

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, February 26, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Pastor Don Worden, First Baptist Church of Pompano Beach offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[19-252](#) Regular City Commission Meeting Minutes of February 12, 2019

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

APPROVAL OF AGENDA

Mayor Hardin announced that items 22 and 24 would be stricken from the agenda. Also, under Special Presentation, State Representative Patricia Williams' Legislative Update was not included on the printed edition of the agenda.

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

CONSENT AGENDA DISCUSSION

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

No items were pulled for Commission discussion.

A. SPECIAL PRESENTATION**[19-254](#) State Representative Patricia Williams Legislative Update**

State Representative Patricia Williams informed her constituents of the upcoming legislative session.

State Representative Patricia Williams provided a brief update on the legislative session. To date, she has received three appropriations from the City of Pompano Beach, which are Dixie Highway Streetscape improvement, Blount Road Streetscape improvement, and City of Pompano Beach fire station replacement. She reported that she has entered these through the system and they have been accepted. Therefore, she is awaiting the chair of each department to afford her the opportunity to make the presentation for the City of Pompano Beach.

Continuing, State Representative Williams indicated that she has been placed on three different Committees, to include the education, and the joint legislative auditing committee. She concluded that she is doing her part and doing what she can to be the voice of the people who elected her.

Mayor Hardin expressed appreciation to State Representative Williams for her service to the community and appreciate her willingness to be available when the City calls on her.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

[19-229](#) Newly Appointed Broward County Sheriff

BSO Major Wayne Adkins introduced Gregory Tony, newly appointed Broward County Sheriff.

Gregory Tony, newly appointed Broward County Sheriff provided an update since he took command of the administration approximately forty-five days ago. There are a number of changes being implemented to enhance the Broward Sheriff's Office (BSO) performance to the community being served. Some things they are working on are ways to build up different recruitment elements, to have more deputies within the communities, and especially in Pompano Beach, which is one of the largest agencies being serviced by the BSO. In another few months the City will see more community aides involved in the City.

Comr. Perkins stated that in the northwest community there were quite a few homicides and she would like to see the downtown services become more involved in what is going on in the northwest section of Pompano Beach. Also, she requested that the crime suppression team start working on weekends and nights especially where a lot of these crimes are taking place.

Mr. Tony thanked Comr. Perkins for the request, which will assist him in planning with Major Adkins for more proactive approaches for the community.

Mayor Hardin thanked the Sheriff for attending the meeting to introduce himself, and thanked his staff, who have been in the City for many years doing a great job throughout the years. He said former Chief Hale was taken away, however, Major Adkins is a great replacement. He thanked the BSO for keeping the residents safe and for partnering with the City. Finally, he indicated that everybody is looking forward to the spirit of cooperation in community going forward.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

19-256 Impact Analysis Report on the FDOT's accidental sewage spill

Mr. Anthony Janicki, Ph.D., President, Janicki Environmental, Inc., an independent third party environmental consultant provided a report on the analysis of impacts of the FDOT's accidental sewage spill to the environment.

Greg Harrison, City Manager, introduced Anthony Janicki, Ph.D., from his environmental company, who will provide remarks, as the City's environmental consultant, with regard to the accidental sewage spill.

Mayor Hardin added that Dr. Janicki will make a presentation which will be followed up by a question and answer session Wednesday, February 27, 2019 at 2:00 p.m., in the City Commission Chamber.

Anthony Janicki, Ph.D., President, Janicki Environmental, Inc., St. Petersburg, Florida. Dr. Janicki stated he will be sharing some information that have been gathered over the last several weeks, since the event occurred and to provide everyone the chance to see what progress has been made in addressing the issue.

- On January 4, 2019, there was an accidental breach of a 42" sewage force main that was operated by the City of Pompano Beach. Raw sewage was released to C-1 canal and eventually to Pompano canal through the G-57 structure that is operated by the South Florida Water Management District (SFWMD). Several attempts were made to repair the force main and finally a by-pass was put in

place, and the discharge was ceased on January 10, 2019. Cleanup efforts and monitoring continue in this situation.

- Previously, there had been some estimates of the amount of wastewater discharged in the C-1 canal. However, after doing some initial “QAQC” they found an error in one of the calculations, therefore, the revised estimate of the amount of wastewater sewage discharged was approximately 52 gallons.
- On January 8, 2019, the City of Pompano Beach began sampling. Initially, there were five stations that were visited, which he displayed on a map, and now it has expanded to sixteen. At the request required by Broward County, the parameters that were evaluated included fecal coliform, temperature pH, and total chlorine. Samples were collected daily until February 8, 2019, upon clearance by Department of Environmental Protection (DEP) and Broward County with respect to the fecal coliform information gathered.
- Dr. Janicki then displayed a map and illustrated some of the data that were collected over time, depicting the location of the spill, the discharge going into the C-1 canal and then downstream into the Pompano canal and eventually after the intracoastal waterway. He also explained the concerns to look at as illustrated on the map. To understand the impact of the discharge is to understand the amount of rainfall in the previous days and the day of the spill. In addition, the SFWMD maintains the G-57 gate and it is not always opened. Therefore, whether or not the gate is opened would determine whether water from the C-1 canal actually got into the Pompano canal.
- He mentioned that there are three colors of dots on the map, green depicting good, yellow and red depicting not so good. On January 8, 2019, the first samples were collected and not too surprising, as depicted by the red dots, they saw fecal coliform, which is a bacterial indicator of waste both from humans and animals. On January 9, red dots depicted where the highest concentrations of fecal coliform were found. On January 10, it continued, and it shows where the gate was opened and subsequently was closed by SFWMD during the time of January 10.
- Poor water quality continued to be seen on January 12, 13, and 16, but further downstream the green dots started to be seen, which meant that the water discharged got diluted as it moved downstream by the water in the canal system in particular. On January 17, additional samples taken in the C-1 canal where the spill occurred and saw some of the poorest water quality, but despite that fact the situation was better as it flowed downstream. On January 18 and 19, situations remained similar. Further in time, things tend to get better even in the location of where the spill occurred. The concentrations were lower than what they were in the previous week or two. Things continued to get better through January all the way to February 3, and by that time all the dots depicted a green, which means they were meeting the water quality standards required by Broward County to allow the system to be utilized.
- Dr. Janicki stated that one of the important things is that a story can be told by looking at the consecutive days of collecting information and the progressive changes that have been taking place. He mentioned that it is better to have a longer series of data to examine to better understand exactly how the system was impacted.

- Daily, from January 10 to January 16, 2019, Broward County collected sampling.
- In addition to the fecal coliform, there were two other bacteriological indicators that were included in the sampling, which were E.coli and Enterococci is another bacterial indicator that is typically found in more saline waters.
- Dr. Janicki provided details on the five stations they looked at and the results of their findings on Enterococci from January 10-16, 2019.
- Dr. Janicki made the recommendation to include beyond the fecal coliform the measurements of the E.coli and Enterococci.
- Dr. Janicki indicated that eight stations were sampled on February 11, and 19, 2019. However, those numbers will not be available until the end of the week, Friday.
- By and large Dr. Janicki stated that the counts with respect to E.coli were fairly constant and good. However, for the Enterococci it was not so much. In particular, at a number of the stations to include one in the C-1 canal and further downstream, higher concentration of Enterococci was seen on February 11, 2019, which was baffling as this is several weeks after the spill. However, after another testing last week, it moved from very high to very low in Enterococci numbers. Dr. Janicki recommends that a better understanding should be developed of the situation over a wider range of date over time and space.
- Dr. Janicki indicated that in response to a letter from Broward County, a remediation plan has been developed by a company, ATPIM. They are working for the sites' subcontractor who have been working with FDOT during the spill. He then provided details on the remediation plan process.
- Dr. Janicki also addressed the question regarding those residents further downstream who were seeing blackening of their seawall. He said one of the possible causes of the blackening of the seawalls is due to the decomposition of the organic matter that came out of the sewage pipe.
- Dr. Janicki addressed the question whether or not some of these contaminants could have gotten into the atmosphere by aerosol production. He said the 173 Aerators used, there was a "bubbling" at the surface of the water. Therefore, he doubts a lot could be said about the aerosol production and impacts due to the spill and the results in aeration.

Dr. Janicki concluded that they will continue to work on the sole idea of looking at the response and to figure out the best way to solve the issue in cleaning up the system.

Mayor Hardin reiterated that this is an initial presentation and Dr. Janicki will be making another presentation tomorrow at 2:00 p.m. in the Commission Chamber. The experts will return and a question and answer session will be included. Therefore, anybody who has any questions about any thing to do with the sewage spill, the impacts, or any of those type of things are welcome to attend this meeting. He encouraged everyone to be here at that time. Nevertheless, the City will continue with the notification to the public as "we see this through."

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

SPECIAL RECOGNITION

Mayor Hardin recognized newly elected Broward County Commissioner Lamar Fisher who is attending the meeting, as well as Corey Staniscia, representative from State Representative Chip LaMarca's office.

B. PROCLAMATIONS

[19-230 Proclamation for BSO Deputy Mike Johnson](#)

Mayor Rex Hardin presented a proclamation to retiring BSO Deputy Mike Johnson for his 30 years of service to the Pompano Beach community.

Major Wayne Adkins, Chief of Police, Broward Sheriff's Office (BSO), Pompano District, provided a brief background history of Deputy Michael Johnson as a police officer with the then Pompano Beach Police Department and stayed with the City when BSO took over the police department in 1999 until his retirement a few weeks ago. Mr. Johnson has served the City of Pompano Beach faithfully, loyally, and well. The Citizens Observer Patrol (COP) a very hardworking group of volunteers were led by Deputy Mike Johnson. He has given back to the community every day of the 30 years he served the City and will be sorely missed.

The BSO members presented Deputy Johnson's wife, Karen Johnson with flowers in recognition of their appreciation.

Mayor Hardin stated that personally he has known Deputy Johnson for the 30 years he served the City. He is a dedicated, loyal and self-sacrificing individual. A true role model for the community, and he is proud to have been involved with the many events that Deputy Johnson shared in, contributed to and assisted in organizing for the City.

Major Adkins announced that the Command staff from the BSO Pompano Beach District will deliver a special presentation to Deputy Johnson. On behalf of COP and the Cresthaven Civic Association, Sergio Mohorn, a distinguished artist, presented a portrait of Deputy Johnson he created.

Deputy Johnson expressed appreciation for the sentiments expressed to him and encouraged everyone to treat everybody right, help others, give even though you do not have it to give, so that long after you are gone people will be talking about you. This is the plan to "live forever."

The Proclamation was READ AND PRESENTED INTO THE RECORD.

Meeting went into Recess

Meeting Reconvened

C. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Code Violations at Breezes at Palm Aire - Pamela Shenk, Board of Directors, Breezes at Palm Aire, 2837 N. Course Drive, #204, Pompano Beach, FL, stated that she was invited to speak by Vice Mayor Moss. She resides at the Breezes of Palm Aire, where there have been many violations since 2005 that are still unresolved and they would like to get this taken care of. Some of the violations have been landscaping, trees unreplaced, sod, irrigation, parking lots to be resurfaced, broken sidewalks and curbs, and many people park on the grass. On February 21st they received a letter of code violations and they addressed the property owner as JRGS Investments. She said JRGS is the bulk owner and the citation was sent to their address in Miami. However, the legal description for one of the addresses in the property belongs to JRGS rather than addressing it to the Clubhouse where the property manager resides. This is strange. Nevertheless, Ms. Shenk asked for the Commission’s help to assist them to get these violations cured.

Finally, Ms. Shenk thanked code enforcement for being back on track to find a number of things that were missing.

Mayor Hardin indicated that he has had emails going back and forth regarding the issue and he is aware that Mario Sotolongo, Code Enforcement Manager, is aware of the situation and hopefully things will be addressed in that area.

Pompano Beach new Homeowner Issues - Linda Burton, 1120 NE 42nd Court, Pompano Beach, FL, new homeowner. She stated that she has been experiencing difficulties communicating to the builder certain issues

she is having with the home. While she is very thankful for the program the City has in place to allow for homeownership, nevertheless, it is very challenging to get matters addressed. Therefore, she wanted to know if there is anything in place to assist the new homeowners as they journey into their new homeownership from the City. She said based on her experiences to get small matters addressed by the builder, she is uncomfortable recommending the program to her friends or family members and expressed her reasons.

Mayor Hardin indicated that there is no particular board responsible for follow-up for new homeowners in this program, however, he encouraged Ms. Burton to call the City Manager's office, at 954-786-4601, to make an appointment to describe what has been happening to see what can be done to get the situation resolved.

Unenclosed Garbage Dumpster - Delores Bullard, Owner, Cal's for Hair, 212 N. Flagler Avenue, Pompano Beach, FL, complained about the garbage dumpster placed in the rear parking lot of her building. She said the rear parking lot is leased by the City and she does not think the City has permitted the dumpster in the area without sidings. She then provided details of her experience with the new owners of Ward City and their disposal of garbage, as well as using dumpsters that are not enclosed. Even though they have been cited by code enforcement, the owners had indicated to her that the City Commission had given them permission to put the dumpster in that space.

Greg Harrison, City Manager, responded that the City Commission does not give anyone permission to place dumpster anywhere in the City. The sanitation department is responsible for dumpsters. Therefore, he asked Ms. Bullard to call or stop by his office to get to the bottom of this issue.

Mayor Hardin indicated that he had spoken with Ms. Bullard and staff regarding the issue so he will be contacting the City Manager to find out what is going on with this.

Request for Commission to be unified - Robert Holmes, 1577 NW 7th Avenue, Pompano Beach, FL, stated that he was upset and appalled at what he witnessed at the February Commission meeting and expressed his reasons, which he opined is a tactic to divide rather than unify the residents of the City. Therefore, he urged the members of the Commission to respect each other.

City Manager Report on District's Budget - Mr. Holmes stated that he had some concerns with the City Manager's report of budget by district for FY 2016 through FY 2025, issued in response to complaints raised by the residents who live in District 4. In the opening statement, the report states, "Staff has collected data on funds spent on a few focus areas as listed and described below. Overall between FY 2016 and FY 2025 approximately \$225 million are estimated to be spent among the five districts within the City. Twenty two percent distributed in District 1, ten percent in District 2, eighteen percent in District 3, thirty three percent in District 4 and seventeen percent in District 5. The majority of the total funding \$174 million, for \$115,700 allocated from the G.O. Bond along with 24 capital improvement projects throughout the City."

Continuing, Mr. Holmes indicated that his first concern is that the City Manager appears not to understand the difference between funds spent and funds allocated to be spent. He said 80% of the funds allocated between FY 2016 and FY 2025 are not spent. Therefore, funds are spent and no improvements have been made.

Mayor Hardin encouraged Mr. Homes to meet with the City Manager to go over his questions regarding the

budget numbers he presented in the report that Mr. Holmes referred to earlier.

Beautification of School Area - Bill Savarese, 761 NE 8th Street, Pompano Beach, FL, stated his family moved to Pompano Beach three years ago. He is a small business owner, who is a mural artist who had painted the mural at the McNab Park on the east wall, when he served on the Public Art Committee a few years ago. He has noticed the beautiful parks, and lawns in the Community Park area of the schools, but the public schools nearby look like “hell.” He suggested that funds be allocated to beautify the areas. In sum, he opined that the way to prevent bad stuff from happening, is to provide good education for the kids and to instill pride in them.

Four Way Stop Sign - Mr. Savarese stated that a four way stop sign by the southwest corner of the Pompano Beach High School would be good.

Background Information on Jay Ghanem - Jay Ghanem, Owner, Auto Tech and Body, 429 N. Dixie Highway, Pompano Beach, FL, commented on the situation that occurred at the Commission meeting two weeks ago. He then shared background information on who he is and how he has contributed his services to the City of Pompano Beach. Included in his resume, he has served on Broward County committee for technical college and high schools, an active Rotary member, founding member of Rotary Club of Oakland Park, and Wilton Manor. The Rotary district chair for the scholarship foundation covering Florida southern counties for 2019-2020. He selects individuals to have access to scholarships for higher education from the South Florida community. He sits on the Board of the Boys and Girls Club in Broward County, on the Board of Pompano Beach Lighthouse Point Margate Chamber of Commerce, and the board of Exchange Club of Pompano Beach that covers child abuse prevention. Therefore, he believes when there is somebody available to serve on the advisory committees/boards they should have some background information about them. He said his business located in the City of Pompano Beach is a multiple award-winning facility. They are one of the top ten owned facility for eleven years in a row. They are certified to work on sixteen brands of automobiles and on January 4th they became a Tesla ray manufacturer. He said many of his employees reside in the City of Pompano Beach. He listed a number of non-profit organizations that he and his employees volunteer time, as well as provide donations to local worthy causes.

Finally, Mr. Ghanem confirmed that he supported former Comr. Sobel because he believes in his philosophy for Pompano Beach.

Audit of Community Redevelopment Agency - Terry A. Williams Eden, 757 NW 15th Street, Pompano Beach, FL, Business Owner of Eden Consultant Services, stated that the former Commission approved an audit of the Community Redevelopment Committee (CRA), which has not taken place to date. Therefore, she requested the Commission to put this in motion, otherwise the residents in the community would write letters asking for the audit to take place.

G.O. Bond Distribution - Ms. Williams Eden indicated that they can ask for an audit through the State of Florida or the Federal government. She opined that the funds can be put in place as to what they were designated for by the City Manager, Greg Harrison. While Ms. Williams Eden indicated that this is not a warning, she believes fairness should be exercised. In sum, she wanted the Commission to know that the residents of the community will hold them accountable.

Mayor Hardin stated that the CRA audit is a CRA matter, nevertheless, the Commission fully supported it and it will be up to the County to move forward with this action.

Citywide Security Audit - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, requested the support of the Commission to do a citywide public security audit. He reported that there was an incident in the Apollo Park where a young man was robbed and killed. He said lately there have been numerous problems at the parks to include McNair. Therefore, he wanted to know when will security cameras be installed at the public facilities, as he requested prior.

Mayor Hardin requested clarification regarding a security audit.

Mr. Thrower explained the audit would involve where the security cameras would be installed in the public facilities.

Mayor Hardin suggested that City Manager Harrison could provide an update as to the security cameras that are installed.

Greg Harrison, City Manager stated that the Information Technology (IT) department and Broward Sheriff's Office (BSO) have been working on this project for approximately nine months, and a projection will be submitted to the Commission in the next fiscal year budget.

Distribution of City Manager's Report - Pastor George Rich, P3 Church, 2180 NW 18th Avenue, Pompano Beach, FL, stated that he reviewed the City Manager's report provided a few meetings ago and he believes it answers some of the questions that the northwest community had and some of the questions that Comr. Perkins brought up. Therefore, he suggested that the report could be provided in a flyer/brochure format that could be distributed to those persons who have questions. This would help people to get clarity to a number of questions as to how dollars are being spent within a certain period.

City Commission moving the City forward - Pastor Rich gave credence to the Commission for some of the good work they have been doing. In his travels throughout the state he is hearing about the good things that the City of Pompano Beach is doing. In sum, he said the City is a voice in the County, which he encouraged the Commission to continue to speak positive and moving the City forward.

Park space for NW 2nd Street - Pamela Hightower, 3028 NW 2nd Street, Pompano Beach, FL, provided an update on NW 2nd Street that is getting better. The streets are cleaner and people are getting self-pride within the neighborhoods. She implored the Commission to take a look at the park situation. She then provided an incident that took place where a child running out in the street almost got hit by a car. She said the sidewalks are narrow and the nearest park is seven miles away from the neighborhood, which has small children residing there. Therefore, she urged the Commission to look at providing a small space for the children to go to play.

Vice Mayor Moss asked if the City has found out any further information as to the owner of the property referred to by Ms. Hightower.

City Manager Harrison responded that it is owned by Broward County.

Ms. Hightower indicated that she did call County Commissioner Mark Bogen, who she learned is in charge of the property and left several messages.

Vice Mayor Moss suggested that Ms. Hightower, add to her efforts attending the Collier City Civic Association meetings to align their efforts to get the County's cooperation to provide the space to the community.

Ms. Hightower indicated that they appreciate the assistance that Vice Mayor Moss has been providing in getting things done in the neighborhood. However, getting a park would be helpful to the children.

Mayor Hardin indicated that he has spoken to Comr. Bogen regarding getting the property for a park so he is hoping something can come out of all the efforts made.

D. CONSENT AGENDA

There was no discussion on Items 1-11 of Consent Agenda.

1. [19-227](#) Approve ranking order for RFQ T-05-19 Senior Activity Center, and authorize staff to negotiate a contract with the highest ranked firm: Bermello, Ajamil & Partners, Inc.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

2. [19-234](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE RESPONSIBILITIES OF THE SIDEWALK IMPROVEMENTS TO NE 6TH STREET FROM DIXIE HIGHWAY TO WEST FLAGLER AVENUE, TO NE 4TH STREET FROM FLAGLER AVENUE TO NE 1ST AVENUE, AND TO SW 6TH STREET FROM DIXIE HIGHWAY TO SOUTH CYPRESS ROAD; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2019-111

3. [19-184](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FAIRFIELD DEVELOPMENT LP, TO UTILIZE CERTAIN PROPERTY AT THE POMPANO COMMUNITY PARK AS A TEMPORARY STAGING AREA, PARKING AREA AND PROJECT CRANE SWING AREA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$29,700/year - revenues)

(Staff Contact: Paola West/David Recor)

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

Enactment No: RES. No. 2019-112

4. [19-231](#) A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CECILIA LUEZA ART PROJECTS, INC. TO COMPLETE THE OASIS SCULPTURE PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000.00)

(Staff Contact: Laura Atria/Phyllis Korab)

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

Enactment No: RES. No. 2019-113

5. [19-232](#) A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CHERIE SALEEBY TO COMPLETE THE 9-11 MEMORIAL PROJECT;

PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000.00)

(Staff Contact: Laura Atria/Phyllis Korab)

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

Enactment No: RES. No. 2019-114

6. [19-228](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF LIGHTHOUSE POINT PROVIDING FOR JOINT DREDGING AND STORAGE AT EXCHANGE CLUB PARK ON A TEMPORARY BASIS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: No Fiscal Impact)

(Staff Contact: Anthony Alhashemi/Mark Beaudreau)

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

Enactment No: RES. No. 2019-115

7. [19-242](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RECREATIONAL LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF CROSS CREEK SCHOOL FOR CITY RECREATIONAL PURPOSES AND ALLOWING THE CITY TO MAKE IMPROVEMENTS TO THE PROPERTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

8. [19-249](#) 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 AMPHITHEATER EVENT LICENSE AGREEMENTS AND TERM RENEWALS THERETO FOR VARIOUS CITY RECREATIONAL PROGRAMS ON BEHALF OF THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

Enactment No: RES. No. 2019-117

9. [19-188](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

Enactment No: RES. No. 2019-118

10. [19-250](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KRIS COFFELT TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF MAYOR REX HARDIN; SAID TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-119

11. [19-251](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING VERONICA THOMAS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Perkins, to APPROVE/ADOPT the item under the Consent Agenda.
The motion carried unanimously.**

Enactment No: RES. No. 2019-120

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

Mark E. Berman, City Attorney, advised that items 12-14 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

12. [19-87](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE BLANCHE ELY PLAT LOCATED ON BOTH THE EAST AND WEST SIDE OF NW 6TH AVENUE, NORTH OF NW 16TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED TO FEBRUARY 26, 2019

TABLED FROM DECEMBER 11, 2018

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating it is a proposed plat to restrict the property to 102 duplex units on 19.6 acres. It is generally located on both sides east and west of NW 6th Avenue and north of NW 16th Street. The applicant is the Housing Authority of Pompano Beach (Housing Authority) represented by Keith and Associates. The vacant property is zoned two family residential RD-1 with a low residential land use designation.

Continuing, Mr. Keester-O'Mills stated that all service providers have submitted a letter with no objection at the May 2017 Planning and Zoning Hearing and the board unanimously recommended approval with two conditions that have been met. In addition, Mr. Keester-O'Mills noted that there is a separate item on the agenda, item 13 for a second reading of an ordinance to abandon certain streets that had been publicly dedicated to Pompano Beach in 1959.

Dodie Keith, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, stated she is representing the Housing Authority, which employed her firm to represent them for the Blanche Ely development. She then provided a brief history regarding the project, how it originated, the changes that took place after the hurricane when the site was demolished, as well as the design of the best product that would fit into the community. Plans are made to erect 102 units and the current zoning is for two family residential, which is RD-1. The type of product being planned will be very different from the prior, which concept will create

open space. Also, it will be for an elderly, single community with 55 and older, which will have less crime and traffic. It will allow an area for a community center with sidewalks and bike trails and to make it more interactive, Crime Prevention Through Environmental Design (CPTED) community.

Continuing, Ms. Keith said it is a perimeter plat and the intent is that the Housing Authority will own the overall community and will maintain and operate this rental property. It will not be divided into any kind of units. Broward County requires a plat note restriction as per the land development code. Consequently, they will be restricted to the 102 duplex units. In sum, she said the final product will be a “Villa” type project that looks like a single family as it stands by itself. They are two units that looks like one unit. She reiterated that they will be all single family of one and two bedrooms.

The following persons spoke in opposition of the project as presented, and most of the speakers expressed their fears/concerns regarding constructing this type of community of duplexes, which will encourage crime.

- (1) Mikelage Olbel, 110 NE 27th Street, Pompano Beach, FL - He supports building single family homes but not the current proposed concept.
- (2) Velma Flowers, 760 NW 17th Court, Pompano Beach, FL
- (3) Merlin McDuffie, 1897 NW 6th Avenue, Pompano Beach, FL
- (4) Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL - He believes the Housing Authority Board is not listening to the people within the community. He supports single family homes.
- (5) Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL
- (6) Robert Kintchen, 673 NW 20th Court, Pompano Beach, FL
- (7) Veronica Thomas, 624 NW 3rd Avenue, Pompano Beach, FL
- (8) Terry A. Williams Eden, 757 NW 15th Street, Pompano Beach, FL
- (9) Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, Commission appointed member on the Housing Authority

The following persons spoke regarding the possibilities of success with the project as presented:

- (1) Whitney Metevia, 2335 East Atlantic Boulevard, Pompano Beach, FL, Commission appointed member on the Housing Authority
- (2) Gladys Sutton, Pompano Beach, FL, former member of the Housing Authority, provided a brief history of the reason the Housing Authority Board was formed and the intent behind the project for affordable housing for the elderly.

- (3) Woodrow Poitier, 901 NW 4th avenue, Pompano Beach, FL, former City Commissioner, Chairperson of the Housing Authority.
- (4) Ralph Adderly, 415 NW 7th Avenue, Pompano Beach, FL, Executive Director of the Housing Authority, provided a brief historical background information on the different activities that the Board engages with the community, to include attending the Homeowners' Association meetings.
- (5) Delores Bullard, 212 N. Flagler Avenue, Pompano Beach, FL, advocate for senior housing.

Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, provided additional comments regarding the project she spoke in opposition of earlier in the meeting, and the potential problems that would impact the homes after they are built. She said the Housing Authority has not done a good job in keeping the negative elements out of the communities built, so there are drug and law enforcement issues that are prevalent in some of the beautiful communities built.

Ms. Keith stated that the HUD requirement for the Florida housing application is for senior which is 62 or older community under the HUD definition. The only way a person would be able to live there under the required age of 62 would be if they were married to one of the persons living there. Therefore, grandchildren and so forth are not allowed to live there, they are only allowed to visit.

Ms. Keith reiterated that the Housing Authority is trying to recreate a community that is more residential in nature and has less residents. She noted that the original units that was torn down were four and five bedroom duplex units not age restricted. However, this project will include one and two bedrooms, villa/duplex type units with green space, CPTED, and it is intended to create a safer community by the one- and two-bedroom nature, less traffic, less people and less impactful to the neighborhood. She concluded that there appears to be some confusion and fear of what was and fear of the product type that they cannot see. The Housing Authority spoke about its mission, which is to provide subsidized housing for low income people. In fact, they do not build single family homes for people earning over \$60,000 per year, because they do not have the funding sources for this.

Finally, Ms. Keith said this type of project will be very good for the community and a product that everybody would be proud of.

Mayor Hardin indicated that he has had prior discussion with the proposer and with residents from the community both for and against the project. The community was opposing the project on various issues. He said he met with the proposer, the Housing Authority and from "day one" he told them he was conflicted with it. He understands the way people are looking at it, because there were duplexes there prior. However, for a planner to put a multi-family unit in the middle surrounded by mostly single-family units is not the way to do it. Rather, the single-family should be placed in the middle and then surround that with multi-family, and then surround that with limited business, and then surround that by general business, and then go out to the industrial. Therefore, the single family is the most protected product. He understands the economics involved and he has listened to the presenter. However, as it is, he cannot support it going forward. He then explained in details his thought process behind his decision.

Vice Mayor Moss indicated he will support the item and explained his reasons for taking this action. He thinks this is a very attractive way to supply housing for the senior community. Notwithstanding, since the past four years he has heard pleadings from people for affordable housing for seniors.

Mark Berman, City Attorney, indicated that there are some legal issues involved. He said the courts have spoken to this type of review and he is obligated to inform the Commission as to what the law states in this situation. He briefly noted that the Florida courts have spoken as it relates to plat approvals, the villa, and duties of commissions of municipalities. They have stated very clearly in several cases for example, Broward County v. Narco Realty, City National Bank of Coral Springs, and Florida National Properties. All these judgments say, "One legal requirement is met, the process is purely ministerial not discretionary. Therefore, local governments may not deny a plat application merely because in its opinion the subdivision would not be in harmony with their obligation to preserve general health safety and welfare of the community." He cited Graves v. the City of Pompano Beach, which is a case the City was involved in 2011 regarding a plat approval. The Fourth District Court of Appeal made it clear that the County is vested with the substantive authority to retain veto power of municipality's platting decision to ensure development within the County is consistent with the overall scheme set out in the County's land use plan. To hold otherwise, would be to deny the County effective coordinated control over development within the entire county including municipalities located therein. Without some overall supervision, municipalities would be able to make development decisions without consideration of their effect on adjacent communities. The County makes the decision.

Comr. Eaton enquired should the item be voted down, will there be a legal recourse, and what impact it would have on the City moving forward.

Mr. Berman responded that they would take their objections to the court, they would file the appropriate motions, and the City would have to defend it accordingly. In sum, it would be appealed through the process, available in the court mandamus or by other means to which the City would respond.

Comr. McGee asked if the City went to court and it was found in favor of the County, would the City be responsible for the attorney's fees for the County.

Mr. Berman responded that it could be a potential for attorney's fees and court costs.

Comr. McGee asked if there are any assurances from the Housing Authority that certain standards will be kept over a period of thirty years.

Ms. Keith responded that when they apply for tax credit dollars and financing through Florida Housing, there are stringent requirements over a thirty-year period. Third party lenders came into play and the project is being reviewed. In fact, the project could be taken away if it is not maintained and operated in accord, and a new operator brought in.

A discussion followed among Ms. Keith and members of the Commission regarding the program and how it is managed, as well as the value of the property,

Comr. Perkins asked if it would be considered a conflict of interest for her to vote on the matter since she has

an uncle who sits on the Housing Board.

Mr. Berman responded that in his legal opinion there is no ethical conflict of interest if the person is an uncle. Section 112.3143, Florida Statutes, makes it clear that no municipal official can vote on any matter which he/she knows would inure to the special private gain or loss of a relative. This matter is not a private gain or loss. Additionally, the section defines relative as father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, but not uncle.

Comr. Perkins indicated that Blanche Ely estate is located on NW 6th Avenue, and she resides at the end of the street from this location. In the past, she had voted against the project. However, she did not see the current presentation until now, which Ms. Keith just made, because it was not part of the backup material.

Comr. Perkins indicated that District 4 is the only district with the most land in Pompano Beach. She is concerned that developers are coming in to build apartments, and storage units in the area, specifically, on Martin Luther King, Jr. Boulevard (MLK Blvd.). At the intersection of Dixie Highway and MLK Blvd., there are plans to build apartments. Also, on MLK Blvd. next to the substation, apartments will be built, at MLK Blvd. and NW 7th next to the "2 o'clock store" apartments will be built. Therefore, she wished she had the support of all the people who spoke earlier to stop some of this building on MLK Blvd.

Continuing Comr. Perkins indicated that she is aware that something will be placed on the subject property, however, her concern is with traffic for the area. Although, she initially voted against the project, now that she is seeing the plans of what will be built, which is quite nice, she will vote for it. Also, if the Housing Authority will maintain the property the way they promised then she would support it. She would not desire for the property to be sold to developers and provided her reasons. On another note, Comr. Perkins asked who is Ben Turner.

Mr. Adderly responded that Ben Turner is a pioneer of Pompano Beach, who dedicated the land for public housing to build homes for low income people.

Vice Mayor Moss had a question on properties being maintained by the Housing Authority and Ms. Keith responded that all the prior housing projects, to include those on the Ben Turner property have been well kept.

Comr. Eaton indicated that she understands those people who spoke passionately about not wanting this project in their neighborhood, however, there is the law and if this cannot be stopped legally, then the developer would be tasked to do more than what has been presented to date, to ensure there are cul-de-sac that will not allow drive through in the area to make the community even safer.

Mayor Hardin asked if the senior housing issue for 62 and older is a function of the tax credits being applied for by the Housing Authority.

Ms. Keith responded that is correct and that it is part of the application process.

In sum. Mayor Hardin indicated that if the item is voted down, he would hope the Housing Authority would look at it as an opportunity to work with the community and the Commission to move forward with some other type of plan to make it a success for the entire community. So, he would not anticipate the Housing Authority

taking the City of Pompano Beach to Court on this issue.

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

Yes: McGee

Perkins

Moss

No: Eaton

McMahon

Hardin

13. [19-59](#) **P.H. 2019-15: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE ABANDONING A CERTAIN PORTION OF THE RIGHTS-OF-WAY OF NW 7TH WAY, NW 16TH LANE (ALSO REFERRED TO AS NW 16TH PLACE), NW 16TH COURT, NW 7TH AVENUE, AND NW 5TH AVENUE LYING SOUTH OF NW 17TH STREET AND SITUATED ON BOTH THE EAST AND WEST SIDES OF NW 6TH AVENUE, BETWEEN NW 7TH WAY AND NW 5TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED TO FEBRUARY 26, 2019

TABLED FROM DECEMBER 11, 2018

FIRST READING: NOVEMBER 13, 2018

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating that it is a proposed abandonment request pertaining to portions of NW 7th Way, NW 6th Lane also referred to NW 16th Place, NW 16th Court, NW 7th Avenue, and NW 5th Avenue. The applicant is Keith and Associates on behalf of the Housing Authority of Pompano Beach (Housing Authority). The property is located on the east and west sides of NW 6th Avenue and north of NW 16th Street. The Applicant intends to vacate portions of the right-of-way in order to redevelop the site. In May 2017, the request for abandonment went before Planning and Zoning Board and the applicant has been waiting to abandon the property concurrently with the plat. He then explained the review standard for an abandonment. On August 22, 2018, the abandonment request was unanimously recommended for approval at the Planning and Zoning Board meeting with conditions that all service providers comments be submitted, which was met. Finally, this is the second reading of the ordinance and there have been no changes since the first reading.

Dodie Keith, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, representing the Housing Authority, stated that they would proceed with the request regardless of what happened with the plat. The property will need the old roadways to be vacated whether the Housing Authority keeps or sells the property. Therefore, the old roadways system would not be utilized by any project whether it was single family or any other project proposed for the subject parcels. Consequently, the Housing Authority would appreciate the continued vacation of the parcels.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-26

Meeting went into Recess

Meeting Reconvened

14. [19-225](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SURGEON COLLISION PLAT LYING ON THE WEST SIDE OF SW 12TH AVENUE (ANDREWS AVENUE EXTENSION) AND NORTH OF SW 3RD STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating it is a plat for a approximately .7 acre property located on the west side of South Andrews Avenue, approximately 1,400 feet south of Atlantic Boulevard. The proposed plat would restrict the property to a maximum of 11,000 square feet industrial use. Currently, the property is zoned I-1 for General Industry. On April 4, 2018, a site plan was reviewed by the Development Review Committee (DRC), to allow the construction of a 10,000 square foot auto repair shop. The applicant will continue advancing the application after the plat is further along in the approval process. Service providers letters have been submitted with no objections. Finally, at the September 20, 2018 DRC meeting, the plat was reviewed and found to be in compliance with the City's land development regulations. On December 19, 2018, the plat was reviewed by the Planning and Zoning Board and approval was unanimously recommended. In addition, the review standards of the plat have been included in the backup material. Finally, staff recommends approval of the plat.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-121

END OF QUASI-JUDICIAL PROCEEDING

15. [19-244](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN RAUL QUINTANA, RAUL QUINTANA TRUST AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 2000 DR. MARTIN LUTHER KING, JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$2,100,000)
(Staff Contact: Vince Wooten)

Vince Wooten, Office of Housing and Urban Development, (OHUI) presented the item stating this is for the Commission's approval for the purchase and sale agreement for a property located at 2000 Dr. Martin Luther King, Jr. Boulevard (MLK Blvd.). The project is a strategic planning initiative, which OHUI has partnered with some of the other management team, and members were tasked to select a site. Several different properties were reviewed, and the strategic plan identified the need to accommodate senior housing facility to have programs to aid in some of the programs and services for the aging population in the northwest section of the City. The size and location were criteria for decision making and this limits the search. He then explained in details the process. The property is acquired at 17% under its appraised value of \$2.5 million, therefore, staff recommends approval of the project.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if this will be for senior housing.

Mr. Wooten responded no. The City needs to procure the land in order to get site control to look at accommodating a senior activity center, which is part of the G.O Bond issue.

Mr. Skversky asked if anyone did legal work for the owner selling the property, which Mr. Wooten responded that he is unaware of such activity. Continuing, Mr. Skversky noted that the comparable properties provided, indicated there is nothing nearby that is comparable, and explained his reasons in detail. Finally, he asked if the property is worth \$2.1 million.

Mr. Wooten responded yes, and indicated that it is a certified appraisal.

Comr. Perkins noted that the G.O. Bond allows \$8 million for the senior activity center, therefore, if the land purchase will be for \$2.1 million, then the balance will be \$5.9 million to build. In addition, Comr. Perkins indicated that when she made the suggestion to the City Manager to build, she had in mind a state-of-the-art type of facility. Therefore, she opined that \$2 million is a lot of money to purchase the land, which will take away from the actual building itself. Comr. Perkins suggested that staff take another look at it to see if they could get something for less than \$2 million.

Greg Harrison, City Manager, indicated that the budget for the land purchase was \$2 million and then to expend \$6 million on the building itself.

Comr. Perkins indicated that since she had suggested the state-of-the-art senior center activity, she had expected to be in the process of all of it. Therefore, she requested that moving forward with this center, since it is “my baby” she would like to be involved in every aspect of it. She then provided her reasons why she desires to be involved.

Mr. Harrison stated that staff met prior with all the Commission on a one on one basis regarding the location, to include Comr. Perkins.

Comr. Perkins indicated that she was not aware the item was being presented on the agenda. In addition, she said a number of things are taking place that she would like to know about as it relates to her district. She has requested this prior, and reiterated her request that whatever is going on in District 4, before it happens and whatever process being taken, she needs to know about it prior, so she would be informed of what is going on in the district.

Mr. Harrison asked if she will communicate with staff through emails and attend the meetings that is requested of her to attend.

Comr. Perkins responded, she will.

Vice Mayor Moss indicated that like Comr. Perkins indicated earlier, he considers the center to be “his baby” as well. He indicated that even though it is located in District 4, it is about 100 yards from District 5 in Collier City, which is perhaps the most densely populated part of the northwest section of the City. Notwithstanding, he was informed about the item prior to it being placed on the agenda, however, he wants to be kept informed as well.

Mayor Hardin indicated that all the G.O. Bond projects, in fact, everything that happens in the City, it is the Commission who is involved in all of this. Therefore, they will all stay engaged.

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

McGee, that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: RES. No. 2019-122

16. [19-92](#) A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S 2019 ANNUAL PUBLIC ART PLAN AND DIRECTING STAFF TO PROCEED WITH PROJECTS INCLUDED IN THE PLAN FOR FY 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$428,960)

(Staff Contact: Laura Atria/Phyllis Korab)

Laura Atria, Public Art Program Manager, presented the item stating that all the projects were originally approved in the 10-year Master Plan. Some of the projects have since been edited and added due to the request of the Committee and Commission. Therefore, this item is the fiscal year 2019 annual plan, which includes current public art program accomplishments, the status of public art projects in progress, proposals for future projects, and an update, inventory and budget.

Continuing, Ms. Atria indicated that the Committee, to date, has completed, initiated, and participated in nineteen projects in 2018, and eleven projects are planned for fiscal year 2019.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he would like to see more "tigers" put into the plan. He said the northwest area is Blanche Ely tigers and they want to see some more tigers displayed. In addition, Mr. Thrower indicated that he would like to see the Committee consider the historical value of the former mayors and commissioners. Therefore, he would like to see some of them included on the wrapped utility boxes. This could include former mayor E. Pat Larkins and some of the other pioneers of the City.

Mayor Hardin encouraged Mr. Thrower to attend the Public Art Committee meetings and bring these good ideas to their attention.

Vice Mayor Moss reminded Mr. Thrower that in certain neighborhoods of the northwest area, all high school students did not attend Blanche Ely High School.

Mayor Hardin reiterated that the Public Art Committee is doing a great job for the City. Although he understands the need to represent other themes in the City and diversity is good, the City has been receiving

compliments from people from other cities on the things being done in Pompano Beach. He thanked the Committee for what they are doing to make the City a better-looking place.

Additionally, Ms. Atria invited everybody on March 8, 2019, where there will be a ceremony for the Collier City artists and residents, because the program is coming to an end.

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

Yes: Eaton

McGee

McMahon

Moss

Hardin

No: Perkins

Enactment No: RES. No. 2019-123

17. [19-236](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, FINDING THAT ACQUISITION OF PRIVATE PROPERTY THROUGH NEGOTIATED CONVEYANCE OR THE CITY'S EMINENT DOMAIN POWER SERVES A PUBLIC PURPOSE AND IS NECESSARY FOR EXPANSION AND RENOVATION OF MCNAIR PARK; AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY AND ALL OTHERS DESIGNATED TO ACT ON THEIR BEHALF TO ACQUIRE VIA NEGOTIATED CONVEYANCE OR EMINENT DOMAIN THE PROPERTY DESCRIBED IN EXHIBIT "A", AND TO TAKE ALL ACTIONS THAT THEY DETERMINE ARE REASONABLY NECESSARY INCLUDING, BUT NOT LIMITED TO, ENGAGING EXPERT WITNESSES AND CONSULTANTS, TO ACQUIRE THE PROPERTY DESCRIBED IN EXHIBIT "A"; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$400,000 - \$800,000)

(Staff Contact: Mark Berman/Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item stating the property is regarding the McNair Park, which requires renovations and expansions to meet the recreational needs of the neighborhood that it serves. The renovations to McNair Park were approved as one of the projects of the G.O. Bonds. The renovation and expansion of the Park will require additional land. Therefore, City staff has negotiated a revocable license agreement, which was approved under Consent agenda item 7 earlier. In addition, there is a convenience store located at 1081 NW 27th Avenue, which is surrounded by McNair Park on its north, south and west corridor, and east of it is NW 27th Avenue. It has been contemplated that 1081 location would be

incorporated into the redesign of the McNair Park amenities as they were described in the City's parks' master plan. Option one for the plan is to remove the existing basketball court to the north where the 1081 property is located, thus allowing for the expansion of the Park's multi-function facility. Option two would be to move the existing basketball court to the southwest corner of the park also allowing for the expansion of the facility and provide much needed additional parking.

Continuing, Ms. LeMasurier requested the Commission's approval to acquire the property located at 1081 NW 27th Avenue, either through negotiated conveyance or City of Pompano Beach's eminent domain power for the renovation and expansion of the McNair Park.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, thanked the Mayor and Commissioners for this item and that the Cowboys board members are in attendance in support of this action. He said this is much needed, as well as the subject parcel is known as a crime haven, which there are police reports that will prove the problems at that location.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, said he supports the action of the City regarding this item and provided his experience with the subject location. Therefore, he urged the City Commission to move forward with this item.

Tom Terwilliger, Pompano Beach, FL, stated that there is no statement of public purpose and necessity in the backup material. He wanted to know why the extreme measure of eminent domain maybe used to take private property. Also, provide the details as to what is the public purpose and necessity. If this cannot be provided, he would suggest that the City Commission vote no, because "wanting is not needing."

Mark Berman, City Attorney, indicated that it was clearly stated in the presentation in the Summary/Background of the agenda item. He then read, "McNair Park requires renovations and expansion to meet the recreational needs of the neighborhood it serves." The renovations were approved as the project and all the documents in the backup show that this store is located in the middle of the expanded park. There is a need to obtain the property to rebuild the park. Also, there is a need within the community for the park facility to be expanded.

Continuing, Mr. Berman clarified that he appreciates the community feelings on this, but this is about the need to obtain the property and not about action that takes place on the property. Hopefully, a settlement will be reached to pay the just value for the property and not have to go to the extent. By law, in order to start the process this will be the first steps taken by the City.

Ronald Thurston, 2931 NW 9th Street, Pompano Beach, FL, echoes the comments made by Mr. Thrower earlier. He said the location is an eyesore to the community and unhealthy to the neighborhood. Therefore, he urged the Commission to move forward with taking care of the property.

Richard Thompkins, 436 NW 19th Street, Pompano Beach, FL, stated that if they want to better the community those eyesores need to "get rid of," which the subject property is such. Also, if the children needed to be protected then the City will need to get rid of the slum.

Vice Mayor Moss agreed with the City Attorney's statement that it is needed in order to make the park comprehensive and to work beautifully. In addition, the small piece of parcel being considered has been the biggest "pain in the neck" to the Collier City residents. Therefore, he agrees with all the previous speakers that it must happen. The residents have been promised this for many years and they have lived with the drug activities, prostitution, and everything bad imaginable about the property. The City needs to purchase it in order to make the park whole and give the residents of Collier City what they richly deserve and have waited a long time for. Therefore, he encouraged the Commission to look at this item favorably.

Mayor Hardin indicated that the need was demonstrated for the expansion and completion of the City's park project. Any type of activities outside of that really do not serve the public purpose. The purpose behind that is to complete the project.

Comr. Perkins stated that she supports this one hundred percent. However, she understands the comments regarding eminent domain only because of what has been experienced in the past with eminent domain activities. In addition, Comr. Perkins asked about the status of the School Board land in the neighborhood.

Mark Beaudreau, Recreation Programs Administrator, responded that the School Board is not in the business of selling their property. The City has been working with the School Board since 2013 and they have always been receptive and open to the City partnering with them, but they will not relinquish the property. However, for agenda item 7, they will lease to the City for 25 years with a 25-year renewal at a cost of \$0.

Mayor Hardin mentioned the eminent domain matter is a sensitive subject and it will be a method of last resort by the City. Hopefully, in this situation a fair sale will be agreed upon and the route to eminent domain does not get exercised, but remain as a precautionary measure.

Vice Mayor Moss mentioned that the students that attend the two schools that are adjacent to the property will benefit greatly. So, it is in the best interest of the School Board to allow the City to do something productive with the land. Currently, it is a big empty field with nothing on it.

Comr. Eaton indicated that whichever plan that the City decides upon, it is clear that having that parcel will make a superior plan and full complete park.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2019-124**18. [19-197](#) P.H. 2019-29: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PROSERVE CONCEPTS, INC., TO PROVIDE SERVICES AS THE HEAD TENNIS PROFESSIONAL FOR THE POMPANO BEACH TENNIS CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$70,000 minimum revenue back to the City of Pompano Beach)

FIRST READING: FEBRUARY 12, 2019

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item stating there are no changes from the first reading. However, he stated that he met with Mr. Sposa, Tennis Professional, and it looks very promising for yet another agreement dealing with the other tennis courts within the City. It has not gone unnoticed and this will be brought back in the budget process.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-27**19. [19-217](#) P.H. 2019-30: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 131, "OFFENSES AGAINST PERSON AND PROPERTY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 131.24, "UNLAWFUL LODGING AND STORAGE OF PERSONAL PROPERTY," TO MODIFY DEFINITIONS, PROHIBITED CONDUCT AND ENFORCEMENT PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 12, 2019

(Staff Contact: James E. Saunders III/Mark Beaudreau)

James E. Saunders III, Assistant City Attorney, presented the item stating it is the second reading of the ordinance and there has been no changes since the first reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-28

20. [19-189](#) **P.H. 2019-26: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2304., "STAFF REVIEW AND ACTION," TO INCLUDE AIR PARK OBSTRUCTION PERMIT APPLICATIONS; BY AMENDING SECTION 155.2305, "PUBLIC HEARING SCHEDULING AND NOTICE," TO AMEND TABLES TO INCLUDE AIR PARK OBSTRUCTION PERMITS, COMPREHENSIVE PLAN NOTICE REQUIREMENTS FROM CHAPTER 154, AND TO MODIFY A FOOTNOTE REFERENCE; BY AMENDING SECTION 155.2422., "AIR PARK OBSTRUCTION," TO INCLUDE REFERENCE TO OBSTRUCTIONS IN FORT LAUDERDALE EXECUTIVE AIRPORT (FXE) AIRSPACE, MODIFY PURPOSE, APPLICABILITY AND PROCEDURES FOR AIR PARK OBSTRUCTION PERMITS, AND PROVIDE FOR APPEALS; BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE PROCEDURES FOR APPEAL OF AIR PARK OBSTRUCTION PERMIT DECISIONS; BY AMENDING SECTION 155.3707., "AIR PARK OVERLAY (APO) DISTRICT," TO MODIFY PURPOSE, DEFINITIONS, REQUIREMENTS, RESTRICTIONS AND PROCEDURES TO INCLUDE FXE AIRPORT ZONES AND HEIGHTS AND INCLUDE THE PROCESS FOR REVIEW OF OBSTRUCTIONS IN FXE AIRSPACE; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE - RELATED SERVICES USES," TO MODIFY A CROSS-REFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 12, 2019

(Staff Contact: David Recor/Jennifer Gomez)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating it is a housekeeping item with the primary purpose to respond to Florida Department of Transportation (FDOT) comments regarding minor changes for consistency with Chapter 333 of the Florida Statutes. In addition, it will acknowledge Fort Lauderdale Executive Airport (FXE) air space over Pompano Beach. Also, it makes a number of minor housekeeping items for the consistency with other sections of the code.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-29

21. [19-194](#) **P.H. 2019-28: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC. FOR THE COMPREHENSIVE PLAN UPDATE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$110,130)

FIRST READING: FEBRUARY 12, 2019

(Staff Contact: David Recor/Jennifer Gomez)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating it is a second reading of an ordinance for a contract with Calvin, Giordano and Associates, Inc., (CGA) for consulting services to do a thorough update of the City's Comprehensive Plan. This is the first time the City will be doing this evaluation since 2010.

The goal is to meet statutory requirements and to be consistent with Broward County's recent Comprehensive Plan update and the Text Amendments included within "Broward Next." Full solicitation was done for this particular service, and the ranking and approval of CGA as the highest ranked firm was approved by the Commission on December 11, 2018. Finally, the first reading of the ordinance was approved February 12, 2019.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-30

22. [19-154](#) **P.H. 2019-27: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 110, "ALCOHOLIC BEVERAGES," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 110.01, "HOURS OF SALE," TO CLARIFY ESTABLISHMENTS REGULATED UNDER THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED TO FEBRUARY 26, 2019

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

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

23. [19-248](#) **P.H. 2019-33: (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 FOURTH AMENDMENT TO THE AGREEMENT FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$85,000)

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item stating it is the final step in the process to amend the code compliance contract with Calvin, Giordano and Associates, Inc., (CGA), to add one additional code compliance officer. With this additional officer, the role and capacity of the existing staff can be enhanced in order to focus on high priority projects such as rental housing, vacation rentals, and community residential home enforcement. This additional officer would implement the 2018-2019 Strategic Plan Action Item, which requires to fund and select an additional code compliance officer. This position was previously approved and budgeted as part of the fiscal year 2019 citywide budget. Therefore, there is no budget adjustment or any financial transfer as a result of the item.

Continuing, Ms. Gomez indicated that the contract was originally approved in 2011, and has been updated three times with this being the fourth amendment, which will add an additional fee of \$85,000 for one additional contract.

Comr. Eaton stated that one of the code compliance officers attends the Cresthaven Civic Association meeting every month. From her experience they are doing a fantastic job in the community and will support this item.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

24. [19-240](#) **P.H. 2019-31: (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 32.49, "CONE OF SILENCE," PROVIDING DEFINITIONS, PROHIBITING CERTAIN COMMUNICATIONS DURING CERTAIN TIME PERIODS WITHIN COMPETITIVE SOLICITATIONS, PROVIDING EXEMPTIONS, AND PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Otis Thomas)

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

25. [19-247](#) **P.H. 2019-32: (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 AN INVESTMENT ADVISORY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND INSIGHT NORTH AMERICA LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Estimated annual cost is \$84,420.00)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item stating this is to contract with Insight North America LLC to provide investment advisory services for the City's funds. They will provide day to day management for the City's investment programs and the transactions. The programs must be in accordance with the City's investment policy, which reflects the philosophy and risk tolerance. He then provided the detail on the City's philosophy.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

F. REPORTS

Gregory Harrison, City Manager - Collier City Lot for Park - Mr. Harrison reported that staff has requested a meeting with County Mayor Mark Bogen, regarding the Collier City Lot, which is one of twenty

three lots that the City is in the process of trying to retain to work with either a private developer or Broward Habitat for Humanity for someone to build single-family or town houses.

Update on Street Lights - Mr. Harrison reported that in January he mentioned that he would provide an update on the street lights situation in the various neighborhoods. The project is taking longer than anticipated, so a more realistic time to provide a report would be in May.

In response to Mayor Hardin's question he responded that this report will cover all the lights throughout the City, which will provide an inventory of the lights and possible actions that can be taken.

Community Expo Event - Mr. Harrison announced that there will be a community expo, which will be free health screening. One of the City's non-profits is taking care of it. This will be held at 5555 North Federal Highway on March 8, 2019 from 9:00 a.m. to 2:00 p.m. Included will be free health screenings, free medical consults, and free Florida kid care registration.

Adult Swimming Lessons - Mr. Harrison reported that the Parks and Recreation Department led by Pete Smith will offer free swimming lessons for adults at the Houston Sworn Aquatic Center. The first ten lessons offered will be free.

Mayor Hardin commented that this is great, because most recently a lawn maintenance worker fell in the canal while doing lawn maintenance and drowned. Adult swimming is an important component.

Mark Berman, City Attorney - Ethics Training on Sunshine Law - Mr. Berman reported that at the last meeting he mentioned about setting up an Ethics training for the Advisory Boards and the new appointees coming in. The Commission had mentioned that they would like to participate in that training at the same time. The presentation will be conducted by an outside entity and will be held on April 11, 2019, from 5:00 p.m. to 7:00 p.m. in the City Commission Chamber. He thanked City Clerk Hammond with assisting in setting this up. Additional reminders will be provided.

Asceleta Hammond, City Clerk in response to Mayor Hardin's question on the hours needed by the elected officials, stated that the newly elected commissioners will need to complete eight hours total, however, the re-elected commissioners will only need to complete four hours of the Ethics training during the first year of their term.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - Audio issues in the Commisison Chamber - Comr. Eaton mentioned that she would like to have the audio in the Commission Chamber be explored because sometimes she has a hard time hearing the other Commissioners and sometimes it echoes. She is unsure where the speakers are located in the area of the dais.

Mayor Hardin suggested that a meeting could be set up with Comr. Eaton and Sandra King, Public Communications Director to work out the mic/speaker glitches.

Lighthouse Preservation Society Anniversary Gala - Comr. Eaton announced that the Lighthouse Preservation Society is having an anniversary gala and recommended the Commission support with the purchase of a table, which is approximately \$1,200. The event is scheduled for March 22, 2019.

MOTION: A motion was made by Comr. Eaton, seconded by Vice Mayor Moss, to look into the City purchasing a table for the Lighthouse Preservation Society anniversary event. The motion carried unanimously by voice vote.

Creating Defensible Space - Comr. Eaton indicated that she has discussed with staff regarding how the neighborhoods were built on grid patterns, which make sense. There are studies that were applied in other places and have proven that cities are able to take back the neighborhoods. However, it is not as simple. For example, the City owns the streets but cannot do anything with them. Therefore, there is a “buzz” word throughout the county and cities of the “rehabilitation of our existing home/residential/neighborhood stock.”

Continuing, Comr. Eaton wanted to know if the City could embrace the concept of having its own home stock and existing neighborhoods, as well as formulate a plan or verbiage and put together something where other neighborhoods have done it. This concept has been written about by Oscar Neuman in his book, “Creating Defensible Space,” so instead of talking about traffic calming it would be revitalizing, rehabbing, and saving the communities that are in place. These could involve communities west of Federal Highway, to include Cresthaven, the Highlands, Collier City, Pompano Estates, Kendall Green, and so many more throughout the City. She believes the City could set a trend and if packaged correctly could have its existing housing stock, create defensive space, and safe neighborhoods. In sum, she believes the City could start moving this concept forward by getting the “buzz” especially with the road controls, as it relates to traffic.

Mayor Hardin suggested that City Manager Harrison could connect Comr. Eaton with David Recor and Jennifer Gomez in the Development Services Department and a discussion could begin on how the City could formulate some of these concepts.

Comr. Eaton mentioned that there is the possibility of applying for funds for this initiative as well.

Greg Harrison, City Manager, indicated that there may be old traffic studies for those areas, which is one element that could be updated. As it relates to the rehabbing of houses, he could educate Comr. Eaton on what is already being done and blend it with her ideas of what she feels the neighborhoods need.

Comr. Eaton said it is not so much for the physical properties, which she is aware there are programs in place. However, by improving a neighborhood there is an improvement in housing stock, as the streets will be safer.

Mayor Hardin suggested that perhaps the meeting of minds could take place to see what can be done from the concept of creating defensible space in the City’s neighborhoods.

Commissioner Andrea McGee - Update of Visit to Washington DC on Legislative Pushes - Comr. McGee reported that she was not at the last Commission meeting because she was in Washington DC representing the City with National League of Cities and Florida League of Cities with some of the pushes legislatively being worked on with DC. Most of these items tie in directly with what the City of Pompano Beach

has been looking into. For example, one of the top issues was Water Quality and Water Supply that flows from Kissimmee through Okeechobee through different upgrades needed south of Okeechobee and converting septic tanks into sewer systems. She said she made a point to inform United States Representative Brian Mast who is heading up the cleanup efforts at Lake Okeechobee that “Red Tide” had come as far south as Pompano Beach last fall.

Continuing, Comr. McGee stated that they are very focused on investing in infrastructure, alleviating congestion, and trying to figure out the modern and future needs of what the infrastructure will look like in moving people around. Also, trying to figure out ways to grow and still be able to move around without road rage taking over people.

Another issue they focused on was the ADA compliance, small wireless infrastructure, to ensure keeping home rule and where to place it, as well as ensuring the national flood insurance program will be moving forward.

Finally, Comr. McGee reported that they were able to speak with Senator Rubio and his staff about how they can get more grants to Pompano Beach. She has already spoken to the City Attorney regarding the paperwork suggested and timing. Hopefully, they will be heard and to get Pompano Beach on the map for the representatives in DC.

Comr. McGee concluded that the National and Florida Leagues were excited to have Pompano Beach with them. They had their largest turnout with over forty representatives such as Mayors, Commissioners and City staff. She also connected with one of Deerfield Beach Commissioners, who expressed the desire to plan a workshop to see the areas the two neighboring cities can work together.

Speeding Issue - Comr. McGee indicated that she was asked to check into the speeding on Riverside Drive, as somebody was hit last week, as people seem to “fly” down Riverside Drive.

Commissioner Tom McMahon - Traffic Issues - Comr. McMahon stated that traffic seems to be the trend, and he had sent a few emails with regards to traffic, which is a big concern for the Old Pompano area. Apartments are going on both sides of the community and it is kind of a grid system the way it is currently. People can cut right through the neighborhood and avoid all the traffic on Atlantic Boulevard. He wanted to know if the City could have an employee that studies roads and make decisions based on that, or does it have to go to the County.

Greg Harrison, City Manager, stated that the traffic is controlled by Broward County for all 31 cities within the County. Unless that is changed in the way the County is structured, the City will continue to go to them to get their permission to do anything that relates to traffic, such as signage, traffic signalization, rerouting of roads, preparing old neighborhoods to have a dead end, for example, or a cul-de-sac for a turnaround.

Mayor Hardin relayed an experience he had with a stop sign in Garden Isles where Broward County refused to allow the City to put back up after they had taken it down. At the time County Commissioner Kristen Jacobs got in the “fight.”

Commissioner Beverly Perkins - New Location of Department of Highway Safety and Motor

Vehicles - Comr. Perkins informed that a Highway Safety and Motor Vehicles office is now located in Pompano Beach at the Pompano Beach shopping mall, at 1955 North Federal Highway on the second floor, so the residents do not need to go to Margate for this service.

Vice Mayor Barry Moss - Traffic Issues - Vice Mayor Moss continued with the issues of traffic. He indicated at a prior Commission meeting he had suggested that the City should try to close off on a temporary basis only NW 2nd Street in Collier City to see if that would help to alleviate some of the problem the residents were experiencing. The City Manager is working on that effort.

Continuing, Vice Mayor Moss indicated that to examine the situation closer, he looked at a map of Collier City and discovered going four blocks east to west, fourteen blocks north to south, it contains approximately 5,000 people. Also, the map shows that there are twenty-three entrances and exits into Collier City. So that would be twenty-three ways people can come speeding across from NW 31st Avenue to Powerline Road, the same thing would happen for people to come in and dump furniture on an empty lot. There are too many ways for people to get into the neighborhood and cause mischief. Therefore, he plans to start a consistent dialogue with the residents of Collier City about the situation, which he brought up at their last Civic Association meeting. He felt that once people become aware of the fact that Collier City is so vulnerable for people to speed through the neighborhood, and doing bad things, perhaps, the residents may want to consider if all the twenty-three entrances into the community are necessary. In essence, the same issue exists in Comrs. Perkins' and Eaton's districts.

He hopes the residents of the neighborhoods can talk about how they can alter some of these streets with the hope of making the Collier City streets safer.

Traffic and Noise - Vice Mayor reported that at the last Metropolitan Planning Organization (MPO) meeting they were informed that the current schedule for completing the quiet zones on the railroad is a little behind schedule but they expect to complete the work on Sunday, March 9, 2019. Hopefully, those neighborhoods along the Brightline and Freight Train tracks will get a little quieter.

Collier City Civic Association Meeting - Vice Mayor Moss announced that the Collier City Civic Association meeting will take place on Wednesday, February 27, 2019, at 7:00 p.m. at the Jan Moran Learning Library.

Sale/Purchase of Land for McNair Park Expansion - Vice Mayor Moss thanked staff for making the purchase of the land for the McNair Park a reality. He said it is critically important to have a park for the people who live there.

Mayor Rex Hardin - Visit to Tallahassee - Mayor Hardin reported that last week he made a trip to Tallahassee with City staff and they met with several senators and representatives to highlight some projects that the City needs funding for, and hopefully once the session is done there will be some good news from Tallahassee.

Charter Amendment Election Changes - Mayor Hardin indicated that he found some information from the Charter Amendment Advisory Board that deals with the elections and terms and wanted to remind City

Manager Harrison to get an agenda item for discussion only. At that time the Board recommended that the City election should not be moved from November, City Commissioner terms should be lengthened to four years with staggered terms, and term limits should not be adopted. In addition, he thinks the four-year terms for Commissioners should happen, staggered terms would be good for the City and these questions would need to go on the ballot for the people to vote on. Extending terms is a sensitive topic, but the way it was done and changes were done in the past, it would not affect anybody that is currently in office. In other words, it would only affect those elected officials after the change takes place. This is a discussion that should happen to determine if the City would desire to place these questions on an upcoming ballot, as it is an important topic for the governance of the City. Therefore, to have everybody on the ballot the same time could be disruptive, and if everyone should lose in one election it would be disruptive.

G. ADJOURNMENT

The meeting adjourned at 10:40 p.m.

Rex Hardin, Mayor

Asceletha Hammond, City Clerk