

Detailed Minutes - Final

City Commission

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

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

Tuesday, July 25, 2017

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

SPECIAL ANNOUNCEMENT

City Manager Harrison announced they have been experiencing technical difficulties in recent meetings with the audio system in the Commission Chamber. However, the problem is being worked on and equipment has been ordered. Therefore, when the Commission returns from Hiatus in September it will be resolved. In the meantime, if the problem should come up, he instructed that the proceedings continue and adjustments would be made to accommodate.

ROLL CALL

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

INVOCATION

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[17-555](#) Regular City Commission Meeting Minutes of July 11, 2017.

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

APPROVAL OF AGENDA

Mayor Fisher indicated that Items 24, 25, 35, 36, 37 and 38 would be tabled to the September 12, 2017 Commission Meeting. In addition, Item 44 will be stricken from the agenda, as well as contingent on how the Commission vote on Item 31, Item 32 would be stricken.

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

CONSENT AGENDA DISCUSSION

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

Mayor Fisher announced that Items 4, 9 and 11 would be pulled for discussion.

A. SPECIAL PRESENTATION

[17-548](#) **Sheriff Scott Israel**

Broward County Sheriff Scott Israel addressed the City Commission with agency updates.

Sheriff Scott Israel, Broward Sheriff's Office (BSO) indicated that the City could not have better protection, and a more engaged group of men and women protecting and interacting with the community than the Broward Sheriff's Office. He stated the nucleus remains the same in Major John Hale, and Captain Wayne Adkins. In addition, two superior leaders recently retired, namely Carrie Marks and Rudy Nesbit who are exceptional leaders. He introduced Captain Kevin Granville and Captain Tim Irving who will be taking over from the retired leaders. He stated that Community Policing starts with him and being available when members of the Commission are able to contact him by phone when there is a need and he calls them back. However, there are three (3) community leaders namely Carmen Jones, Walter Hunter and Vicente Thrower who all have his cell phone number to contact him.

Sheriff Israel introduced Academy Class 308 in the true spirit of community policing and what the City of Pompano Beach means to them. John Capaldi, born and raised in Pompano Highlands area will be working in

Pompano Beach as a BSO Deputy, Jennifer Petrowski, Pompano Police, Fire Department and Dispatcher for seven (7) years now a BSO Deputy, Louis Wich, born and raised in Pompano Beach now a BSO Deputy, Darryl Williams homegrown South Florida resident will be a BSO Deputy. Finally, he provided a brief background on his interaction with Mrs. Ernestine Price, who had introduced him to one of her grandsons, Dahrnaz Tigner, a football star from Blanche Ely High School, an exceptional student, a recipient of a full scholarship to Kansas State University, and he recently worked in the BSO Accounting Department and Community Outreach. Currently, he is assigned as Deputy Sheriff for Pompano Beach.

Mayor Fisher thanked Sheriff Israel for his dedicated leadership and for the men and women who serve the City so well.

Comr. Perkins asked permission to allow Mr. Tigner to say a few words.

Darnhaz Tigner, stated that he is happy to come back to his community and to be part of the change so that the people in the community can have the confidence to come to him for help. He is happy to be that bridge to help everyone come together and he is happy to be part of the change of a very loving and helpful community.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

17-514 Presentation from the Broward County Property Appraiser

Marty Kiar, Broward County Property Appraiser, will give an overview of the responsibilities of the Property Appraiser's Office as well as discuss exemptions and tax roll values.

This item was postponed until September 26, 2017 City Commission meeting.

17-592 Presentation of the City's New Smart Phone App "My Pompano"

Public Communications Director Sandra King and Information Technologies Director Gene Zamoski gave a presentation of the City's new smart phone app "My Pompano."

Sandra King, Public Communications Director and Gene Zamoski, Information Technologies Director provided a presentation on the City's new app called "My Pompano." It is free to the public and available from any smart phone. Ms. King mentioned that the word will get out through several different ways such as through a press release that will go out on Wednesday, July 26. The City's website will announce it with a demonstration video, social media such as Facebook, Twitter, Points of Interest Newsletter, Channel 78, Tradewinds Magazine, as well as some creative advertisement will be utilized. For example, signs will be posted on the third floor of City Hall, as people are waiting in line for the permits.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS

17-575 India Independence Day and India Heritage Month

Mayor Lamar Fisher proclaimed India Independence Day and August 2017 as India Heritage Month in the City of Pompano Beach. Mr. Sajan Kurian, Chief Coordinator spearheading this event, was unable to attend; however, Mayor Fisher read the Proclamation into the record.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

C. AUDIENCE TO BE HEARD

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

The following persons were called to speak:

Activities at Recent Legislative Session - Senator Perry E. Thurston, Jr., Florida Senate, 2151 NW 6th Street, Fort Lauderdale, FL, stated that he was born and raised in the City of Pompano Beach and a past student of Pompano Beach High School. He has served in the House of Representative and other places, but did not represent Pompano at the time. However, he is proud to represent the City of Pompano Beach in his Florida Senate District and thanked the citizens for the opportunity to represent them.

Furthermore, he reported that during the past Legislative Session, they filed several bills seeking some appropriations for the City of Pompano Beach. Of the three bills they filed and got passed, two (2) were vetoed and one (1) was received, which is the Water Plant Filter Rehabilitation System for approximately \$280,000. Therefore, with the help of State Representative Patricia Williams and Senator Gary Farmer they will continue to actively work for the City of Pompano Beach.

Renaming Northwest 16th Street - Senator Thurston indicated that he had attempted to get an item on the City Commission Agenda to rename Northwest 16th Street with the name Runette L. Williams. He indicated that he also graduated from Sanders Park Elementary School where Ms. Williams served as principal for approximately fifteen (15) years. Senator Thurston indicated that Ms. Williams is currently a retired elderly person who is still doing good things such as sponsors scholarships and assist with giving back to education. She resides on Northwest 16th Street that leads into Sanders Park Elementary School. Finally, he indicated that there were several representatives from the various organizations that supports renaming the street after Ms. Williams.

Mayor Fisher explained the City’s normal process to rename a street, which involves the City receipt of a letter and a contribution. The item is then placed on the City Commission’s Agenda for consideration thereafter it is formally placed on the agenda as a resolution. However, the City Attorney’s Office advised that the City

Commission have full latitude to honor Senator Thurston's request. Consequently, Mayor Fisher requested a motion to allow Northwest 16th Street to be renamed Runette L. Williams and to get a resolution on the September 12, 3017 City Commission Agenda for formal adoption for the street name change.

MOTION: A motion was made by Comr. Hardin, seconded by Comr. Perkins to have Northwest 16th Street renamed with Runette L. Williams.

Mayor Fisher confirmed that a resolution will be brought before the City Commission on September 12, 2017 regarding the subject matter.

2017 Nature and Heritage Project - Sandy Von Staden, 3201 Beacon Street, Pompano Beach, FL, stated she along with Claudia McMann Hickman, President of Pompano Proud, Inc., will speak with the Commission briefly about Pompano Proud and their activities. Thereafter, she presented a detailed background on Pompano Proud and the various projects that they have worked on to beautify the City. Over the years these include dune plantings, beach cleanups, tree planting, memorial project at Indian Mound Park, WOW Awards presented to properties on the corridor, certification of corridor properties as wildlife habitat and an outdoor nature art installation at the Beach Branch Library. In addition, they were able to introduce new amenities at the McNab Park with the partnership of City staff. Consequently, due to the success of this project, Ms. Von Staden introduced their 2017 project they will be working on through the end of this year. It will be the "Scenic A1A Pompano Beach Nature and Heritage" project. In addition, to all the members involved in the project they have wonderful partnerships with the Pompano Historical Society, and the Hillsboro Lighthouse Preservation Society.

Ms. Von Staden indicated that the first project will be the creation, publication, and promotion of a self-guided walking tour booklet, called the "A1A Sidewalk Stroll." Upon publication they desire to have an app on the phone for the project. The walk will start from Hillsboro Inlet Park to Indian Mound Park, with five (5) starting and stopping points along the way. There will be a map and various beach and intercostal stops along the way. The goal is to complement the historical trolley and bus tour done every two months by the Historical Society, and the Lighthouse Preservation Society who conducts a boat tour launch from Pompano to visit the Lighthouse once per month. They are excited about this project.

The second project will be the beautification enhancement of Hillsboro Inlet Park and the onsite Lighthouse Museum. They have had preliminary meetings with Mark Beaudreau, Recreation Programs Administrator, and Robert McCaughan, Public Works Director to replicate what had happened at McNab Park. The Friends of the Board of Directors of Lighthouse Preservation Society are excited about this, and they will be recognizing the 110th Anniversary of the Lighthouse. As a major landscaping project on site, they will try to beautify the area so when people are visiting the Lighthouse Museum "they do not think they are going to the public restroom."

Finally, Ms. Von Staden thanked all their not-for-profit partners and City partners. Mayor Fisher thanked Ms. Von Staden and Pompano Proud for their efforts.

Blanche Ely High Alumni - Hilda Ford, Pompano Beach, FL, stated that she represents the Blanche Ely High Alumni & Friends Association, and stated their sole purpose is to raise scholarships for graduating seniors

and to raise funds to enhance the educational programs at the School. She mentioned they have been able to give out \$5,000 in scholarships. She indicated that the brochure she distributed earlier is to solicit help for under-privileged students, through a brick for scholarships program they have started. She invited Mayor Fisher to come out to address the public at their Ribbon Cutting Ceremony which date is to be announced, as well as invited all the other Commissioners to attend.

Comr. Perkins indicated that she is trying to assist the Blanche Ely High Alumni & Friends Association to raise money and was hopeful the City would make a contribution. She is aware that all the Commission contingency funds have been used up, but if it is possible the City Manager could possibly find some money to make a contribution to this effort.

Gregory Harrison, City Manager stated that it is possible he could fund a couple thousand dollars to assist in this effort. It was the consensus of the City Commission to support the City Manager's action.

Students Assistance - Ann F. Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, stated that school will begin August 21, 2017, and she desires to speak for the children again. She said her daughter-in-law is a school nurse in Alabama and their PTA of the school gives each teacher and the school nurse \$1,000 to cover their extra expenses for those children who cannot afford supplies. Therefore, she encouraged the Commission to contact their constituents in their district to ask for their contributions. In addition, she learned that many of the volunteers are "snow birds" therefore, she believes residents of Florida should also be contributing their time to the school children.

Pompano Beach Housing Authority - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that there is some property between Liberty Park and Sanders Park and have heard that there may be development on the site. He indicated that the community do not want any apartments or duplexes in the residential area. Therefore, he urged the Commission to ensure the area remain as a single-family residential as much as possible.

Community Involvement - Mr. Thrower indicated that recently there have been discussions about community involvement input. Therefore, he asked if the Commission could consider having small local district home meetings with the City Manager in attendance to provide a vision for 2020. Particularly, it is important to get input from the community and that the Mayor and City Manager assist the community to identify what will be done over the next few years to come up with the best plan for the community.

ETOC Meeting - Douglas Matthes, 500 NE 6th Street, Pompano Beach, FL, stated that last Wednesday, there was a community meeting about the East Transit Overlay Corridor (ETOC), which may have major impact on Old Pompano. However, he found out about it just two hours prior to the start of tonight's meeting. He complained about a number of issues regarding the meeting, the notification being too limited, its venue, the actual agenda and proposed program that informed there would be a question and answer segment, which did not allow for questions. He concluded that this type of meeting should be debated with an open question and answer session at the end. As well as the meeting should be held at the respective community centers.

Finally, Mr. Matthes indicated that the City has limited resources such as water; therefore any increase will further strain the water supply. He said his unanswered questions were, "Who proposed the effort? Why

Atlantic Boulevard and the Old Pompano Area? Why not Copans Road or Cypress Road? What is the tax impact? Are there any traffic mitigation plans.” He suggested that the City Administration needed to answer these questions before proceeding.

Mayor Fisher indicated that Mr. Matthes brought up some good points that will be passed on to the CRA, who is conducting the ETOC meetings.

Education Scholarships/Grants - Ric Green, President/CEO, Pompano Beach Greater Chamber of Commerce, 2200 E. Atlantic Boulevard, Pompano Beach, FL, indicated that certain members of the Economic Development Council (EDC) namely Roy Rogers, Frank Furman, as well as special guest Shezette Blue-Small have joined with him for the presentation. He indicated that Pompano Beach Elementary and Markham Elementary Schools have received grants from the State of Florida totaling \$1.4 million each. Additionally, the education commission of the EDC has been prominent in working with the School Board and with the County to acquire these funds. They have also been working with the Broward Education Foundation on which he is a member of the Board of Directors. He stated that this year Blanche Ely High School students received a total of \$91,100 in scholarships. Thanks to the City of Pompano Beach and Broward Education Foundation.

Next, students who live in Pompano Beach but attend schools outside of the Pompano Beach area also received scholarships. In addition, approximately \$12,000 in scholarships were awarded to teachers. Finally, Mr. Green indicated that there is a store named “Tools for Schools” located on West Copans Road in Pompano Beach that gives free supplies to teachers. They have donated over \$110,000 in supplies to schools in the Pompano Beach area.

Mayor Fisher expressed special thanks to Pompano Beach Elementary School principal, Ms. Blue-Small who has done a great deal for the schools. He also reiterated that grants of \$1.4 million went to Pompano Beach Elementary School and \$1.4 million went to Markham Elementary School.

Displacement from Summer Camp - Samantha Davis, Theatre South Atlanta, Inc., FL, thanked the Commission and City Manager Harrison for accommodating them as they are not from Pompano Beach. She indicated that this is their fourth meeting to appeal to the Commission since their displacement from their summer camp with the Pompano Beach Cultural Center for over one month. She said an investigation has been going on for almost three weeks. She then requested to show two videos of their summer camp.

Mark Berman, City Attorney advised that he distributed a memorandum to the City Commission informing them of a lawsuit being filed against the City among others. Since the City is party to the lawsuit, the common practice is not to have the City litigate its cases in public. Therefore, he recommended that this case not be discussed at this time. The courtroom is where any videos or arguments should be made. Therefore, it would not be appropriate to show a presentation at this time. In addition, he would recommend no response or discussion from the Commission at this time.

Mayor Fisher explained that Ms. Davis could not show the videos at this time, as per legal counsel.

Injustice - Carolyn Jones, Theatre South Atlanta, Inc., FL, stated that she is an alliance company at the Pompano Beach Cultural Center. She complained about the injustice that has been placed on Theatre South

Atlanta, Inc. by Creative City Collaborative, Inc., Alyona Ushe, Michael Tipton, Curtain Call Playhouse, Kris Koffelt and the City of Pompano Beach. She mentioned that the Pompano Beach Cultural Center, the Alliance, and Theater South summer program were built on an idea that is humane, beautiful and worth perfecting. Mrs. Jones indicated that she and her husband's company has been treated unjustly. Therefore, she desired the City to correct the injustice, because they came to do art and to enrich the community and especially with the children. She stated that they got terminated from a program that they designed and were displaced and terminated for no just reason.

Injustice - Jacovia Farrington, Theatre South Atlanta, Inc., FL, outlined the losses of the Theatre South Atlanta, Inc., while they were terminated. She said they lost their program, their ability to perform, she lost the ability to make an income and they lost their interns. Moreover, they lost the chance to enrich the lives of children, as well as they lost their time and have gained nothing in return. She asked the City Commission to pay attention to the injustice happening at the Pompano Beach Cultural Center.

Talented Broadway Child Star - Herman LeVern Jones, Theatre South Atlanta, Inc., FL, thanked his team for coming to speak. He indicated this past week they had a child Broadway star from New York, Amadi Chapata to visit Miami, who was supposed to be at the Pompano Cultural Center and the Ali Center. He mentioned that he taught this child star since she was four years old until she became a superstar on Broadway who is now eleven years old. He expressed disappointment that he could not bring Ms. Chapata to share her experience with the children here in Pompano Beach.

Additionally, Mr. Jones indicated that he had scheduled a member from the Tyler Perry show to come to the theatre as well. Mr. Jones urged the Commission to get it together so that he can bring some of the wonderful talent to the City of Pompano Beach to allow the students to see it here.

Upcoming and Current Productions at Pompano Beach Cultural Center - Skye Whitcomb, Artistic Director of Outre Theater Company, 50 NE 45th Court, Oakland Park, FL, one of the resident theatre companies in the Pompano Beach Cultural Center. He indicated that they are currently in the middle of producing 1984 by George Orwell. He thanked Comr. Sobel for attending their production a few weeks ago and invited the rest of the Commission to see the work that local South Florida artists are doing in the City of Pompano Beach. He mentioned that they are a gypsy company who have been in Boca Raton, Fort Lauderdale - The Broward Center of Performing Arts - for two years. Currently they are with the Pompano Beach Cultural Center (PBCC) and hope this is the beginning of a long and wonderful relationship. He urged the Commission to come out to see the show and support them and the PBCC and some of the South Florida artists that are performing in the City.

Memorial Day Celebration - Walter C. Hunter, 2337 NW 15th Court, Pompano Beach, FL, thanked everyone for coming to the Memorial Day celebration and hopes the City Manager will be able to make the next celebration, because it was a wonderful event.

Historical Background Information - Mr. Hunter provided a brief historical report on his background and family and the role they played in the City of Pompano Beach. In fact, he recalls being in the City when every business on Hammondville Road was black-owned. He indicated that he wanted to talk about what true black history is in the City. Finally, he mentioned that he will continue to support the people in Collier City although

his address has changed. He believes many of “our people are disenfranchised because we cannot compete against Palm Aire, and John Knox Village.”

Community Clean-up - LeRhonda Henley and Rashad Lewis, 601 NW 20th Street, Pompano Beach, FL. Mr. Lewis stated that they are with the Just Us League and mentioned that they started organizing a few community cleanups. One was done this past weekend and they presented a slide show of the activities that took place.

Gabrielle Quarter, Boca Raton, stated that she partners with the Just Us League for the cleanup and so far, they have done four (4) cleanups. Two at Mitchell Moore Park, one outside of the E. Pat Larkins Center and one at the Apollo Park. She distributed a flyer that promotes their efforts and how they have impacted the Northwest streets in Pompano Beach. She stated that they have organized and executed the cleanups with minimal help from the City, and mentioned BoJo’s Seafood Kitchen who have donated lunches for the volunteers. However, she urged the residents of Pompano Beach to provide them with information on sponsors who could assist with supplies, food, and water, as well as volunteer to come out and assist with the cleanup. The next community cleanup will take place on August 12, 2017 at Mitchell Moore Park and invited people to come at 9:00 a.m. so they can start promptly at 9:30 a.m. The flyers being distributed will provide all the information if there are any questions regarding volunteering or providing sponsorship.

LeRhonda Henley, Vice President of Just Us League, indicated that in her outreach efforts they received an idea from Akal, one of the stores in the community, that they plant a tree in each area that they have cleaned up to signify they are working to beautify the community. Contact Ms. Henley at (954) 715-9271 for more information regarding the cleanup efforts.

Community Support - Imami Obong, 1770 NW 5th Street, Pompano Beach, FL, stated that she is new to Pompano Beach and related her first experience, which her initial perception was that everything in South Florida was crooked and misleading. However, when she met Comr. Perkins and some of her constituents they gave her hope that she can live in an uncorrupted society. She discovered that Pompano Beach has a lot of deep history, but there are many misleading people in the City. She indicated that after attending several meetings and watching the meetings on TV, she discovered that Comr. Perkins has very little support from fellow Commissioners. Therefore, she urged the Commission to provide more support to the communities requesting assistance, as well as to support Comr. Perkins and the community garden concept. Finally, she urged the residents of the City to unite their efforts.

D. CONSENT AGENDA

1. [17-572](#) Approval for Virginia Moreno to transfer ownership an assignment of Burial Plots BRA # 6651 Block 9, Lot 102, 103 Plot 1 in the Central Lawn. To the City of Pompano Beach
(Fiscal Impact: \$3,626.02)

(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. [17-564](#) 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 CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND ASHBRIIT, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan/Russell Ketchem)

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. 2017-290

3. [17-565](#) 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 CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CROWDER-GULF JOINT VENTURE, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan/Russell Ketchem)

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. 2017-291

4. [17-581](#) Approve ranking order for RFP E-33-17 Operations, Management, and Development, and authorize staff to negotiate a contract with the highest-ranked firm, AEG Live SE, LLC. (No cost at this time.).

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Comr. Sobel requested pulling the item for discussion because he needed more information than what was provided in the backup. He asked about the Amphitheater seven-year contract with the three-year renewals involving millions of dollars. He stated the vision of the Amphitheater over the past years have changed and asked if the vision could be restated as to the future of the facility. In addition, he could not find any details regarding the proposed corporation.

Mark Beaudreau, Recreation Programs Administrator, stated that as a 28-year employee he has seen the

Amphitheater built in 1993, and several corporations has managed the facility. AEG Live is the current recommended firm, who is the number 2 producer in entertainment of the world. The vision of the Amphitheater's future is to see the venue thrive and flourish and keep attracting immense talent. Therefore, with the Request for Proposal (RFP)-E33-17 - General Services Department had some outreach with over forty entities looking for the management and operation of the Amphitheater. Of those five proposals were accepted, a selection committee met, ranked and prioritized the proposals. Overwhelmingly, AEG Live was selected.

Additionally, he referred to the backup material regarding the objectives and how it correlated to the vision of the City for the Amphitheater. On Page 14, there were four criteria required and overwhelmingly AEG Live rated highly above all the other companies. Staff is looking for a steady revenue return to the City and this is exactly what AEG Live proposed. In sum, there was approximately \$200,000 per year return back to the City and they are willing to put forward funding of more than \$2 million for a tinsel roof over the facility. The two main criteria is to have the revenue streaming back to the City, and the Capital Improvement Projects. Mr. Beaudreau mentioned that the current company did not submit a bid.

Mayor Fisher indicated that he desired to pull the item as well. He thanked the Commission for supporting going out for a RFP process. He reiterated that AEG is the second largest promoter in the nation. Mayor Fisher also thanked CAC and said they have done a magnificent job with the Amphitheater in bringing it back to life. However, the City's goal, which is costing approximately \$800,000 per year, now has the opportunity to have a guarantee of \$200,000 per year in revenue plus \$2 million in improvements in the Amphitheater. Mayor Fisher also thanked staff for moving forward with the RFP and hope they will negotiate a great contract for the City.

Comr. Hardin questioned whether once the contract is agreed upon will there be a penalty clause if benchmarks are not met. He said it is important that the Amphitheater be active on a consistent basis. Notwithstanding, he stated that CAC did bring some life back to the Amphitheater and kudos to them for doing so.

Mr. Beaudreau confirmed that the company will be investing \$2 million in the tinsel roofing of the Amphitheater. He clarified that sponsorship will be allowed even though the City currently does not allow it.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach asked if allowances will be made for city sponsored events. He is hoping that some of the events that have been coming to the Amphitheater recently, such as the Gospel fest, are not lost when the new company has contracted with the City. In addition, Mr. Thrower inquired about the type of roof being proposed for the Amphitheater.

Mr. Beaudrean responded that the material will be of a fabric type for the roof which have a Teepee shape canopy.

Mayor Fisher confirmed that the item is only a ranking stage and that the contract will come back for public input.

Jeff Shavon, Director of Operations for AEG Live Southeast, stated that they are excited about being part of

the City and mentioned that most of the members of the organization are the core of Fantasma Productions who worked with the City prior. He explained when the owner of Fantasma passed away the widow sold the company to Live Nation. Therefore, they were not involved with the programming it was another company. Consequently, after the owner passed away they became AEG Live thereafter. He said, currently, they are doing 500 concerts per year in the State of Florida. They are excited in collaborating with the other groups and have been working with Alyona Ushe of CAC for the past three years. Mr. Shavon indicated they are looking forward to putting in the proper improvements to take the venue to the next level.

Dennis Maneri, Professional Concessions, Pompano Beach Amphitheater, 1801 NE 6th Street, Pompano Beach, stated that they are the Food and Beverage Concessionaires at the Amphitheater for 20 years. They currently serve four other Amphitheaters throughout Florida and can attest to the capability, performance and qualifications of AEG Live. He strongly endorses them for the management and operation of the Pompano Beach Amphitheater. He urged the Commission to approve the negotiation of a contract with AEG Live who is one of the largest promoters in the world and would transform the Amphitheater into a world class facility that the City deserves.

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

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

5. [17-563](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS ACCEPTING A GENERAL PROGRAM SUPPORT GRANT IN THE AMOUNT OF \$44,897.00 FOR ARTISTIC, CULTURAL AND EDUCATIONAL PROGRAMMING AT THE POMPANO BEACH AMPHITHEATER AND THE NEW POMPANO BEACH CULTURAL CENTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$44,897.00)

(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. 2017-292

6. [17-583](#) Approval to award Bid #E-36-17 Laboratory Testing Services to the lowest responsive, responsible bidder, Pace Analytical Services, LLC, in the amount of up to \$35,759.00 annually.
(Fiscal Impact: \$35,759.00)

(Staff Contact: A. Randolph Brown)

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

7. [17-584](#) Approval to purchase Pump & Electric Motor Repairs as needed from Condo Electric Motor Repair, Inc. in the estimated annual amount of \$74,000.00 per the City of Homestead Contract 201419.
(Fiscal Impact: \$74,000.00)

(Staff Contact: A. Randolph Brown)

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

8. [17-585](#) Approval to purchase Sodium Hypochlorite as needed from Odyssey Manufacturing Co. in the estimated annual amount of \$268,800.00 per City of Leesburg Florida Contract #150451.
(Fiscal Impact: \$268,800.00)

(Staff Contact: A. Randolph Brown)

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

9. [17-591](#) 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 STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ACCEPTING A GRANT NOT TO EXCEED \$300,000 FOR THE CONSTRUCTION OF THE AVONDALE NEIGHBORHOOD STORMWATER IMPROVEMENTS; AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT UP TO \$300,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: State Grant)

(Staff Contact: A. Randolph Brown)

Comr. Sobel pulled the item for discussion. He noted that there is a \$3.6 million project and the item is to approve up to a \$300,000 grant and requires the matching of the grant amount by the City.

A. Randolph Brown, Utilities Director, responded that is correct. Mr. Brown explained that the City has the match money for the grant. In addition, the \$300,000 is limited to water quality improvements for the Pompano canal. He said the grant does not include any of the hardware, pump station equipment.

Comr. Sobel surmised, if it continues to go in the area of some concerns regarding long term liabilities of storm water issues, and the proposed millage rate, which he felt was artificially too low to try to cover some of the expenses anticipated and those that are unanticipated. Therefore, he asked where the money would be coming from, which he was told it was already funded.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, stated that residents of Avondale would agree the storm water sewers have been needed for many years. He noted that the City will have to put up \$300,000 for the grant and an additional amount of \$3 million, which he assumed will be borrowed money. He explained in detail his understanding of the City's budget and how it would impact the plans for the Avondale storm water sewers. He indicated that it is bad to borrow and explained his reasons. He urged the Commission to stop borrowing the money and start saving for the projects.

Mayor Fisher explained that the previous City Administration used to exercise a budget of "pay as you go." While this concept was great in the recession time, currently, there are debilitating infrastructure throughout the City, so it is necessary that the funding is required to fix the problem. Avondale is in desperate need for storm water drainage, and there is an opportunity to get funding from the State's Revolving Fund that has a 0% interest. Therefore, the dollars borrowed will be paid back for the same amount taken.

Comr. Hardin indicated that Mr. Terwilliger referenced \$250 million, and explained that the revenue going into this project is part of that amount. Therefore, what comes out for the project is in the budget, which Mr. Brown confirmed as correct.

Comr. Sobel expressed concern that the City is artificially lowering the millage rate, which will not solve the problem for the storm water and the water rates. Therefore, since the rates were not raised since 2011 and 2013 respectively, and to keep them lower than what is needed to pay for future projects, he asked what is being done. He said these are serious problems that must be addressed. Therefore, the City need to be more realistic on the cash required and the cost to the tax payers as a result of the long term borrowing.

Mayor Fisher then explained the principle of debt ratio and interest. He used the example if someone had enough money to pay for a home it would be great. However, there are first time home buyers and opportunities for a person to get into a home so it takes money to have a mortgage to do that. Therefore, he said the principle remains same whether it is a government agency or a private homeowner or business having

to pay back with interest. Moreover, Mayor Fisher indicated that he is not a proponent in raising taxes.

Mr. Brown explained that the Avondale storm water project has been in the plans since 2013, when a master plan study was done. There are 24 projects of approximately \$32 million and ten years' worth of rates are in place to pay for the loans. So there is a plan in place.

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. 2017-293

10. [17-503](#) A RESOLUTION 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 YA LAFORD FINE ART, LLC TO COMPLETE THE COLLIER CITY ARTIST IN RESIDENCY PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000.00)

(Staff Contact: Laura Atria/David Recor)

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

Enactment No: RES. No. 2017-294

11. [17-556](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, EXTENDING THE 180 DAY TIME FRAME FOR ADOPTION OF THE EAST TRANSIT ORIENTED CORRIDOR (ETOC) LAND USE PLAN AMENDMENT (LUPA); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Comr. Sobel pulled the item for discussion. He commented on the East Transit Oriented Corridor (ETOC), which overall seems to be doing a good job dealing with height, density, rezoning, traffic, and it is developing

greatly. Most of it is due to the public outreach and it is moving forward. However, he requested clarification on the traffic study.

David Recor, Acting Development Services Director, explained the traffic study was prepared by Kimley Horn and Associates and it models the build-out of the ETOC district. This is being presented at the public meetings scheduled over a period. He said the extension being requested is specifically to implement the zoning and the traffic analysis concurrent with the land use plan amendment approved by the Department of Economic Opportunity in February 2017. The City has 100 named days to do that. Therefore, because the zoning and traffic analysis is still work in progress an extension of 180 days is required to meet the State's mandated deadline

Jennifer Gomez, Assistant Director, Development Services Department, explained that the Land Use Plan Amendment was completed over one year ago and at that time a traffic analysis was done as required for the Amendment. Most of the residents at that time agreed that the minimum requirement was met, but they wanted to see more detail. Therefore, with the current traffic study they are evaluating what the impacts would be to the adjacent residential neighborhoods and what it would mean in growth traffic volume and traffic calming. Also, Kimley Horn will be making recommendations in terms of traffic study requirements to be included within the zoning code amendment upon adoption.

Comr. Sobel asked how the traffic analysis would address the holistic "big picture" specifically, if it is possible and since the traffic analysis will be expanded with the rezoning if they incorporate in the analysis the density of the barrier island. That is, from Federal Highway east there would be 7,800 additional residents planned with 3,800 on the barrier island. Therefore, can the realistic traffic study numbers be incorporated by including the adjacent neighborhoods specifically the barrier island potential density.

Ms. Gomez responded that Comr. Sobel's comments will be communicated to the traffic consultant.

Comr. Hardin asked what was promised to the public as it relates to the rezoning running concurrently, prior to everything getting diverted.

Ms. Gomez responded that Comr. Hardin is correct. She indicated that the Land Use Plan Amendment has gone through the procedural requirements and the final step being second reading of the ordinance. However, based on commitments the City made during the first reading, staff had indicated that it would not be brought back to the Commission until the zoning code was ready. Currently, the ongoing code is being worked on to include the traffic component, then everything will be brought back for final adoption.

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. 2017-295

12. [17-546](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST EXTENSION TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR COMMUNITY BUS SERVICE INCLUDING CAPITAL ASSISTANCE FOR VEHICLE LEASE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(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. 2017-296

13. [17-562](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF PURCHASING HYDRAULIC PATIENT STRETCHERS AND POWER LOAD SYSTEMS FOR RESCUE/AMBULANCES; CONFIRMING THE CITY'S CONTRIBUTION; AND AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$18,246.00)

(Staff Contact: John Jurgle)

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. 2017-297

14. [17-552](#) Approval of the FY 2017-2018 Annual Action Plan in the amount of \$913,486.00 of CDBG Funds and \$314,917.00 of Home Funds for a total of \$1,228,403.00.
(Fiscal Impact: \$913,486.00 CDBG & \$314,917.00 HOME)

(Staff Contact: Miriam Carrillo/Mark Korman)

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.

15. [17-553](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE-FUNDED GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF OBTAINING FUNDS IN THE AMOUNT OF \$194,000.00 TO PROVIDE RESIDENTIAL WIND MITIGATION RETROFIT IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$194,000.00 RCMP/HLMP)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-298

16. [17-559](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER, TO EXECUTE ON BEHALF OF THE CITY, THE AMENDED HOME OWNERSHIP AGREEMENTS FOR THE CITY'S FIRST TIME HOMEBUYER PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Mark Korman)

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. 2017-299

17. [17-566](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION TO PERMIT THE CITY TO ENTER AND CONSTRUCT AN EMERGENCY TRAFFIC SIGNAL WITHIN THE STATE RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich/Anthony Alhashemi)

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. 2017-300

18. [17-567](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AGREEMENT AMONG RYAN SCHOENECK AND JONI KULLGREN, AND HENRY AND MARIA BUCZYNSKI, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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. 2017-301

19. [17-589](#) 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 MICHAEL HOUTKIN, TRUSTEE OF THE HOUTKIN CONSULTING RETIREMENT TRUST; TYLER MICHAEL HUNTER AND MORGAN HUNTER; MICHAEL HUNTER AND SUE HUNTER; AND THE CITY OF POMPANO BEACH PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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. 2017-302

20. [17-590](#) 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 BETWEEN TONY HILL AND THE CITY OF POMPANO BEACH PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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. 2017-303

21. [17-560](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING EVELYNE “LYNNE” WARRICK TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

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. 2017-304

E. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 18-21 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

22. [17-508](#) P.H. 2017-68: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 15TH STREET AND NW 6TH AVENUE FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: David Recor/Jae Eun Kim)

Comr. Sobel declared he had ex-parte discussion with the head of Habitat for Humanity not specifically regarding the subject project, but discussing in general the method in which potential homeowners are selected.

Mayor Fisher, Vice Mayor Burrie, Comr. Hardin, Comr. Moss and Comr. Perkins declared that they have all had ex parte discussion regarding the subject project.

David Recor, Acting Development Services Director presented the item and indicated that staff desired to supplement the record with the applicant providing a traffic analysis, which was provided in the backup information. He said staff is available to answer any necessary questions.

Dennis Mele, Esq. 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant, followed up on a few items from the last meeting. He stated there were some questions regarding the backup and the accuracy of the information. However, they were able to go over all the information. There was a question regarding whether there were two regular accesses or whether one was for emergency vehicle only. The application was worded where it explained that it had met the emergency vehicle access requirements because there were two accesses. He confirmed that both accesses are for the general public, as well as for emergency vehicles. So, there will be public streets, no gates and two access points, one on NW 15th and one on NW 6th

Avenue.

Additionally, Mr. Mele stated that after the meeting they met with the Commissioner and members of the community and they talked about a variety of these items. One thing talked about was to ensure the access worked properly, so there is an access on NW 6th Avenue and one on NW 15th. These points are far from each other to ensure smooth accessibility.

Mr. Mele indicated that a number of Pompano Beach residents have come out in support of the project and were present at the meeting.

Sandra Martin, 2932 NW 1st Court, Pompano Beach, FL, stated she is a Habitat homeowner and spoke in support of the project, as well as thanked the City for its contribution.

Roger Fuller 2900 SW 2nd Street, Pompano Beach, FL, a future Habitat homeowner spoke in support of the project, as well as thanked the City for its contribution.

Winston Tenant, 2800 NW 1st Court, Pompano Beach, FL, stated he is a Habitat homeowner and spoke in favor of the project.

Vice Mayor Burrie apologized that she had this project mixed up with another project. However, she had mentioned that she had communication on this project.

Comr. Perkins indicated that she spoke with Dennis and Nancy from Habitat Humanity earlier and they were willing to perform a traffic study so the community will have some idea of the impact this project will have on the surrounding communities. Therefore, she will not have a problem voting yes, with that in place. She asked who will conduct the traffic study.

Mr. Mele responded they agreed to get a traffic study done by a qualified traffic engineer after meeting with staff to determine the methodology. Notwithstanding, they understand the Commission is looking for circulation in and around the property and in the general area to ensure things are working properly. The study will be done after school is back in session give and take a few weeks when people are back in their normal traffic behavior. A report will be done and submitted to the City for review and presentation to the Commission.

Comr. Sobel appreciated the April traffic study provided, which he is still apprehensive about. He said it states it will reduce the visits by eleven thousand if the project is built and the basis is the same in that it compares the theoretically and mathematical density that is allowable under zoning, versus what will be built. In the end, if something else is built he concluded that there is going to be less traffic. He stated that sometimes when the Commission may think an idea is great the residents within the community might not think similarly. Therefore, it is important that the community agrees, grow, and develop with Habitat. Comr. Sobel enquired if Mr. Mele had met with Comr. Perkins and with the community at large as he had promised at the last Commission meeting.

Mr. Mele responded that he met with Comr. Perkins and some other members of the community and there is a

follow-up meeting. He said they have made themselves available for anyone who wanted to meet with them since the last meeting.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-59

23. [17-561](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE CENTER PORT PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

David Recor, Acting Development Services Director presented the item and indicated that the Great Eastern Acquisition Corporation is requesting to amend a plat note on the Center Port plat to add a 53,054 square foot mezzanine level to an existing industrial warehouse building, for a total of 19,119 square feet. The property is located at 2919 Center Port Circle. The proposed plat note will restrict parcel F6 to 21,000 square feet of industrial office use, which permits up to 50% office use with a single tenant building or bay. No free standing office or commercial uses will be permitted without an approval of the Broward County Commissioners.

Christina Bilenki, Esq., Dunay, Miskel and Bachman, LLC, 14 SE 4th Street, Boca Raton, FL, on behalf of the applicant was available to answer any questions.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-305

24. [17-557](#) **P.H. 2017-83: (PUBLIC HEARING 1ST READING)**

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

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

25. [17-558](#) **P.H. 2017-84: (PUBLIC HEARING 1ST READING)**

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

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

END OF QUASI-JUDICIAL PROCEEDING

26. [17-587](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, FINDING THAT THE CONDITIONS WITHIN THE BOUNDARIES OF THE CITY CDBG SECTION 108 AREA OF OLD DOWNTOWN POMPANO, AS DESCRIBED IN EXHIBIT "A," MEET THE CRITERIA SET FORTH IN SECTION 163.340, PART III, FLORIDA STATUTES, FOR A BLIGHTED AREA; FINDING AND DECLARING THAT THE REDEVELOPMENT OF THE STUDY AREA IS NECESSARY AND IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich/Mark Korman)

Horacio Danovich, Capital Improvements Program Manager, presented the item, which is seeking the Commission's approval to designate a specific area within the Old Pompano area. It will be targeted for a grant application, which is a companion to item 27 following. He explained that the grant requires the designation of the area as blighted, specifically, for the purpose of the grant application.

Sarahca Peterson, 305 SW 1st Court, Pompano Beach, FL, asked if this is where the Bailey Contemporary Art building is located in the Old Pompano Beach area, which Mayor Fisher confirmed that is correct. Mayor Fisher pointed out the exact location of the area, which runs from NW 2nd Avenue east to 5th and goes out to 10th Street.

Mr. Danovich stated that the subject area is outside the Community Redevelopment Agency (CRA) boundaries.

Douglas Matthes, Pompano Beach, FL, provided his comments for both this item and the one following. He complained that the timing of the project is questionable. He said the City and or the CRA does not employ any certified traffic engineers. However, the City has another project, the ETOC, which is contracted with a traffic engineering firm to address traffic issues with Atlantic Boulevard and adjacent areas. The study is in process and until completed its impact on the proposed project in the two agenda items is unknown. He then provided his reasons for his conclusion.

Mr. Matthes concluded that it would be foolhardy to provide for a \$4.3 million project at this time if the ETOC study or the Atlantic Boulevard and Dixie Highway designs interfere with the project in the near future.

Therefore, he suggested that the Commission vote no for both agenda items and that the project be addressed by the City's planning staff after the ETOC traffic plan is in place and the Atlantic Boulevard and Dixie Highway plans are in place as well.

In response to Mayor Fisher's question about time restraint for the grant, Mr. Danovich replied there is a time restraint.

Mayor Fisher explained that the project is about streetscape improvements that deals with underground utilities, new lights, street furniture, new landscaping, road resurfacing and sidewalks. So this is infrastructure and beautification component and has nothing to do with the zoning and things of that nature.

To allay Mr. Matthes concerns Mr. Danovich explained that the project has been planned since 2012. In addition, it has been accounted for in the ETOC traffic analysis as part of what the City is planning to do. Therefore, this is already in the pipeline and a continuation of what has been done and the traffic analysis has already been included in the assessment.

Vicente Thrower, Pompano Beach, FL, asked if the process would allow for an application for a grant, of which he was told yes. He asked if the Federal Government should start cutting back the amount of money coming to the City, how the City is going to pay back the Section 108 loan or advancement money.

Mark Korman, Compliance Manager of Office of Housing & Urban Improvement, clarified that the project is already approved and the areas defined. The \$4.3 million that are guaranteed by City's future Community Development Block Grant (CDBG) entitlement have been approved. So, the money is available. The purpose of the grant is to supplement. Therefore, if all the Federal Government money should go away, the City would have to make the payments eventually. Currently, the City is repaying with CDBG funds.

Comr. Hardin stated that this is an important project for the Old Pompano neighborhood, and he appreciates staff working on this. In fact, from a long term standpoint it would reduce the traffic rather than increase it. Therefore, he supports moving forward to make this happen sooner than later.

Vice Mayor Burrie stated that if the Section 108 loan funds should come up again, she would remind the City Commission that she listens about the East and West CRA's, but there is a section called 10th Street that runs through the City and goes all the way to the Deerfield line, goes west over the railroad tracks takes in Leisureville and part of the northwest area but nobody seems to think of that area. Therefore, if there are any more of the 108 Loan funds floating around she has a lot of streets that need help to include 33rd, which finally the City is putting in an application for complete streets. She indicated that District 2 is a multi-denominational and multi-national, which no one appears to desire to pay any attention to it.

Comr. Perkins concurred with Vice Mayor Burrie's comments regarding no one paying any attention to her requests, based on what is going on in her district.

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. 2017-306

27. [17-588](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR A BROWARD REDEVELOPMENT PROGRAM GRANT IN THE AMOUNT OF \$1,000,000 FOR THE REDEVELOPMENT AND REVITALIZATION OF “OLD DOWNTOWN POMPANO”; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$4.3 million)

(Staff Contact: Horacio Danovich/Mark Korman)

Horacio Danovich, Capital Improvements Program Manager, presented the item, and indicated that there were no further comments regarding this item, because it is a companion item to the previous one.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-307

28. [17-580](#) Approval to award Bid #E-27-17 Avondale Storm Water Improvements to the lowest responsive responsible bidder, ENCO, LLC, at a cost of \$3,189,326.33.
(Fiscal Impact: \$3,189,326.33)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated that this is the bid that came in for the Avondale storm water project.

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

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

29. [17-573](#) 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 THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE USE OF THE E. PAT LARKINS COMMUNITY CENTER TO ESTABLISH A CULINARY KITCHEN INCUBATOR PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$11,865.00 in-kind services (fees waived for facility use and staffing charges))

(Staff Contact: Mark A. Beaudreau/Dahlia Baker)

Mark Beaudreau, Recreation Programs Administrator presented the item as a great partnership and a fantastic facility.

Comr. Perkins wanted to be assured that the residents living in the area will be a part of the project. Also, that the students of Blanche Ely High School are participants in this culinary program, instead of students outside of Pompano Beach being the only interested participants.

Dahlia Baker, Community Redevelopment Agency (CRA) Project Manager, responded that they have already engaged Blanche Ely High School for participation in the project.

Mayor Fisher noted that he wanted to ensure all children in the City of Pompano Beach benefited from the program.

Comr. Perkins requested a monthly written report as an update of how the program is progressing.

Ms. Baker responded she will take the Commission request back to the Community Redevelopment Agency (CRA), and promised to get back with the Commission.

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. 2017-308

30. [17-530](#) **P.H. 2017-75: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2204., "PLANNING AND ZONING BOARD (P & Z)" TO MODIFY THE POWERS AND DUTIES OF THE BOARD TO REVIEW DEVELOPMENT PERMIT APPLICATIONS REGARDING AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2207., "CITY STAFF," TO INCLUDE AUTHORITY TO REVIEW AND MAKE RECOMMENDATIONS FOR AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY VARIANCE PROCEDURES AND REVIEW STANDARDS; BY CREATING SECTION 155.2422 "AIR PARK OBSTRUCTION" TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES, APPROVAL REVIEW STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING SECTION 155.3707 "AIR PARK OVERLAY (APO) DISTRICT," TO INCLUDE FINDINGS AND PURPOSE, TO CREATE DEFINITIONS, TO DELETE CERTAIN LANGUAGE AND TO ESTABLISH AIR PARK OVERLAY PROTECTION AND LAND USE COMPATIBILITY REGULATIONS TO ENSURE COMPLIANCE WITH CHAPTER 333; FLORIDA STATUTES, WHICH REGULATES AIRPORT ZONING; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE AND RELATED SERVICES USES," TO REQUIRE COMPLIANCE WITH SECTION 155.3707.C.2 FOR LANDFILLS LOCATED WITHIN THE AIR PARK OVERLAY; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," TO ESTABLISH A DEFINITION FOR AIR PARK OBSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(**Staff Contact:** David Recor/Jennifer Gomez)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item as the second reading to the ordinance related to the City's Air Park regulations, as well as to bring the ordinance into compliance with the recent changes to the state statutes. Most significantly, to create the obstruction permit process and any incompatible land uses.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-60

31. [17-574](#) **P.H. 2017-87: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA DECLARING ZONING IN PROGRESS AND IMPOSING A TEMPORARY SIX MONTH MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Mark Berman, City Attorney, presented the item and indicated that the item was discussed at the prior Commission meeting. The City had prepared its ordinances for medical marijuana in the City, which was usurped by the action of the Florida Legislature and basically “tied our hands” as to what municipalities could do in terms of locating medical marijuana treatment centers, and distribution facilities, as well as banning medical marijuana dispensing facilities in the City.

Mr. Berman indicated that should the Commission pass this ordinance, staff would recommend that item 32 be stricken. He indicated that daily staff continues to review new information regarding the subject, which has diverse and changing opinions on it. In fact, Mr. Berman indicated he will be attending a seminar where city attorneys statewide will be gathering to discuss the topic. Hopefully, there will be additional insight because currently the legislation is confusing, poorly worded, conceived and implemented.

Finally, Mr. Berman indicated that the Development Services staff is recommending a temporary moratorium, which will allow further review and to return to the Commission with additional recommendations in September. Mr. Recor concurred with the comments made by Mr. Berman.

Comr. Sobel indicated that he supports the moratorium while analyzing and receiving more information, however, he would not want the City to lose its standing on the pre-existing ordinance.

Mr. Berman explained currently, they do not know what the legislature will do, which is one of the reasons for the moratorium and the zoning in progress. Therefore, the more prudent course of action might be to ban the distribution centers and if the legislature makes a change the City can regulate. However, as staff receives more information they will return to the Commission with recommendations for their consideration.

Comr. Perkins asked if the item could be tabled, since it is unknown at this point.

Mayor Fisher explained that it actually provides for a moratorium to do nothing until staff return with updated recommendations to the Commission.

Mark Berman, City Attorney recommended that the item be declared an emergency for second reading tonight, since the Commission will not be meeting until September after this meeting. He said staff would like to get an ordinance in place.

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

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to declare the Item an Emergency and that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Enactment No: ORD. No. 2017-61

32. [17-529](#) **P.H. 2017-76: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2017-42; AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA," TO BAN MEDICAL MARIJUANA USES WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JULY 11, 2017

(Staff Contact: David Recor/Jean Dolan)

Mark Berman, City Attorney presented the item and recommended that the Commission strike the item.

A motion was made by Commissioner Hardin, seconded by Vice

Mayor Burrie, that the Ordinance be STRICKEN. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

33. [17-571](#) P.H. 2017-86: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.14, "WATER TAXIS," TO MODIFY REQUIREMENTS FOR OPERATION OF WATER TAXI SERVICES IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Horacio Danovich, Capital Improvements Project Manager, presented the item and indicated the item is seeking a minor modification to the existing ordinance Chapter 91, "Boats and Water Recreation." He explained in detail the reasons for modifying the language, stating that when someone applies for a water taxi license they will need to enter into a license agreement with the City. The City after reviewing the agreement will ensure its criteria is being met.

Comr. Hardin asked if the Marine Advisory Board was involved in discussion regarding the item.

Mr. Danovich responded yes.

Mayor Fisher stated due to the time sensitive issue regarding the item that the item be declared an emergency for Second Reading.

Horacio Danovich, Capital Improvement Projects Manager, stated that there were no further comments regarding the item.

Comr. Sobel asked about the information that would protect the water taxi, the park and the residents in the area regarding the fencing. He understands there were some issues in getting contractors on board but it should have been included as part of the project. Therefore, it would be prudent that any further information could be provided by Mr. Danovich regarding the fencing, which could be included in the motion to approve the Water Taxi project.

Mr. Danovich asked if the fencing matter could be included with this item.

Mr. Berman indicated that the ordinance refers to the operation of the Water Taxi, therefore, it should be brought up under the contracting segment of the project.

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

A motion was made by Commissioner Hardin, seconded by Commissioner Perkins, to declare the item an Emergency and that the Ordinance be ADOPTED. The motion carried by the following vote.

Yes: Hardin
Moss
Perkins
Sobel
Fisher

Absent: Burrie

Enactment No: ORD. No. 2017-62

34. [17-540](#) **P.H. 2017-85: (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 WATER TAXI OPERATING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH WATER TAXI INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$422,635.00)

(**Staff Contact:** Horacio Danovich)

Meeting went into Recess

Meeting Reconvened

Horacio Danovich, Capital Improvements Project Manager, presented the item and indicated that the Water Taxi program is ready to go. Therefore, the item seeks the Commission approval to enter into a five-year contract and a five-year extension to bring the water taxi service back to Pompano Beach. He introduced the two members of the team that are proposing to operate the program for the City. Jeff Torode, Vice President, I Treasurer, (954) 214-0460 jeff@southfloridadiving.com and Milton G. Smith, III; President, Secretary, (954) 901-1833, mgsiiimaritime@gmail.com.

Mr. Danovich provided a brief background on the two men who will be operating the program. In addition, he pointed out that the proposers are requesting a subsidy for the first five years, which will start at \$142,000 in year one and decreasing to \$33,000 on year five. Staff have reviewed the financials and the intent of the project, supports the request, and hopes the Commission will support it as well.

Mr. Danovich indicated the water taxi service will have connectivity as far north as Cap's Place and as far south as Bokampers. During business hours of Cap's Place 5:00 p.m. to 10:00 p.m. this will be the first stop, and when Bokampers is closed the beginning stop will be the Hillsboro Inlet Park. At Bokampers is the connectivity to Fort Lauderdale to allow Pompano Beach citizens to go from the City of Pompano Beach to Fort Lauderdale and on to City of Hollywood.

Mayor Fisher announced prior to the public's input, Comr. Sobel's had asked about the fencing for the project.

Mr. Danovich explained in detail the need to request the Commission's approval for fencing of this project. He said there is concern from residents the Water Taxi loading area for passengers would encourage homelessness and other interference to private and City properties. Therefore, there is a proposal to build a fence to keep the park secure and keep people from going into private property, as well as the opportunity to signify the entrance to board the water taxi.

Mayor Fisher recommended that the fencing issue be further discussed under reports.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked, "Where does the spending on the tourists at the beach stop and the spending on local citizens begin?" Mr. Terwilliger complained this is another example of waste and provided details for his angst. In sum, he stated the City does not need to waste money but start spending tax dollars on the needs of citizens throughout Pompano Beach not just on the tourists at the beach.

Mayor Fisher indicated that he would disagree with Mr. Terwilliger's comments that residents would not use the water taxi.

Vice Mayor Burrie indicated that some of what Mr. Terwilliger mentioned earlier is true. However, the City is too far into the water taxi project to say no at this time. On the other hand, she, along with residents from her district, does use the water taxi to Fort Lauderdale.

Comr. Hardin mentioned for three election cycles Mr. Terwilliger has been turned down with his views of the City and Vice Mayor Burrie has been returned repeatedly. Therefore, he thinks the public has spoken.

Comr. Moss indicated that he will support the item, but he has some reservations. He wonders if residents would use this taxi more than once or twice. Also, he is concerned about the price and asked for a breakdown on how the price would work.

Mr. Danovich responded that the ride from Pompano Beach to Fort Lauderdale would be \$15.00 but the ride from Pompano Beach to the end of Fort Lauderdale would be \$46.00. He also explained the contract and how it would address the contractor's profitability and the City's need to subsidize for the first five years.

Comr. Sobel disagreed with Comr. Moss' concept of paying \$46 to ride a boat. However, the feedback he is getting from District 1 is positive in utilizing the water taxi. He said the City is a seaside city and this will be an attraction to people who lives throughout the City.

Mr. Terwilliger stated if the operation has the potential to be a great operation a subsidy should not be needed. Secondly, since he has been attending Commission meetings over the years he has never attacked any one on the dais personally.

Sarahca Peterson, Pompano Beach, FL, asked about the pricing structure to ride the taxi.

Mr. Danovich responded it would be \$15 for residents and \$20 for tourists. Also, there would be group pricing available, which large groups would enjoy a discounted price.

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

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A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to declare the tiem an Emergency and that the Ordinance be ADOPTED. The motion carried by the following vote.

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-63

35. [17-547](#) **P.H. 2017-82: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 96, "HEALTH AND SAFETY," BY CREATING SECTION 96.61, "STYROFOAM/POLYSTYRENE FOOD SERVICE ARTICLES," PROVIDING FOR PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES; PROVIDING FOR

SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

36. [17-549](#) **P.H. 2017-81: (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 CREATING SECTION 32.47, "PUBLIC-PRIVATE PARTNERSHIPS," AND BY CREATING SECTION 32.48, "UNSOLICITED PROPOSALS," TO CODIFY THE PROCUREMENT PROCEDURES TO BE USED FOR PUBLIC-PRIVATE PARTNERSHIPS AND UNSOLICITED PROPOSALS CONSISTENT WITH SECTION 255.065, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison/Suzette Sibble)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

37. [17-523](#) **P.H. 2017-70: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.05, "SEAWALLS," TO MODIFY REQUIREMENTS FOR CONSTRUCTION OR REPAIR OF SEAWALLS AND BY MODIFYING REFERENCES; AND BY AMENDING SECTION 151.08, "STRUCTURES ON WALLS," TO MODIFY THE TYPES OF STRUCTURES THAT MAY NOT BE ERECTED ON TOP OF OR OVER SEAWALLS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: John Sfiropoulos)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

38. [17-524](#) **P.H. 2017-71: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO PERMIT NON-PARALLEL DOCKING OF UP TO FOUR PERSONAL WATERCRAFT STORED OUT OF THE WATER ON A FLOATING PLATFORM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: John Sfiropoulos)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that FIRST READING be TABLED until September 12, 2017 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

39. [17-544](#) **P.H. 2017-72: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.03, "WATER TARIFF," TO PROVIDE FOR INCREASES TO RATES AND CHARGES FOR WATER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director presented the item as a second reading for an ordinance change for Chapter 50, 51 and 54 for Water, Wastewater and Reuse Rates. The companion items are 39, 40 and 41. There has not been any change since the item was presented for first reading. Finally, Mr. Brown indicated that Elaine Conti from Raftelis Consulting is available to answer any further questions.

Comr. Sobel stated he appreciates the great job being done by staff. However, realistically, there is a difference in his viewpoint of how to fund these infrastructure critical needs. He said police, fire, and water are quality of life issues. Therefore, everything must be done to be transparent to the residents, so it is foolhardy to continue to incrementally increase the millage in small amounts and then borrowing from other sources. He stated that sometimes it is great but other times there is long term debt and liability and then there is interest. He thinks more could be done to increase the current millage rate even slightly, to ensure the quality of life infrastructures are reasonably maintained.

Mayor Fisher indicated he respects Comr. Sobel's opinion and his philosophical difference, but he would not want the communities, especially the northwest areas to have a 25.7% in rates jump at once. It should be gradual, which has been the practice over the years.

Comr. Hardin asked about the replacement and fixing of the infrastructures, as well as questioned whether the City is in any danger of a catastrophic failure. He also asked if the Utilities Director is addressing the capital infrastructure needs as the City moves forward. Consequently, are there planned upgrades to the various systems that are mapped out to be able to meet the needs.

Mr. Brown replied yes.

Comr. Moss asked if the system the City has in place is well suited for the needs of the City at the moment.

Elaine Conti from Raftelis Financial Consulting, stated that they do not look at the needs of the City. In fact, they leave that to the engineers and those that know the system best to come up with their capital plan.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

No: Sobel

Enactment No: ORD. No. 2017-64

40. [17-543](#) **P.H. 2017-73: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 54, "REUSE WATER AND CROSS-CONNECTION CONTROL," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 54.05, "CONNECTION CHARGES AND RATES," TO PROVIDE FOR INCREASES IN CERTAIN RATES AND CHARGES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: A. Randolph Brown)

A.Randolph Brown, Utilities Director presented the item and stated this is the second reading of the ordinance for reuse rates.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

No: Sobel

Enactment No: ORD. No. 2017-65

41. [17-537](#) **P.H. 2017-74: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 51, "SEWERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 51.05, "WASTEWATER TARIFF," TO PROVIDE FOR AN INCREASE IN THE MONTHLY RATES AND CHARGES FOR SEWER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director presented the item and stated this is the second reading of the ordinance for wastewater rates, and no changes have been made.

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

Yes: Hardin

Moss

Perkins

Burrie

Fisher

No: Sobel

Enactment No: ORD. No. 2017-66

42. [17-509](#) **P.H. 2017-77: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 92, "CEMETERIES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 92.06, "CEMETERY HOURS," TO AMEND THE HOURS FOR VEHICULAR TRAFFIC AND THE HOURS OF OPERATION FOR THE CEMETERY OFFICE; BY AMENDING SECTION 92.26, "PERPETUAL CARE FUND," TO MODIFY REQUIREMENTS FOR USE OF FUNDS; BY AMENDING SECTION 92.32, "PLOT PRICES AND SERVICE CHARGES," TO REFERENCE BURIAL VAULT SALES; BY AMENDING SECTION 92.44, "CONCRETE BOXES; VAULTS," TO MODIFY REQUIREMENTS FOR PROVISION OF AND INSTALLATION OF VAULTS; BY AMENDING SECTION 92.65, "MONUMENTS," TO MODIFY

LOCATIONS WHERE MONUMENTS ARE AUTHORIZED; AND BY AMENDING SECTION 92.66, "BRONZE MARKERS," TO INCLUDE THE CENTER LAWN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that the revision to the ordinance removes the restrictions on the cemetery perpetual care trust fund. Currently, it can only be spent on Capital Improvement Projects. Therefore, staff is requesting that it be spent on other operational expenses at the cemetery, such as the purchase of bronze grave markers, and also modify the ordinance to allow the sale of burial vaults. Mr. McCaughan indicated that during the first reading there were a few changes recommended and the motion made to remove the hours from the ordinance for when vehicles are allowed in the cemetery. Also, in Section 92.65 "Monuments" staff added the condition that monuments are not allowed except herein below, wherein it was specified in those rows within the lawn area that allow monuments.

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. 2017-67

43. [17-534](#) **P.H. 2017-78: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Estimated cost of \$232,327.50 over the next 3 years)

FIRST READING: JULY 11, 2017

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator presented the item and indicated that there were no

changes since the first reading.

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. 2017-68

44. [17-541](#) **P.H. 2017-79: (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 MASTER SOLAR ENERGY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: JULY 11, 2017

(Staff Contact: Horacio Danovich)

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

Enactment No: Not Assigned

45. [17-455](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS THROUGHOUT THE INCORPORATED AREA OF THE CITY OF POMPANO BEACH, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR EXEMPTION; PROVIDING FOR A VACANCY ADJUSTMENT FOR MOBILE HOME PARK PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,854,927.00)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Officer, presented the item and indicated that the resolution will adopt the preliminary fire assessment rates for fiscal year 2018. Staff has recommended an increase in the fire assessment rates of \$29 for residential fees, that is \$134 to \$163. She explained that the fire assessment fees provide for the fire operation services in the city. The final public hearing to adopt the annual rate resolution has been scheduled for September 13, 2017 at 5:15 p.m. at the City Commission Chamber.

Comr. Sobel stated that the fire assessment proposal is low and it does not meet the necessary cash at even 37%. Therefore, if this is approved, he asked what percentage of the fire assessment fee would be covered in terms of the overall budget.

Ms. Diamanti responded that the fire assessment fees cover only the operations and does not cover the EMS side of the operations.

Comr. Sobel mentioned the fire assessment fee was not changed last year and remained same instead of incrementally being increased. However, as the year progressed there was a fire station that was planned, but the funds were not in place for the operations in terms of the hiring of the new staff or the purchasing of the equipment. Therefore, he wants to be realistic to the taxpayers, who, while we continue to boast that the City is the third lowest in the County for fire assessment every other city is realistically raising their rate to a level that is truly adequate. He said we can leave the fire assessment rate low but we are borrowing \$3-4 from the general fund and other sources in order to fund the fire department. He reiterate his opinion that the City should be realistic in terms of increasing it to where the City is paying for it not paying for debt, and not paying for debt service in order to support the fire department. He then provided his reasons as it relate to the growth and the need for the fire department to operate to accommodate the growth rate in the City.

Ms. Diamanti indicated that the intent is to incrementally increase the fire assessment fees over the upcoming years, which next year it will be at 45%.

Gregory Harrison, City Manager explained that staff has prepared this year's financial plan based on prior years direction. Therefore, staff will do what the City Commission directs them to do if the majority would allow an increase in the fire assessment fee to pay for 100% of the operations.

Comr. Sobel indicated that he appreciates the traditional stand to keep the fire assessment fee low, but he would like to see this changed on a gradual basis and explained his reasons.

Mayor Fisher asked if the City has the adequate services and equipment to service the community at this time.

John Jurgle, Fire Chief responded yes we do.

Mayor Fisher indicated that while he respects Comr. Sobel's opinion to raise the fire assessment rates, he

cautioned him in using language such as “artificially inflated” to imply that we are messing with taxpayer dollars. Also, he cannot say the City is not transparent. Therefore, if he desires to raise the fees, he could make the motion to do so. Nonetheless, he indicated that the number one goal of the City is to provide public safety to the residents.

Comr. Hardin disagrees with Comr. Sobel’s comments that the rates are kept low to look good on the chart.

An extensive discussion followed among Comr. Sobel and the other Commissioners on the philosophical view on how the expenses are met for fire and police operations and how the general funds are expended to keep up with the required funds needed to meet the needs of the public safety services provided.

MOTION: A motion was made by Comr. Sobel to increase the fire assessment fee to \$30 instead of the proposed \$29 for Fiscal Year 2018. The motion died for lack of a second.

Mayor Fisher clarified that the City is not borrowing monies to pay for fire rescue services.

Comr. Hardin asked City Manager Harrison to check into the information regarding Comr. Sobel’s comments that “it is a direct result of us not raising the fire assessment fee last year that has somehow added to the \$200 million hole that the City is currently facing.” He requested the finance department to check into this matter and provide an explanation on it.

Comr. Sobel indicated that on Page 82 of the CAFR it states the changes in long term liabilities and somewhere in the mix of the general government, public safety, transportation, and recreation are long term liabilities listed as \$200,710,000.

Mr. Harrison indicated that he will meet with Comr. Sobel to obtain a better understanding of his views, as well as getting accurate information to the City Commission on the breakdown of the fire fees and how it relate with the general government expenses.

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

Burrie

Fisher

No: Sobel

Enactment No: RES. No. 2017-309

46. [17-568](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GHULAM "JOE" USMAN TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD AS A PLUMBING CONTRACTOR, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 30, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Ghulam "Joe" Usman, *Plumbing Contractor* - District 5, Incumbent

Latoya T. Almonord, *Company CEO* - District 1

Claudia Mazzocchi, *Structural Engineer* - District 1

John F. Neff, *Civil Engineer* - District 1

Jacqueline Reed, *Business Admin.* - District 2

Charles H. Bechert, III, *Attorney* - District 3

David Baumwald, *Real Estate/Construction* - District 4

Marcus A. McDougle, *Company President* - District 4

Alicia Howard, Healthcare *Economics Consultant* - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name Ghulam "Joe" Usman and Commissioner Sobel nominated John Neff. The Resolution was ADOPTED by inserting the name GHULAM "JOE" USMAN. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Burrie

Fisher

No: Sobel

Enactment No: RES. No. 2017-310

47. [17-569](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GARY S. RUDERMAN TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF GRANT GALUPPI; SAID TERM TO EXPIRE ON MAY 11, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Gary S. Ruderman, Alternate 1 - District 1

Mike DeBerry, Alternate 2 - District 3
Gene Pridemore, Coral Springs/District 3
Richard Sasso, Lighthouse Point/District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Sobel, that the Resolution be ADOPTED by inserting the name GARY S. RUDERMAN. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2017-311

48. [17-570](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MIKE DEBERRY** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ANGELA CURTIN; SAID TERM TO EXPIRE ON SEPTEMBER 27, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2017-569 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2017-312

49. [17-579](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RAFAEL KATZ** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON AUGUST 22, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Rafael Katz, Incumbent - District 1
Mary C. Antoine - District 1

Rafal Dradrach - District 1
Bruno Munoz - District 1
Kerry-Ann Parsons - District 2
Richard J. Leys - District 3
Sarahca Peterson - District 3
Philip J. Schulte - District 3
Hazel K. Armbrister - District 4
David Baumwald - District 4
Jazzmann LeSane - District 4
Marguerite K. Luster - District 4
Marcus A. McDougale - District 4
Shelton Pooler - District 4
John Reed - District 4
Bettye A. Walker - District 4
Andy Cherenfant - District 5
Frank Shulman - District 5
Mona Silverstein - District 5
Richard Sasso - Lighthouse Point/District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name Rafael Katz and Commissioner Sobel nominated Richard J. Leys. The Resolution was ADOPTED by inserting the name RAFAEL KATZ. The motion carried by the following vote:

Yes: Hardin
Moss
Burrie
Fisher

No: Perkins
Sobel

Enactment No: RES. No. 2017-313

F. REPORTS

Gregory Harrison, City Manager - Water Taxi Fence - Mr. Harrison requested the Commission's approval to allow him to move forward with completing the fence project while the Commission is on hiatus in August. All the paperwork for the fence is in for its completion, which will cost \$101,378; however, his limit of approval is \$75,000.

MOTION: Comr. Sobel made a motion, seconded by Comr. Hardin to approve the City Manager's request to approve funding for the water taxi fence.

Hardin - Yes

Moss - Yes

Perkins - Yes

Sobel - Yes

Burrie - Yes

Fisher - Yes

Comr. Hardin indicated that this is the first time he is hearing about the project of the fence. He asked if this would be replicated along the intercostal or will it be a onetime item.

Mr. Harrison indicated that it is specifically designed for the Water Taxi project.

Comr. Hardin asked about the procurement process and if it was done through a bid.

Mr. Harrison indicated that it was a bid and that Horacio Danovich has been working with the General Services, which this is a piggyback contract.

Comr. Moss asked if it was for one location or multiple locations.

Mr. Harrison responded that it was for one location, which will be a U shaped structure with a gate. As Mr. Danovich described earlier, it will separate the areas where the people would congregate to get on the water taxi to the two condominium buildings on either side.

In response to Mayor Fisher's question, Mr. Harrison indicated that the funds will come from the General Fund.

Mr. Harrison indicated that he would double check on the cost to ensure it is correct.

Mayor Fisher indicated that the amount should not exceed the amount mentioned earlier by Mr. Harrison.

Update on Community Development Advisory Committee - Mr. Harrison stated that at the July 11, 2017 meeting, the City Commission requested information regarding the Community Development Advisory Committee (CDAC), which he distributed via email to all the members. He said he is available for any further

questions.

Mark Berman, City Attorney - Proposed Ordinance for the Agenda Fall Meeting - Mr. Berman indicated that he has some items to bring to the City Commission's attention in the fall, which will include a Nuisance Ordinance for responses by police and fire at businesses, homes and things of that nature.

Additionally, Mr. Berman stated he is receiving proposals from law firms for OPIOD litigation to gauge the City's interest in trying to recover monies. Currently, there is an OPIOD crisis, but the City's problems, after discussing with Fire Rescue, deals with heroine and fentanyl and not necessarily OPIODS from drug manufacturer. He will get more information to the City Commission to make an informed decision.

Mayor Fisher indicated that other municipalities are doing likewise, so he is looking forward to receiving information on the subject matter.

Mr. Berman mentioned that the City of Delray recently engaged a firm to look into the matter.

Asceleta Hammond, City Clerk - No Report. However, she wished the City Commission a safe and restful hiatus.

Commissioner Rex Hardin - Best Wishes - Comr. Hardin wished the City Commission an enjoyable break.

Commissioner Barry Moss - McNair Center Master Plan - Comr. Moss reported that last Saturday at the McNair Center they had a successful meeting with the Community Redevelopment Agency (CRA), members of Collier City, and others from the community regarding the Master Plan, which was done several years ago. There was great participation from the community, the meeting was well organized and attended.

Culinary Incubator Program - Comr. Moss mentioned that with regard to the Culinary Incubator Program at the E. Pat Larkins, students at high school age living in Collier City do not attend Blanche Ely High School, instead they attend Coconut Creek High School or others. Therefore, information about programs such as this one is not made known to those students. Perhaps, there could be some mechanism put in place to notify the high school age students in Collier City, as well as those other students who do not attend Blanche Ely High, because they are left out of a lot of these programs although they live in Pompano Beach but attend outside the area.

Vice Mayor Burrie agreed with Comr. Moss' suggestion because due to their address, there are children living in her area that attend Deerfield High School and they are not aware of these programs as well.

Family Fun Day - Comr. Moss reported that on August 5, 2017, Family Fun Day will take place in Collier City, which is always successful. Consequently, he requested that the City donate \$1,000 to purchase book bags for the Family Fun Day event.

MOTION: Comr. Moss made a motion, seconded by Comr. Hardin that the City donate \$1,000 to the Family Fun Day to purchase book bags for the children who will attend the event. By voice vote the motion carried unanimously.

Commissioner Beverly Perkins - Monthly Report on Culinary Incubator - Comr. Perkins stated that she found it interesting that when she asked for a monthly report on the performance of the Culinary Incubator, which is in District 4, the CRA staff member could not provide an answer. Perhaps, she may need to get an answer from her superiors prior to getting back with the Commissioner. She is unsure how difficult it could be to provide a monthly report on the performance and what is happening with the incubator program.

Gregory Harrison, City Manager, said he believed she responded that she would get the monthly report to the Commission.

Resurfacing of NW 16th Street - Comr. Perkins indicated that Senator Thurston mentioned renaming the NW 16th Street after Mrs. Runette L. Williams, who was her principal when she graduated from Sanders Park Elementary School. Therefore, she was thinking in the process of making the renaming possible, could the same road be resurfaced or striped prior to the renaming.

Mr. Harrison responded that he would check with the Public Works Director and the people who work on the streets to determine if it is possible. Nevertheless, they would do their best to meet the Commission's request if at all possible.

Injured Kids from Fireworks - Comr. Perkins indicated that she visited with the three boys that were injured from the Fireworks incident. She met with their parents and the kids are doing fine. They have contacted the Broward Sheriff's Office and Fire Department for any kind of assistance. Nevertheless, she plans to assist the parents to get the kids back in school.

Welcome Back on First Day of School - Comr. Perkins stated that on August 21, 2017, the children go back to school. Therefore, she asked if other members of the Commission could possibly join her when she visits one or two of the schools on the first day of school to welcome back the children to school. Or even attend one of the schools in their respective District to do same.

Vice Mayor Burrie indicated that she will be visiting the Cresthaven Elementary School and they will be doing a garden as well on that day. She wished Comr. Perkins a fun time at her schools, while she plans to have fun at hers.

Commissioner Michael Sobel - Past and Future Vision - Comr. Sobel reflected on the past accomplishments and focused on the future vision. He reflected and evaluated the following:

- Eight months ago he was voted into office and it has been a blessing to serve the residents of Pompano Beach and particularly those in District 1.
- Since then the major changes to the City have been: 1) Several retirements taking place. Long time

City Manager Dennis Beach retired and a new City Manager Gregory Harrison took the position. 2) The retirement after over 32 years of the Internal Auditor, Barbara DeLeon, 3) The retirement after 28 and half years of the Director of Planning and Development Services Director, Robin Bird, 4) Sheriff Israel spoke earlier about retirement of two veteran captains with BSO to name a few of the employees who have moved on.

- During the past eight months the joint efforts and the collaboration of the City staff and the entire City Commission has resulted in many positive steps forward.
- Comr. Sobel mentioned several promises he kept when he was inducted into office, which included: his publishing of a newsletter via email to keep the residents informed; bringing to attention the closure of the Broward Outfall; after five years, attempts to get the pier rebuilt with the groundbreaking taken place in May; meetings to take action on several important quality of life issues such as the Sober Homes and the Short Term Vacation Rentals - Ordinances have been passed along with moratorium with more to come; traffic; smart growth; preservation of the neighborhoods; greater transparency and accountability; crime; homelessness; staying focused on improving police, fire and water services to accompany all the new development underway, as well as the City's aging infrastructure and what the future will hold. He stated that all his promises have been kept but much more needs to be done.
- Setting new standards for how taxpayers dollars are spent - promise kept but more needs to be done.
- Public Education - he indicated that in order to see smart growth and developments increased in the City, greater attention must be paid to the children and the public schools. He continues to challenge residents to volunteer in the schools for tutoring, reading, math, and music, or art to step up and start making a difference in the lives of our children. He mentioned that with best rated public schools, developers will be motivated to come into our city.
- The Fishing Village construction is now underway and set to be completed in 2020.
- The Water Taxi is near completion and set to start operations in 2017.
- The forensic audit of the Northwest CRA is not underway by Broward County, but the City Commission voted to have them do it.
- In October there is the scheduled final approval of the fiscal year 2018 budget. He thanked the staff for all they do throughout the year to execute the current fiscal year budget and simultaneously prepare the new one. He concluded that budgets are critical to the priorities to the City and not the strategic plans. Therefore, two key issues lacking in the budget are the homeless, especially seniors and veterans, and the schools. Thereafter, Comr. Sobel commented on the processes involved in planning the budget and encouraged residents to provide their input to the Commission prior to the finalization of the 2018 budget scheduled for completion by October 1, 2017. He said it is important residents communicate things they like or do not like to the City Manager.

In addition, Comr. Sobel indicated that upon reviewing the City's Annual Comprehensive Annual Financial Report (CAFR), the City is about \$460 million in debt on long term liabilities, which is \$200 million for general government, public safety, transportation and recreation, and \$260 million for utilities, storm water, sanitation, golf, parking, air park and the pier. He said the debt service is not included in the long-term liabilities.

Comr. Sobel indicated that in 2018 the residents may be asked to vote on another \$179 million in three categories of General Obligation Bonds including \$29.5 million for a soccer related park enhancement. He said, “kicking the can down the road, is not the answer in my view.” Therefore, his fiscal concerns are exemplified with the pier.

Best Wishes - Comr. Sobel wished everyone a happy and safe summer.

Vice Mayor Charlotte Burrie - District 2 Community Center -Vice Mayor Burrie provided a brief history, stating that approximately fifteen years ago when Cresthaven voted to come into the City of Pompano Beach they desired to come into the City. At the time the then Commission and Administration made all kinds of promises to those in District 2, yet, not one of those promises came to fruition. However, when she became a part of the Commission she took the community’s desire at heart for getting a community center. The property was identified, bought, and the Center went on a Capital Improvement Project list to be built. The City Administration has visited the Cresthaven and Highlands meetings assuring the residents that there was money to build the center and it would be done this year. In addition, the Center’s design is complete and everything is ready to go. However, the Center ends up on the “Penny Sales Tax” effort. Currently, the Center is listed on the Bond Issue, but there is supposed to be money on this year’s budget to build the Center. Therefore, Vice Mayor Burrie requested that City Manager Harrison find the money to build the Center and start the process for the permits. She would like to see the ground breaking by December of this year, because this was preapproved.

Vice Mayor Burrie indicated that she has nothing against the Community Redevelopment Agency (CRA) as well as she would like to see the City’s beautiful beach. The Northwest area has its problems, however, some parts are made beautiful and other parts the people are not being heard, but at least they are listening to some of them. However, in her district they are not listening to anyone. The people living in her district have been patient with the things they have been asking for and for every meeting she has attended in the community they have been asking for the community center to be built. There was a small center where they used to meet, but the City took it over for the Fire Department. Finally, Vice Mayor Burrie reminded everyone that there are people residing north of 10th Street, the west side of Federal Highway all the way to the Deerfield line and out to Leisureville.

Mayor Fisher indicated that he hopes City Manager Harrison can accommodate Vice Mayor Burrie’s request because he supports her wholeheartedly.

Best Wishes - Vice Mayor Burrie wished everyone a great summer. She indicated she would be going away for a little bit. Nevertheless, she indicated that the only vacation that the Commission gets is that they do not have to attend three meetings. The phone calls and events will continue for them.

Mayor Lamar Fisher - Driveway Initiatives - Mayor Fisher encouraged the public to get involved in the driveway initiatives. He indicated that Andrea Korman from Garden Isles just had a successful one with Captain Granville of the Broward Sheriff’s Office (BSO). He requested that Police Chief John Hale makes himself available to set those initiatives up. Moreover, Mayor Fisher said it is great to bring a community and

streets together. This will inform the neighborhood how to protect themselves from crime and so forth.

Groundbreaking Fire Station 24 - Mayor Fisher reported that on July 24, 2017 they had the groundbreaking for Fire Station 24 and Fire Chief John Jurgle did a great job. The demolition will begin in August and they look forward to the ribbon cutting ceremony in the last quarter of 2018.

Homeless Coalition Meeting - Mayor Fisher announced that on Wednesday, July 26, 2017 at 3:00 p.m. they will hold a homeless coalition meeting at St. Martin-In-The-Fields Church, 130 SE 28th Avenue, Pompano Beach. He is expecting to see staff in attendance as the coalition will continue their talks.

Health Fair - Mayor Fisher announced that on July 26 and 27, 2017 from 10:00 a.m. to 2:00 p.m., there will be a free Health and Financial Wellness Fair at the Emma Lou Olson Center, 1801 NE 6th Street, Pompano Beach. He encouraged everyone to come out and get their blood pressure tested as well as other healthy tests.

August Events and Activities - Mayor Fisher announced the following events will take place in August and encouraged everyone to come out to participate and support the events.

- August 3, 2017 at 6:30 p.m. Untapped will have another unveiling of the mural, at 41 NE 1st Street, Pompano Beach,
- August 12, 2017 from 11:00 a.m. to 4:00 p.m. the annual Back Pack Give-away will take place at the Apollo Park, 240 NW 16th Avenue, Pompano Beach.
- August 19, 2017 at Noon there will be the sinking of another Ship at Ship Wreck Park.
- August 22, 2017 at 10:00 a.m. Congressman Ted Deutch will be presenting the City with a grant of \$100,000, at the Pompano Beach Cultural Center, 50 West Atlantic Boulevard, Pompano Beach.

Sanders Park Elementary School - Mayor Fisher stated that today, he had the privilege of meeting principal Trevor Roberts, the newest principal at Sanders Park Elementary School. He was encouraged to reach out to Comr. Perkins and more importantly, he needs volunteers for reading and helping students. Therefore, Mayor Fisher urged those living in the immediate area to get involved and become a volunteer and get in touch with Comr. Perkins as well as Principal Roberts.

Comr. Perkins indicated that she met with the principal at Sanders Park Elementary one month ago. So, she urged anyone interested in volunteering at the school to contact her or the principal, as well as Mayor Fisher.

Beach Rider USA - Mayor Fisher stated that today he was privileged to meet with former Vice Mayor Peggy Nolan from Deerfield Beach, as well as a gentleman from Beach Rider USA. He said they started their service in the City of Deerfield Beach and plans to come to Pompano Beach on August 1, 2017. This will be a free ride service along A1A to commence from 14th Street Causeway along to the Wyndham at the Beachcomer area. If persons living in the condominiums in the area need a ride to restaurants they will pick up and deliver them for free. This is a great opportunity that Mayor Fisher encouraged the residents to look out for the van that looks like a Tiki hut. It is an exciting event. A grand opening is planned sometime in September.

Best Wishes - Mayor Fisher wished everyone to enjoy their time off from the meetings. Finally, Mayor Fisher

announced a lot of exciting things are happening in the City and although the Commission will be on hiatus in August, they will be working during those days.

G. ADJOURNMENT

The meeting was adjourned at 10:24 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk