

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, March 26, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Elder Harold Westley of Newborn Holiness Church, offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[19-323](#) Regular City Commission Meeting Minutes of March 12, 2019

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

APPROVAL OF AGENDA

Mayor Hardin announced that item 16 will be postponed until April 23, 2019 City Commission Meeting .

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, 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 Hardin announced that items 1, 7 and 9 would be pulled for City Commission discussion.

A. PROCLAMATIONS**[19-333](#) Ashanti Cultural Arts and Enrichment, Inc.'s 29th Anniversary**

Mayor Hardin presented Linda Houston Jones, founder of Ashanti Cultural Arts and Enrichment, LLC, with a proclamation in honor of their 29th anniversary.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

[19-303](#) Boys & Girls Club Week

Mayor Hardin proclaimed April 8th through April 12th, 2019 as Boys and Girls Club Week in the City of Pompano Beach, Florida. Accepting the proclamation was Brandon McCall, Club Director from the Boys and Girls Club of Broward County, Thomas D. Stephanis Unit.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Pension Funds Debts - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, alleged that the City of Pompano Beach is in approximately \$600 million in debt. He then listed the expenses contributing to this to include Pension Funds. In sum, he complained that the City needs to fix an outdated pension system.

McNab Memorial Park - Kay McGinn, 2460 SE 5th Street, Pompano Beach, FL, former Mayor/Commissioner indicated that having served as a member of the Commission, she appreciates the hard work and the dedication the current City Commission is giving to the job. She complained that in her neighborhood there is a big problem with the possible destruction of the McNab Park. This is the only park in the area, and the next park is the Community Park, which is several miles away. She indicated that there are plans by the Community Redevelopment Agency (CRA) to move the old McNab house to the park. She complained that the house is plain and does not personifies the history of Pompano Beach.

In sum, she does not agree with the plans to move the old house to this small park. Part of the plan is to commercialize it with two hotels, which will negatively impact parking. Also, part of the plan is for creating a botanical garden, which at the time when it was presented would be nice, but that is not true now. With the hotels, the restaurant, and the old house, these facilities would occupy more than half of McNab Park. She said when she spoke with one of the CRA members she was told that they would landscape around the house, which would be considered the botanical garden. In addition, Ms. McGinn indicated that the residents would lose the civic building where everybody meets for neighborhood gatherings.

Women of Purpose Honoring Breakfast Event - Mary Phillips, 384 NW 19th Street, Executive Director, Small Biz CEDC, 164 N. Powerline Road, Pompano Beach, FL, informed that there will be a Women of Purpose honor breakfast on March 30, 2019, at the Cultural Arts Center, and she distributed flyers of the event to the Commission who were invited to attend. Ms. Phillips indicated that women from the community, who having been doing great things throughout the community, will be honored.

Donating Residential Land - Ms. Phillips mentioned that the City should get out of the business of giving residential land away and she explained her reasons, which include the scarcity of land. She suggested putting the money into programs that would educate the young people with job training skills.

McNab Park - Kay Johnson, 213 SE 23rd Avenue, Pompano Beach, FL, indicated that she resides near the park and expressed her concerns about the economic development that the residents do not need in the park, as well as she provided her reasons why she would not support the plans for the McNab Park. Currently, the park serves the homeless population and there is much more going on all around that the park should not be sacrificed for commercial venture.

Illegal Activities in the Neighborhood - Mary Hall, Pompano Beach, FL, thanked the City Manager for his assistance to her in taking care of a matter on NW 6th Avenue. However, there is another matter happening at 495 NW 10th Street, Pompano Beach. The house located there has all types of illegal activities taking place. Neighbors have been complaining so they need someone to step in to look at the actions going on at that location.

Mayor Hardin indicated that Major Wayne Adkins, Chief of Police, Broward Sheriff's Office, has the address and he will be checking into that matter.

Advisory Board/Committees (Committees) Vacancies - M. Ross Shulmister, 590 SE 12 Street, Pompano Beach, FL, indicated that each elected official was notified upon his/her election of vacancies for appointment of members on several committees. He said currently there are a lot of vacancies because the terms of many of the appointees run concurrently with the appointing commissioner and these need to be filled. He understands the reason for some appointments not made but some of the committees are not functioning because they have too many vacancies. He asked that the City Clerk advise each commissioner of committees, which they need to make nominations or appointments. He also called on the residents of Pompano Beach to apply to get on one or more of the committees. Applications can be accessed on the City's website that can be completed and turned in to the City Clerk by end of April. He then called on the commissioners to make those appointments by May.

Commission Salaries - Mr. Shulmister spoke about the Commission's salaries that do not commensurate with salaries in other cities. He said this is a full-time job and it takes a lot of time and effort. Therefore, he suggested that the Commission appoint a special committee to look at other cities to determine what the salaries should be for the City Commission. This committee should be a balanced one with those who oppose or are in favor of raising the salaries, so that a balanced report can be provided. He explained that the Commission should not make the recommendation, rather it should come from an independent committee because the people will accuse the Commission of raising their own salaries.

Positioning of Items on the Agenda - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that there is a "hot topic item" on the agenda that is buried as item number 25, which a number of people will be gone by the time the item is called up. He does not see why this could not be at the beginning of the agenda.

Mark Berman, City Attorney responded to why the item is on the agenda, which is to start a discussion that will likely be lengthy and potentially continue for several months.

Opening of Blanche Ely Educational Museum - Elijah L. Wooten, 135 NW 15th Street, Pompano Beach, FL, stated that he was impressed with the event that took place on NW 15th Street earlier in the week. He said Mayor Hardin and Commissioner Perkins did an excellent job. He provided a brief historical background

on the Blanche Ely house, which was sitting vacant for years. Therefore, he asked if the Commission could consider another name for NW 15th Street. He said because of the nature of the community and perhaps consider naming it an Historical Pioneer City.

Comr. Perkins asked Mr. Wooten to repeat his request regarding renaming NW 15th Street.

Mr. Wooten responded that from Dixie Highway to end at Powerline Road this section would take care of the pioneers that lived in Pompano Beach prior to the 1920's. Therefore, NW 15th Street could either be named Pioneer Street or Historical Street.

Mayor Hardin noted that there is a Pioneer Drive already in the Old Pompano area. However, the suggestion was good.

Update on Assistance provided to the Collier City area - Pamela Hightower, 328 NW 2nd Street, Pompano Beach, FL, stated that since Ms. Reid's killing, the neighborhood is getting better and she is having less sleepless nights. Nevertheless, she has a vision that has expanded into not only getting a small park for the children. She then presented a short video of the children in the neighborhood and the potential equipment that could be set up in the park for them. She urged the Commission to support her vision to make Collier City one of the top communities in Pompano Beach. The citizens want a safe environment for the children, a place to prosper and grow with good jobs, and a clean environment. She said there are a number of empty lots around that can be taken to make it better for the community.

McNab Memorail Park - Tim Golly, 2650 SE 5th Court, Pompano Beach, FL, commented on the McNab Memorial Park dedicated to those who gave their lives serving their country, which the property was donated in 1952 by the McNab family. He indicated that there are plans to take the park out and put a house in with a restaurant and hotels, which he thinks would be a mistake and provided his reasons why it would be. Therefore, he urged the Commission to leave the park for those people who currently use the park. He said the vagrant situation has improved since the park rangers and Broward Sheriff's Office (BSO) have been more visible.

Collier City Children's Needs - Jocelyn Jackson, Pompano Beach, FL, added to Ms. Hightower's comments regarding Collier City. She asked if the City plans to purchase the lot where there are plans to build a Race Trac gas station on Atlantic Boulevard.

Mayor Hardin suggested that Ms. Jackson contact the City Manager to determine what the plans are for the area she is asking about.

Ms. Jackson continued, that she would desire to see a Teen Center build on that lot so the children in Collier City could have somewhere to go to elevate their education. Perhaps engage in some type of technical program.

Law Enforcement - Ms. Jackson indicated that she is concerned with the law enforcement in the City. She complained that she came into an encounter with an officer that was very rude and spoke to her in an unacceptable manner when she had two young children in her vehicle. She said she became afraid because he

had his hand on his gun at the time he approached her vehicle. Therefore, she suggested that they need to look into officers being transferred from other areas, to avoid a repeat of the incident that happened in the case of Mr. Frazier.

Appreciation for Police presence - Ms. Jackson thanked the Commission on behalf of Comr. Perkins who took the initiative, over the weekend on Saturday to ensure visibility of the police in the urban areas, which is well needed.

C. CONSENT AGENDA

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that Consent Items 2-6,8,10 and 11 be APPROVED without discussion. The motion carried unanimously.

1. [19-292](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHOHINI GHOSH, RELATING TO PURCHASE AND INSTALLATION OF A SCULPTURE AT ANNIE ADDERLY GILLIS PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$25,000.00)

(Staff Contact: Laura Atria/Phyllis Korab)

Comr. Perkins requested pulling the item for Commission discussion, and stated that she had a question. She is aware that there is a committee for cultural arts, but she had several people calling her about the sculpture for the park and asked how they came up with the theme, “Chat” for this type of sculpture.

Laura Atria, Public Art Program Manager, responded that the sculpture was part of a “Called to Artist” that was posted in June 2018. There were 105 artists who submitted applications, thereafter, the Public Art Committee, who are all volunteers appointed by the Commission to serve on the committee, reviewed all applications and selected this particular piece of sculpture. They thought it spoke to them and the community, as well as being aesthetically pleasing and would fit very well in the Annie Adderly Gillis Park.

Comr. Perkins indicated that she does not approve of this particular sculpture after she saw it because it did not relate to the park or the community. She understands what it is supposed to mean, but as an African American when it is viewed, it means something different to her. While she is aware it is an overall art piece she is not in agreement to put this piece at that particular park.

Ms. Atria explained that the committee felt the art piece was a fit for the area and they enjoyed it. While she may think it is beautiful, Ms. Atria indicated she is aware it is art and everyone had different opinions on what beauty means.

Comr. Perkins indicated a few people who looked at it felt the same way she did, and did not agree with it for that particular park. Comr. Perkins enquired about the status of paying the artist.

Ms. Atria indicated that they have not paid the artist the \$25,000 charged. She then explained the process of getting approval from the Commission with a follow through with the approval to pay the artist.

Comr. Perkins indicated that art should be relatable and this piece does not do that, therefore, she would not vote to have this sculpture in that location.

Kay McGinn, 2460 SE 5th Street, Pompano Beach, FL, indicated that she appreciates public art and when she served on the Commission prior, they had put through the program when it first started. However, she has had the experience at the Harbor's Edge Park where the public art selected was a "rotten old row boat with all sorts of garbage on it," there was nothing artistic about it. Yet, it was in place until one of the storms came in and blew it away. Therefore, she believes the claim made is appropriate and possible it should be sent back to the Committee and let them know that the people in the community do not like the art piece.

Comr. McGee indicated that art is subjective, and she does not fully understand the connection so if there is a strong feeling that this one may not be "hitting the right bone" then other options could be looked at. In addition, moving forward, she requested that any other future art submittals be sent with better photos of the art so that the Commission can evaluate it.

Vice Mayor Moss stated that he agrees that from the backup provided he could not tell what the sculpture looks like, so a better graphic illustration is necessary. He also stated it is the same graphic issue with item 18.

Mayor Hardin asked about the process regarding the approval of the art work, so, if the Commission disapproves would the Committee re-submit something else.

Ms. Atria noted that the Committee could only make recommendations of approval by the Commission. Unless the art is under \$25,000, the Committee can proceed with the art work. So, in this case this is over \$25,000 therefore, it comes before the Commission for approval. There is no rule disallowing the Commission from getting the Committee to re-evaluate the art work and they could resubmit a new "Call to artist" or they would look at the art work already submitted to the City.

Mayor Hardin suggested that it would be wise to alert the Commissioner what areas are being considered for artwork pieces so those commissioners could be involved in the process before it gets to this stage.

Comr. Eaton stated that it is public art and the public could get involved to narrow the pieces that would be acceptable. Perhaps, electronically others outside of the Committee members could be allowed to "weigh in."

Ms. Atria explained that legally the only people who are allowed to make the recommendations or vote on these are the Public Art Committee members. Nevertheless, their meetings are open to everyone, the agendas are posted, so anyone who wants to attend to weigh in are invited to do so.

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

No: Eaton
McGee
McMahon
Perkins
Moss
Hardin

2. [19-298](#) Approval to piggyback Broward County Contract #X2114362B1, Fencing - New, Repairs, and Replacement Services for the installation of steel picket fencing at Municipal Cemetery.
(Fiscal Impact: \$169,372.50)

(Staff Contact: Robert McCaughan)

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

3. [19-332](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HOUSE BILL 3; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE MEMBERS OF THE BROWARD COUNTY LEGISLATIVE DELEGATION, AND OTHER INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

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

Enactment No: RES. No. 2019-132

4. [19-224](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FLORIDA HUMANITIES COUNCIL, ACCEPTING A GRANT IN THE AMOUNT OF \$5,000 FOR THE POMPANO BEACH HISTORICAL

TIMELINE DISPLAY; AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT OF \$5,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$5,000)

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

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

Enactment No: RES. No. 2019-133

5. [19-328](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTIGUOUS SHARED COMMON DOCKING AGREEMENT AMONG RAYMOND MICHAEL LANKHEIM, AND MMJC REALTY, LLC, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2019-134

6. [19-316](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DRAINAGE EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND ERIC EICKHORN, ACCEPTING A GRANT OF UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10.00)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2019-135

7. [19-317](#) 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. 1 IN AN AMOUNT NOT

TO EXCEED \$155,439.45 FOR THE LYONS PARK IMPROVEMENT PROJECT, PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND R. J. BEHAR & COMPANY, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$155,439.45)

(Staff Contact: John Sfiropoulos)

Vice Mayor Moss pulled the item for City Commission discussion. The backup did not show what necessitated the change order.

John Sfiropoulos, City Engineer, explained that the City was unable to secure an easement for drainage outflow pipe, as a result they have to do a redesign and divert the design to another location. He indicated that staff had a verbal approval and when the time came to secure it they backed out.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: RES. No. 2019-136

8. [19-309](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HOLY CROSS HOSPITAL, INC. PROVIDING FOR THE USE OF THE CITY'S AQUATIC CENTERS FOR OUTPATIENT AQUATIC THERAPY; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: Licensee will pay the city on a monthly basis \$12.50 daily rate individual sessions and \$6.25 for group sessions for each patient.)

(Staff Contact: Mark A. Beaudreau)

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

Enactment No: RES. No. 2019-137

9. [19-331](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., TO PROVIDE SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$152,000.00)

(Staff Contact: Bobby Bush/Ed Beecher)

Vice Mayor Moss pulled the item for City Commission discussion. He did not see in the backup how many children were going to be served for this year. He saw that approximately 50 were served last year.

Bobby Bush, Senior Analyst, Human Resources, Department, explained that this will serve approximately 96 kids for this year.

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

Yes: Eaton

McGee

McMahon

Perkins

Moss

Hardin

Enactment No: RES. No. 2019-138

10. [19-304](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WILLIE E. MILLER** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-139

11. [19-305](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JANICE A. SIMMONS TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-140

D. REGULAR AGENDA

12. [19-290](#) Presentation of Internal Audit Memorandum 19-03 Activity Report for completed and ongoing audit projects as well as follow up for implementations from previous audit projects covering the 14 month period from January 2018 through February 2019.
(Fiscal Impact: N/A)

POSTPONED FROM MARCH 12, 2019

(Staff Contact: Deusdedit (DC) Kiyemba)

Deusdedit (DC) Kiyemba, Internal Auditor, presented the item stating that one of the Internal Auditor's responsibilities is to present the activities of the Internal Auditor's office at least once per year. This presentation is intended to fulfill the requirement. He acknowledged and thanked City Manager, City Attorney, City Clerk and City staff that he has worked with over the reporting period.

Mr. Kiyemba explained that the activity report covers fourteen months from January 2018 through February 2019. The internal audit staff completed thirteen audit projects for a total of \$107.1 million. In addition, a follow-up was completed on two prior audit reports as shown on the report section for prior audit follow-up. He said each individual project is listed with a summary, background, risk, and conclusion. There is also a detailed section with more information about the scope, findings and recommendations.

Continuing, Mr. Kiyemba indicated that the activity report provides a project summary dashboard for a quick reference in the first section, which will provide the immediate status of each project. There is also a detailed section that includes each project's background, summary, risk ratings, conclusions with audit results, audit recommendations, and the City department's corrective action taken, or plans to implement the audit recommendations. This is more in-depth for better understanding.

Since providing the last audit report, there have been three new commissioners, so, Mr. Kiyemba indicated that he would comment on the processes they follow to ensure accuracy of audit reports and implementation of audit recommendations to improve the City's internal controls, reduce risk ratings, and increase compliance. He then provided the step by step process involved in the internal auditing of the City.

Mr. Kiyemba indicated that one item not included on the report is the consultation provided on an as needed basis. Department Heads and other designated staff routinely contact the Internal Auditor and request their involvement in some of the processes they try to plan or implement, or request their presence in some of the meetings, when they are planning new systems and processes. As noted on the dashboard, some of the projects listed were part of the City's proceed plan. One technical assistance project included a General Obligation (G.O.) Bond related project, and for future audits they will be selecting other G.O. Bonds funded projects to review.

Mr. Kiyemba concluded by inviting input and feedback from the City Commission. The feedback provided on the Activity Report will allow the internal audit staff to better perform their duties of meeting the Commission's needs and to facilitate their understanding of the internal auditor's role. Finally, he welcomed questions or

comments regarding the report.

Mayor Hardin indicated that it is good to know that the City departments look to the Internal Auditor's Office as a resource that can be available to assist them on the "front end." On the other hand, he referred to item 8, as stated on the dashboard, which started out as a high risk and then transformed as a low risk. He enquired if there are other areas that through a thumbnail analysis could quickly be ascertained to be checked into for tighter controls?

Mr. Kiyemba responded that they do it on an ad hoc basis, and also the City Management requests that the internal auditor look at some high risk areas. So a thumbnail analysis is done as part of the planning going forward.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Presentation be ACCEPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

13. [19-327](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HURRICANE IRMA FEDERALLY FUNDED SUB-AWARD AND GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF POMPANO BEACH, AND AUTHORIZING THE MAYOR OR VICE MAYOR, CITY MANAGER AND CITY CLERK TO EXECUTE ALL APPROPRIATE DOCUMENTS REQUIRED FOR GRANT APPLICATION, CONTRACT, MODIFICATION AND OTHER GRANT RELATED DOCUMENTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$5,489,945.27)

(Staff Contact: Kimberly Spill-Cristiano/Andrew Jean-Pierre)

Kimberly Spill-Cristiano, Emergency Manager, presented the item and stated that this is a federally funded sub-grant award, between the City of Pompano Beach and the State of Florida Division of Emergency Management. The grant pertains to damages directly incurred from Hurricane Irma in September 2017. The estimated cost is \$5.5 million for reimbursable funds and the estimated City's cost share is approximately \$400,000.

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

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-141

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that item 14 is listed under Quasi-Judicial Proceeding and is 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.

14. [19-87](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE BLANCHE ELY PLAT LOCATED ON BOTH THE EAST AND WEST SIDE OF NW 6TH AVENUE, NORTH OF NW 16TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FILE# 19-87 FOR RECONSIDERATION

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

Daniel Keester-O'Mills, Development Services Department, presented the item and stated that at the February 26, 2019 City Commission meeting a motion was made by Vice Mayor Moss and seconded by Commissioner Perkins to adopt the resolution for a plat, which failed due to a vote of 3-3. However, at the last City Commission meeting, on March 12, 2019, during Audience to be Heard, the Commission voted 4-1 to rescind the motion made at the February 26, 2018, meeting regarding the Blanche Ely Plat and to bring back the item for consideration. In addition, the resolution and backup material were provided to the Commission for consideration and discussion. There were no additional comments made to the prior meeting in February.

Mr. Keester-O'Mills stated that this is a proposed plat that is restricted to 102 duplex units on a nineteen acre

property, generally located on both the east and west side of Northwest 6th Avenue north of Northwest 16th Street. The applicant is Pompano Beach Housing Authority. The property is currently vacant and zoned RD-1, which is a two family residential zoning district. It is low residential land use designation. All service providers' letters have been submitted with no objection, and at the May 27, 2017, Planning and Zoning Advisory Board Hearing, the Board unanimously recommended approval with two conditions that had been met prior to City Commission placement.

Mike Vonder Muelen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, stated that they have a full presentation for the Commission, which is identical to the previous PowerPoint presentation they made at the prior meeting. In an effort to reduce time, they would withdraw that presentation unless there are questions or referrals made to the PowerPoint presentation.

Additionally, Mr. Vonder Muelen stated that the plat is called the Blanche Ely Plat, which is 19.65 acres and has one road running through it which is Blanche Ely Boulevard. It is proposed for 102 villas that is technically called duplexes by Broward County, so there is a restrictive note on the face of the plat restricting the project to 102 duplex units.

Mr. Vonder Muelen stated that the Housing Authority proposes or have the intent of developing as senior housing. This project is consistent with the City's and Broward County's comprehensive plan, and the RD-1 zoning district. The Housing Authority plans to apply for low income housing tax credits through the State of Florida and the plat must be approved by both the City and the County before any permit can be issued for the property. The property has never been platted in the past although there were structures there, they were demolished.

Whitney Metevia, 2335 East Atlantic Boulevard, Pompano Beach, FL, member of the Pompano Beach Housing Authority supports the plat application. She indicated if they met all the legal requirements set forth on the plat application then it is ministerial to approve. The only reason for not approving the plat application is if none of the criteria are met or some sort of defect that keeps the criteria from being met. In sum, they have met all of the requirements necessary under the application.

Willie Ruth Heath, 1510 NW 17th Avenue, Pompano Beach, FL, stated that she supports the plat moving forward for approval. Also, she would like to see the housing built and explained her reasons why these homes are necessary.

Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, member of the Housing Authority Board opined that they are trying to mislead the public in the fact that they have not decided on a project, when it is the duplexes and they are going to try to get public funding for the duplexes. She stated that the Housing Authority Board do know what they want to build and those are rental duplexes. She reported that she has approximately 100 signatures and more are still being collected from the residents in Sanders Park and Liberty Park area who are opposing these duplexes and would like to see affordable single family homes built there. She reminded the Commission that the Pompano Housing Authority decided that their mission would be low income affordable housing that is not mandated by HUD or the Federal Government. She then shared some of the ways the property could be utilized to include building single family affordable housing.

Finally, Ms. Jones urged the Commission not to pass the platting as it stands, or at the very least to put language that the Housing Authority could explore a diverse situation for the people of the community.

Woodrow Poitier, Chair of Pompano Beach Housing Authority, 901 NW 4th Avenue, Pompano Beach, FL, does not agree with the statement made that the property will only be good for five years. He said if they receive tax credits, which they are applying for, the property must be maintained for at least thirty years. The current property and others that are owned by the Housing Authority within the City of Pompano Beach, they are very good properties. He said things are different now and housing is different. The housing they plan to build will not be only for citizens of the west side, it is open for all the residents citywide who are 62 years and over.

Mr. Poitier stated that the housing is needed and it would be an impact for Sanders Park and Liberty Park to build the beautiful project in between the two areas. This will upgrade the community rather than take from it. Therefore, on behalf of the Housing Authority, Mr. Poitier requested the support to move forward.

Mary Phillips, 384 NW 19th Street, Pompano Beach, FL, said their homeowner's association approved the proposed project because they support affordable housing for senior citizens. In addition, she shared that Governor Ron DeSantis approved an additional \$389,000, towards these types of projects, because "we are in a housing crisis." In sum, Ms. Phillips spoke in favor of the project and most importantly the platting needs to be done.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, indicated that he is not hearing from the Housing Authority or anybody else saying how to get the plat done with a compromise. He said in the early 2000 he had seen original plans for single family and townhomes. Nevertheless, he would prefer to see a compromise with the Housing Authority working with the neighborhood for a comparable situation.

Denard Price, 1461 NW 3rd Way, Pompano Beach, FL, resides in Novelty Park, however, he said in the neighborhood there are numerous government assisted housing. He spoke in favor of building homes where people who grew up in the neighborhood and are doing well for themselves could come home to purchase homes in the neighborhood which are not government assisted.

Comr. McGee understands with the Housing Authority doing this project it would be maintained for thirty years, and asked if there will be a professional property management group to ensure that the rules are followed and things of that nature.

Mr. Poitier responded that one of the requirement of the tax credit is to have a management company, which they will have to manage the property.

Comr. Eaton asked if the Housing Authority is audited annually by the Federal agencies that oversee these types of projects.

Mr. Poitier responded, "most certainly, we are audited by HUD every year." He noted that the Housing Authority also has property with the USDA which is part of the farm labor camp which has a management company audited by USDA.

Comr. Eaton asked if he would be willing to meet and discuss with some of the residents who have expressed their desires to find a compromise.

Mr. Poitier responded most certainly. He said currently they are visiting the homeowners' associations in conjunction with this. He said even if they receive the tax credits, before anything comes out of the ground they will need to meet with the community. In sum, they will do what they have to do to work with the community.

Comr. Eaton asked about the auditing of the Housing Authority on a yearly basis by the Federal agencies who oversees the operations.

Mr. Poitier responded they are audited by HUD every year. He mentioned that they also have property with USDA which is part of the farm labor camp, which has a management company and is audited by USDA.

In response to Comr. Eaton's question, Mr. Poitier indicated that currently they are visiting the Homeowners' Associations in conjunction with the project. Even if they get the tax credits before anything comes out of the ground they will need to meet with the community, and if changes are to be made they will work it out to the citizens' benefit.

Comr. Eaton enquired if there is any defensible reason for something that would be an error or fraudulent to deny this item.

Mark Berman, City Attorney, stated that the case law is of such that once all legal requirements are met for plat approval the process is purely ministerial and discretionary. So, local governments may not deny a plat application merely because in its opinion that subdivision would not be in harmony with their obligation to preserve general health, safety and welfare of the community. Therefore, the Commission will rule as it sees fit and he would defend whatever position that is taken.

Comr. Perkins stated that as she indicated at the last meeting she has some concerns about the traffic issues. She mentioned that a number of apartments are going up on Martin Luther King (MLK) Boulevard and Dixie Highway, Martin Luther King Boulevard and NW 5th Avenue, and MLK Boulevard and NW 18th Avenue. However, nobody is saying anything about all those apartments currently located on MLK Boulevard. She indicated that her job as a commissioner is to inform and educate the people in her district. She clarified that the Housing Authority is not the Pompano Beach Housing Authority but rather it is the Housing Authority of Pompano Beach, which means that it is operated by HUD and the only thing that the City does is to appoint five to seven people to serve on the Board. Comr. Perkins believes educating the community is important; therefore, she asked the Housing Authority if they could plan a meeting for the entire community. She is aware that they are meeting with the areas such as the Sanders' Park Homeowners' Association, which is good.

Furthermore, the Housing Authority already has some units on MLK and NW 18th Street, which is a gated community that is very nice and well kept. Therefore, she requested that if they are going to put duplexes there, would they consider making the area a gated community so it is more protected and closed off. She said she heard that it will be for two different age groups 62 and older and 65 and older.

In sum, the land needs to be platted first before building anything on the property. Therefore, she will vote for platting the land and requested that the Housing Authority consider a public meeting for the entire community to get their input as to what they would like to see there, and how it will look based on what they will build. Finally, she would like the Housing Authority to consider what the community has to say about the development of the land.

Mayor Hardin indicated he is disappointed that the Commission is back here again when nothing has changed since the previous meeting.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss

No: Hardin

Enactment No: RES. No. 2019-142

END OF QUASI-JUDICIAL PROCEEDING

15. [19-286](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR THE CONSTRUCTION OF TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF DR. MARTIN LUTHER KING, JR. BLVD. AND NORTHWEST 27TH AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM MARCH 12, 2019

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that this project has been seventeen years in the making and has finally arrived. The item is the beginning of an Interlocal Agreement between the City of Pompano Beach and Broward County, so that Broward County can help the City fund and build this traffic signal at the corner of NW 27th Avenue and Martin Luther King (MLK) Boulevard. In the next two days, at the County level they will sign the same agreement and hopefully by April 9, 2019, City Commission meeting he will present an agenda item that will piggyback on a County contract they are allowing

the City to use. This is a County approved vendor, and a Pompano Beach company to pay for this project and build the traffic signal.

Continuing, Mr. Danovich provided the reason why the City agreed with the County to go through this route. Therefore, Mr. Danovich urged the Commission to approve the item that staff worked hard to get done.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-143

16. [19-288](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MAINTENANCE AND CONSTRUCTION EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM MARCH 12, 2019

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until April 23, 2019 City Commission meeting. The motion carried unanimously.

17. [19-299](#) Approval to piggyback Broward County contract #Y2114640B1 for Lift Station Rehabilitation and Repair as needed, from Trio Development Corporation., at a cost of \$400,000.00 per year for FY19, FY20, and \$600,000.00 for FY21.
(Fiscal Impact: \$400.000.00)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated that it is one of two contracts that he will be presenting to the Commission as what the City had promised from the Florida Department of Transportation sewer break. The contract is an emergency that will serve the 80 lift stations in case there is an issue with any

one of the lift stations that cannot be handled internally. This local Pompano Beach company on hand will assist with repairs and other construction work related to lift stations.

Mayor Hardin indicated that this company has done work for the City in the past.

Comr. McGee thanked Mr. Brown for providing her a tour of the lift stations, which educated her on how they operate. She said in her communication with people in the League of Cities, Washington DC, and Tallahassee, most people are envious of the City of Pompano Beach's utilities department.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

18. [19-235](#) **P.H. 2019-34: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND DONALD GIALANELLA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,000.00)

FIRST READING: MARCH 12, 2019

(Staff Contact: Laura Atria/Phyllis Korab)

Laura Atria, Public Art Program Manager, presented the item and stated it was approved under the Public Art Master Plan, as well as under the Public Art Annual Plan. The program will take place every two years until 2025. Each time an artist will design and fabricate a sculpture that the City displays at the beach for one year. Thereafter, it will be submerged into the ocean and attached to the Lady Luck Ship Wreck Park. The location will be the second southern beach entrance on the sand east of the great lawn near the ADA walkway.

Vice Mayor Moss asked about the rendering and wanted to know if it will be just the treasure chest or will it have the two male models looking into the treasure chest as part of the sculpture. He reiterated that the backup information needs to be more clearly displayed.

Comr. Eaton indicated that she had the same question as she was also unsure.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-51

19. [19-246](#) **P.H. 2019-35: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND SITESECURE, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500,000)

FIRST READING: MARCH 12, 2019

(Staff Contact: Eugene R. Zamoski)

Eugene R. Zamoski, CIO, presented the item and stated it is the second reading to amend the five year service agreement with Sitesecure, LLC not to exceed \$1 million. This is for the purchase, installation and maintenance of Automatic License Plate Recognition (ALPR), and video security equipment and services. The original agreement had a maximum amount not to exceed \$500,000. The amendment provides for an additional \$500,000. The proposal is before the Commission as an ordinance for a bid waiver due to standardization that is allowed in the general services manual.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked if this covers the security cameras in the parks, to which Mr. Zamoski responded yes.

Mr. Thrower enquired why a bid waiver is sought when there is a new procurement process in place that requires local participation.

Mr. Zamoski provided a brief background on the item and due to standardization of the equipment the same company is being utilized.

An extensive discussion followed between Mr. Thrower, Mr. Zamoski, the Commission, and the City Manager

regarding the reasoning for the City not engaging another firm because the type of software is vendor specific. Therefore, the bidding process would not apply with this specific service being provided to the City. Mr. Thrower's concern was that this would be a long term exclusive contract.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, concurred with the comments made by Mr. Thrower to the extent that this is a long term contract. He said the backup did not provide the measurable for the cameras being installed, which would include the amount of cameras installed, and how many persons were caught doing wrong.

Mr. Zamoski listed what the contract included, which is for services, parts, installation, and maintenance, also to add more cameras, whether they are license plate recognition or video security to the park. As far as answering how many cameras that is to be determined, as each park is evaluated and assessed for the need for cameras.

Mr. Terwilliger asked about how many persons were caught with these cameras.

Major Wayne Adkins, Broward Sheriff's Office (BSO), indicated he could not provide a number from installation. However, as late as two hours ago, he received a text that an armed robber was caught and the suspect license plate was in the system, they have also caught homicide and robbery suspects of stolen vehicles. Currently, in the City of Pompano Beach auto theft is down approximately 40% because of the efforts of the license plate recognition system.

Major Adkins then provided a detailed description of the effectiveness of how the system works for his department. From a law enforcement standpoint, they work, and they appreciate the effort of the City to provide these equipment to assist in identifying of suspects and persons breaking the law.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, agrees with the questions and points made by Mr. Thrower and Mr. Terwilliger. He suggested that a quarterly report be provided at the Commission meetings stating the crimes caught and what was done.

Major Adkins indicated that he can provide a quarterly report on the effectiveness of the cameras.

Quinton Thompkins, 436 NW 19th Street, Pompano Beach, FL, asked if a survey has been done to note how many cameras would be needed.

Mr. Zamoski responded that they have a survey of future parks and a quote was provided. However, there are approximately 52 parks to survey, which will take some time, and funding is holding up staff moving forward.

Mr. Thompkins was unhappy with the answer provided and he opined that since the residents see the negative activities going on at some parks without cameras, staff should ensure a survey is done to get the number of cameras installed in each park. He reiterated his request regarding a survey for cameras in the City's parks.

Mr. Zamoski responded that a survey of that kind has not been done.

Mayor Hardin suggested that Mr. Thompkins could meet with Major Adkins who would be able to provide him with the number of cameras installed in each park.

Greg Harrison, City Manager, stated that the cameras are budgeted to the IT department General Fund. They do not have anything to do with the General Obligation (G.O.) Bond proceeds.

Comr. Eaton stated that everyone, to include residents in her District, wants cameras specifically at the major intersections to reduce crime, as well as tag readers. So, everyone knows that cameras are the way of the future. Also, she mentioned that this is a five year contract. Moreover, she is happy to see residents supporting the idea of getting more cameras. She said that tag readers are available online at an inexpensive cost. She asked if something like this could be integrated into the City's system.

Mr. Zamoski responded no and explained how the system works, which is more than just reading.

Comr. McGee asked if it is common practice that the software and hardware when put out for bid is not compatible with other software. She is concerned with the concept of a monopoly.

Mr. Zamoski explained that if Sitesecure goes out of business there would be another re-seller identified for the South Florida region.

Comr. Perkins asked if the cameras and tag readers are placed only in the parks.

Major Adkins responded they are in different locations, which are based on the crime trends and statistics.

Comr. Perkins is concerned with the constant killings taking place in the parks and in her neighborhood, especially at Weaver Park.

Major Adkins indicated that he could meet with Comr. Perkins to go over the crime statistics within the parks and the neighborhood.

Vice Mayor Moss summed it up that they are happy with the system currently in place and it has been a very effective tool in fighting crime. He asked if a community has only one way in and one way out, if they wanted, at their own expense, to install a license plate reader, would it have to be one with the current company's compatible software so that Major Adkins could be sitting in his office and watching it.

Mr. Zamoski responded that is correct, and that is what is being recommended. Some communities have bought one or two of those cameras.

Comr. Perkins asked if this is a critical item that needs to pass tonight.

Mr. Zamoski responded no, but they would like the opportunity to continue for further parks.

Mr. Berman indicated that if the item was not approved then the City cannot expand the system.

MOTION: Comr. Perkins made a motion that the City enter into a contract on a yearly basis rather than five years. However, the motion died for the lack of a second.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2019-52

20. [19-284](#) **P.H. 2019-57: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 36, "TAXATION AND FINANCE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 36.090, "ADDITIONAL HOMESTEAD EXEMPTION," TO CLARIFY APPLICATION OF ADDITIONAL HOMESTEAD EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated that the item before the Commission is housekeeping in nature, however, it also addresses the City's Internal Audit's report in regards to the homestead exemption for low income senior citizen. She then provided a brief background on when the program started and the adjustments made to accommodate low income senior citizens.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

21. [19-300](#) P.H. 2019-58: (PUBLIC HEARING 1ST READING)

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO PROVIDE FOR RESIDENTIAL EXCESS BULK TRASH COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Russell Ketchem)

Russell Ketchem, Solid Waste Manager, presented the item and stated that this is an addendum to the ordinance that will provide additional services to the residents that live in single family homes, duplexes, and triplexes pertaining to bulk services. The addendum will provide two complimentary services to those dwellings for materials in excess of the four cubic yards that is currently received on a weekly basis. The two complimentary services will be up to sixteen cubic yards each and it would be on a calendar year.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked if the two complimentary pickups be done by the private vendor or provided by the City in its vehicles and manpower.

Mr. Ketchem responded that currently they intended to use City forces to provide this service. In addition, the cost impact will be minimal since this service is currently being provided by city staff.

Comr. Eaton indicated that she met with Mr. Ketchem previously and she thinks this is a wonderful thing for the City that is news worthy to inform the citizens that if they are moving or remodeling that twice a year they will get a complimentary pickup if they call.

Comr. Perkins thanked Mr. Ketchem for meeting with her and she thinks this is a good idea that will work based on how informed and educated the public is. It is important that the public understand what this is and how it works. Perhaps information about the services could be placed in the water bill mail outs, to have it announced via television, and through some of the homeowners' associations. Finally, she suggested that materials could be sent out so people can better understand the service.

Mayor Hardin said it is a nice addition to the City's repertoire of services to add out there. This will take care of those residents who want to trim their trees once a year and do not use bulk pickup any other time.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

22. [19-307](#) **P.H. 2019-59: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT AGREEMENT FOR SCHOOL CROSSING GUARD SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$594,594)

(Staff Contact: Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item and stated that the funding increase is to support an increase in crossing guards from 58 to 65. This is to increase the schools' crossing sites from 48 to 51. Locations of the sites are Northeast 6th Street and Dixie Highway, Northwest 3rd Street and Dixie Highway, and Atlantic Boulevard and Dixie Highway. He acknowledged that the numbers are flawed and indicated that the revised schedule will be provided by the next reading. The \$594,594 is reflective close to the guard program but in totality it will be \$647,434.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, complained that the City is paying the School Board's bills with City dollars. He indicated that many of the children that attend the Pompano Beach schools do not live in Pompano Beach, so their parents do not pay City of Pompano Beach taxes.

In sum, Mr. Terwilliger stated this is a fee charged upon the City's residents for benefits they do not receive. So, the City should not be paying the School Board's bills. Therefore, he urged the City Commission to keep the tax dollars in the City for its residents.

Mayor Hardin asked what would happen if the City does not pay the \$647,434.

Mr. Beaudreau responded that the School Board would have to fund the School Resource Officers and the Crossing Guards. He said the kids walking at the intersections must be the City's kids and could not be coming from the City of Coral Springs.

Vice Mayor Moss pointed out that Mr. Terwilliger was right and that some children from other cities do come to the City's schools and enjoy these services. However, children in District 5, do not go to school in Pompano Beach but attend schools in other cities such as Coconut Creek, Margate, etc. they are paying for the security of District 5 children.

Comr. McGee understands that if the City does not pay, the School Board would have to pay for the services and she enquired how do other cities handle this situation.

Mr. Beaudreau responded he does not know the answer. However, the City has been supporting the school crossing guards for years and in the past the School Board had not supported it so the City had to support these services.

Buffy Butler, The Butler Group of South Florida, d/b/a Nextaff provider of the school crossing guards services for the City of Pompano Beach. She confirmed that the School Board does not provide school crossing guard services for local municipalities. Majority are privatized in Broward County and the municipalities pay for the school crossing guard services.

In response to Mayor Hardin's question on paying for the services, Ms. Butler responded that the School Board does not pay for any school crossing guard services in any of the Broward County school districts.

Ms. Butler indicated that the schools make a recommendation as to where the crossing guards should be located and how many should be used. Broward County Schools receives the requests, makes an observation, and makes a recommendation to the City, and then the City decides whether or not they should add the school crossing guards or post locations.

Major Wayne Adkins, Broward Sheriff's Office (BSO), explained that the extra school crossing guards are for children that are walking from Pompano Middle School over into the northwest and southwest section of the City, who are walkers. He indicated he was part of the observation group that watched the children walk along the railroad tracks and along Dixie Highway without sidewalks on the east side. It was determined through the survey by the observation group that additional school crossing guards should be at those three locations, because the children are unprotected. So kids from other schools are not walking in that group.

Ms. Butler noted that there are 170 children that reside just south of Atlantic Boulevard. The City, BSO, Broward County Schools, Broward County Traffic and Engineering and also Pompano Beach Middle School were all involved in the process.

Ms. Butler informed that the School Board in Broward County is not the only district that does not pay for the school crossing guards, other school districts in other counties also leave it to the municipalities to pay for the service.

Comr. McMahon stated that because of the location of his business he would see the children crossing the railroad tracks every day, therefore a guard is necessary. He suggested that perhaps the City could inform the residents that the City is paying for the service so people are aware that the City is providing this service to the residents.

Comr. Perkins asked if the City could look into extending the hours of some of the crossing guards in the area, and she explained an experience she had in observing the middle school kids, as well as high school students being escorted across the road.

Ms. Butler informed that generally, crossing guards are not provided for high schools because at that age it is anticipated that students are capable of crossing on their own. So, it is in rare situations that school crossing guards are provided for high schoolers.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

23. [19-295](#) **P.H. 2019-61: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT AND SUB-AGREEMENTS FOR GOVERNMENT BANKING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND JPMORGAN CHASE BANK, N.A.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$12,000.00)

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

Andrew Jean-Pierre, Finance Director, presented the item and stated that this is for the City to renew its agreement with JP Morgan Chase, which was entered into between the two parties five years ago. This was awarded through the Request for Proposal (RFP) process, which allows for two - five year terms. They have provided great services to the City ensuring that staff is safeguarding the City's funds, they make recommendations, and they are prompt when staff reaches out to them. There are a few programs that they initiated at the City to include the financial literacy program, which has been provided in the backup. They are involved with Oasis of Hope where they provide financial education sessions, as well as they are planning to present two homebuyer workshops. Finally, over the last two years they have provided \$11,000 in sponsorship. Staff recommends approval.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

24. [19-296](#) **P.H. 2019-62: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR MERCHANT PAYMENT CARD PROCESSING AMONG THE CITY OF POMPANO BEACH, PAYMENTECH, LLC AND JPMORGAN CHASE BANK, N.A.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$31,000 annually)
(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated it is a companion item related to the contract, which allows JP Morgan Chase to assist the City in the process of its credit card payments to ensure that the funds get into the Bank account.

Meeting went into Recess

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

25. [19-338](#) To consider reviewing potential charter changes regarding election and terms of office.
(Fiscal Impact: N/A)
(Staff Contact: Mark E. Berman)

Meeting Reconvened

Mark E. Berman, City Attorney, presented the item and stated that several months ago, as late as July 2017,

the Charter Amendment Advisory Board had some suggestions regarding the Charter Amendment and made some recommendations as it relates to elections, Commissioners' terms and other matters. Various Commissioners have made some comments about what they would like to see for the elections. After discussion with the Commissioners on a one on one about some of their concerns, he learned from each one their problems and their desire for changes to deal with several things.

This would include problems of having to run every two years for office, moving the elections back to March, and staggering the elections because the way it is currently set up everyone runs for office the same time and there can either be a massive change or no change. There is the possibility of everybody running the same time rather than alternate years, perhaps two districts and the Mayor's positions in one year, and three districts another year.

In addition, there was discussion on whether or not the City could change the election dates through enacting an ordinance and not have to go through a referendum. In this situation, the answer would likely be no, and he provided the two reasons. 1) The voters already spoke at a referendum and set these election dates and the terms and the other items discussed. Anything that was approved by referendum needs to be modified by referendum and not by ordinance. 2) The state law, and the statutes cases, as well as the attorney general opinions that he has reviewed, make it clear that the City may be able to change election dates. However, if it changes the terms of the Commissioners, and if it is going to be staggered, that will be changing the terms of the Commissioners, which cannot be done without a referendum.

Mr. Berman noted that for discussion purposes only, and he is not suggesting that any action be taken, but he had prepared placed all of the items in a proposed resolution with the proposed charter amendments for the Commission's review. A lot of the items have been discussed by both prior and new Commissions, but there are probably members who have returned to the Commission at the last election who may have never been through one of the charter changes. In hindsight, he thought it beneficial to put it in this type of form, so the Commission could take a look to see all that is involved and what the ballot would look like if these were the changes that they would want to make. He then explained in detail the different requirements involved in the process of getting the questions on the ballot. Therefore, he placed questions together that expands districts and terms of office to four years for Commissioners. He reiterated that this is for illustrative purposes and for discussion only. The idea is to get the conversation started now, so in terms of when this would be done, the next potential election will have to be a Special Election, and the first opportunity will be June 18, 2019, to include the appropriate costs. The ballot issue will have to be sent to the Supervisor of Elections Office by April 9, 2019. As far as a mail out ballot the deadline is past. The next Election would be in March 2020, which will be a Countywide/Statewide election and the cost would be less than the June 2019 election.

Mr. Berman then provided a number of scenarios for consideration by the Commission should terms be increased, staggered, and election dates change.

Mayor Hardin asked the City Clerk to provide an overview on costs for the elections, whether it is held in June, March or November.

Asceletha Hammond, City Clerk, stated that the costs would vary according to when the ballot will be put to the voters. For example, if June 18, 2019 was the election date, the Supervisor of Elections provided an estimated

cost of \$218,386 for a Special Election. If this date is selected, the type of election to be held would be by polls not by mail, as the deadline to do the election by mail has passed. She noted, that the cost of the election done by mail versus poll would not be much of a difference.

Continuing, Ms. Hammond stated that if the election was held on March 2020, when there will be a Presidential Preference Primary (PPP), which is the regular scheduled time for Broward County to hold its election to include State elections, the cost would be approximately \$30,000. In November 2020, the cost would be approximately \$35,000 to \$40,000. However, if the election should be held in March 2021, it will not cost \$218,386 nor will it cost \$35,000. Because this is a year Broward County will not hold their regular election, as well as it will not be a PPP year for the Broward County Supervisor of Election, so the cost would be more than \$35,000, but not as much as \$218,386.

Mayor Hardin proposed to move the item forward to get public input on the issue prior to the City Commission commencing discussion.

M. Ross Shulmister, Pompano Beach, FL, noted that there was an accusation made earlier that the item was put at the end of the agenda to try to defeat the public's input. He said the way agendas are done, discussion items similar to this one, are almost always put at the end of the agenda.

Mayor Hardin announced that if the Commission decided to make some changes and put it on the ballot it will still need to come back under regular agenda.

Mr. Berman responded that is correct.

Continuing, Mr. Shulmister indicated that he was the chair of the Charter Amendment Advisory Board and he is available to answer any questions anyone may have. He said he is available to offer historical perspective if that is anybody's desire.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, suggested that prior to bringing this issue back as an agenda item, there needs to be some breakout meetings throughout the City to get a real feel from those people who do not attend Commission meetings, as well as for the various associations, and how do they feel about this particular subject. If there is going to be an extension of terms for four years, then there will be the need for term limits. Personally, he believes if the current system is not broke it should not be changed and provided his reasons. In sum, he thinks that the community should be involved and the value of term limits explained to them.

Fred Stacer, 2501 SE 9th Street, Pompano Beach, FL, stated that former Commissioner Dockswell sent out an email to the Commission, because they both spoke extensively on this matter. Mr. Stacer requested that the Commission do not consider doing the election so quickly because they would be unable to do mail ballots, which would be preferred. In addition, he thinks the staggered term item is extremely important. Also, he is becoming a strong believer in four year terms. As for the November versus March he does not have an opinion on this.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the issue regarding the City in its

legal empowerment ask only one ballot question at a time, which the voters must answer yes/no or for/against. The City's desire regarding election reform includes multiple changes, each would require a specific yes/no ballot vote. However, the problem exists, as the Charter Amendment Advisory Board has pointed out, when there are several suggested changes. If the voters should pass parts of the changes but not all, there could be conflict, he then provided one example as it relates to staggered terms being passed, but four-year terms for Commissioners failed, the voters would say yes to half, which would not work.

Finally, Mr. Terwilliger, mentioned that as the chairman for Citizens for Good Government, a private political action committee, they are willing to work with the City Commission in unity rather than fighting the City when the question has to be asked multiple times, they can put everything in one simple question for the voter and say, "Do you accept term limits, staggered terms, four year terms."

Mayor Hardin asked for clarification on the questions submitted by Mr. Berman and asked if the number of components all about elections being stated in one question, is it legal.

Mr. Berman responded yes, and provided a detail explanation of how he formulated the issues in questions.

Comr. Eaton asked for a hard copy of Mr. Berman's drafted Resolution.

Vice Mayor Moss indicated that this topic is complicated and will involve a lot of conversations and meetings with the community. Therefore, he suggested that a workshop be scheduled so the Commission, as well as the public, can discuss the issues. He also encouraged each Commissioner to hold meetings within their own districts.

Comr. McGee agrees with the workshop idea to go through the issues, and ask that it be done as soon as possible, which would be prudent given the timelines from the Supervisor of Elections.

Mayor Hardin concluded that the June 18, 2019 timeline is off for the Special Election.

Greg Harrison, City Manager enquired if it is the consensus of the Commission that bringing the Resolution to the April 9, 2019 Commission meeting is out.

Mayor Hardin responded that is out.

Mayor Hardin indicated that a workshop will be scheduled to talk more about this subject.

In response to City Manager Harrison's comment on the individual workshops with commissioners, Vice Mayor Moss stated that these meetings do not need to be sponsored by the City, rather, the individual Commissioners can make an effort to have conversations with the various homeowner's associations.

Ms. Hammond provided the estimated cutoff dates to get the ballot to the Supervisor of Elections as follows:

- For the March 2020 elections, the cutoff date to get the question on the ballot would be January 2020.

- For the November 2020 elections, the cutoff date to get the question on the ballot would be June 2020.

Mayor Hardin indicated that he would not like to pay for a Special Election if the City could piggyback on another election. It was the consensus among the Commission to agree with Mayor Hardin's comments.

Mayor Hardin directed City Manager Harrison to have Shelley Bartholomew organize a mutually agreeable evening date for a City Commission Workshop with one item on the agenda, to take place approximately one month from now. This direction was a unanimous one among the Commission.

26. [19-339](#) To consider a request from the Town of Lauderdale-By-The-Sea for \$150,000.00 for Sanitary Sewer Conversion.

(Fiscal Impact: \$150,000.00)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item stating that the Commission received correspondence from State Representative Chip LaMarca who is encouraging the City of Pompano Beach to provide \$150,000 as matching funds for a grant that the Town of Lauderdale-By-The-Sea will be making an application to the State of Florida. Additionally, the County will be putting in \$150,000 as well. Under this scenario it would be the County and the City contributing \$300,000 and then a State grant will be in the amount of approximately \$3 million.

The purpose of the project would be to change out a portion of Lauderdale-By-The-Sea that is currently on septic tanks and change them over to sanitary sewer. They would become customers of the City of Pompano Beach Utilities Department with these new lines. State Representative LaMarca mentioned that the City would be getting its money back in approximately three years and it would be recurring revenue to the City. Furthermore, if the City decided to go ahead with this, then the funds would come from the Utilities Department Fund Balance, retained earnings.

Mayor Hardin stated that he called the Mayor of Lauderdale-By-The-Sea and spoke about the sewer project and asked him if there is any timeline on their horizon for when it will be done, but there is no time that it has to be done. They have set aside \$1.5 million in their budget to do this. These homes are currently on septic tanks and from an environmental aspect it would be beneficial there. From an economic standpoint, Lauderdale-By-The-Sea is already a customer of the City. He then explained how it works with those customers who are outside the City limits. Once the City reaches the payback portion in this case, in three years then it would reduce the rates of everybody who is currently a rate payer in the system because of the surcharge. This will eventually assist with reducing the City's rates, therefore, the sooner they are allowed to proceed with this project the better for the City.

Finally, Mayor Hardin stated that this meets a public purpose for the environmental side if nothing else to get them all off septic tanks. It is an area that borders the intracostal and should have been done a long time ago.

Therefore, he fully supports this venture. He said the City is asking for millions of dollars to assist with the deep well injection, and for the fire station. In Tallahassee the City has the support of State Representatives Patricia Williams, Chip LaMarca, and Senators who are looking at the City. Therefore, he believes this is something the City should consider.

Comr. McGee reported that from her visit to Washington DC last month and in Tallahassee this month, beyond that just for the future residents of Pompano Beach, the discussion surrounded the changing out of septic tanks go so far beyond convenience. With sea level rise if it comes up, septic tanks are more and more looking to be one of the major contributors to the green slime, and the red tides, and so many problems that could come from any of these septic tanks being breached. In the long run getting into the aquifers, getting into the wells and getting into so many more things in the environmental impact. Therefore, if the City can make a difference now for the future, plus there is the economic benefit to the City. This is a great move for the City for the long term.

Mayor Hardin noted that this is not unheard of for the City of Pompano Beach to have outside entities utilizing its resources. There has been some expansion of the City's reuse facility in Lighthouse Point.

Vice Mayor Moss indicated that he would not support this for a lot of reasons. He said State Representative Chip LaMarca and County Commissioner Lamar Fisher represents the area and they would ask for something like this project. However, if he could get some residents from the Pompano Highlands to pay for something in Pompano Beach and in Palm Aire he would be delighted to do it. In addition, this is a wealthy community. Since this is not time sensitive could they not return when they need the money.

Mayor Hardin explained that this amount would only be granted if they received their grant from the state as things move forward. So, the City will not write a check until this is in place. Therefore, if the state does not make the rest of it the whole project does not move forward.

Mr. Harrison indicated the timing is because the grant is before the granting agency at Tallahassee, so this is the reason for bringing this matter before the Commission at this time. Once this all fits together, that is, if the City of Pompano Beach decides to participate along with the County they can show this as a regional effort and receive more points for the grant evaluation which would give them more likelihood of being funded.

Vice Mayor Moss was unconvinced that this wealthy City needed the help of the City of Pompano Beach at this time and for this project. He learned that the City of Pompano Beach has five areas within the City that are on septic and felt these should be taken care of first prior to assisting another City. In sum, he sees this as giving money away to a community that does not need it and he thinks how that money could benefit the many different areas of the community and serve the citizens of the City of Pompano Beach rather than another town.

Mayor Hardin reminded that the money would be paid back to the City of Pompano Beach and reiterated what was said earlier about the opportunities that this would bring to the City.

Discussion followed among Comrs. McGee, McMahon and Eaton on the long-term benefits this would have on the City of Pompano Beach. Also, Comr. McMahon wanted to know if it was legal to use the City's funds for utilities in other cities.

Mark Berman, City Attorney, responded yes and explained the reason why.

Consequently, Comr. McMahon made the motion seconded by Comr. McGee.

A motion was made by Comr. McMahon, seconded by Comr. McGee to fund the request for Town of Lauderdale-By-The-Sea with a finding of genuine public purpose.

The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Perkins
Moss

E. REPORTS

Gregory Harrison, City Manager - Training of Non-Profit Funds - Mr. Harrison reported that the Financial staff is working on some dates, which will be in early June for Pompano Beach residents to come and be educated on how to apply for non-profit funds. This will take place at the E. Pat Larkins Community Center. The actual date will be announced at an upcoming City Commission meeting.

Strategic Planning - Mr. Harrison thanked the City Commission for their participation in the strategic planning process that was done last week. He commended the Commission on the healthy discussion they had and he stated that the final report should be ready in the next two to three weeks, which he looks forward to getting their input.

Habitat Build Out - Mr. Harrison reported that to date there are 45 employees that have volunteered for five different Habitat builds on the homes in the Northwest community. He is proud of those employees for volunteering their time.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - Advisory Board Vacancies - Ms. Hammond announced that she will be sending an updated advisory board list with all the vacancies to date and solicit the Commission's appointments to fill those vacancies.

Ethics Training - Ms. Hammond reminded the Commission of the Ethics Training that will be held on April 11, 2019, from 5:00 p.m. to 7:00 p.m. in the Commission Chamber. The training will be held for both members of the appointed Advisory Boards and the elected members of the City Commission.

Commissioner Rhonda Eaton - Cresthaven Civic Association Easter Egg Hunt- Comr. Eaton stated that she will be partnering with the Cresthaven Civic Association for their Easter Egg Hunt and Lunch. Therefore, she asked to utilize \$1,000 from the Commission fund.

MOTION: A motion was made by Comr. Eaton, seconded by Vice Mayor Moss to take \$1,000 from the Commission Fund to sponsor the Cresthaven Civic Association Easter Egg Hunt and Lunch. The motion carried unanimously.

Commissioner Andrea McGee - Broward days in Tallahassee - Comr. McGee reported on her visit to Tallahassee and said it was a great use of her time. She made a lot of connections and learned about quite a number of things on how the state is looking at different funding sources, as well as the counties and the cities. She thanked the City's lobbyists who were very helpful to take her through everything and showed her the way to get support for the fire station funding. It was very beneficial and the League of Cities was very excited to have Pompano Beach active and participating in Tallahassee. Actually, they mentioned to her how excited they were to see Mayor Hardin participating. She said quite a number of people are watching what Pompano Beach is doing. There was very positive feedback overall.

Invisible Disabilities Awareness Event - Comr. McGee announced that on Sunday, March 31, 2019, a water balloon bulls eye event will take place behind the Amphitheater to support awareness of invisible disabilities, and she has volunteered to have water balloons launched at her.

Sample McDougald House Roast of City Manager - Comr. McGee announced that on Saturday, March 30, 2019, City Manager Harrison's roast will be supporting the Sample McDougald House and tables and seats are available for this.

Gun Shows at Government Facilities - Comr. McGee indicated that she watched the Commission meeting while she was in Tallahassee and under Audience to be Heard regarding gun shows at government properties. To her, it really got all her government over-reach, first and second amendment fighting skills coming out. She is concerned, and she spoke with Major Adkins, Police Chief, about whether or not the gun shows ended up being a problem in the past. So, to having them not be a problem tenant, and having it approved as a policy under audience to be heard without proper debate, is very concerning to her with regards to government over reach happening. Therefore, she wanted to voice this, and as long as any group wants to peaceably assemble on City properties the City should not make these distinctions on personal, political, or emotional distinctions. If there was a problem and multiple incidents happening at these events that would be one reason, but just based on that they charge for admission or what it is. Nevertheless, there are other things that happen at those facilities that do charge for admission or do what it is.

In sum, Comr. McGee indicated to put a policy in place without putting on the agenda for debate seems like an over reach. Therefore, she would move that such a policy not be put in place or at the very least if such a policy

is being considered to be put in place that the Commission have a proper debate on it.

Mayor Hardin asked the City Attorney if what the Commission did was improper.

Mark Berman, City Attorney, responded that he does not believe so or he would have said it was improper. First of all, there was no policy made. It was a vote from each Commissioner on what was his/her preference in leasing the facility for this purpose. He understands Comr. McGee's thoughts and desire to be present to participate in it. However, the matter came up during audience to be heard and at that point that is when the discussion got started. There was no intent to do it without anyone in the room especially Comr. McGee. This does not mean it was improper, there was no formal policy motion. It was intended for the Commission to express what they wanted and to direct staff accordingly. This does not mean the matter cannot be brought back to the Commission for discussion.

An extensive discussion followed regarding how this matter was handled and could have been handled differently as it relates the use of the City facility.

Commissioner Tom McMahon - Florida Department of Transportation Open House - Comr. McMahon reported that Florida Department of Transportation (FDOT) is holding an open house on Tuesday, April 2, 2019, at 5:30 - 7:30 p.m. at the Emma Lou Olson Center with regards to the \$1.5 million construction project, which is around the air park, and will start from NE 5th Avenue to NE 10th Street, to Copans Road and it is also on SE 2nd Street from SE 11th to US-1. They plan to do a sidewalk improvement project. He urged the residents in those areas to come to the meeting to be informed about the project.

Mayor Hardin added that historically, a part of that has to do with sidewalks along SE 2nd Street. When he was commissioner he had made a commitment that once the plans were in hand he would go out and personally walk the street and talk to each of the homeowners, and while he did not talk to everybody he received an overwhelming support for sidewalks from approximately 95% of those persons he spoke with. Also, John Sfiropoulos, City Engineer has been working with the residents about some issues as it relates to trees and things of that nature.

Commissioner Beverly Perkins - Appreciation to Broward Sheriff's Office (BSO) - Comr. Perkins thanked BSO for assisting with Natasha Walton's family, who was grieving from her being killed by the State trooper in Miami. The family gathered in Pompano Beach and BSO was attentive and helpful. So, hats off to Major Adkins.

Appreciation to Florida Veterans - Comr. Perkins thanked the Florida Veterans for acknowledging T. J. Burton who was her cousin and was killed in Vietnam in 1968 and the Florida Veterans discovered that he did

not have a grave or stone and placed one on his grave on Saturday morning. She thanked Mayor Hardin for attending the event. So, for the first time he was able to get a stone since he passed away at the age of 21.

Blanche Ely Educational Museum Opening - Comr. Perkins thanked everyone for attending the grand opening of the Blanche Ely Educational Museum, as well as thanked staff, the Cultural Arts, the City Manager, Mayor Hardin and all the Commissioners for showing up for the event. She asked as soon as the operational hours are determined she will be getting the word out to all those who have been enquiring about the hours.

Vice Mayor Barry Moss - Collier City Civic Association Meeting - Vice Mayor Moss announced that the Collier City Civic Association meets on Wednesday, March 27, 2019 at 7:00 p.m. at the Jan Moran Learning Library in Collier City.

Women of Purpose Meeting - Vice Mayor Moss announced that he will be at the Woman of Purpose Committee meeting at 8:30 a.m. on Saturday, March 29, 2019 and encouraged everyone to attend.

New Business - Vice Mayor Moss noted that at the last Commission meeting he made mention of a new business, which is really in Comr. Perkins' district, located on the northside of Atlantic Boulevard. There is a new consignment store, which is nice and clean with nice quality products. The name is Dynasty Consignment at 2029 West Atlantic Boulevard. He welcomed them to the City of Pompano Beach and wished them much success.

Double Homicide in Golfview Estates - Vice Mayor Moss regrettably announced that there was a double homicide a few days ago in District 5 that the Golfview Estates Mobile Home Park on NW 31st Avenue. This has the people in Golfview Estates very upset. Therefore, they are looking to the police to solve this, which they will.

Response to Comr. McGee's Comments - Vice Mayor Moss indicated that he would like to address his comments to Comr. McGee. He thinks that the Board has the responsibility to reflect the values of the Community. So as far as events that take place on City property, it is clear that most people are uncomfortable in having gun shows on the property. While you can stand up and talk about the constitution and its rights everybody's right and everybody have the right to do what they want, but there is a line to that, which he provided one such example.

Comr. McGee agrees that the City should have it where more people could have come in and voice their opinions pro or con. Secondly, it is the City Commission's job to uphold not just the laws of the City but of the State, County and Country. She said it is a policy that skirts closely to some of the first mandate of our founding fathers it makes her nervous. So, she would have liked to have had more input, a controlled debate, and more opportunity for more residents to have voiced their opinions to the Commission prior to making a decision.

Vice Mayor Moss stated that prior to Comr. McGee coming on the Board, this matter has been discussed

multiple times and at one point there was even a moratorium regarding the matter.

Mayor Rex Hardin - Blanche Ely Educational Museum - Mayor Hardin reiterated Comr. Perkins' appreciation for attending the grand opening of the Blanche Ely Educational Museum, which was a wonderful event and was glad that the Commission had an opportunity to be attending. It is inspiring to see what has become of the Ely House.

Thomas Burton's Head Stone - Mayor Hardin added as it relates to the Thomas Burton head stone, it was not only a head stone they were putting out there but they added his picture, which they found and will add to the wall of faces, which is part of the Vietnam memorial in Washington DC.

Firefighter Association Event - Mayor Hardin stated that there is an organization, the City normally assists with sponsoring their event, the Firefighter Association that will be holding an event to honor former Commissioner Woodrow Poitier at that night. It would be great if the Commission could support the event by getting a table to honor former Commissioner and retired firefighter.

Vice Mayor Moss shared that prior to purchasing a table perhaps it would be good to know how much it would cost.

F. ADJOURNMENT

The meeting adjourned at 10:31 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk