**

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

David Recor, Director, Development Services Department, presented the item and stated there has been no changes since the first reading and staff is recommending approval of the item.

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

**Yes:** Hardin

Moss

Sobel

Fisher

**Absent:** Perkins

Burrie

**Enactment No: ORD. No. 2018-48**

17. [18-251](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DAVID MILLER** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CHRISTOPHER MULLON, ARTIST; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**APPLICANTS:**

Mimi Botscheller, **Art Professor/Alternate #2** - District 1

Terrence Davis, **Curator/Incumbent** - District 1

Tobi Aycock, **Architect/Contractor/Incumbent** - District 3

Kelly Ann Maguire, **Art Agent/Incumbent** - Fort Lauderdale

Carol Dickler, **Fashion Designer** - District 1

Joseph A. Grisafi, **Resident** - District 1

Mary Lou Hamilton, **Designer** - District 1

Amanda Hart, **Designer** - District 1

Dwight Hoffman, **Teacher** - District 1

Carol Romano, **Resident** - District 1

Donna Russo, **Art Teacher** - District 1

Edith Kappler, **Resident** - District 2

Sharon Stone-Walker, **Business Developer** - District 2

Michael Tipton, **Performing Arts Manager** - District 2

Dahlia Baker, **Program Assistant** - District 3

John Cote, **Artist** - District 3

Michelle R. Cote, **Office Manager/Bookkeeper** - District 3

Patricia Knight, **Art Teacher** - District 3

Sarahca Peterson, **CEO** - District 3  
Tyler Townsend, **Museum/Collector** - District 3  
Jazzmann LeSane, **Founder/President** - District 4  
Karen Jean Leventhal, **Free Lance Writer** - District 5  
David Miller, **Graphic Artist** - District 5  
Shellie Morrison, **Business Owner** - District 5  
Ellen Scheffler, **Furniture Designer** - District 5  
Mona Silverstein, **Landscape Designer** - District 5  
Agata Mosery, **Designer** - Boca Raton  
Cherie Saleeby, **Artist** - Hillsboro Beach

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Commissioner Sobel, to insert the name David Miller and Commissioner Hardin nominated Mimi Botscheller. The name DAVID MILLER was inserted and the Resolution was ADOPTED. The motion carried by the following vote:**

**Yes:** Moss  
Perkins  
Sobel  
Fisher

**No:** Hardin

**Absent:** Burrie

**Enactment No: RES. No. 2018-105**

18. [18-252](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TERRENCE DAVIS AS A CURATOR, TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 18-251 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-106**

19. [18-253](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** AS AN ARCHITECT/CONTRACTOR TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 18-251 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-107**

20. [18-254](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KELLY ANN MAGUIRE** AS AN ART AGENT, TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 18-251 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by**

**Commissioner Moss to insert the name KELLY ANN MAGUIRE and that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-108**

**SPECIAL ANNOUNCEMENT**

**Election Result** - Mayor Fisher announced that the referendum for the G.O. Bond, questions 1, 2 and 3 have overwhelmingly passed. Mayor Fisher thanked Greg Harrison for his leadership and incredible staff leaders, Suzette Sibble, Mark Beaudreau, Sandra King, Brian Donovan, Phyllis Korab and the people who worked so hard to put this item forward and the continuous meeting that they dedicated at night time was overwhelmingly accepted. He thanked the advocates such as Tom DiGiorgio, Vicente Thrower, pastors and the ones who worked hard to make it happen. Finally, he thanked members of the dais to include Comrs. Hardin, and Moss for their advocacy. Most importantly, Mayor Fisher thanked those in the audience and to those listening because they came out and voted and had their voice heard. They have seen and can now see what the City of Pompano vision was, is and will be the future. He thanked them for their continual commitment to the City in making it a better place to live and to make improvements that all will be able to enjoy and not listen to the negatives, and non-facts circulated. Instead they got themselves educated and to know that they are making a difference in the city. He said it is humbling, overwhelming and truly a happy time for tonight's outcome and the people have spoken. Later on Mayor Fisher apologized for inadvertently leaving out expression of thanks to Chief Jurgle and his team for their participation in this effort as well.

**F. REPORTS**

**Gregory Harrison, City Manager -G.O. Bond Efforts** - Mr. Harrison echoed Mayor Fisher's thanks not only to the members on the dais but also to his incredible staff. He said he has never worked anywhere, where they came together and gel in this way, which has been super, and he reiterated his thanks to his team.

Update on School Resource Officers (SRO) - Mr. Harrison indicated that as requested by Comr. Perkins for staff to make contact with the schools regarding the SRO. Chief John Hale, Police Chief and his team has met/contacted all the principals, and learned that there are 15 schools and 8 SRO's. Each school without a fulltime SRO would like to have one. He understands that there has been approved legislation at the state level where funds have been allocated to schools for more SRO. Currently, they are unsure how this will be distributed in Broward County, so it is work in progress, but each deputy that the City has is \$150,000 and depending on what the schools will pay towards that, this will be approached cautiously as we get into the budget preparation which has recently began. Continued follow-up and updates will be provided to the City Commission.

Comr. Perkins indicated that she was also concerned about some schools that did not have working cameras. She said while it is more money, however, security is concerning on all levels. She said several schools need upgraded camera equipment while some needed to be repaired. In essence, it was the lack of security that was foremost to be addressed and she suggested that after determining the needs of the schools, perhaps a letter could be sent to School Superintendent Robert Runcie outlining the lack of security and what is needed in the various schools.

Comr. Hardin suggested that perhaps if the schools provided the things lacking in the security department then the City could determine the contact with the School Board.

Comr. Perkins concurred with the suggestion.

**Fire Incident** - Mr. Harrison thanked all the area Fire Departments for their participation in the fire incident that took place earlier this morning. He reported that approximately 61 units showed up regarding the fire and 14 different cities throughout the area, and not just Broward County who assisted in this endeavor. Therefore, he will be contacting each one to express thanks on behalf of the City Commission and the City.

Mr. Harrison added that Emma Ellington and Gwen Leys opened up the Women's Club today for shelter for those individuals that were displaced from the fire.

**Mark E. Berman, City Attorney - BSO Agreement** - Mr. Berman announced that at the next City Commission meeting there will be an item to consider extending the City's agreement with BSO for the extended grant for the SRO's.

**OPIOD Litigation** - Mr. Berman reported that pursuant to City Commission's direction, the City has now joined the OPIOD litigation with the firm of Robert Geller as instructed. He said Pompano Beach has joined other cities such as Delray Beach, and Broward County and other clients. He will be meeting with counsel this week and as things progresses he will provide an update to the City Commission.

**Asceleta Hammond, City Clerk** - No Report.

**Commissioner Rex Hardin - Condolences Fire Victim** - Comr. Hardin expressed sincere thoughts and prayers for the family of the man who died in the high rise fire incident that happened earlier this morning. The loss of lives was limited to one individual so the firefighters did great.

**Elks Property** - Comr. Hardin asked about the status on the Elks property to ensure it is safely secured. He mentioned that there was a break-in recently in one of the adjacent homes where a burglar broke into one home away. There is a possibility that the person came from the old Elks property. Even though there is a locked gate, there appears to be room for people to get in. Therefore, Comr. Hardin requested that staff check to see how it can be made more secure to deter trespassers who may be using it as a pass through to the other surrounding properties.

**Hurricane After Action Report** - Comr. Hardin stated that the City recently received the after action report

for hurricane Irma and hats off to City Manager Harrison and his staff as the report painted the City in a favorable light, which is great to hear. He said there is always improvement than can be done, which he is sure will be addressed.

Comr. Hardin thanked City Manager Harrison and his staff for doing a yeoman's job. He said staff got out there and educated the public on what the facts were. He echoed Mayor Fisher sentiments on the people who came out and voted overwhelmingly in support of the bonds. He said it is heartening and humbling at the same time for him that the public has shown such trust in the City Commission and staff, despite what has been thrown out to try to dissuade them. He said it is gratifying to see the voters being very smart and showing that they know what they are doing and he thanked them for getting out there to vote.

**Commissioner Barry Moss - Sun Sentinel Articles** - Comr. Moss stated that recently there have been a series of articles in the Sun Sentinel newspaper about the City of Fort Lauderdale and some respective projected development on Cypress Creek Road, the northern extreme of Fort Lauderdale, which is less than a mile from the City's border. As the City moves forward thinking about capital improvement programs, not to come from the G.O. Bonds, but rather from city funds, perhaps staff could look at improving Powerline Road and Atlantic Boulevard. Inevitably, if the growth on Cypress Creek Road happens it will creep north into the City of Pompano Beach and he suggested that the City prepares for and start planning for it to make the roads friendlier.

**NW 6th Avenue Cleanup** - Commissioner Beverly Perkins - Comr. Perkins thanked the City Manager for the continuing cleanup of NW 6th Avenue and encouraged the residents to keep the area clean.

**Unveiling Martin Luther King Boulevard** - Comr. Perkins thanked everyone for coming out for the unveiling and rededication of the Martin Luther King Boulevard. She said a number of people did not know who Hammondville was. She also thanked BSO, Sandra King, Eric McLamore, Parks and Recreation for their assistance. She said it was a successful event.

**Congratulations Blanche Ely High** - Comr. Perkins congratulated Blanche Ely High School basketball team for being the champions again.

**Voting** - Comr. Perkins thanked everyone who went out to vote and said it is important that the people vote.

**Commissioner Michael Sobel - G. O. Bond** - Comr. Sobel commented on the G.O. Bond, which he said he was against. One of the concerns he had was that majority of the voters would not participate in the decision making and he thought that was important. Notwithstanding, a high percentage of people stayed home, but as long as there are a lot of happy people and a lot of good plans we will put the best positive spin on the passage that we can and work together as a team to ensure that the promises made are fulfilled.

**High Rise Fire Incident** - Comr. Sobel commented on the intracoastal fire, and said it was the "real deal." It was a terrible fatality. He understands that there are approximately 100 individuals who are being assisted by the Red Cross, headquartered at Waterberry. The fire and smoke was enormous and the damage to the building was considerable. However, the Pompano Beach Firefighters along with the neighboring cities saved lives this morning. He commended the firefighters for their heroism and extend his condolences to those who



were displaced and to the families of the fatality. This raises the issue of safety and he understands that the building did not have retrofitted sprinklers installed yet. The plan was in place but just not implemented. As it relates to safety and life there is no justification but to do what is necessary.

**Mayor Lamar Fisher - Public Safety** - Mayor Fisher stated that over 50% of the City's budget goes to public safety. It shows that the City's fire department is well trained and qualified and the City is honored to have its own fire department. Special thanks to the Fire Department for doing a great work.

**Voting** - Mayor Fisher reiterated his thanks to the voters for their confidence in the City. He promised not to let them down and will continue to make the City of Pompano Beach better and better each day.

**G. ADJOURNMENT**

The meeting adjourned at 9:53 p.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk

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

LAST NAME—FIRST NAME—MIDDLE NAME Fisher, Lamar		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 290 S.E. 5th Terrace		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach 33060		<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Broward		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED March 13, 2018		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, Lamar Fisher, hereby disclose that on March 13, 20 18:

(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, \_\_\_\_\_;
- ☐ 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 March 13, 2018, I abstained from voting on the following Agenda Item:

- Item 14 - 18-191 P.H. 2018-45: (PUBLIC HEARING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF NINETY-NINE (99) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED IN PALM AIRE, WEST OF POWERLINE ROAD AND SOUTH OF PALM AIRE DRIVE NORTH ON PROPERTY COMMONLY KNOWN AS 2606 PALM AIRE DRIVE NORTH; PROVIDING AN EFFECTIVE DATE. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA,

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that one of the owners of the subject property is a business associate with me in other ventures but not with this particular property.

3/20/2018  
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.