



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

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

*Dennis W. Beach, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

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Tuesday, February 14, 2017

6:00 PM

Commission Chamber

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### City Commission Meeting

#### **CALL TO ORDER**

The Honorable Lamar Fisher called the meeting to order at 6:00 p.m.

#### **ROLL CALL**

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

#### **INVOCATION**

Apostle S. Constancia Daley from Rhema Word Ministries International offered the Invocation.

#### **PLEDGE OF ALLEGIANCE**

#### **APPROVAL OF MINUTES**

**17-236** Regular City Commission Meeting Minutes of January 24, 2017

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

**APPROVAL OF AGENDA**

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

**CONSENT AGENDA DISCUSSION**

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

**Mayor Fisher announced that Consent Items 7 and 20 would be pulled for discussion.**

**SPECIAL RECOGNITION**

**Mayor Fisher indicated that it is not customary to recognize the City Manager's Birthday, but since this will be Dennis Beach's last meeting with the City due to his retiring from the City, on behalf of the Commission and residents of the City the Mayor wished City Manager Beach a Happy Birthday as he celebrates on February 19, 2017.**

**A. PROCLAMATIONS****17-238 Black History Month**

A proclamation proclaiming Black History Month in the City of Pompano Beach was presented by Mayor Fisher to Hazel Armbrister, longtime resident and President of the Rock Road Restoration Historical Group.

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

**B. AUDIENCE TO BE HEARD**

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

**The following persons were called to speak:**

**Closure of Ocean Sewage Pipes – Stephanie Steinberg, President, Stop Ocean Sewage, NE 15th Street, Pompano Beach, FL, related an experience she had on a fishing boat where the captain warned to avoid a certain area called the "stink hole." She stated that apparently, there is a pipe that goes from the Wastewater Treatment facility in Broward County called an "Outfall," which is daily dumping 35**

million gallons of minimally treated human sewage in this location. However, people are usually fishing and consuming these fishes from the area. Therefore, Ms. Steinberg proposed that the pipe be closed. She said the state legislature is allowing some time for this to be done. In fact, Delray Beach decided to close their pipes in 2009. Perhaps, the City of Pompano Beach could model after how that City has been able to accomplish it.

Mayor Fisher indicated that the City is working on getting the pipes closed.

Comr. Sobel thanked Ms. Steinberg and her husband for being active and vocal about the issue. He mentioned that the Commission has also focused on this issue at a Strategic Planning meeting. In sum, a meeting has been scheduled by City Administration and staff so that the Commission can obtain information from the City of Delray Beach as well as Broward County to get the pipes closed in an expeditious manner.

Feeding the Homeless – Minister Dwight Reed, 2051 NW 5th Terrace, Pompano Beach, FL, Mt. Zion Baptist Church, stated that he works with the church in feeding the homeless on a weekly basis. He indicated that they serve approximately 500 meals every month. During the year almost 7,000 homeless persons are served. Therefore, he was requesting any kind of assistance from the City to help them in their endeavors. He indicated that they also give away clothes. However, the food is more costly to provide and hope any assistance provided would be greatly appreciated.

Mayor Fisher asked Police Chief John Hale, Broward Sheriff's Office (BSO), to meet with Mr. Reed, because there are two deputies who focus on the homeless people in the City and they would be able to provide information regarding food and clothing.

Macon Funeral Home – Richard A. Macon, Richard L. Macon Funeral Home, 738 MLK Jr. Boulevard, Pompano Beach FL, indicated that the Funeral Home has been located at that address for over 60 years. Therefore, he wanted to know what the City's plans were for the development of the area and how the funeral home business would be impacted. He indicated that perhaps he is one of the last remaining black-owned business on that street. Therefore, he wanted to know if the City would provide any assistance to their business to continue to operate.

Position of Mayor/City Manager – Mr. Macon asked if the City has a strong mayor system, or does the City Manager approve matters for the City of Pompano Beach.

Mayor Fisher responded that the City has no plans of displacing Mr. Macon's business. In fact, a few years ago, Mr. Macon senior was able to take advantage of some Community Redevelopment Agency (CRA) incentive program to fix their roof. However, if there are some continuing issues perhaps Mr. Macon could reach out to the CRA to determine if there are any incentive programs he may be able to qualify to receive.

Mayor Fisher explained that the City is a City Manager form of government. The City Manager runs the day-to-day operations of the City and it is not the Mayor. He added that the Mayor is elected by the citizen and has the same power as any of the elected commissioners. In fact, in Broward County there are only two cities with a strong mayor position.

**Broward Sheriff's Offices' Profile of Black Female** – Terry A. Williams, Former Legal Redress Chairperson North Broward NAACP, 757 NW 15th Street, Pompano Beach, FL, P. O. Box 771021, Coral Springs, FL 33060, complained she experienced an unusual situation that took place on Friday, February 10, 2017, on SE 18th Street/McNab Road. She reported that a BSO officer decided to “profile” her, who told her that they were looking for a black female that was involved with a drug-dealing bust. She did not think she fitted the character. Therefore, Ms. Williams stated that upon the renewal of the contract between the City and the Broward Sheriff's Office, she would urge the Commission to carefully consider reinstating these individuals, because they are not sensitive to the Black African American people.

Mayor Fisher directed Captain Adkins/Marks to meet with Ms. Williams to obtain the names of the officers so that the situation can be investigated.

**Financial Assistance for Summer Camp Programs** – Nathan E. Austin, Pastor, Mt. Zion Baptist Church, 1525 NW 7th Street, Pompano Beach, FL, stated that he represents approximately 300 voters and approximately 200 children of the City. He said approximately one year ago, their church was engaged in a program to help eliminate crime and children truancy in the City. Additionally, he noted the church has one of the largest affordable summer camps in the area for parents who cannot afford high priced camps for their children. Children can attend the summer camp for the entire summer at a cost of \$200. Therefore, Pastor Austin asked for some assistance from the City and inquired if there are additional resources that they could tap into to help defray the costs to have certified teachers involved in the program, as well as take care of overhead costs for the entire summer.

Pastor Austin indicated that they had tried to apply for the CDBG funds without success.

Mayor Fisher indicated that Pastor Austin has a fantastic program. He then asked that City Manager Beach/Harrison, and Recreation Programs Administrator Mark Beaudreau check into any funding sources available for summer camps that Pastor Austin could achieve some financial assistance.

Comr. Perkins stated that she is a strong advocate for the children and indicated that the church is doing a great service for the children. She requested that perhaps the rejected application, mentioned earlier, for the CDBG funding could be revisited.

**Habitat for Humanity Project** – Carolyn Thompson, 731 NW 17th Street, Pompano Beach, FL, expressed concern regarding the Habitat for Humanity project. She stated that Rick Case has recently posted a sign that over 70 new homes would be built in that location on nine acres of land. Therefore, Ms. Thompson inquired into who approved the project, how would it be maintained, and what are the sizes of the homes. In addition, she questioned whether a traffic study was done for that area, which will have approximately 300 people occupying a very small space.

Robin Bird, Development Services Director, indicated that the Habitat property came through the City for a land use change and rezoning, which was down-zoned to single-family at the direction of the Commission and after the outcry of the community for single-family homes. He said it could have been at a higher density, but is currently at the minimum density allowed.

Further, Mr. Bird indicated that there is a plan in process for the RPUD, (Residential Planned Unit Development) which will return, for the next two months, for the Commission's approval for rezoning

to RPUD. Habitat will be donating a neighborhood park, which will be located at the corner near NW 15th Street. There are plans available in Mr. Bird's office for the public to review at any time.

In response to the question regarding the size of the homes, Mr. Bird is unsure as to the precise sizes, however, they have built homes prior in the Collier City area, which are very nice homes and well maintained. Mr. Bird estimated approximately 1,500 square feet for the size of the homes.

Comr. Perkins indicated that she has some concerns regarding the Rick Case Habitat homes. She stated that since the sign advertised 77 homes to be built, several residents have been contacting her with their concerns, which she will address in details under her Report.

Library Location – Earnestine Jones, 2031 NW 5th Terrace, Pompano Beach, FL, inquired whether the library currently being built across from City Hall should have originally been built across from the E. Pat Larkins Center and why the location plans were changed.

Mayor Fisher responded that the library was never slated to go to the E. Pat Larkins Center vicinity and was always planned for the current site. In fact, the property had to be acquired for the City to locate the library there.

Comr. Hardin recalled, a very long time ago, basic "idle conversation" about locating it across from the E. Pat Larkins Center being a possible option, but it was a minor conversation. Therefore, Mayor Fisher is correct in that the City acquired the properties across from City Hall and the plan was to put the library in that location.

Administrative Assistant for City Commissioners – JoAnn Savage, 1220 NW 24th Avenue, Pompano Beach, FL, inquired into the possibility of the City providing secretarial or staffing support to assist the commissioners, especially for Districts 4 and 5, who have quite a number of issues that are of concern to the community.

Mayor Fisher indicated that there are no specific administrative assistants that are assigned to any member of the Commission. However, if any member needed additional assistance, they could work with the City Manager's Office.

In response to Ms. Savage's question regarding availability of resources to open jobs for this effort, Mayor Fisher responded that at the will of the Commission it could be discussed as a budgeted item. Notwithstanding, each member of the commission takes care of their own issues unless they needed to solicit the City Manager's help in any way.

Comr. Perkins indicated that recently she had a community meeting and she stressed the overwhelming process of coming into District 4 with so many issues and not having an intern or personal secretary to assist her in getting on track most expeditiously. She said her District requires much more than the other districts.

Mayor Fisher advised that this could be an item discussed under Commission Reports.

Affordable Housing for Seniors – Minister Henry McCloud, Mt. Zion Baptist Church, 748 NW 15th Court, Pompano Beach, FL, expressed concern for making affordable housing available for the seniors in the community who is dependent on others for housing. He inquired if the City could

partner with developers to assist with building a few homes for the needy senior citizens, as well as urban development.

Mayor Fisher indicated that staff could provide Minister McCloud with the contact information for Habitat for Humanity so he could receive information to determine the possibility of having seniors in the proposed project.

**Rick Case Habitat for Humanity Project** – Sharonda Chery, Cultural Arts Program, Magnetic, 700 NW 17th Street, Pompano Beach, FL, indicated that the project has been placed in a high traffic area of which the Broward Sheriff's Office (BSO) is aware. She inquired if the City will hold BSO responsible for ensuring that safety precautions are put in place to monitor such a small area with so many people.

**Cultural Arts Program** – Ms. Chery commended the City for its efforts in the Cultural Arts. Specifically, the program by the Creatives Magnetic Pompano "Made in Pompano" that will encompass a live theater company, youth poetry slam team, and a dance company, which will cultivate artists located in the City of Pompano Beach to represent cultural arts in the national and local competitions. The value of cultural arts will be taught to both adults and children, which could result in Pompano Beach being a hub for cultural arts. Therefore, Ms. Chery requested that the City consider to back the cultural arts "Made in Pompano" project.

Mayor Fisher thanked Ms. Chery for what she has been doing.

John Hale, Police Chief, Broward Sheriff's Office (BSO), responded that he met with the Habitat representatives who will be going through the development review process. Their plans will be presented and one of the crime specialists, Ms. Pat Noble will be reviewing those plans for safe neighborhoods and they will make recommendations to them for safety measures within the community.

**Lighting Issue** – Pecola B. Simmons, Kendal Green, 101 NE 17th Court, Pompano Beach, FL, expressed concern for the lack of proper lighting in her neighborhood. She stated that children are walking to the bus stops early in the morning. As well as it is known that there are quite a number of predators in the neighborhood. Therefore, proper lighting is needed.

**Overgrown Trees in Yards** – Ms. Simmons stated that in her neighborhood there are overgrown trees and bushes in the back of houses, which are neglected. The Housing Authority owns most of the places, but there are trees growing into the power lines and nobody cuts the yards. She indicated that she desires to put a fence in her yard, but will have to clean up the next-door yard first.

Mayor Fisher responded that Robert McCaughan, Public Works Director will be making note on the issues about the lighting and Mario Sotolongo, Code Compliance Manager the issues regarding the overgrown trees and bushes. Mayor Fisher directed Mr. Sotolongo to meet with Ms. Simmons to get the addresses in the area.

**Dangerous Roadway Crossing in Golden Acres** – Lilie Williams, Golden Acres, 1830 NW 11th Circle, #112, Pompano Beach, FL, complained that there are a number of accidents in the area. She stated that she is fearful to come out of Golden Acres to get on the main street, because of the number of

accidents that happen in that location. She indicated that at the Doctor B.J. McCormick Avenue, same as NW 18<sup>th</sup> Avenue, when going from south to north a person must cross MLK Jr. Boulevard, which is a four lane highway without a light. She explained the congestion of traffic in the area and suggested that a light be placed at the center of the intersection.

Mayor Fisher explained that Broward County controls the City's traffic lights and where to place them. Therefore, the City will reach out to them to see if the current light in that location could be moved to the intersection. Information regarding the accidents that occur will be helpful for the City Manager to provide to the Broward Country traffic engineers.

Comr. Perkins mentioned that for the overgrown hedges perhaps the Code Compliance Department could check into that situation.

Term Limits – Joseph Ryan, 427 NE 24th Avenue, Pompano Beach, FL, welcomed the two new commissioners. He suggested that some consideration should be given to term limits for the elected body, as most cities have term limits.

Consent Agenda/City Issues – Mr. Ryan requested that the high dollar amounts should not be placed under Consent Agenda. He opined it is not fair or honest. In addition, he suggested that the Commission take a look at the Fire Department. They have problems with people quitting during the training period or quit after they get certified or licensed. He suggested that an outside firm should be engaged to evaluate the fire department. He opined that EMS is not getting better it is getting worse.

In sum, Mr. Ryan complained about a number of City issues to include his disgruntlement with the leadership appearing to be covering up things and using the City as a purpose for special interests. In addition, Mr. Ryan hoped the City Commission would consider getting more men for the BSO. Also, the homeless situation need to be resolved as they are destroying the City. The zoning issues are still unresolved as most of the homes in some districts need to be cleaned up.

Proposed Canals – Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, indicated that one of the problems the City is experiencing is a line of communication, which he elaborated. There is a RFP supporting the vision of putting more canals in the City. However, he felt that these plans should have been discussed with the residents within the various communities where these types of plans are being considered to change the ambiance of the community. Therefore, he suggested that the Commission solicit meetings with the associations to ask them if they desire to have the canals.

Habitat Site – Mr. Thrower stated that the concept of the homes being built is great, but the sizes of the houses are too small to have someone pay a 30-year mortgage to acquire these houses. The Commission prior to moving forward should consider the design quality. Mr. Thrower indicated that the community is not anti-development; however, if homes are being built they should be good quality homes.

**C. CONSENT AGENDA**

1. **17-192** Approval to award Bid #E-07-17 Roof Replacement for the Public Safety Complex to the lowest responsive responsible bidder, Advanced Roofing, Inc., at a cost of \$481,613.00.  
(Fiscal Impact: \$481,613.00)

(Staff Contact: Robert McCaughan)

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

2. **17-235** Approve ranking order for RFP E-13-17 Unleaded Gasoline and Diesel Fuel for Southeast Florida Governmental Purchasing Cooperative Group, and authorize staff to negotiate and enter into a contract with the highest-ranked firm, Port Consolidated, Inc. (No cost at this time)  
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

3. **17-198** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, EXPRESSING SUPPORT FOR HOUSE BILL 6003, WHICH DELETES FROM SECTION 509.032(7), FLORIDA STATUTES, RESTRICTIONS PREVENTING LOCAL LAWS, ORDINANCES, OR REGULATIONS FROM PROHIBITING VACATION RENTALS AND FROM REGULATING THE DURATION OR FREQUENCY OF RENTAL OF VACATION RENTALS; URGING THE FLORIDA LEGISLATURE TO ADOPT THE LEGISLATION AND GOVERNOR RICK SCOTT TO SUPPORT AND APPROVE THE LEGISLATION; PROVIDING FOR AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

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

**Enactment No: RES. No. 2017-136**



4. **17-200** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE FINDINGS AND RECOMMENDATIONS OF THE PALM BEACH COUNTY SOBER HOMES TASK FORCE REPORT AND THE PALM BEACH COUNTY GRAND JURY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

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

**Enactment No: RES. No. 2017-137**

5. **17-207** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA SUPPORTING THE BROWARD METROPOLITAN PLANNING ORGANIZATION (MPO) AND THE CITY OF DEERFIELD BEACH AS LEAD MUNICIPAL AGENCY, AND JOINING THEIR EFFORTS TO COORDINATE THE CREATION OF A QUIET ZONE ALONG A PORTION OF THE SOUTH FLORIDA RAIL CORRIDOR; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/Robin Bird)

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

**Enactment No: RES. No. 2017-138**

6. **17-180** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING BANK OF NEW YORK MELLON'S QUITCLAIM CONVEYANCE OF REAL PROPERTY WHICH IS IDENTIFIED BY FOLIO NO. 8235 39 0070 AND LOCATED AT 433 NW 7TH AVENUE, POMPANO BEACH, FL, IN EXCHANGE FOR RELEASE OF FIVE CODE ENFORCEMENT, FOUR UNSAFE STRUCTURE AND FOUR NUISANCE ABATEMENT LIENS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$27.00 for recording fees.)

(Staff Contact: Phyllis A. Korab/Suzette Sibble)

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

**Enactment No: RES. No. 2017-139**

7. **17-189** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE RESTRICTION OF TRUCK TRAFFIC ON NW 6TH AVENUE AND THE INSTALLATION OF THE SIGNAGE REQUIRED FOR SUCH PURPOSE; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

**Doug Matthes, 500 NE 6<sup>th</sup> Street, Pompano Beach, FL, indicated that the item proposed would restrict truck traffic on NW 6<sup>th</sup> Avenue, and implements the appropriate signage. He questioned why on NE 5<sup>th</sup> Avenue where the restriction of truck traffic of signage was removed. Therefore, he asked is NE 6<sup>th</sup> Avenue getting special treatment that is not permitted on NE 5<sup>th</sup> Avenue. If it is so, why? An explanation is expected as to how/when can truck restrictions being re-implemented on NE 5<sup>th</sup> Avenue between Copans Road and Atlantic Boulevard.**

**Robert McCaughan, Public Works Director, indicated that he was unaware that the signage was removed. Nevertheless, he can look at the reasons to determine if the road can accommodate "thru trucks."**

**Comr. Perkins stated that she had requested that staff place signage on NW 15<sup>th</sup> Avenue because of the location of the school, Markham Elementary, as well as the church. She is unsure why it is on the Agenda because normally it would be a request from Broward County to put up the sign. However, due to the heavy duty traffic on NW 15<sup>th</sup> Street, she requested that a traffic study be conducted from Dixie Highway to Powerline Road based on the excessive traffic between those two major highways.**

Mr. McCaughan indicated that one concern on NW 15<sup>th</sup> Street is that it is a large industrial area close to Powerline Road, and that was one of the reasons why this requirement came in. The trucking industry felt that they were being prohibited from being able to move on the roadway. They need to drive down a portion of NW 15<sup>th</sup> Street and there is no alternate route for them. Nevertheless, staff is willing to take a look at the situation and report back to the Commission.

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

**Enactment No: RES. No. 2017-140**

8. **17-194** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC. TO PROVIDE LIFE SKILLS AND READING SERVICES FOR YOUTH; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-141**

9. **17-195** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND NATIONAL FLAG FOOTBALL ASSOCIATION, INC. TO PROVIDE LEADERSHIP, ADMINISTRATIVE AND COACHING SERVICES FOR FLAG FOOTBALL GAMES AND PRACTICES FOR ELEMENTARY SCHOOL AGE CHILDREN; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: Licensee shall pay city \$20 per participant registered in the program)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-142**

10. **17-202** 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 WASTEWATER METER READING SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

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

**Enactment No: RES. No. 2017-143**

11. **17-203** 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 MARTY KIAR AS BROWARD COUNTY PROPERTY APPRAISER FOR NON-AD VALOREM ASSESSMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$23,746.50)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2017-144**

12. **17-206** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MISCELLANEOUS APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY SHERIFF'S OFFICE TO SUPPORT THE SUMMER G.R.E.A.T. PROGRAM IN PREVENTING YOUTH VIOLENCE, GANG PARTICIPATION, ANTI-BULLYING AND LEGAL CONSEQUENCES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$12,000)

(Staff Contact: Major John Hale/Brian Donovan)

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

**Enactment No: RES. No. 2017-145**

13. **17-209** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND FIRST AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND THE HILLSBORO LIGHTHOUSE PRESERVATION SOCIETY, INC. FOR THE LEASE OF PROPERTY FOR THE LIGHTHOUSE MUSEUM AND VISITORS CENTER; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-146**

14. **17-211** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND EXTENSION TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD RUGBY ASSOCIATION, INC. TO USE VARIOUS CITY OWNED FACILITIES FOR ORGANIZED SPORTS PROGRAMS AND OTHER RECREATIONAL ACTIVITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-147**

15. **17-213** 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 31ST AVENUE ACCESS EASEMENT BETWEEN FCI DEVELOPMENT TEN, LLC AND HOME DYNAMICS VANTAGE, LLC AND JOINED BY THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester/Robin Bird)

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

**Enactment No: RES. No. 2017-148**

16. **17-225** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR RENOVATIONS TO THE ADMINISTRATION BUILDING AT THE POMPANO BEACH AIR PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$190,000 Airpark Capital Improvement Fund retained earnings)

(Staff Contact: Steven Rocco/Robert McCaughan)

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

**Enactment No: RES. No. 2017-149**

17. **17-226** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PROSERVE CONCEPTS, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000 minimum annual net revenues to the city.)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-150**

18. **17-233** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A QUIT CLAIM DEED BY THE CITY OF POMPANO BEACH TO POMPANO STATION, LLC TO CORRECT THE LEGAL DESCRIPTION IN THE RIGHT-OF-WAY DEED DATED NOVEMBER 7, 2005, AND PREVIOUSLY ACCEPTED BY THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Pamela Stanton/Robin Bird)

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

**Enactment No: RES. No. 2017-151**

19. **17-234** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ETA NU EDUCATION FOUNDATION, INC. FOR THE BLACK HISTORY EXHIBITION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$19,054 event expenses & in-kind services)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2017-152**



20. **17-217** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **M. ROSS SHULMISTER** TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)  
(Staff Contact: Asceleta Hammond)

Comr. Sobel indicated that he supports the item. However, he wanted to thank Mr. Shulmister for serving previously on the committee and on other committees within the community. Comr. Sobel understands that Mr. Shulmister may have, in the past or current, represented one or more Commissioners. While there is nothing wrong with Mr. Shulmister doing this; however, at this time of his appointment, in light of protecting Mr. Shulmister in the future from any possible conflict of interest, he wanted to bring the disclosure forward and to thank him for his services.

Mayor Fisher indicated that Mr. Shulmister has never legally represented him, Vice Mayor Burrie and Comr. Hardin echoed the same comments as Mayor Fisher.

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

**Enactment No: RES. No. 2017-153**

**D. REGULAR AGENDA****21. 16-64 P.H. 2016-86: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES" TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES", TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM SEPTEMBER 13, 2016, OCTOBER 10, 2016 & DECEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

**Robin Bird, Development Services Director, presented the item indicating that as the size of gas stations increases so does the size of prominence and the impact of the canopies. Therefore, the intent of the ordinance is for the text amendments to improve the appearance of the canopies at gasoline filling stations and to ensure that they are truly an accessory and subordinate structure. The proposed standards address the architecture size and mass of the canopy, as well as pedestrian safety.**

**Mr. Bird provided a brief historical background of the item and concluded by stating that the Planning and Zoning Board unanimously approved the item at their previous meetings.**

**Mayor Fisher thanked Mr. Bird for working with the community on this item.**

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

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

**Enactment No: ORD. No. 2017-24**

**22. 17-193 P.H. 2017-26: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MASTODON PRODUCTIONS, INC. FOR THE CRAWDEBAUCHERY FOOD AND MUSIC FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Sponsorship of \$6,398 in city service and equipment costs)

(Staff Contact: Mark A. Beaudreau)

**Mark A. Beaudreau, Recreation Programs Administrator, presented the item as a unique cultural tourist experience that has grown throughout the years. Therefore, it is now being made as one of the notably license agreements. It falls within the City's strategic plan strategy, as well as the cultural arts master plan strategy. The cost breakdown displays the City's participation. In sum, Mr. Beaudreau reiterated that this is one of the unique cultural tourist experiences.**

**Comr. Hardin inquired about the attendance to this event.**

**Don Mathews, 1627 South Coral Terrace, responded that the attendance last year was approximately 3,200 and they are projecting to double that amount based on current ticket sales.**

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

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

**23. 17-196 P.H. 2017-27: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND W.D. THOMPSON, INC. D/B/A BEACH RAKER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$217,200 Annually)

(Staff Contact: Russell Ketchem/Robert McCaughan)

**Robert McCaughan, Public Works Director, presented the item, requesting the Commission's approval of a contract between the City of Pompano Beach and W.D. Thompson Inc., also known as Beach Raker, who is the current contractor. They will provide the same level of services. In addition, it is a five-year contract with one initial year term and four one year terms following, to be renewed automatically, unless the City is unsatisfied with their performance. The contract was slightly increased for a total annual cost of \$217,200 approximately \$1,300 per month.**

**Michael Skversky, 1630 SW 5<sup>th</sup> Avenue, Pompano Beach, FL, asked if the \$217,200 is comparable to what other cities pay out.**

**Mr. McCaughan responded that he is unaware of what other cities payout. However, Beach Raker does have four other contracts in Broward County.**

**Comr. Sobel asked if the cost would be less if the services were provided by City personnel.**

**Mr. McCaughan responded that this was reviewed approximately five years ago and it would not be at a lesser cost. He then explained what is involved in the services provided to include working with the sea turtles, and handling the surges.**

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

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

**24. 17-227 P.H. 2017-28: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.39, "COMPETITIVE BIDDING," AND SECTION 32.4, "STANDARDIZATION," TO PROVIDE FOR REVISION TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Otis J. Thomas)

**Otis J. Thomas, General Services Director, presented the item and indicated that staff is requesting permission to increase the City's bid threshold. These thresholds have not been revised since 1996. He highlighted the benefits as follows:**

- 1) There would be an improved efficiency for requesting departments on small dollar projects \$75,000 and below. Thus, reducing the procurement process in times by 30 to 60 days.**
- 2) There would be an estimated 43% increase in opportunities for local businesses and contractors to do business with the City of Pompano Beach for projects under \$75,000.**

**Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, asked if this action would encourage more local small businesses.**

**Mayor Fisher responded that there would be an estimated increase of 43% of opportunities created for local businesses to do business in the City.**

**Mr. Thrower expressed pleasure to see this item on the agenda and requested that the same be done to get an item on the agenda for the local preferences.**

**Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL stated that the resolution will harm small businesses to allow staff to reduce the number of bids required. He indicated that the resolution is pro-staff, and anti-business and anti-taxpayer. He then provided a number of incidents that would confirm his comments to include a time when the Broward Inspector General's Office criticized the City and staff for shoddy work at the Brummer Park, yet no staff was reprimanded or fired over this.**

**In sum, Mr. Terwilliger urged the Commission to protect the taxpayers' money and the small business opportunities to bid on City work. Therefore, he asked the Commission not to allow staff to single source work, which is what he thinks they want to do under the ordinance. He concluded that three bids help to get the best prices and to give small businesses a chance. Moreover, when there is one bidder versus three, it does not make for more opportunity and competition. He concluded that staff needs more not less oversight and should not be rewarded by expanding their powers to single source bids, because competition is needed.**

**M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL stated he managed a number of businesses in his career and one of the things he noted is that with businessmen they go out for negotiated prices, they do not send out for bids. In sum, Mr. Shulmister indicated that the bidding process is long, slow, and can be costly. He indicated that this ordinance will provide staff the flexibility to act like businesses instead of like big governments. He concluded that this is long overdue.**

**Mikelange Olbel, 110 NE 27<sup>th</sup> Street, Pompano Beach, FL stated that as a non-profit organization, he works with a number of bids. He commended the City for this ordinance. However, he asked what would be the percentage of opportunity for the Minority Owned Businesses (MBE) when bided for these matters.**

**Mayor Fisher explained that all local businesses would be able to participate.**

**Mr. Olbel understands that some local businesses sometimes may not have the capacity as some businesses, but he would like to be ensured that the City is creating an opportunity where the local business can compete at a high level.**

**Mr. Thomas noted that the dollar amount would be for \$75,000 and under, so anyone would be qualified to be a part of the bidding process. There is no limitation and everyone would have an equal opportunity.**

**Arthur Leigh, 2570 NW 5<sup>th</sup> Street, Pompano Beach, FL stated that as a small landscaping business owner, licensed and insured, and had signed up with the City of Pompano Beach approximately two months ago, but have not been contacted for proof of his certification or insurance to allow him to make a bid.**

**Mr. Thomas asked if Mr. Leigh is in the City's vendor database, to which he replied yes. He explained that the City send out bids based on the type of project and the services required for it. Lately, there were no bids for landscaping. However, if his company is in the City's database he will get notified. Nevertheless, he would provide Mr. Leigh with his business card and he could contact him so he can ensure he is listed in the City's vendor database.**

**Comr. Sobel commended Mr. Thomas for the item and its backup material, which is long overdue. However, he asked how did staff arrive at the 43% mentioned for local businesses or it would increase those opportunities.**

**Mr. Thomas referred to the backup material on Page 6, listed are the total number of bids that were awarded in 2013 were 51 and awarded to Pompano Beach local companies were 12. The calculations would be to award the higher number to local businesses.**

**Comr. Sobel asked for clarification about creating a single source bids, as well as how this would eliminate waste and being more efficient with the available resources.**

**Mr. Thomas stated that the City is not eliminating the bidding process. Rather, staff is moving from a formal to an informal process, but they would still require three quotations. There will be maximum amount of competition, his staff will provide oversight of the process and there is a good faith effort form to be presented if there are no local companies available for that project.**

**Comr. Sobel asked if the results and deliverables will be measured and communicated on a regular basis to the City Commission.**

**Mr. Thomas responded that currently his office is reporting on a quarterly basis and will continue to do this.**

**Comr. Hardin asked if staff could determine the actual cost of a bid process.**

**Mr. Thomas responded that on staff time it would be an average of one to two weeks to get a formal bid out, currently it is taking one to three days. Therefore, tremendous costs will be reduced as it relates to staff time.**

**Mayor Fisher emphasized the impact on the timeline. Not only would the timeframe condensed, but the job would be done. Thus it is more expediting, and ultimately saving taxpayers' dollars.**

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

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

**25. 17-201 P.H. 2017-29: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPAÑO BEACH, FLORIDA, BY AMENDING SECTION 155.3210., "MULTIPLE-FAMILY RESIDENCE 20 (RM-20)," SECTION 155.3211., "MULTIPLE-FAMILY RESIDENCE 30 (RM-30)," AND SECTION 155.3212., "MULTIPLE-FAMILY RESIDENCE 45 (RM-45)," TO AMEND THE PURPOSE OF EACH SUCH DISTRICT BY MODIFYING REFERENCES TO INCLUDE CONDO HOTELS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPAÑO BEACH (DP) OVERLAY DISTRICT," TO AMEND THE PRINCIPAL USES REGULATED IN SAID SECTION TO REFERENCE CONDO HOTELS; BY AMENDING SECTION 155.4225., "COMMERCIAL:VISITOR ACCOMMODATION USES," BY MODIFYING DEFINITIONS, STANDARDS AND REQUIREMENTS FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES FOR ELECTRIC VEHICLE CHARGING STATIONS AND EATING AND DRINKING ESTABLISHMENTS BY ADDING REFERENCES TO CONDO HOTELS; BY AMENDING SECTION 155.4501., "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO ESTABLISH SEPARATION REQUIREMENTS FOR BARS AND LOUNGES OPERATED BY CONDO HOTELS AND SETTING CRITERIA FOR SAME; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR APARTMENT HOTELS, BED AND BREAKFAST INNS AND HOTELS AND MOTELS; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE AND CREATING A DEFINITION FOR LODGING UNIT; BY AMENDING APPENDIX A: "CONSOLIDATED



USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

**Robin Bird, Development Services Director presented the item and indicated that unlike a hotel which is owned by a single property owner or a timeshare where individual owners purchase the right to the recurrent use of real property. On some periodic basis, the condo hotel units are owned by individual property owners, but the primary use of the unit is for transit occupancy. At a previous City Commission meeting the text amendments addressing apartment hotels were presented for approval. Most of the changes between then and now are the conversions of the term condo-hotel. Included in the revisions is the definition clarifying the maximum length of stay and requiring certain design and operational standards consistent with hotels in requiring additional parking for larger units.**

**Mr. Bird indicated that staff was directed to report the issues related to renaming the use from apartment hotel to condo hotel. Therefore, staff prepared the text amendments, which would rename the use to condo hotel to include the original proposed standards. At the December 21, 2016 Planning and Zoning Board meeting the item was unanimously recommended for approval.**

**Comr. Sobel stated that the proposed language is intended to avoid double dipping density and will enhance the quality of life for the existing residents. Mr. Bird added that they can also obey the switch and explained what that meant.**

**Additionally, Comr. Sobel questioned whether this would exclude the interval community condominium living or timeshares.**

**Mr. Bird responded that it is not included in the language. The timeshare units inherit by definition are hotels, which staff can further define if the Commission so desires. Historically, the City has not had any problems treating them as hotels.**

**Comr. Sobel indicated that he had requested the Planner to amend the language to specifically exclude timeshare interval community so there would be no confusion, since the definition is basically the same.**

**Mr. Bird indicated that if the consensus of the Commission is to exclude it then staff would work with the City Attorney's Office to bring something at the second reading.**

**Mayor Fisher indicated that while he does not have a problem with Comr. Sobel's request, he wants to be assured that there is no conflict with the timeshare owners to limit them in their current operations.**

**It was the consensus of the Commission to complete the current item as is and later return with an amendment.**

Mayor Fisher indicated that one of his concerns was the conversion rate specifically when they start out as a condo-hotel and then convert totally to a condominium, which is excluded and not allowed in the City.

Mr. Bird confirmed that the Mayor is right, they would have to meet land use and zoning requirement to convert, as well as meet the various criteria.

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

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

**26. 17-205 P.H. 2017-30: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR AMENDMENT OF THE SIGN CODE, CHAPTER 156, "SIGN CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES; BY AMENDING SECTION 156.01, "PURPOSE," AND SECTION 156.02, "SCOPE," TO MODIFY, ENHANCE AND CLARIFY THE PURPOSE AND SCOPE OF THE CITY'S SIGN CODE; BY AMENDING SECTION 156.03, "DEFINITIONS," TO MODIFY, ADD AND DELETE DEFINITIONS; BY AMENDING SECTION 156.04, "GENERAL REQUIREMENTS," TO MODIFY VARIOUS REQUIREMENTS FOR CERTAIN SIGNAGE; BY AMENDING SECTION 156.05, "SINGLE- AND TWO-FAMILY DISTRICTS," SECTION 156.06, "MULTIPLE-FAMILY DISTRICTS," SECTION 156.07, "BUSINESS, COMMERCIAL, INDUSTRIAL DISTRICTS," AND SECTION 156.08, "OVERLAY DISTRICTS," TO MODIFY REGULATIONS FOR SIGNAGE LOCATED WITHIN THOSE ZONING DISTRICTS; BY AMENDING SECTION 156.09, "NON-COMMERCIAL SIGNS," BY RE-TITLING AND MODIFYING SECTION TO INCLUDE STANDARDS FOR TEMPORARY SIGNS; BY AMENDING SECTION 156.10, "CONSTRUCTION AND DEVELOPMENT SIGNS," AND SECTION 156.11, "SPECIAL EXCEPTIONS," TO DELETE CURRENT LANGUAGE AND RESERVE SAID SECTIONS; BY AMENDING SECTION 156.12, "PROHIBITED SIGNS," TO MODIFY THE DESIGNATION OF SIGNS NOT PERMITTED IN THE CITY; BY AMENDING SECTION 156.13, "PERMIT REQUIRED," SECTION 156.14, "PERMIT EXEMPTIONS FROM ZONING APPROVAL," SECTION 156.15,

“FEE SCHEDULE,” AND SECTION 156.16, “INSPECTIONS,” TO MODIFY REFERENCES, REQUIREMENTS AND PROCEDURES FOR SIGNAGE IN THE CITY; BY AMENDING SECTION 156.17, “NONCONFORMING SIGNS,” BY MODIFYING AND RESTATING REQUIREMENTS FOR NONCONFORMING SIGNAGE; BY AMENDING SECTION 156.18, “PERMIT TAGS,” SECTION 156.19, “TEMPORARY BANNERS,” AND SECTION 156.20, “LANDMARK SIGNS,” BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.21, “SIGNS ON VEHICLES OR EQUIPMENT,” TO MODIFY REQUIREMENTS FOR SIGNAGE ON VEHICLES AND EQUIPMENT; BY AMENDING SECTION 156.22, “SUBSTITUTION OF NONCOMMERCIAL SPEECH AND SEVERANCE,” TO MODIFY THE SECTION TO REVISE REFERENCES; BY AMENDING SECTION 156.23, “TEMPORARY REPLACEMENT SIGNAGE,” SECTION 156.24, “UNIFORM SIGN PROGRAM,” AND SECTION 156.25, “GASOLINE STATIONS,” BY DELETING CURRENT LANGUAGE AND RESERVING SAID SECTIONS FOR FUTURE USE; BY AMENDING SECTION 156.26, “SIGNS ON RIGHT-OF-WAY,” TO RE-TITLE AND MODIFY VARIOUS ENFORCEMENT PROVISIONS OF THE CITY’S SIGN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director presented the item. He provided a brief background regarding a lawsuit filed against the City by Rocket Outdoor Advertising, LLC., with a two-count Complaint alleging federal and state constitutional violations including the First Amendment (freedom of speech) and Fourteenth Amendment (equal protection). Therefore, the proposed text amendments address both the constitutional issues, as well as the format improvements and corrections identified by staff, needed to improve the user friendliness in consistency with zoning code terminology.

Mr. Bird noted that permanent signage allowances were maintained, however, there are changes to the temporary signage standards. Other significant policy changes include: 1) the sign code would no longer regulate government signs on property owned by the CRA, City, County or State, 2) the sign code would no longer regulate signs not visible nor legible from other rights-of-way, 3) the uniform sign program as well as other required AC approvals have been stricken; 4) a master sign program has been proposed to be inserted into the zoning code; 5) the approval from the sign code is now called a sign code compliance permit and is no longer tied to a building permit. Additional signs including “A” frame signs, painted signs and changeable face signs are prohibited in the Atlantic Overlay District (AOD) and DPOD. At the January 25, 2017 Planning and Zoning Board meeting the item was unanimously recommended with a stipulation that staff return to the February 22<sup>nd</sup> hearing to provide additional opportunity to discuss items brought up at the hearing and any other concerns the Board may have.

Finally, Mr. Bird indicated that there were some last-minute changes resulting in a Memorandum provided to the Commission, requesting an amendment to include those which will not change the title. This refers to the multi-tenant building signs requesting buildings on a corner lot and may be permitted one sign per street frontage. As well as the temporary signs for parcels with active permits and single-family and two-family districts.

Mayor Fisher declared that the Commission would take a motion to add the amendments Mr. Bird mentioned previously.

Mark E. Berman, City Attorney indicated that in addition to correcting the unconstitutional matters and the two different things that the court found in the litigation, it also corrects what the court found in the City's sign code. Therefore, it is important to understand that this is a restructuring/rewording of the sign code. Thereafter, Mr. Berman cited a case Reed vs. Town of Gilbert, Arizona, that led to the lawsuit initially. He said it changed the way sign codes were written, requiring that all sign codes had to be content neutral.

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

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

**27. 17-215 P.H. 2017-31: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY CREATING SECTION 34.0605, "SUPPLEMENTAL 'SHARE PLAN' RETIREMENT BENEFIT FOR POLICE OFFICERS," TO PROVIDE FOR THE CREATION OF A SUPPLEMENTAL RETIREMENT BENEFIT FOR POLICE OFFICERS TO BE FUNDED SOLELY FROM PREMIUM TAX REVENUES RECEIVED BY THE CITY PURSUANT TO CHAPTER 185, FLORIDA STATUTES; AND BY AMENDING SECTION 34.061, "CONTRIBUTIONS," TO PROVIDE FOR THE USE OF PREMIUM TAX REVENUES RECEIVED BY THE CITY PURSUANT TO CHAPTER 185, FLORIDA STATUTES; BY PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney, presented the item providing a brief background history regarding the amendment of Chapter 185, Florida Statutes to require a change in the allocation of Chapter 185 – “Premium Tax Revenues” received by the City. In sum, this will set the pension plan up. There have been some difficulties in interpreting what the legislature wanted. So, this is to establish the fund and to return to the Commission after hearing from the Division of Retirement in Tallahassee or the Union membership and retired officers can agree on the disposition.

Mayor Fisher asked if any share plan will be provided at this time.

Mr. Berman responded that the City is setting it up, accepting the funds and with more information coming in from Tallahassee, on a regular basis; therefore, a little more direction will be gained on the subject.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, asked for the definition of “premium tax dollars.”

Mr. Berman responded that in sum, it is monies obtained from insurance premiums that are used to fund police pension fund. In fact, there is a new definition of additional premium tax revenues, which goes into the fund.

Comr. Hardin referred to the new text provided to the Commission previously, where it states, “eligible police officer members” and asked if they will be eligible police officer members, or they will be eligible retired police officer members or just eligible members.

Mr. Berman responded that is the problem with the statute that is quoted in the ordinance, where it is not very clear, due to the ambiguity of the language. Nevertheless, Mr. Berman indicated that they will continue to gather information to make the best decision. However, at this point, they wanted to set it up as per the statute and hope to having the money in hand would foster some type of conciliation or agreement, if not additional direction can be obtained from the State as to what to do with it.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

28. **17-178** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF TAXIWAY “DELTA” RELOCATION AND CONSTRUCTION OF TAXIWAY “SIERRA” AND “TANGO” CONNECTORS AT THE POMPANO BEACH AIR PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,166,575 (80% FDOT Grant, 20% Airpark Enterprise Fund)

(Staff Contact: Steven Rocco/Robert McCaughan)

Steven Rocco, Airpark Manager, presented the item, which is requesting the Commission’s approval to accept a FDOT (Florida Department of Transportation) grant for a \$3.3 million towards to a \$4.16 million taxiway relocation project at the Airpark.

Comr. Hardin indicated that he does not understand why the City would spend that much money to move a taxiway 160 feet. However, he understands that it is a Federal Aviation Administration (FAA) requirement.

Mayor Fisher inquired if this will create additional noise over the neighborhoods, to which Mr. Rocco replied no.

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

Yes: Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-154**

29. **17-208** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 8, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

APPLICANTS:

John A. Pancoast, Landscape Architect, Incumbent - District 1  
Tobi Aycock, Registered Building Contractor, Incumbent - District 3  
Walter Syrek, Licensed Architect, Incumbent/Alternate #2 - District 2  
Claudia Mazzocchi, Structural Engineer - District 1  
Charles H. Bechert, III, Attorney - District 3  
David Baumwald, President Construction Co. - District 4  
Marcus A. McDougale, President Sports Organization - District 4  
Russell Adams, Property Manager - District 5  
Andy Cherenfant, Business Consultant - District 5

(Staff Contact: Asceleta Hammond)

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

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

**Enactment No: RES. No. 2017-155**

30. **17-212** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JOHN A. PANCOAST** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 8, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-208 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name JOHN A. PANCOAST and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-156**

31. **17-214** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CLAUDIA MAZZOCCHETTI** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 8, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-208 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name Charles H. Bechert, III, as well as Commissioner Moss nominated Claudia Mazzocchetti, the Resolution was ADOPTED to insert the name CLAUDIA MAZZOCCHETTI. The motion carried by the following vote:**

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

**Enactment No: RES. No. 2017-157**



32. **17-216** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WALTER SYREK** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #2 FOR A TERM OF ONE (1) YEAR; SAID TERM TO EXPIRE ON FEBRUARY 8, 2018; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-208 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Burrie, seconded by Commissioner Hardin, to insert the name WALTER SYREK and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-158**

33. **17-224** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **EMMA ELLINGTON** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #2; TO FILL THE UNEXPIRED TERM OF MICHELLE RHOULHAC; SAID TERM TO EXPIRE ON JULY 1, 2018; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Predrag P. Jovanov - District 3

Emma Ellington - District 4

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Commissioner Hardin, to insert the name EMMA ELLINGTON and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-159**

34. **17-218** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DONNA M. SCHORR** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

APPLICANTS:

Donna M. Schorr, Art Dealer/Consultant, Incumbent - District 1  
Chad Kovac, Artist, Incumbent - District 2  
Marie Goodrum Johnson, Retired Educator, Incumbent - District 4  
Linda Houston Jones, Media Specialist, Incumbent - District 5  
Mimi Botscheller, Art Professor, Incumbent/Alternate#2 - District 1  
Christopher Mullon, Business Owner, Incumbent/Alternate#1 - District 3  
Carol Dickler, Fashion Designer - District 1  
Joseph Grisafi, Resident - District 1  
Mary Lou Hamilton, Designer - District 1  
Amanda Hart, Designer - District 1  
Dwight Hoffman, Teacher - District 1  
Claudia Mazzocchi, Structural Engineer - District 1  
Carol Romano, Resident - District 1  
Donna Russo, Art Teacher - District 1  
Stephen Schorr, Attorney - District 1  
Edith Kappler, Resident - District 2  
Sharon Stone-Walker, Business Developer - District 2  
Michael Tipton, Performing Arts Manager - District 2  
Dahlia Baker, Program Assistant - District 3  
John Cote, Artist - District 3  
Michelle R. Cote, Office Manager/Bookkeeper - District 3  
Patricia Knight, Art Teacher - District 3  
Tyler Townsend, Museum/Collector - District 3  
David Baumwald, Commercial Remodeling - District 4  
Jazzmann LeSane, Founder/President - District 4  
Nancy Farrell, Resident - District 5  
Karen Jean Leventhal, Free Lance Writer - District 5  
David Miller, Graphic Artist - District 5  
Cynthia Morales, Product Specialist - District 5  
Shellie Morrison, Business Owner - District 5  
Ellen Scheffler, Furniture Designer - District 5  
Mona Silverstein, Landscape Designer - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name DONNA M. SCHORR and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-160**

35. **17-219** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CHAD KOVAC** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-218 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Burrie, seconded by Commissioner Hardin, to insert the name CHAD KOVAC and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-161**

36. **17-220** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MARIE GOODRUM JOHNSON** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-218 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Perkins, seconded by Commissioner Hardin, to insert the name MARIE GOODRUM JOHNSON and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-162**

37. **17-221** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **LINDA HOUSTON JONES** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-218 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Moss, seconded by Vice Mayor Burrie, to insert the name LINDA HOUSTON JONES and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-163**

38. **17-222** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **CHRISTOPHER MULLON** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #1 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-218 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name CHRISTOPHER MULLON and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-164**

39. **17-223** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MIMI BOTSCHELLER** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE #2 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 17-218 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Sobel, seconded by Commissioner Hardin, to insert the name MIMI BOTSCHELLER and that the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2017-165**

#### **E. REPORTS**

**City Manager Dennis W. Beach – Expressed Appreciation** – Dennis Beach stated that this will be his last meeting with the City and thanked the City Commission for giving him the opportunity to serve the City for the last seven years and two months. He thanked everyone to include the public. He indicated that he and his wife had an incredible reception when they came to the City of Pompano Beach and they loved every minute of it. He concluded by saying, “please keep up the good work.”

Thereafter a standing ovation and applause was offered to Mr. Beach for his years of service, and a job well done as mentioned by Mayor Fisher.

**City Attorney, Mark E. Berman – Thanks and Best Wishes** – Mr. Berman indicated that it has been a very professional experience working with City Manager Beach, as well as a lot of fun. Therefore, he thanked Mr. Beach for his services and wished him all the best.

**City Clerk, Asceleta Hammond – Thanks and Best Wishes** – Ms. Hammond thanked City Manager Beach for working closely with staff and for his support in leading in the strategic endeavors, and wished him all the best.

**Commissioner Rex Hardin – Appreciation Expressed to City Manager Beach** – Comr. Hardin thanked City Manager Beach for his years with the City. He indicated that Mr. Beach has done a terrific job with the City of Pompano Beach, the residents, the business owners and the visitors that have come to the City. Therefore, he will be missed. Finally, Comr. Hardin indicated that Mr. Beach has done a great job and it has been a pleasure serving with him and he has enjoyed getting to know him.

**Bulk Pickup** – Comr. Hardin indicated that he had brought this subject up prior, but he had not heard anything recently regarding the bulk pickup changes. This is still an issue and inquired if there was a timeline on it.

Dennis W. Beach, City Manager, responded that the last remaining item is to get a more defined price from Waste Management Inc. for the cost of the service.

Russ Ketchem, Solid Waste Manager, indicated that they have been in discussion with Waste Management and they indicated to him that they have been having some staffing issues, but they have assured him that information would be provided to the City as soon as possible. Perhaps this would be forthcoming by the latest next week.

Comr. Hardin indicated that at all the homeowners' meeting residents are under the impression that it has already happened. Therefore, he asked staff to get it moving and keep it moving.

**Broward Sheriff's Office (BSO)** – Comr. Hardin wondered if the City needs to look at the situation regarding some of the staffing levels that the City has with BSO for example, the non-emergency situations. He cited an incident, where a friend of his called him to report that his friend's house was burglarized and upon calling BSO, they waited for one and one half hour for a deputy to show up to take the report, do the crime scene investigations, and so forth. While he understands certain actions must take place, it appears that deputies ought to be catching criminals and to do crime scene reporting and so forth, there ought to be a better way. In sum, it would be good to know how BSO could speed up the process and start some discussion about it to get better service delivered to our residents. Rather than have someone wait one and one half hour to have a deputy show up to a crime scene. Perhaps, the situation requires additional personnel, civilian personnel, crime scene units or whatever is needed. Therefore, he requested that staff look into "that kind of stuff."

**McNab Road Improvements** – Comr. Hardin distributed some diagrams done by Lakdas/Yohalem from McNab Road Improvements. Sometime ago they did terrific diagrams of things that could be done to McNab Road to really make it look beautiful. Part of it is the McNab Road Bridge, which is getting to the point of being replaced. There has been a lot of stuff with McNab Road as far as the power lines, the trees, the bike lanes and things of that nature, but based on the diagrams, the City could make McNab Road a whole lot better. Perhaps, staff could meet with these persons and they could pull out these prior designs to be reconsidered. In sum, the McNab Road project should be looked at to see if we could get it moving. At one point in time, they had submitted the designs and they were selected, but due to budgetary reasons, it fell by the wayside. Comr. Hardin would like to see this brought back up to speed to do something with the area.

**Commissioner Barry Moss – Congratulations to City Manager Beach** – Comr. Moss congratulated City Manager Beach and wished him good well. He stated that City Manager Beach has been very patient and kind with him during his "rookie years as commissioner."

**Commissioner Beverly Perkins – Congratulations to City Manager Beach** – Comr. Perkins congratulated City Manager Beach and wished him the best.

**Commissioner Beverly Perkins – Habitat Housing Issue** – Comr. Perkins reported that she received quite a number of complaint calls. Twice she has spoken with the Habitat representative to inform them that she along with the community are displeased with the amount of houses they are trying to fit in the small lot. Comr. Perkins indicated that she is concerned about three (3) things to include the congestion of traffic and the quality type of homes being built. In addition, she stated that the plan would be bringing at least 500-600 people in the area. The sub-divisions that covers the area is Liberty Park, which has 367 homes, Sanders Park has 200 homes, Pine Tree Park has 73 homes, and Canal Pointe has 110 homes. Currently, Habitat

plans to bring in 77 homes, which could result in approximately 500-600 additional people. Therefore, a traffic study needs to be done.

Additionally, Comr. Perkins indicated that in 2014 when plans were made to build duplexes the residents of the area fought against it because they did not want these types of housing units. However, when they indicated that homes would be built, the residents were expecting homes, but not that many on such a small lot. She understands that the groundbreaking will take place March 24, 2017, and inquired who is responsible for this. In sum, she desires for Habitat to meet with the community to hear their concerns regarding the homes. Congestion is a problem, as well as the housing quality product is not desirable for the community.

**Recognition of E. Pat Larkins** – Comr. Perkins recognized former Mayor/Commissioner E. Pat Larkins, who served on the City Commission for 19 consecutive years and 7 terms as Mayor. He resigned as Vice Mayor in May 2008, and passed away on February 14, 2009. Therefore, she wanted to remember E. Pat Larkins at this time.

**Commissioner Michael Sobel – Best Wishes for Retirement** – Comr. Sobel wished City Manager Beach all the best on his retirement. He stated that the City Manager, along with the City Clerk and City Attorney has an amazing job to work for six (6) bosses. However, they do it with grace and patience and seem to be there whenever an answer is needed.

**Harbor House** – Comr. Sobel thanked all the people in the condominium for inviting him to speak at their annual meeting. The people were wonderful and he said it was terrific.

**Bulk Trash** – Comr. Sobel indicated that the status quo on bulk trash is absurd. It has been a “sore” in the community that has been “festering” since March 2016. Currently it is one bulk trash pickup per week limited to four cubic yards, with coconuts and grass cuttings in the gray basket. Most of the complaints he has received is regarding this subject. Therefore, the City cannot sit back much longer and have the citizens suffer every week with the pickup and the ongoing problems that this situation is creating between neighbors and neighborhoods with piles of bulk trash. Consequently, he urged staff to take whatever steps necessary to make this happen quickly.

**McNab Road** – Comr. Sobel indicated that he also had McNab Road on his reporting items. He stated nothing of substance has happened in the area in approximately 40 years, which merits attention. Other parts of the City have been enhanced covering two to three districts, but at the very least, these wonderful illustrations, provided by Comr. Hardin earlier, could be incorporated, as well as include a plan to beautify that part of the City. Therefore, he requested that staff prepare a beautification plan for McNab Road and report back to the Commission. It is critical to the City’s long-term growth and it is long overdue for the residents of those neighborhoods.

**A1A Beautification** – Comr. Sobel asked for the same thing to be done for the A1A beautification south of Atlantic Boulevard, but he was told by Gregory Harrison, Assistant City Manager that a plan is underway, so he will not ask for it since it is underway.

**High Use Fee** – Comr. Sobel stated that he does not understand why the City does not do as other cities do in Broward County with regard to recognizing certain types of businesses that create a far greater use for Broward Sheriff’s Office (BSO) police and fire. He stated that there are disparities between the higher uses demand certain businesses take. For example, large retail stores such as Walmart, detox facilities,

convenience stores, etcetera, and perhaps in the future the medical marijuana retail stores. These types of facilities demand a greater use of police and fire services than some other businesses. Comr. Sobel indicated that there is nothing that prohibits the City from creating a high use fee for those businesses, which by nature, will demand a higher use of police and fire services. Therefore, he directed the City Manager to have staff create a fee related to the BSO and fire services for uses that have demonstrated a greater call rate. Thereafter, staff should bring the item back for the Commission to consider an ordinance that would allow the city to institute this fee.

Mayor Fisher for clarity purposes indicated that the request is to bring back some information to the Commission to digest it first prior to an ordinance.

Vice Mayor Burrie stated that in her district the City's officers that should be on the streets spend a very long time at Walmart, which do not have their own security. Therefore, charging more money may be a great idea.

**Short Term Rentals** - Comr. Sobel indicated that he has spent some time with the Development Services Director Robin Bird regarding the short-term rental issues, because of some ongoing problems in District 1 and throughout the City. He stated that a short-term rental is defined as, "five (5) units or more rented for six (6) months or less." Therefore, a study is not necessary. There is a rational boundary east of Federal Highway and he said there is nothing to prohibit an ordinance that could apply Citywide or just east of Federal Highway to restrict short-term rentals as defined in the City of Pompano Beach.

Subsequently, Comr. Sobel directed the City Manager/Staff/City Attorney whoever is appropriate to draft an ordinance that seeks to prohibit converting buildings of five (5) units or more into short term rentals, at the very minimum, east of Federal Highway and with full Commission's support to do it Citywide.

Mark E. Berman, City Attorney indicated that there are many challenges presented to that to include legal issues. However, he would be pleased to look into the request. In addition, Mr. Berman noted that it is defined by state statute not just by City ordinance. So, if what Comr. Sobel is requesting cannot be achieved then they will offer alternatives.

**Conflict of Interest Forms** – Comr. Sobel stated that earlier, the Commission sat as a Board for the Herb Skolnick Cultural Arts Foundation, Inc. This Foundation is a standalone 501(c) 3, which is created for charitable purposes and has been in existence for quite some time. As a Board member, no one is permitted to sit without signing a conflict of interest form, which is generic in nature. In sum, it states, that the directors have read and understood the conflict of interest policy, the bylaws, agreed to comply with the policy, understand the purpose of the 501 (c) 3, and to the best of their knowledge have complied with the conflict of interest policy requirements. Comr. Sobel explained his reason for bringing the simplistic item for attention, which he believes something similar should be done for all of the boards in the City, to include the advisory boards, the CRA, the City's standalone 501(c) 3 committees such as the Pompano Beach Economic Development Council.

Comr. Sobel reiterated that the forms are generic and should not intimidate people who want to give back to the community to be on the boards. Therefore, he solicited cooperation from the Commission to institute this form for the various boards and if someone refuses to sign, perhaps that person should not serve on a particular board/committee.



In sum, he indicated that if the item cannot be revisited on a motion, he requested that the CRA Advisory Boards, the City Advisory Board members and the standalone 501(c) 3 board members voluntarily sign this form on an annual basis, which will be good for the City.

**Administrative Assistant to the City Commissioners** – Comr. Sobel referred to a former speaker who spoke under Audience to be Heard, requesting an administrative assistant for the commissioners. He pointed out that everybody sitting on the dais works hard and besides very bulky agenda items to be reviewed in a short time, there are other things that they must do. Nevertheless, they love their job and are aware it is important to the community and will continue to do it.

**Valentine Day Wishes** – Comr. Sobel wished everybody a Happy Valentine's Day.

Comments made by Comr. Hardin indicated there are times not all of the members of the Commission have been pleased with the outcome of a vote. Nevertheless, they act as a City Commission. If he does not like the outcome of a vote, part of the process is to move on. Therefore, for an individual commissioner to disapprove a vote and then comment that there is a disagreement, but still wants something done is not right. He reiterated that the body acts as a commission and speaks as a commission with one voice as a commission. Therefore, they must move on as a commission even if the outcome of a vote is not pleasing to a particular commission member.

Finally, Comr. Hardin asked that anybody serving on any committee/board should follow the direction of the Commission.

**Vice Mayor Charlotte Burrie – Congratulations and Best Wishes** – Vice Mayor Burrie congratulated City Manager Beach on his retirement and wished him and his wife all the very best. She implored him to enjoy his retirement.

**Trash Issues** – Vice Mayor Burrie stated that she too is bombarded with complaints about the trash issue, that at times she would prefer to skip attending association meetings. She stated that her neighbors who are improvising with the limitation of four cubic yards informed her that they are dividing up their horticultural waste among three yards so that the bulk pickup truck will pick it up. The agreement is for once a week pickup not twice but residents still need to be educated about this.

**Illegal Dumping** – Vice Mayor Burrie indicated that the Commission agreed to hire two (2) Code Compliance inspectors dedicated solely for taking care of trash. However, she has not seen a report to verify if people were made to comply, or if tickets have been written or has the inspectors' presence been helping with the problem. Therefore, she would like to see some reporting on the hiring of "trash inspectors" to determine if this is assisting the problem with illegal dumping.

**Assistant to the City Commissioners** – Vice Mayor Burrie recalled that many years when she was City Clerk of Pompano Beach, there used to be a position called the "Secretary to the City Commission." However, when the secretary retired the work was passed on to the City Clerk's Office, which she had to do. She is unsure if the City's budget would be able to put an assistant for each member of the Commission. Perhaps, the Commission could consider a position such as a clerk typist to assist with letter writing, and so forth.

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**Valentine Day Wishes** – Vice Mayor Burrie wished everybody a Happy Valentine's Evening.

**Mayor Lamar Fisher - Unity in the Community** – Mayor Fisher thanked Carolyn Mann and her entire volunteer staff for coordinating a wonderful Unity in the Community event held in January, which was one of the largest crowds, again, as it continues to grow. Thanks to the volunteers throughout the six years that has made this event happen successfully.

**Short Term Rentals** – Mayor Fisher thanked Robin Bird, Development Services Director for his continuation of the task force and so forth. This Thursday, February 16, 2016, from 10:00 a.m. – 11:00 a.m. at City Hall in the Third Floor Conference Room all residents are invited to come and discuss short-term rentals, and staff will provide an update on the latest legislations that the City has been working with at both the Federal and State levels.

**Annual Scholarship Program** – Mayor Fisher indicated that he has been asked by several residents about the City's annual scholarship program. He announced that the program is back on target and they are getting ready to open the program next week. All information will be made available on the City's website.

**Community Development Revolving Loan Fund** – Mayor Fisher indicated that several people have asked him about the Community Development Revolving loan fund on how it operates, and read into the record the following:

*“The Community Revolving Loan Fund account is regulated at Stonegate Bank. It is utilized for the sole purpose of servicing loans once the funds have been distributed. Therefore, folks get the loans and the bank handles the record keeping, the capturing of the repayments on the program, and the reporting. The City has a loan servicing agreement with Stonegate Bank. The program is administered by the City's Office of Housing and Urban Improvement (OHUI) staff. The program is authorized by the Department of Housing and Urban Development's CDBG program, as such, it is subject to federal guidelines, and maybe reviewed by HUD at any point. As loans are approved, the City wires the funds from the main operating account with Chase to Stonegate Bank and they distribute to the loan recipient.*

*The City's process is a request to HUD for reimbursement. As loan recipients repay their loans, the repayments, the program's income, are deposited back into the program via the account with Stonegate Bank for new loans. Eligibility loans are determined by a revolving loan fund committee, the OHUI staff based on the program guidelines.*

*The City receives monthly bank accounts statements from Stonegate Bank for activity on the bank account, which is reviewed by both OHUI and Finance staff, and a bank reconciliation statement is performed to the ledger by the finance staff. The City Commission including the Mayor has no control over the program or the distribution of the funds or ultimately the recipients of the loan. So the Commission does not control any of the monies or distribution or picking who gets a loan”*

**Congratulations and Best Wishes** – Mayor Fisher thanked City Manager Beach for all his services to the City. He also wished him a happy, healthy, and long life of retirement.

**E. ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

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**LAMAR FISHER, MAYOR**

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**ASCELETA HAMMOND, CITY CLERK**