



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

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

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

Tuesday, October 10, 2017

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher, Mayor called the meeting to order at 6:03 p.m.

ROLL CALL

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

INVOCATION

Pastor Brad Jones, City Church of Pompano Beach offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[18-07](#) Regular City Commission Meeting Minutes of September 26, 2017

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

APPROVAL OF AGENDA

Mayor Fisher indicated that item 21 would be taken out of order and will be heard as the first item prior to 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 stated that Consent Agenda items 1, 2, 3, 5, 7, 8, 10 and 11 will be pulled for City Commission discussion.

A. SPECIAL PRESENTATION**[17-675](#) American Flag Presentation**

MSgt Daron Davis, Driver Engineer for the City of Pompano Beach Fire Department and a member of the United States Air Force recently returned from deployment in Southwest Asia. He along with Fire Chief John Jurgle presented the Mayor and Commission and the employees of the City with a flag which was flown May 29, 2017 in the City's honor aboard a military aircraft during a combat mission in Iraq and Syria.

The Special Presentation of a flag was accepted by Mayor Lamar Fisher for the City Commission and the Employees.

[18-17](#) Award Presentation

A special presentation was made to Jackie Barrett and Lidia Gorzelany of the Public Communications Office by the Public Communications Director Sandra King on behalf of the City-County Communications and Marketing Association for the City of Pompano Beach Tourism Water Sports brochure.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS**17-673 National School Lunch Week**

Mayor Lamar Fisher presented a proclamation acknowledging National School Lunch Week in Pompano Beach to Raquel Archibald-Beharry, Food and Nutrition Services Manager with the Broward County Schools.

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

The following persons were called to speak:

Lighting for Martin Luther King (MLK) Boulevard Corridor - Phyllis Smith, President, Greater Collier City Civic Association, 2437 NW 4th Court, Pompano Beach, FL, stated that MLK Boulevard is a beautiful corridor, but there is no lighting to show its beauty. She stated that between Powerline Road and NW 31st Avenue there is no lighting, which is well needed. She reported that after she left her meeting on September 27th there was a bad accident at the corner of NW 27th Avenue and MLK Boulevard. In fact, she said accidents have been occurring at least once a week, since the new road was completed. She said some of the business establishments located in the vicinity is not enough to light up the Boulevard. She requested that the City light up the corridor.

Additionally, Ms. Smith complained that the turning lane at NW 27th Avenue and MLK Boulevard has a problem because it is difficult to see oncoming traffic.

Mayor Fisher indicated that the City has spent approximately \$750,000 on the rehabilitation of the MLK Boulevard from Powerline Road to NW 31st Avenue, and asked Horacio Danovich to provide an update regarding the lighting.

Horacio Danovich, CIP Manager, stated that the lights have been installed and tested, however, after hurricane Irma the system suffered outages. The contractor has been working to get it repowered. Nevertheless, he will get an answer to the Commission and to Ms. Smith.

Comr. Perkins asked if the City was in the process of putting a traffic light on the intersection of NW 27th Avenue and MLK Boulevard.

Mayor Fisher responded that everything is in place for it. After spending several thousand dollars for it, the City is awaiting Broward County's input. He indicated that County Commissioner Bogen has assured that he would get the lights for the City. On the other hand, Broward Traffic Engineering Department stated that a light is not yet warranted, but the City went ahead and purchased the arm and everything, but is waiting for the County to provide the go ahead. Once that is done the lights will be installed.

Garbage Pick-up - Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, thanked Mayor Fisher and Russ Ketchem, Public Works Department, for getting the garbage picked up on his street.

Waived Permits after Hurricane Irma - Mr. Skversky asked about the permits that were waived for people that needed to get work done on their property after the hurricane. He asked if it is still in effect and how long will it be in effect.

Mayor Fisher responded that it is still in effect, however, the City Manager will make the determination when it will end.

Mr. Skversky suggested since it would take weeks or months for some people to get money to fix their property, that some type of written communication be allowed to state damages were done by the hurricane, in the event a delay occurs while waiting to receive funds to repair their property.

Greg Harrison, City Manager explained that is the reason he requested some flexibility from the City Commission to allow the waiver to go on a month to month basis until all the activity is included. Nevertheless, Mr. Skversky has brought up an excellent point, which will be taken into account.

Trash Removal - Joseph Wells, 789 NW 15th Place, Pompano Beach, FL, thanked City Manager Harrison for organizing the trash removal from Pompano Terrace, where people were complaining about it.

Opening of Blanche Ely Museum - Mr. Wells wished Mayor Fisher all the best as he gets ready to move on to a higher level of office, and asked if prior to his leaving, could he get the Blanche Ely museum opened, as the residents would like to get it opened real soon.

Mayor Fisher indicated that the City allocated approximately \$400,000 to the project and asked Horacio Danovich to provide the expected completion time.

Horacio Danovich, CIP Manager, explained that Phase 1 of the Blanche Ely project is in the permitting stage with the Building Department, and they are getting ready to commence construction of the interior improvements before the end of the year. The second Phase is under design. He said a lot of activities will start soon because the Commission approved the funds for Phase 1 and have approved the new budget for 2018 that will assist in funding Phase 2.

Mr. Wells asked if the City would waive the permitting process to get the “ball rolling.” He also asked if local participation could be used to help renovate the Blanche Ely House.

Comr. Perkins indicated that she has been receiving updates from Mr. Danovich regarding the Phase 1 and 2 of the Blanche Ely Museum and was told twice that it is in the Building Department. It has been a very long process in getting the museum opened and she had stated prior that it is time to get the facility opened so the kids will know the history of Blanche Ely and the museum. Therefore, whatever can be done to move the process along quicker, will be appreciated by the residents of the neighborhood.

Mr. Danovich acknowledged the Commission's request.

Mayor Fisher indicated that he had the privilege of being in the homecoming parade for the Blanche Ely High School, which was very nice that they stopped at the Blanche Ely House location and paid homage where the band played at least two songs.

Community Cleanups - Rashad Lewis, Just Us League, 601 NW 20th Street, Pompano Beach, FL, spoke on behalf of the Just Us League that organizes the monthly community cleanups. He reported they did not do one last month due to the hurricane. However, they are rejuvenating the way they are getting the community involved and are planning to have a cleanup for this month and the date is forthcoming.

Mayor Fisher reported he received a couple of calls from the Highlands Christian Academy from North Pompano Beach and that their juniors and seniors want to do something like the cleanup event to make a difference. Therefore, he encouraged Mr. Lewis to call his office tomorrow and he would provide him with the contact information and perhaps they could do much better and a bigger area for the cleanup. In addition, Mayor Fisher believes this would work great as a partnership effort, because the Academy students are desirous to do something in October.

Appreciation for Assistance Post Hurricane Irma - Reverend Marguerite Luster, 632 NW 20th Court, Pompano Beach, FL, thanked her Commissioner, Comr. Perkins, Emergency Operations Coordinator Kimberly Spill, and City Manager Gregory Harrison for the things they did for the community after the impact of the hurricane. She said the City facilities were opened to allow some people to receive cool air. In addition, Ms. Spill provided information regarding FEMA, which she was able to disseminate to the residents. Nevertheless, she complained that she still has a wire down in her backyard, however, she has power and her cable works.

Senior Citizens Houses - Rev. Luster stated that the Pelican newspaper published an article that Cornerstone is planning to build some apartments on Hammondville Road/MLK Boulevard, and that they will be taking out the senior citizen component out of it. Rev. Luster indicated that the Northwest Community is not in favor of such an action by Cornerstone. She explained that they need senior citizens housing in the Northwest area that are spacious and with an elevator if they are going to be more than three stories high.

Emergency Shelters - Rev. Luster reported that the Pompano Beach High School Shelter, which was the only one opened in the City, was full within two hours. She said there are quite a number of handicapped residents in the northwest area and there was no shelter in that area, if they had needed to evacuate.

The neighboring shelters were the Coconut Creek and Monarch, which those people without transportation could not get to them. In fact, there were some residents, to include her sister, who could not get oxygen during that time of the hurricane.

Retention Pond and Maintenance of certain areas - Rev. Luster stated that the retention pond near I-95, which was the Walmart property prior, the area is not being maintained. In addition, Rev. Luster indicated that Weaver Park is not maintained. She stated that during the hurricane the water came up in Weaver Park, therefore, discussion must be resumed regarding the maintenance of certain areas in the neighborhood to include the E. Pat Larkins Center.

Street Lights in Liberty Park - Rev. Luster complained that over many years street lights have never been installed in Liberty Park. Therefore, she requested that when installing the first street lights they consider placing one in front of her house.

Code Enforcement - Kelvin Graham, 348 NW 30 Avenue, Pompano Beach, FL, asked for information regarding the City's Code Enforcement.

Mayor Fisher asked Mario Sotolongo, Code Enforcement Manager to raise his hand, which identified him as the person in charge of the City's Code Enforcement. Therefore, any questions Mr. Graham had, he could contact Mr. Sotolongo directly.

Mr. Graham thanked Mayor Fisher for returning his calls. In addition, he reiterated the need to have the turning lanes on MLK Boulevard and the Turnpike corrected to allow left turning.

Congratulations Running for County Commissioner - Walter Hunter, 2337 NW 15th Court, Fort Lauderdale, FL, congratulated Mayor Fisher on "putting his name in the hat" for County Commissioner. He thinks Mayor Fisher will make a great county commissioner and offered his assistance to help him with his campaign.

City Manager Harrison - Mr. Hunter stated that he has not seen a City Manager in attendance at a Community Meeting in years. He indicated that last month he attended the Collier City Homeowners' Association meeting and Mr. Harrison was in attendance. He thanked him for attending and invited him to the next Memorial Day celebration at Westview Cemetery.

Lighting Issues - Mr. Hunter mentioned that they should not be discussing lighting on NW 27th Avenue, because the problem should have been solved years ago, and explained his reasons. He made several complaints on issues in the Northwest area to include the expansion of McNair Park, and placing a traffic calming at NW 6th Avenue.

Mr. Hunter expressed his dissatisfaction with the Collier City area being placed under District 5, because he believes they do not have the interest of the area at heart. He said they do not have the representation that they need in the district. He encouraged the people to stand together in unity, because currently they are divided.

Mayor Fisher announced item 21 would be heard at this time, which was taken out of order from the Regular Agenda.

Prior to taking the motion for discussion on the item, Mayor Fisher mentioned that there is a legal requirement that needed to be read into the record concerning the Brownfield, which is under item 20 on the agenda.

Greg Harrison, City Manager indicated that for item 20, the Brownfield's counsel had advised Horacio Danovich, CIP Project Manager that a legal requirement must be stated as follows:

"Later this evening, staff will be bringing forward an item for the first of two public hearings to adopt a resolution creating a Pompano Beach Sports Park Reuse area, pursuant to Section 376.802(A) Florida Statutes for purposes of environmental remediation, economic redevelopment, smart growth, climate stewardship, and job creation. The second Public Hearing will take place on October 24, 2017."

NOTE: BOTH ITEMS 21 AND 22 WERE TAKEN OUT OF ORDER AND DISCUSSED AT THIS TIME.

D. CONSENT AGENDA

There was no discussion on Consent Agenda items 4, 6, and 9.

1. [17-659](#) Approval ranking order for RFP P-40-17 Brokerage Services for City and CRA assets to authorize staff to negotiate a contract with the highest-ranked firm, Cushman and Wakefield US, Inc.
(Fiscal Impact: N/A)

(Staff Contact: Kim Briesemeister/Suzette Sibble)

Vice Mayor Burrie and Comr. Perkins requested pulling the item for Commission discussion.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked what work the firm would be doing.

David Hasenauer, Project Manager, Northwest Community Redevelopment Agency (CRA), explained the general role of the scope of services, which is to quickly and efficiently identified tenants users for each parcel, generate new tax revenues, create economic and employment opportunities. He provided a brief history on what has been done in the Northwest CRA area to date.

Mr. Thrower restated his question and asked if the brokerage firm will be selling city property or CRA. In other words what is the purpose of bringing this item before the City Commission?

Mayor Fisher explained that it is focused on the Innovation district area at I-95 and Atlantic Boulevard, which encompasses both the City and CRA owned lands.

Kim Briesemeister, CRA Co-Executive Director stated that this is a companion item to an agenda item that will

go before the CRA Board. When there are companion items it means some affiliation between the two entities, in this case the City and the CRA. She reiterated the focus as being the disposition, the marketing and the development of the land mainly in the Innovation District. There are many parcels that the CRA owns but there are some contiguous city-owned parcels that are anticipated to be sold as an assemblage. In addition, Ms. Briesemeister stated it is not just the Innovation District it includes all of the downtown area. If reference is made regarding areas outside the core downtown area that will not be the focus for this initial scope of services. Both the City and CRA will be under contract so their services would be available on an as-needed- basis, but the intent is to focus on the downtown area.

An extensive discussion followed among Mr. Thrower, Ms. Briesemeister and the Commission on the hiring of a brokerage firm to provide the services instead of RMA, who was hired to perform the services, as well as any future purchasing of additional properties outside the scope of services by this firm. Ms. Briesemeister provided a detailed list of accomplishments by RMA and explained why the use of a brokerage firm and what they will be tasked to do. Mr. Thrower asked if the item was approved would the City be bound to pay the brokerage fee. Ms. Briesemeister replied no and elaborated on a brokerage type of agreement.

Mayor Fisher confirmed that the item is just to approve the ranking.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that when items of this nature for a brokerage firm come up for discussion it has been the custom for firms operating in an African-American community, to ensure that they utilize persons from that neighborhood to help push their idea. Therefore, he would desire to see similar participation with this firm. Therefore, he requested that moving forward people would be more aware that as the innovation zone begins to firm up and materialize that more African-Americans should participate, as well as a significant number of minorities in addition to residents of the community.

Joseph Wells, Pompano Beach, FL, stated that a workshop was held previously regarding the plans for the Innovation District, which included downtown Pompano and MLK Boulevard; therefore, he asked why the City would hire a company at this time.

Mayor Fisher clarified that the workshop was not on this particular item. Rather, it was the Urban Land Institute. While it was part of that, it was an excerpt of an overall of what is going on around the country and not specific to this item.

Mayor Fisher confirmed that the City is not putting out any money on this particular item, it is just a ranking order for the brokerage.

In addition, Mr. Wells asked if there is a master plan for the CRA to which Ms. Breismeister replied yes.

Ms. Breismeister provided an extensive and detailed explanation on the difference between having a master plan for the focused downtown area (geographically it is from I-95 east of the tracks to 2nd Street and from 6th Street south to south 2nd Street). So, it includes the four corners of Atlantic Boulevard and Dixie Highway. There is a master plan for the area and a comprehensive land use amendment was done for the area. The area was rezoned and they have completed the assemblage within the general area to be able to go to market to sell those assemblages. The plan is ready, and it is true the Urban Land Institute had done a highlight of the plans

for the area, to include the drainage and waterways. This has set the stage for marketing the land.

Mr. Wells indicated that he wanted to be assured that there will be local participation involved in the process, as well as participation of African-American businesses along the MLK Boulevard corridor to enjoy some of the CRA developments.

Comr. Perkins indicated that the 731 Building occupied by African-Americans is a “small piece of the pie” of what is missing in District 4. Further, she said that Ms. Briesemeister’s answers regarding what is being done in Northwest Pompano Beach, never seem to come across very well to her. Therefore, she asked of the 25 acres of land acquired was most of it taken by eminent domain. Ms. Briesemeister replied no and explained the land was purchased over the last 20 years, but since 2009 they have not used eminent domain. Comr. Perkins concluded that she is not in agreement with any of the plans, as nothing has been done to help District 4, which is lacking.

Bishop Dr. Ivory Wilson, Pompano Beach, FL, requested that Ms. Briesemeister would consider the requests of the residents of the neighborhood, because the plans are already made and the options given are already made, which exclude the values of the community where residents live for years. He recalled that five years ago they discussed some things for the Northwest section but nothing was done. He complained about the disappearance of the businesses and theaters since the CRA came into the City.

Vice Mayor Burrie noted that there appears to be some controversy with the particular item. Currently, it is to get the Commission to approve the ranking of a firm, however, later a contract will have to be presented to the Commission for approval or disapproval.

Tom Terwilliger, Pompano Beach, FL, asked if in the arrangement does RMA or any of its officers, directors, employees, or affiliates gain any financial advantage on either the selling or purchasing of the properties. Ms. Briesemeister replied there is none.

Comr. Sobel noted that with regards to Vice Mayor Burrie comments, the Commission hears it all the time that “it is just a ranking, we are not approving the contract.” He said it is a precursor, because once the ranking is approved a contract will follow.

Mayor Fisher asked if once a contract comes before the Commission they would have the right to change those issues that are not liked. Ms. Briesemeister responded they do and obviously it would be at that stage that the details of the contract are discussed. In fact, the discussion is being centered on the next agenda item and mentioned the two steps process is for a reason.

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

Yes: Hardin
Moss
Burrie
Fisher

No: Perkins
Sobel

2. [17-676](#) Approval to piggyback US Communities/City of Kansas City Contract EV2024-02, to replace the golf cart fleet at the Pompano Beach Municipal Golf Course. Purchase will be made from Club Car LLC, at a total cost of \$394,968.00. Funding was approved in FY 2018 budget.
(Fiscal Impact: \$394,968.00)

(Staff Contact: Brian Campbell/Brian Donovan)

Comrs. Perkins and Sobel pulled the item for Commission discussion.

Comr. Perkins expressed her concern when she saw the word “piggy-back” and wondered why somebody locally could not have handled the job.

Brian Campbell, Golf Course Manager, responded that they have a local representative that has assisted in procuring the US Communities contract. In the past, the City has utilized US Communities in purchasing other items throughout the city and it is a viable option for the city.

Mr. Campbell confirmed that the carts are four years old and they will be looking to replace 140 golf carts, which is the full fleet of what they have in place. He explained that the industry standard is approximately four years.

Comr. Perkins indicated that to spend over \$300,000 on golf carts is a lot of money, and is concerned about the taxpayers’ response to this action. However, if the taxpayers agrees with the action, then she would vote for it.

In response to Comr. Perkin’s question Mr. Campbell indicated that they receive a trade in value of \$1,600 per cart for the old carts.

Comr. Sobel asked why all the golf carts would get replaced at the same time. Moreover, the ones he saw appeared to be three years old and if maintained well should last five years at a minimum. He suggested that it would be cheaper to have a mechanic to regularly maintain the carts or to incrementally replace them. Comr. Sobel asked why it is necessary to invest out of the general fund approximately \$400,000 on a 100% replacement of the fleet that is perhaps three years old.

Mr. Campbell responded that they took delivery of the carts in November 2013. He then explained the issues they have in normal operations of the carts. He also confirmed that the Golf Advisory Board was involved in the decision making to replace the carts at this time.

Greg Harrison, City Manager explained the timing of the budgeting process and the close out of those funds.

Comr. Sobel stated that there was \$243,000 in an unassigned golf closeout fund that was not utilized and possibly will not use to purchase golf carts, but we will use as a contribution to the building of the Civic Center.

Andrew-Jean Pierre, Finance Director, reiterated that the \$243,000 was unknown. The audit was done in March and the books just got closed. Therefore, the numbers could not have been factored in. In fact, the amount factored in was the operation for the golf fund, the projected expenses and the projected revenues, which came from fund balance. He explained how the close out process works.

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Approval Request be APPROVED. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

3. [18-01](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL A CERTAIN PARCEL OF REAL PROPERTY LOCATED AT 1841 N. POWERLINE ROAD, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, expressed concern regarding the item since it states that the City will be selling the property. Furthermore, he inquired if the successful bidder could use the property according to his/her desire.

Suzette Sibble, Assistant City Manager, responded that the City is declaring it surplus and putting it out to receive bids. The size of the property is 1.13 acres, approximately 49,000 square feet and the property was appraised at \$950,000 and assessed at \$1.7 million.

Mark Berman, City Attorney stated that the City does not know what will be built on the property. The City puts the property for sale and if the purchaser acquires he/she can build whatever is lawfully allowed to be built in the district.

Comr. Phillips indicated that he hopes the person purchasing the property would not use it for some kind of dumping site that the residents would not be pleased with, and that the City would be vigilant to ensure that

whoever purchase it would build something to be proud of.

Bishop Dr. Ivory Wilson, Pompano Beach, FL, expressed concern regarding property being sold to anybody who desires to have it and especially in his neighborhood, where establishments such as a Cheetah 3 or another Gentlemen's Club are allowed to operate on the front. Therefore, he requested that the City Commission be considerate of what they allow the highest bidder to build on those property being sold by the City.

Mayor Fisher mentioned that the City does not always sell to the highest bidder. In fact, the City has the right to turn down the bidder which they have done before.

Mr. Berman explained that when a property is declared surplus, the City's Charter specifically provides the method for disposing of the property. The City can reject, but it does not have the right to tell someone what they can build. The required procedure in the City's Charter is being used.

Comr. Perkins asked if once the land is sold are there plans to use the money.

Ms. Sibble replied not at this time. The money would be deposited in the City's general fund subject to be used at the Commission's discretion.

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

Enactment No: RES. No. 2018-02

4. [17-677](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EVENT LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND AEG PRESENTS SE, LLC FOR A TERM OF SIX MONTHS; 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. 2018-03

5. [17-669](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT FOR AN ANNUAL NAUTICAL FLEA MARKET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Moss pulled the item for the City Commission's discussion. He stated that he has attended the nautical flea market, which is on City property and manned by Pompano Beach employees. The maintenance is borne by the City, yet, 50% of the proceeds is given to Lighthouse Point and asked what they do to earn the 50%.

Mark Beaudreau, Recreation Programs Administrator, stated the event is fantastic and the City has co-labored with the City of Lighthouse Point since 2007 and has been held for over 25 years. However, they do have a level of interest in this, by providing city staff and volunteers, and they do a lot of the set up. In addition, Comr. Moss asked how much profit was made from the last event. Mr. Beaudreau responded that last year they split approximately \$80,000 between the two. In sum, Comr. Moss stated that until he sees some numbers on what Lighthouse Point does to receive half of the proceeds, he could not support the item.

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

Yes: Hardin
Perkins
Sobel
Burrie
Fisher

No: Moss

Enactment No: RES. No. 2018-04

6. [17-660](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING GEORGE BRUMMER PARK; SW 36TH AVENUE AND PALM AIRE; HILLSBORO INLET PARK; SANDSPUR PARK; COMMUNITY PARK; ALSDORF PARK; THE DOG PARK; THE CIVIC PLAZA; 1600-1698 NW 3RD TERRACE; THE FIRE STATION AT 109 NORTH OCEAN BOULEVARD; POMPANO BEACH CITI CENTRE; AND THE BEACH AT NORTH POMPANO BEACH BOULEVARD AS LOCATIONS FOR INSTALLATION OF ROUND TWO OF THE PAINTED POMPANO SERIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Laura Atria/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. 2018-05

7. [17-662](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SVAP POMPANO CITI CENTRE, L.P., FOR USE OF SPACE AT POMPANO CITI CENTRE TO FABRICATE ROUND TWO OF THE PAINTED POMPANO SERIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$10.00)
(Staff Contact: Laura Atria/David Recor)

Comr. Hardin pulled the item and wanted to point out that the City received the use of Citi Centre for \$10. So, they are almost volunteering to allow the City to use their property to create its painted fish.

Mayor Fisher requested that staff ensures that the document is signed by Citi Centre.

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. 2018-06

8. [18-15](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND ASHBRIIT, INC.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Final fiscal impact upon conclusion of event.)
(Staff Contact: Robert McCaughan/Russell Ketchem)

Vice Mayor Burrie, Comrs. Perkins and Sobel pulled the item for the City Commission's discussion. Vice Mayor indicated she understands the problem, but the person who asked to pull the item left.

Comr. Sobel commended City Manager Harrison, Robert McCaughan, Public Works Director, and Russ Ketchum, Recycling Manager for what they did along with their support staff to circumvent the terrible storm and to overcome the circumstances of inappropriate conduct of a contractor that the City put its good faith in and trusted, would turn on us in a time of need.

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. 2018-07

9. [17-663](#) A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 6 IN THE AMOUNT OF \$125,570 FOR REUSE WATER NE EXPANSION CONSTRUCTION MANAGEMENT SERVICES PURSUANT TO THE AGREEMENT FOR CIVIL ENGINEERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BAXTER & WOODMAN, INC. FOR VARIOUS CITY PROJECT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$125,570.00)

(Staff Contact: A. Randolph Brown)

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

Enactment No: RES. No. 2018-08

10. [17-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2018 THROUGH 2022; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$16.3 million for FY 2018)

(Staff Contact: Erjeta Diamanti/Horacio Danovich)

Vice Mayor Burrie pulled the item for someone in the audience for City Commission discussion.

Joseph Wells, Pompano Beach, FL, inquired what projects were included in the Capital Improvement Plan.

Mayor Fisher responded that the Capital Improvement Plan book is quite thick with all the projects listed in it for the five year plan. He encouraged Mr. Wells to get a copy from City Hall.

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. 2018-09

11. [17-671](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 8 IN THE AMOUNT OF \$45,695.00 PURSUANT TO THE AGREEMENT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND E SCIENCES, INCORPORATED FOR ENVIRONMENTAL TESTING AND CONSULTING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$45,695.00)

(**Staff Contact:** Horacio Danovich)

Comrs. Hardin and Sobel pulled the item for City Commission discussion. Comr. Hardin asked when does staff anticipated the Tiger grant to come in.

Horacio Danovich, CIP Manager, explained that the Tiger grant has been consistently coming in every year, around this time of the year. Therefore, in order for the City to qualify for any round of Tiger grants the City must do an EPA testing. Normally, this takes about six to seven months staff will use the data and will hopefully position ourselves to return to Tiger 2018. It will not pay for the entire stretch, but the minimum type of grant that the City would receive if selected, would be approximately \$5 million. If the city go for a significant project then a significant amount of dollars from the federal government.

Comr. Sobel stated that some of the border to the area included part of the Community Redevelopment Agency (CRA).

Mr. Danovich replied that Dixie Highway services four districts. So in this particular case it crosses from District 3 and into District 2 and goes into District 4.

Comr. Sobel inquired why it is not pro rata in terms of the cost to the CRA and to the City.

Mr. Danovich explained that usually the applicant is the City and Dixie Highway is a city roadway. Unless this

would have been an issue that came from the CRA then only that portion of the CRA would have been part of this. Whereas Dixie Highway is assuming as the entire city project. If the Tiger grant is pursued the City is expected to match some money and the higher the match the higher the chances.

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. 2018-10

E. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 12 through 17 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

12. [17-664](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE HASEY CENTER PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item. He said the Hasey Center plat is home to Costco and last month they went before the Planning & Zoning Board for site plan approval to allow the relocation and expansion of their fueling islands. Therefore, the plat note amendment makes the adjustment.

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. 2018-11

13. [18-14](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE INTERPLAN - POMPANO BEACH PLAT GENERALLY LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION

OF WEST MCNAB ROAD AND POWERLINE ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item. He said this is another plat for 1480 McNab Road. Seven 11 Corporation is looking to plat the property and redevelop as a convenient store with twelve fueling stations. There is an existing gas station and car repair business on the lot. At the June 28, 2017 Planning & Zoning Board this item was heard.

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. 2018-12

14. [17-557](#) **P.H. 2017-83: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE RIGHT-OF-WAY CONSISTING OF VARIOUS WIDTHS ADJACENT TO SW 9TH AVENUE, LYING EAST OF I-95 AND NORTH OF THE INTERSECTION OF SW 9TH AVENUE AND SW 8TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(**Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item and stated that there were no additional remarks from the 1st Reading of the item.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-01

15. [17-558](#) **P.H. 2017-84: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ORDINANCE NO. 2005-45 TO MODIFY EXHIBIT 'A,' LEGAL DESCRIPTION, TO INCLUDE ADDITIONAL AREAS IN THE ABANDONMENT OF THOSE CERTAIN UTILITY EASEMENTS AND RIGHTS-OF-WAY WITHIN THE FERNANDER/WRIGHT SUBDIVISION RECORDED IN PLAT BOOK 159, PAGE 6 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTH OF NORTHWEST 15TH STREET AND WEST OF ROBERT MARKHAM ELEMENTARY SCHOOL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item and stated that there were no additional remarks from the 1st Reading of the item.

Comr. Perkins asked for an explanation on the item.

Mayor Fisher indicated that this is a cleanup of a legal description that was found earlier.

Mark Berman City Attorney, explained that this is adding corners that were left off the description. It was passed and completed but on further review certain little sections were missing. It is a cleanup issue.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

Enactment No: ORD. No. 2018-02

16. [17-614](#) **P.H. 2017-89: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA REZONING PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD AND NORTH POMPANO BEACH BOULEVARD, BOUNDED ON THE NORTH AND SOUTH BY NE THIRD STREET AND NE SECOND STREET, TO AMEND THE PD-I (PLANNED DEVELOPMENT INFILL DISTRICT) WITHIN THE ATLANTIC BOULEVARD OVERLAY DISTRICT, BY AND THROUGH MODIFICATION OF THE CURRENT APPROVED MASTER PD PLAN; PROVIDING FOR CONFORMANCE TO A PLANNED DEVELOPMENT PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: Daniel Keester/David Recor)

David Recor, Acting Director of Development Services Department presented the item and stated that there were no additional remarks since the 1st Reading of the item.

Vicente Thrower asked for an explanation regarding the item.

Mayor Fisher indicated that the item is for a rezoning of a piece of property concerning the Pompano Pier project, which is the rezoning for the hotel project. In addition, this is a specific parcel that already has a rental agreement in place and the development order agreement. This is the beginning for the rezone and then they would go into the site plan approval and so forth.

Mayor Fisher explained that the economic development is already in place for parcel R5, which is in the lease.

Mr. Thrower stated that since this is a public property will there be any notification of job creation. Will the public be notified as to the economic benefits outside of what the City will get?

Tim Hernandez, Pompano Pier Associates, 200 Congress Drive, Delray Beach, FL, stated that for this particular parcel the hotel would result in approximately 50 permanent full time jobs. They have met with the

CRA staff to discuss at the appropriate time once it gets built, the hiring that will be done with preference being given to local residents. It is a significant economic impetus for the project. Therefore, with the hotel coming it generates additional demand for the restaurants that are part of the project which will result in further economic benefit to the city both in terms of employment as well as in terms of sales tax revenue and other things for the city.

Mr. Thrower stated that this could go into the tourism part of it and that the City need to consider the hospitality field and how this project fits into that scope of services.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-03

17. [17-655](#) **P.H. 2017-93: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING AT THE SOUTHEAST CORNER OF N.W. 27TH AVENUE AND N.W. 34TH PLACE FROM I-1 WITH A PCI (PLANNED COMMERCIAL/INDUSTRIAL OVERLAY) to I-1 (GENERAL INDUSTRIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item and stated that there were no additional remarks since the 1st Reading of the item.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-04

END OF QUASI-JUDICIAL PROCEEDING

18. [17-549](#) **P.H. 2017-81: (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 SECTION 32.47, "PUBLIC-PRIVATE PARTNERSHIPS," AND BY CREATING SECTION 32.48, "UNSOLICITED PROPOSALS," TO CODIFY THE PROCUREMENT PROCEDURES TO BE USED FOR PUBLIC-PRIVATE PARTNERSHIPS AND UNSOLICITED PROPOSALS CONSISTENT WITH SECTION 255.065, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: Greg Harrison/Suzette Sibble)

Greg Harrison, City Manager presented the item and stated that there were no further comments from the last meeting.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-05

19. [17-651](#) **P.H. 2017-92: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.60, "DEFINITIONS," TO BE CONSISTENT WITH THE CHANGES MADE THROUGH THE "BROWARDNEXT" PROCESS AND ADOPTED INTO THE 2017 BROWARD COUNTY LAND USE PLAN; BY AMENDING SECTION 154.61, "RESERVE AND FLEXIBILITY UNITS," TO REMOVE REFERENCES TO RESERVE UNITS; DEFINE HOW THE NEW FLEXIBILITY AND REDEVELOPMENT UNITS ARE ALLOCATED TO PROPERTIES WITHIN THE CITY OF POMPANO BEACH THROUGH ADOPTION OF A RESIDENTIAL AND NONRESIDENTIAL FLEXIBILITY RECEIVING AREA MAP AND A REDEVELOPMENT UNIT RECEIVING AREA MAP; TO CLARIFY THE APPLICATION AND PROCESSING PROCEDURE AND THE REVIEW STANDARDS FOR APPROVAL OF A FLEXIBILITY ALLOCATION; TO ADD REDEVELOPMENT UNITS TO THE AFFORDABLE HOUSING REQUIREMENTS AND TO PROVIDE FOR AN IN LIEU OF FEE OPTION FOR THE AFFORDABLE HOUSING REQUIREMENT; BY CREATING SECTION 154.62, "NONRESIDENTIAL FLEXIBILITY," TO PROVIDE FOR THE USE OF NONRESIDENTIAL FLEXIBILITY; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO ADD AN IN LIEU OF FEE CONTRIBUTION FOR AFFORDABLE HOUSING REGULATIONS WITHIN CHAPTER 154.; AND BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: David Recor/Jean E. Dolan)

Jean Dolan, Development Services Department presented the item and stated that there were no changes since 1st Reading. However, staff caught an error in a reference where it was stated as 156.62 but it should be 156.61. The changes were made and a memo was distributed to the City Commission prior to the start of the meeting in reference to the correction.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-06**20. [17-670](#) P.N. 2018-03: (PUBLIC HEARING 1ST READING)**

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY REFERRED TO AS RESIDENCES AT PALM AIRE PARCEL C, LOCATED AT 3190 NW 4TH STREET, POMPANO BEACH, FLORIDA 33069, FOLIO NUMBER 4842-32-19-0030, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION, AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take item 20 out of order. The motion carried unanimously by voice vote.

Horacio Danovich, CIP Manager, presented the item and stated that staff is seeking the City Commission's approval to designate an existing 11.76 acre park located on NW 31st Avenue as a brownfield area. This will enable the city to apply for a Bistro, an agreement with Broward County that would allow the City to recoup some of the cost for remediating the site into tax credits that can be sold in the secondary market and recover some of those monies. In addition, the remediation is necessary to develop the sports complex envisioned. Further, Michael Goldstein and his company have been instrumental in getting the City to this point and is present to answer any questions.

Mayor Fisher understands that the City's goal is to be able to make sure this is wrapped up to get dollars for the cleanup purposes to have the physical soccer park that is being sought. Mr. Goldstein being an expert in the field is representing that for the City.

Comr. Perkins asked if there is anything on the site of the 11 acres.

Mr. Danovich replied that the site is vacant.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

21. [17-301](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED (1) \$46,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PUBLIC SAFETY PROJECTS, (2) \$56,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PARKS, RECREATION AND LEISURE PROJECTS, AND (3) \$79,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS, IN EACH CASE, AS MORE FULLY DESCRIBED HEREIN, AND SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR AND SUBSEQUENT PROCEEDINGS OF THE CITY COMMISSION OF THE CITY, SUCH BONDS TO BE PAYABLE FROM THE FULL FAITH AND CREDIT AND UNLIMITED AD VALOREM TAXING POWER OF THE CITY; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY TO BE HELD ON MARCH 13, 2018; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented item 21, requesting the City Commission's approval via a resolution to provide for the issuance of a General Obligation (G.O.) Bond, which will be subject to the voter's approval, as well as it will provide financing for several capital improvement projects throughout the City. She

then offered a PowerPoint presentation of which a hard copy is attached as Exhibit 1. The presentation provided an overview of what the City Commission is being asked to approve.

In summary, the City Commission will be considering approval of a Bond Referendum to place the G.O. Bond initiative before the voters in Pompano Beach. Upon approval of the resolution, it will be recommended that a City Special Election be held on March 13, 2018, at which point the Pompano Beach registered voters will be asked to approve G.O. Bonds in the form of three (3) ballot questions, to fund a total of 25 projects across the City. The ballot questions are summarized as follows:

- 1) A question will ask the voters to approve financing the bonds over a 30-year term and for the City to pledge its full faith and credit behind the bonds, and to assess property taxes to repay principal and interest on the bonds over time.
- 2) A question similar in form to the first, will be asking the voters to approve bonds not exceeding \$56 million to finance parks, recreation and leisure projects throughout the city.
- 3) A question similar in form to the first two, will be asking the voters to approve bonds not exceeding \$79 million to finance projects and related costs for streets, sidewalks, bridges and streetscaping projects throughout the city.

In closing, Ms. Sibble indicated that plans are being made to educate the public regarding the bond and its impact to the taxpayers. She stated that upon approval of the bonds, during August 2018, the Commission will be asked to approve the financing documents relative to the proposed bond sale. In 2021, the Commission will be asked to approve the financing documents for the second proposed bond sale.

The following persons provided comments on the proposed G.O. Bond Referendum:

- 1) Tom DiGorgio, Chair of the Economic Development Council, Pompano Beach, FL, spoke in favor of the G.O. Bond project and committed to advocate why it is necessary to do this for the community. He encouraged the City Commission to move forward as it is a good economic and quality of life decision.
- 2) Steve Hudson, 700 NE 23rd Avenue, Pompano Beach, FL, a resident, and employee of the labor union with the firefighters, spoke in favor of the G.O. Bond project.
- 3) Ron Boehl, 29 Havenwood Drive, Pompano Beach, FL, spoke in favor of the G.O. Bond project.
- 4) Rhonda Eaton, 3400 NE 13th Terrace, Cresthaven, Pompano Beach, FL, spoke in favor of the G.O. Bond project.
- 5) Darlene Smith, 3200 N. Course Lane, Palm Aire, Pompano Beach, FL, President of the Palm Aire Association Board consisting of 768 units and representing 1,100 residents in Pompano Beach,

spoke in favor of the G.O. Bond project. She noted that in the entire Palm Aire Community there are approximately 7,000 units representing 10,500 residents with majority being elderly. Therefore, health and safety are of the utmost importance for their community and invited Ms. Sibble and her team to speak at their town hall meeting to make the same presentation to educate the residents.

- 6) Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked several questions to better understand the reason for the G.O. Bond project.
- 7) Monica McAfee, Director of Marketing at John Knox Village, and a resident of the City of Pompano Beach, spoke on behalf of the Village in favor of the G.O. Bond project and urged the Commission to allow the referendum to take place.
- 8) Phyllis Smith, President of the Collier City Civic Association, Pompano Beach, FL, spoke in favor of the G.O. Bond project and asked for several well needed things for her community to include a marquee sign, traffic light, street lighting and complete renovation of the McNair Center.
- 9) Ed Phillips, Pompano Beach, FL, indicated that there are some very good things in the G.O. Bond project, but there are several things that the residents of his community in the Northwest section of the City need to understand more fluently, as the City proceeds with the referendum and the bond initiative. He promised to congregate a number of business people in his community for somebody to speak with them and provide target specific initiatives that will assist them and the rest of the City.
- 10) Ric Green, President CEO, Greater Pompano Beach Chamber of Commerce, 2200 East Atlantic Boulevard, Pompano Beach, FL, represents over 700 businesses in the community and he stated that they wholeheartedly support the G.O. Bond project.
- 11) Rafael Dradrach, 325 NE 13th Street, Pompano Beach, FL, spoke in favor of the G.O. Bond project. He said this would assist his advocating a state-of-the-art professional skateboard park.
- 12) Reverend Marguerite Luster, 632 NW 20th Court, Pompano Beach, FL, spoke in favor of the G.O. Bond project. She asked about a specific location for the proposed senior community center to be built in the Northwest area. City Manager Harrison responded that the targeted area is NW 6th Avenue and NW 15th Street, which Rev. Luster agreed it is a good location. She also asked that the fire station be placed at the top of the list as it is well needed.
- 13) Dodie Keith, 301 East Atlantic Boulevard, Pompano Beach, FL, spoke in favor of the G.O. Bond project. She indicated that the City's capital projects will continue in addition to the ones mentioned in this project. She also promised to assist with the educational process for the G.O. Bond referendum.

- 14) Pastor George Rich, 2180 NW 18th Avenue, Pompano Beach, FL, on behalf of the Pompano Beach Clergy Council, stated that they support the G.O. Bond project. His special request is that what is being put on paper should be carried out at the appropriate time, and suggested that local contractors should be included in the proposed documents. Finally, he asked Ms. Sibble to schedule a meeting with the Pompano Beach Clergy Council.
- 15) Patrick Jovanov, 411 NE 18th Avenue, Pompano Beach, FL, believed the numbers presented were inaccurate and said it should be \$500 million to do what needs to be done. Therefore, he concluded that the amounts are not enough, and asked who stands to gain.
- 16) Walter C. Hunter, 2337 NW 15th Court, Fort Lauderdale, FL, stated that he agreed with Ms. Phyllis Smith who spoke earlier. However, he does not agree to just fixing the broken parts at McNair Park. He said with the G.O. Bond project he hopes the City Commission will be able to make McNair Park and Collier City great.

Mayor Fisher explained that one of the projects in the master plan for the City's parks was to completely redo the McNair Park, to include the acquisition of the one store at the corner, followed by working with the School Board to be able to expand and make a first class football field, track, and so forth. He said it is sorely needed and the City will move forward with it.

- 17) Bishop Dr. Ivory Wilson, Pompano Beach, FL, did not support the G.O. Bond project and explained his reasons why he would not support it.
- 18) Claudia DuBois, 211 SE 5th Court, Pompano Beach, FL, spoke in favor of the G.O. Bond project and explained her reasons.
- 19) Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, questioned whether the local preference ordinance would be brought back should the Bond item be approved tonight.

Mayor Fisher explained this will be a separate part of the G.O. Bond, but the local preference ordinance has been taught for a while and the Commission can have the City Manager move it forward by bringing an item for their consideration.

Mr. Thrower stated that Marie McLamore wanted to attend the meeting but had a passing of a family member. Nevertheless, Mr. Thrower mentioned that the Cowboys supports the G.O. Bond project, as well as he does support it with conditions for a local preference ordinance to be put in place.

- 20) Joseph Wells, Pompano Beach, FL, expressed his concern that if he supports the Bond, would the City Commission bring back local preference. He then asked of the three (3) questions on the ballot if one gets passed and the other two do not get passed would it mean the bond issue does not go forward.

Ms. Sibble responded that one can pass, but two cannot pass.

Mayor Fisher requested that City Manager Harrison meets with Dodie Keith, who has worked extensively on the local preference issue and bring back an item for the City Commission's consideration.

- 21) Victoria DeCesare, 144 SW 6th Court, Pompano Beach, FL, spoke in favor of the G.O. Bond project and explained her reasons.
- 22) Tom Terwilliger, Pompano Beach, FL, complained about the City spending money on tourism and the golf course among other projects. Accordingly, he would not support the G.O. Bond project.
- 23) George Dillard, Pompano Beach, FL, asked if the Bond project would cover the Weaver Park lighting and pavilions. Also, he asked if some of the projects listed are subject to change.

Ms. Sibble responded that the objective is to complete the projects as presented, but over the next seven years a lot can happen. Subsequently, there is flexibility within each category.

- 24) Jacquila Robinson, 1801 NW 3rd Street, Pompano Beach, FL, expressed two concerns she had regarding the proposal. One was with the assurance of providing jobs for local employment and the other was to put something in the proposal stating that the projects would pay for itself rather than having the taxpayers pay for it.

Ms. Sibble explained that the recreation centers generate fees, but typically G.O. Bonds are issued to finance projects that are not self-sustaining. Although certain facilities would generate fees they will never be able to generate enough to cover the operation costs. Therefore, taxes are used to subsidize operating those facilities.

Vice Mayor Burrie echoed what a number of speakers said earlier, as well as what Mayor Fisher asked, to bring back a local preference ordinance to the City Commission for consideration, because it appears residents are interested to have it. In sum, Vice Mayor Burrie indicated that she supports the G.O. Bond issue be placed on a ballot because the ultimate decision is not with the City Commission but with the residents.

Mayor Fisher mentioned that the local preference ordinance is not stalled, rather it has been "tweaking" repeatedly as the City continues to learn from other cities' mistakes in this regard.

Comr. Hardin asked if there is room for discussion regarding the various projects and could the public provide their input. In addition, prior to the actual language going on to the ballot, could some items be swapped or modified, if the Commission so chooses.

Mr. Harrison explained that the City Administration used years of plans that were approved by Advisory Boards and the City Commission in coming up with the list of projects. There were a number of public participation events over the years that have resulted in the documenting of these projects as being desired by

the general public.

Comr. Hardin understands the general public want the projects, however, he asked if majority of the people desired a “water park” at this time, is there a way that it could be included.

Ms. Sibble mentioned that there are two parts to the process. One would be for the City to comply with the Supervisor of Elections timelines. The City must notify the supervisor by providing, a copy of the Resolution adopted by the Commission, which includes the project list. This must be done within a limited specific timeframe prior to the election date. If the voters approve the bonds and something were to come up, they could foreseeable adjust within each category. However, it would go through the public input process, and due to the timelines with the Supervisor of Elections it restricts the City’s ability to make significant changes at this point.

Comr. Hardin indicated that he will be supporting the G.O. Bond referendum and will advocate for it within the community. He concluded that there is good debt and bad debt and this proposal is an investment that will pay benefits to the community, which is a good debt.

Mark Berman added that the entire process is statutorily driven. He indicated the wording that is before the Commission, the processes, and the timing are all set specifically in the Florida State Statutes. So, the proposal in front of the Commission is intentional, purposeful, and it is at a go point based upon the parameters that Florida Statutes provide.

Comr. Moss stated that he will advocate for the G.O. Bond referendum particularly in the light of the two fire stations that are critically needed in District 5 between the neighborhoods of Collier City and Palm Aire and the senior citizens residing in the areas. Also, the redo of the McNair Park is significant. He urged his fellow Commissioners to give serious consideration to support it.

Comr. Perkins indicated that when she received the Bond Referendum there were a list of things and issues for District 4 prior to her coming on board as a commissioner. Therefore, she asked the City Manager to add a state-of-the-art senior facility. The location was not discussed, but she is open to travel to different locations with the City Manager to determine the best location for the facility. Also, she is asking for a senior facility to be placed on land space where there was enough to build apartments or houses around it if a developer came in to do that.

Comr. Perkins expressed several concerns she had with the G.O. Bond, and one included in the event the Bond passes, would things that were promised to be done in District 4 get completed, instead of being placed last on the project list. Presently, in the district everything is done slowly or not at all.

Comr. Perkins indicated that the language on the ballot can be confusing so it is necessary to educate the people. She requested that instead of saying “for the bond” or “against the bond” could it be simplified to say “yes for the bond” or “no for the bond.”

Mr. Berman stated that currently the question is worded according to the ballot language needs. It is worded this way for these types of proceedings for bond validation. It is clear and concise and the City is limited in the

amount of words that can be used. In addition, this has been carefully crafted for more than a year to what it is currently.

Comr. Perkins questioned what would happen if ballot one gets passed and ballots two and three did not.

Mr. Berman responded that if ballot one passes the City moves forward and have bonds for ballot one. However, the other two that did not get passed could be brought back, but not before six months after its failure at the polls.

Comr. Perkins asked if there will be “marketing” for the bond issue.

Mr. Berman responded that under State Statutes the City cannot use public funds to advocate for passage of a ballot referendum, or any type of election hearing or communication. However, the City could use public funds to educate everyone who is interested, and they will know what the money will do, how it will be used, and what it will be used for. Therefore, it will be an education process not a persuasion process.

Comr. Perkins asked if after the Bond is passed, can the City come back legally and put in place the request for local participation for any of the listed projects to be built.

Mr. Berman responded that it would not be as part of the bond issue and explained that local participation is a separate issue, which the Commission can discuss and work on it as its own. Therefore, if it passes there will be contracts, and contractors being awarded work, which is similar to the same processes in place at this time. So, there will be plenty of opportunity for the Commission and the community to discuss the work being proposed to be done, and who will do it when the contracts come up. So, this is a separate process.

Comr. Sobel stated that at times it appears unbelievable to him but he wanted to start the education process immediately. He said Ms. Sibble did a very thorough job in the presentation and when she appears before the residents for the educational meetings he urged the residents to ask why. Why is this the priority of the project? Why is this project being built before other projects? What exactly is the measurable, the metrics, the scope of work, why do we need this project, why is this important to the taxpayers versus other projects.

On the other hand, Comr. Sobel stated that earlier, he heard a long-term senior resident relate the lack of street lights in her neighborhood for decades. He also noted another resident asking about a \$10 million waterpark to be on the bond. Therefore, the central core purpose of government should be to take care of the needs of the people before taking care of the wants of the people. So, everybody has his/her pet projects, all the Commissioners along with the residents want the best things in their district.

Additionally, Comr. Sobel provided his reasons why he chose not to support this proposal. Nevertheless, he thanked City Manager Harrison, who is top notch and puts up with so much. But while they have had several one-on-one discussions, they have not agreed always on everything. There have been discussions about what needs to be done or what are the priorities, and a perfect example is how this item is presented for a referendum, which is about:

- 1) Public Safety project \$46 million

- 2) Parks, Recreation and Leisure \$56 million, of which \$29 and a half million are soccer related park enhancements, and
- 3) Streets, sidewalks, bridges and streetscapes for \$79 million.

Comr. Sobel said he has looked at, and he has done a great deal of research, notwithstanding the fact that the Commission only had a few days to review thousands of pages in the backup. He thanked Mayor Fisher for taking the item out of order from the lengthy agenda, so that everybody could be heard, because there are few things in the course of the Commission's position that would be more important to the residents, than a \$181 million bond that puts forth a full faith in credit of the residents. There is no question that when it comes to ballot number one - public safety projects and number three- streets, sidewalks and bridges and streetscapes, he is supportive of a majority of those projects, but again that is not to say that he is totally in favor of it, but they have no choice tonight. The City will go to the polls for separate ballots, which is contrary to his request. Instead, they are all "balled into one so it is an all or nothing proposition", which he is not convinced that it is all good for the residents or all in the best interest of the residents, with regard to the ballots and all 25 of the projects listed. Therefore, he could not agree to put all of it in front of the electorate and give the false impression that he is endorsing all of it. He said he believes there is less than a 50% chance of some of these ballots being passed.

Finally, Comr. Sobel expressed concerns regarding the ballot questions with regard to public safety, streets, sidewalks, bridges and streetscapes, which he thinks they need to be broken down. He continued to say even if the voters in Pompano Beach passed these three ballots in March of 2018, the first bit of money will not be available until just before the next election in November 2018. He wished Mayor Fisher all the best in the world, because he is fantastic, and he has devoted so many years to this City, but he is going to be gone off this dais in November 2018. Moreover, Comr. Hardin and Vice Mayor Burrie have already advised that they are running for the Mayor's position, and he is giving strong consideration to do the same thing. So, if that happens, it means three of the people who are on the dais today will be gone by the time the G.O bond comes to fruition, even if it was passed, assuming Comrs. Perkins and Moss are re-elected.

Comr. Sobel concluded by saying the current commission has failed to act in a timely fashion with regard to the charter advisory board's recommendation for alternating term limits. He said in 2016, all six members on the Commission ran and there was a risk that all new people would be placed into office. The same thing will happen in 2018. Also, because the Commission failed to put before the voters the four-year term limit and the alternating limits for commissioners, the year 2020 will be the same thing. Therefore, he urged everyone to consider some of these things and to start educating themselves. The facts need to be considered versus the concept/vision. Therefore, he is forced to oppose this item because he was told with all three ballots on the same agenda item, it is all or nothing, yet, it is not going to be that way when placed on the ballot. So the residents will have choices.

Mayor Fisher stated the projects on the list are the ones that have been thoroughly vetted that are necessary to move forward. Therefore, he urged everyone to obtain the whole list, and to get educated through the process, as well as find out what projects have been vetted over the last couple years. Nevertheless, he concluded that the needs are there.

Vice Mayor Burrie mentioned that the need is there because twelve years ago the people in the northern end of

the City were promised a Community Center. The current Community Centers are the E. Pat Larkins, Herb Skolnick and Emma Lou Olson, which are totally overrun. The fact that the building would be named after her was not to her doing, but it was done by the residents in her community. Therefore, it is time for the center to be built that was promised to them years ago.

With regard to the Elks property, Vice Mayor Burrie indicated that she had recused herself, but she was against the purchase of it and to further that, the Elks property is not in District 2 it is in District 3. Therefore, to find fault and say a community center is not a need, then perhaps verification should be done by checking with those people living north of NE 10th Street on the west side of Federal Highway, all the way across Dixie Highway and up to the City of Deerfield Beach line, who have received nothing from the City from the time they voted to become part of the City. Vice Mayor Burrie concluded there is one thing on the G.O. Bond for District 2, and it is to make a complete street out of NE 33rd Street.

Meeting went into Recess

Meeting Reconvened

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
Burrie
Fisher

No: Perkins
Sobel

Enactment No: RES. No. 2018-01

22. [17-278](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LETTER AGREEMENT TO RETAIN THE LAW FIRM OF GREENSPOON MARDER, P.A. TO SERVE AS BOND COUNSEL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Maximum \$157,000)

(Staff Contact: Suzette Sibble)

Mayor Fisher requested a motion to take item 22 out of order and for the Commission to hear it just after item 21.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie that item 22 be taken

out of order and be heard after item 21. The motion carried unanimously by voice vote.

Suzette Sibble, Assistant City Manager, introduced the item and said that the City Commission approved the Bond Referendum resolution, therefore, staff is requesting the City Commission's permission to engage the services of Greenspoon Marder to serve as bond counsel for the proposed G.O. Bond initiative. She said the voters would have to approve the bonds in March 2018, but if the bond referendum fails, the City would not be obligated for any of the proposed fees listed in the contract. Ms. Sibble indicated that Greenspoon Marder is a very experienced firm and have been operating for over forty years. The lead person on the engagement is Denise Ganz, who has over thirty years' experience and is knowledgeable on General Obligation Bond issues. The firm has worked on similar bond issues with some cities such as Lauderhill, Town of Davie, Dania Beach, Lauderdale Lakes, Tamarac, Fort Lauderdale, Miami and much more.

Finally, Ms. Sibble indicated that the company is well experienced and the City is getting the best service possible and the fees are reasonable.

Ed Phillips asked how did the City determine which Bond company to utilize.

Ms. Sibble responded that the City Commission engaged the firm earlier this year and they worked on the first part of the process which is to draft the ballot questions presented. They did all the tax research for the company that was involved in developing the process. Therefore, it was sensible to keep the same firm as a continuation of that process.

Mark E. Berman, City Attorney added that Ms. Ganz served as bond counsel for many prior years and has done a great job for the city. Therefore, the City was desirous of her services again for this G.O. Bond. He noted that the process is specialized, there is bond validation procedures, complicated tax statements, and all other kinds that Ms. Ganz is an expert at, therefore, they are recommending her services.

Tom Terwilliger, Pompano Beach, FL, mentioned that to hire the bond counselor is one of the ancillary indirect cost of the G.O. Bond and suggested that the costs should be considered in its totality. He concluded that the bigger picture of all ancillary costs is estimated to be \$600,000, whether the G.O. Bond passes or fails. Perhaps the Commission could consider whether they want to spend \$157,000 or commit a portion of it or would they want to try to find a way to mitigate that expense, hold off on the bond issue and the selection of a party until the G.O. Bond actually passes.

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

Yes: Hardin
Moss
Burrie
Fisher

No: Perkins
Sobel

Enactment No: RES. No. 2018-1323. [18-02](#) **P.H. 2018-01: (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: (i) A THIRD AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A SECOND AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; (iii) A FIRST AMENDMENT TO PHASE R4 SPACE LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R4, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison/Adriane Esteban)

Adriane Esteban, CRA Project Manager, presented the item and stated that as major development projects like this one progresses, there are times when the agreement has to be amended to account for changing conditions. The third amendment is presented to 1) Extend the development time and dates for parcels R4 and E and 2) To provide a sixty-day period that the developer would not be considered in default in meeting those development time line dates. The other revisions include in the agreement section about the existing concession building, the pier garage, the valet, authorized uses and approvals. There is also an amendment to the hotel section requiring that if there is a hotel it would be a three star, a diamond or higher. The lease amendments to parcels E and R4 relates to the development time line extensions, as well as for parcel E rent abatement for the period between July 2017 and December 2017 to account for the construction going on for the pier. Finally, Ms. Esteban stated that Mr. Hernandez was present for any questions.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

24. [17-678](#) Consideration for canceling the City Commission meetings of November 28, 2017 and December 26, 2017.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that both meetings be canceled. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

F. REPORTS

Gregory Harrison, City Manager - No report - Mr. Harrison promised to email the City Commission with his report.

Mark Berman, City Attorney - Executive Session - Mr. Berman stated that pursuant to Section 286.011(8)(A) Florida Statutes governing public meetings, as the City Attorney of Pompano Beach, he wishes to advise the City Commission during this meeting he desire advice concerning litigation in the matter of Pompano Beach Community Redevelopment Agency and the City of Pompano Beach versus Broward County et al, Broward Circuit Court Case Number 14009654 and asked that they hold an Executive Session on Tuesday, October 24, 2017 at 5:00 p.m. to discuss settlement matters and or strategy in the aforementioned case. Those in attendance would be the Mayor and City Commissioners also in their capacity as Pompano Beach CRA Board members and that would be announced at the CRA meeting. Gregory Harrison City Manager, Kim Briesemeister and Chris Brown CRA Co-Directors, Claudia McKenna CRA Attorney, CRA and City outside Counsel Jamie Cole and Daniel Abbott and Mark Berman, City Attorney.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rex Hardin - County Commissioner - Comr. Hardin indicated that for those people who do not read the papers and have not picked up on what people have said earlier and having heard the word, he will be sorry to see Mayor Fisher leave on November 18th running for County Commissioner and he fully supports his candidacy. He said Mayor Fisher will do a great thing for the City at the County level and he looks forward to that.

Commissioner Barry Moss - School Volunteer Program - Comr. Moss reported that this Thursday will be his second day teaching at Pompano Beach Elementary School, which he is excited about that.

Collier City Civic Association - Comr. Moss announced that the Collier City Civic Association will have its monthly meeting on the last Wednesday of the month.

Commissioner Beverly Perkins - Community and City Officials Relationships - Comr. Perkins stated a couple days ago she was driving around town and decided to drive to the beach and found herself at the corner of A1A and Briny Boulevard and saw all the beautiful scenery, work, time, and money the City of Pompano Beach has invested in the beach area. She said she is proud of the effort and the planned future for the City and that district. She is excited to be able to invite her family and friends to the beach to enjoy a wonderful city. However, she drove through District 4 and the things she saw made her cringed and shook in disbelief. She said she thought of the millions of dollars and the decisions that were made since 2009 to present that has made her totally disheartened. Comr. Perkins said the City has a growing disparity between the community and the City Officials on fundamental principles that are moving in opposite directions.

Additionally, Comr. Perkins stated that the City is now preparing for another wave of leadership, and changes within the community. She wished her colleagues who have aspirations of moving on to higher political seats good luck and a successful transition. To the "rest of us" she challenged each one to rededicate to the basic principles they were elected to do for their individual districts and collective good for the City of Pompano Beach. She said they need to bridge the gap of the city in order for all residents in Pompano Beach to continue to be valued in this time of change. She then quoted Dr. Martin Luther King, Jr., "Our lives begin to end the day we become silent about the things that matter." She then promised not to be silent.

Commissioner Michael Sobel - Employees Commendation - Comr. Sobel commended two employees that are amazing and unsung heroes. One is a CRA employee and the other with the City. Bosette Seymour who works at the E. Pat Larkins Center and did an unbelievable job with regard to the Harlem night's prom on Saturday night. It was a fantastic event. He said it was one of the nicest events he has seen and attended. The other person was Sherilyn Davis at the Ali Cultural Arts Center. He said he attended the Soulful Sundays and the place was packed and the organization they did with the bands, people, food, and the bar, which was fantastic. It was the best \$5 deal in Pompano Beach. Therefore, he encouraged everybody to go out to the Ali Center and check it out.

Vice Mayor Charlotte Burrie -No report.

Mayor Lamar Fisher - Special Appreciation - Mayor Fisher expressed thanks to Rose, Manager at the Pompano Citi Centre. He said that during the hurricane, she called and over approximately three to four days

donated sixty to seventy subs to the community. So, he worked with Ms. Flowers and Mr. Wells to try to disseminate the sandwiches. Out of the kindness of her heart she did this for three to four days. He hopes to do something special for her, but he wanted to thank her for her dedication to the city.

G. ADJOURNMENT

The meeting adjourned at 11:05 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk

Exhibit 1



City of Pompano Beach
**GENERAL OBLIGATION (G.O.)
BOND REFERENDUM** | March 13, 2018

City Commission Agenda Item
October 10, 2017 - REFERENDUM



What are General Obligation Bonds (G.O. Bonds)?

- **G.O. Bonds are issued to raise funds for municipal projects – such as public parks, fire stations, streets, bridges and related projects**
- **G.O. bonds are backed by the full faith and credit of the issuing municipality, through the imposition of property taxes**
- **A majority (50% + 1 vote) of voters in the City must approve the G.O. Bonds**



Broward Cities with G.O. Bonds?

- **Hollywood, Coral Springs, Hallandale Beach, Deerfield Beach, Fort Lauderdale, Lauderhill, Plantation, Sunrise, Margate, Lauderdale Lakes, Pembroke Pines, Dania Beach, Cooper City, Wilton Manors, Lighthouse Point and Davie**
- **Pompano Beach last issued G.O. Bonds in 1989 (28 years ago) and currently has no G.O. Bond debt**



Pompano Beach Bond Referendum

- **March 13, 2018 Special City Election**
- **Pompano Beach voters asked to approve G.O. Bonds in three ballot questions to fund a total of 25 projects throughout the City**



Ballot Question No. 1

CITY OF POMPANO BEACH, FLORIDA

PUBLIC SAFETY PROJECTS GENERAL OBLIGATION BONDS

To acquire, construct, equip, renovate, replace and improve police, fire, emergency management and lifeguard facilities and pay related costs, shall Pompano Beach, Florida issue bonds not exceeding \$46,000,000, in one or more series, bearing interest not exceeding the maximum legal rate, maturing not later than 30 years from their issuance date(s), pledging the City's full faith and credit and ad valorem revenues collected to pay such bonds, all as described in Resolution No. 2018-01?

FOR BONDS _____

AGAINST BONDS _____



Ballot Question No. 2

CITY OF POMPANO BEACH, FLORIDA

PARKS, RECREATIONAL & LEISURE PROJECTS GENERAL OBLIGATION BONDS

To acquire, construct, equip, renovate, replace and improve parks, recreation and leisure facilities and pay related costs shall Pompano Beach, Florida issue bonds not exceeding \$56,000,000, in one or more series, bearing interest not exceeding the maximum legal rate, maturing not later than 30 years from their issuance date(s), pledging the City's full faith and credit and ad valorem revenues collected to pay such bonds, all as described in Resolution No. 2018-01?

FOR BONDS _____

AGAINST BONDS _____



Ballot Question No. 3

CITY OF POMPANO BEACH, FLORIDA STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS GENERAL OBLIGATION BONDS

To acquire, construct, equip, renovate, replace and improve streets, sidewalks, bridges, streetscaping, and related utilities and drainage and pay related costs shall Pompano Beach, Florida issue bonds not exceeding \$79,000,000, in one or more series, bearing interest not exceeding the maximum legal rate, maturing not later than 30 years from their issuance date(s), pledging the City's full faith and credit and ad valorem revenues collected to pay such bonds, all as described in Resolution No. 2018-01?

FOR BONDS _____

AGAINST BONDS _____

**The City's objective
is to raise funds
for unfunded
infrastructure
projects**



1.

**Improve
neighborhoods,
quality of life
and safety of our
residents**

2.

**Private
Investment**

3.

Local Jobs

4.

**Competitive
Advantage**

5.

**Leverage
bond funds
as matching
funds to
secure grants**

6.

**Increase
property
values and
expand our
tax base**

7.

**Enhance
non-ad
valorem
revenue
sources**

8.

**Aging
Infrastructure**

The Projects

Public Safety – 6 Proposed Projects:

• Construction of new public safety facilities	\$25,010,500
• Replacement/upgrade of existing public safety facilities	13,030,000
• Renovation of existing public safety facilities	6,600,000
Total Public Safety Projects	\$44,640,500

3 Fire Stations



Emergency Operations Center (EOC)/ Fire Administration Facility



The Projects

Parks, Recreation and Leisure Projects – 10 Proposed Projects:

- | | |
|---|--------------|
| • Construction of new parks and recreation facilities | \$23,609,000 |
| • Replacement/expansion of existing facilities | 9,000,000 |
| • Renovation of existing facilities | 21,285,000 |

Total Parks, Recreation and Leisure Projects \$53,894,000

Senior Citizen Activity Center





Centennial Park Pavilion





The Projects

Streets, Sidewalks, Bridges and Streetscaping Projects – 9 Proposed Projects

\$75,881,200

Includes bridge replacement, widening sidewalks, pedestrian crossing enhancements, landscaping, bike lanes, traffic calming, undergrounding utilities, decorative lighting, drainage and other streetscape improvements

Streets, Sidewalks and Streetscapes





Estimated Tax Impact \$200,000 assessed property value

Bond Sale (Repaid over 30 years)	Annual Tax Impact	Impact per \$1,000 of taxable assessed value
2018 Series Bonds	\$61	31 cents
2021 Series Bonds	\$60	30 cents
2018 and 2021 Series Bonds Combined	\$121	61 cents



G.O. Bond vs. Pay-as-you-go Financing

Scenario:	PAY-AS-YOU-GO		G.O. BOND
	1 mill*	10 mills _(maximum*)	NA
Base Cost	174,415,700	174,415,700	174,415,700
Inflated Cost (assumes 3% escalator)	23,080,000	-	-
Total Project Cost	197,495,700	174,415,700	174,415,700
Average Funds Raised Annually (pay-as-you-go)	14,699,868	59,417,836	NA
Projects Completion Year	2034	2025	2025
200,000 Home Assessed Value:			
Average Annual Homeowner Impact	200	903	121
Total Years Assessed	15	4	30
Total Homeowner Impact	3,000	3,611	3,630
*Requires unanimous commission vote or voter referendum			

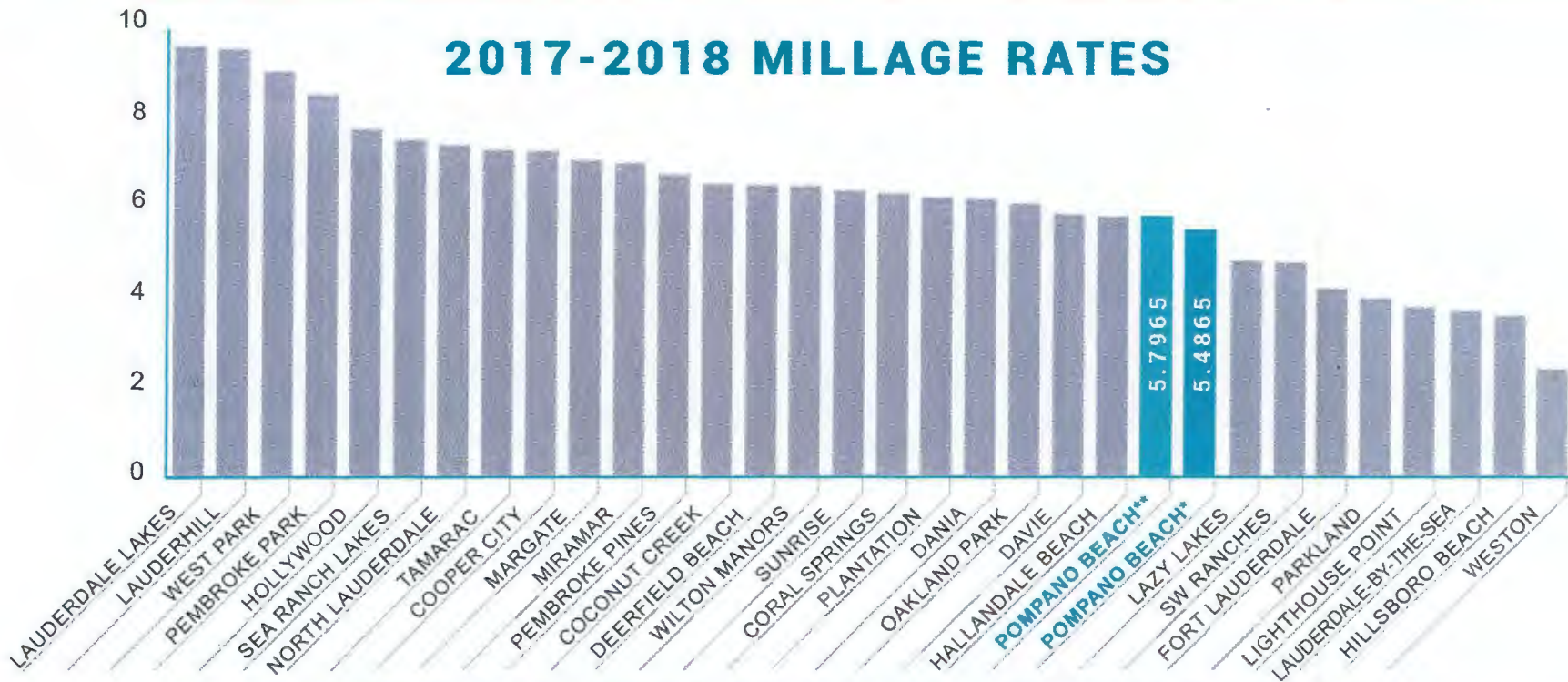
G.O. Bond vs. Pay-as-you-go Financing

- **Bond Funding accelerates project delivery**
- **Intergenerational equity**
- **Reduces the annual burden to taxpayers**
- **Preserves the City's millage capacity for primarily operations vs. capital**
- **A mix of pay-as-you-go and debt financing is recommended**



Broward County Cities Millage Rates

General Fund, EMS, Debt Service



* Includes Operating and EMS Millage Rates

** Includes Operating, EMS and Estimated Debt Service Millage Rates (Assumes 2018 G.O. Bond Issue)

- **Educational Programming: direct mail and distributed material (flyers, brochures and posters)**
- **Presentations**
- **A dedicated City webpage**
- **Channel 78**
- **Social media**
- **Messaging on utility bills**



Tentative Timeline

- **City Commission consideration of Bond Referendum – October 10, 2017**
- **City creates webpage – December 2017**
- **City launches educational campaign – January 2018 thru March 13, 2018**
- **Special City Election – March 13, 2018**
- **City considers issuance of 2018 Series Bonds – August/September 2018**
- **City considers issuance of 2021 Series Bonds – August/September 2021**



Questions

