

## 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*

*Ascelela Hammond, City Clerk*

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Tuesday, December 11, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Rex Hardin, Mayor, called the meeting to order at 6:01 p.m.

#### ROLL CALL

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

#### INVOCATION

Elder Robert Kintchen of Christ Fellowship Church of God in Christ offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Ascelela Hammond, City Clerk.

#### APPROVAL OF MINUTES

[19-101](#) Regular City Commission Meeting Minutes of November 13, 2018

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

**APPROVAL OF AGENDA**

Mayor Hardin announced that items 10 and 12 would be tabled until the February 12, 2019 City Commission meeting. In addition, a Proclamation for the Pompano Beach Boat Parade was added to the Agenda and will be presented just before Audience to be Heard.

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

**CONSENT AGENDA DISCUSSION**

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

Mayor Hardin announced that item 1 would be pulled for City Commission discussion.

**SPECIAL PRESENTATION****Pompano Beach Holiday Boat Parade Day**

Mayor Hardin read a Proclamation proclaiming December 14, 2018 as the Pompano Beach Lighthouse Point Holiday Boat Parade Day.

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

**A. 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:*

**War on Girls and Women in Pompano Beach** - Patrick Jovanov, 405 NE 23rd Avenue, Pompano Beach, FL, provided a series of crimes committed against girls and women dating back to 1975, to include assaults committed at the Pompano Beach Elementary and High Schools, as well as girls killed while parasailing and so forth. He believes there are forces in the community that allow the horrific crimes to happen.

**Request for all City approved and pending Developments.** Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, congratulated all the candidates on their recent election and said it is time to work together. He requested the City Commission's approval for the City to post a spreadsheet that shows each district and how many units have been approved, as well as how many are in the planning stage, along with the number of parking spaces allowed. In addition, he asked for a Pin Map of each district where there is planned development. This will allow the residents to see the development or the lack thereof within each district. He said currently most people get their news through social media or the computer. Therefore, he suggested that the Planning and Zoning website display the spreadsheet with the approved and pending approval developments and the number of parking units along with a Pin Map that would highlight the locations.

Comr. Perkins agreed with Mr. Drum's idea.

Vice Mayor Moss indicated that the task should be administrative in nature and the City Manager should be able to make the decision and determine if and how he would accomplish this feat.

David Recor, Director of Development Services, mentioned the Pin Map already exists under the Planning and Zoning Division. There is an interactive map that highlights every parcel within the City so a person can hover over it and the contact information, and description of the projects approved would popup, which is updated regularly.

Comr. Perkins requested a paper copy of the information that Mr. Recor mentioned is available on the website.

**Public Art Committee** - Tobi Aycock, Pompano Beach Public Art Committee representative, Pompano Beach, FL, congratulated all the candidates on their recent election and appointments. She thanked them for their support and trust to the members of the Public Art Committee over the years. She introduced the current Public Art Committee, Chair Terrence Davis, Kelly Ann Maguire, Linda Houston-Jones, David Miller, Marie Goodrum-Johnson and Mimi Botscheller, alternate. She said they look forward to continuing to advance the City with artful experiences.

Mayor Hardin thanked the Committee members for all the work they have done to include the wrapping of the boxes throughout the City.

**Unity in the Community Event** - Carolyn Mann, President, Unity in the Community, 3021 NE 13th Avenue, Pompano Beach, FL, invited the new commissioners and residents to their event to be held on January 26, 2019, their Eighth Annual Unity in the Community event. There will be free events for the children and free entertainment and an auction will be held for a ride on the Goodyear Blimp. Funds from the auction will go towards scholarships for the students. In addition, Ms. Mann thanked the City Commission for their approval of funding the non-profits, which includes Unity in the Community. She mentioned that they have provided over \$32,000 in scholarships.

**Historical City Webpage** - Vicente Thrower, Pompano Beach, FL, mentioned that a few years ago he suggested that the City create a historical webpage to identify who were the mayors of the City. For example, there was former Mayor E. Pat Larkins, who contributed significantly to the community and he believes this should be on the City's historical webpage.

**Concerts at the Amphitheater** - Mr. Thrower indicated that there has not been a major event at the Amphitheater since the last three years, which showcased faith based concerts and anything dealing with Gospel. He said that since the new company took over the programming of the Amphitheater none of these types of events has been included. Therefore, he urged the City Commission to get some of those concerts back, so that the northwest section of the City can once again come out to enjoy the concerts.

**Non-emergency Police number** - Mr. Thrower complained that 911 services are too centralized and especially the non-emergency number to the police. He said the residents once enjoyed the personal services, which is no longer available, as personnel who answers the calls are not even familiar with certain locations within the City, when they are contacted for assistance.

Vice Mayor Moss indicated he likes the idea of a historical webpage of the City's mayors and suggested that perhaps the Historical Society could work to make this happen.

**Beatty Lease** - Joe McGee, 1341 NE 27th Way, Pompano Beach, FL, congratulated all the members of the commission on being seated from the past election. Mr. McGee indicated that he wanted to remind the City Commission about the Beatty lease debacle facing the City. He said the Beatty lease is a good example of Murphy's Law (anything that can go wrong will go wrong) and explained in details how the City was tied in with this type of law, which included the Yardarm lawsuit that the City was locked into for over thirty years. In sum, he said the City is stuck with the Beatty lease which is for 99 years and costing approximately \$160,000 per year. He said in four years the lease will balloon from \$380,000 to \$1.8 million.

Mayor Hardin suggested that Mr. McGee meet with the City Attorney to discuss the Beatty lease.

**Update on Happenings in Pompano Beach** - David Miller, Cultural Arts Ambassador, Pompano Beach, FL stated that the year 2018 was a great year for him. He said culturally, this is a great time for the holiday season, because there was the green market, the Patricia Davis community garden, poetry, the old town untapped, and the Ashanti Adele Nutcracker, which were a lot in one weekend that he attended. He said he appreciates the City stepping up the cultural activities. He said that residents should expect great things from the community gardens as it would probably be the best garden in the county.

**Collier City Christmas Party** - Mr. Miller announced that Small Biz ECDC is having a Christmas Party in Collier City, on December 14, 2018, at Largo Hall.

**Lighting on NW 2nd Street** - Pam Hightower, 3028 NW 2nd Street, Pompano Beach, FL, stated that earlier in the year she attended a City Commission meeting and spoke on behalf of a friend, Tyquesha Reid, that was murdered in front of her home. She said the community came to the City Commission and asked for help with the Broward Sheriff's Office (BSO), because people are afraid to live in their own homes. She

provided an update and indicated that BSO did respond to their needs and they have been patrolling, however, things are not where they need to be. As a neighborhood, the people have pulled together and decided that if they cannot get the help needed then they will help themselves. Therefore, they have started their own neighborhood watch and they have contacted the police with information regarding who are the troublemakers. Nevertheless, in doing that they have encountered other problems in the community. She said 2nd Street is very dark and lighting is needed. In fact, there was an accident last Saturday, where someone ran the stop sign and hit a mother with her child, which Ms. Hightower indicated she had to rescue the child. Therefore, she urged the City Commission to look at District 5 and the strength of the people and to be available when the people need them.

Ms. Hightower indicated that she asked to pull numerous police reports that they have called in. She is determined to have a safe neighborhood and pleaded with the City Commission and the members of the community to join in identifying those people who are making trouble.

Comr. McGee enquired about the location on NW 2nd Street that is dark.

Ms. Hightower responded that it is between the blocks of NW 29th and NW 30th. She said in the last month several shootings have occurred in the area. She said while BSO has increased police presence, which is great, but those people need to be taken off the streets.

Mayor Hardin asked that Ms. Hightower provide her contact information to the City Clerk to have City Manager Harrison follow up with her regarding the lighting situation on NW 2nd Street, as well as the speeding issue.

Comr. Perkins stated that she received several calls from the residents regarding the shootings and expressions of being afraid of coming out of their homes, because of the loitering and individuals hanging out selling drugs. She understands that BSO is helping but stated that more needs to be done so that the residents can feel safe.

**Taxpayers in Pompano Beach** - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, thanked the voters who voted for him. He said he is not going away and will continue to be available to tell the voters the real story about how the taxes are being spent in Pompano. Mr. Terwilliger provided details regarding the pension liabilities, the parking garage on the beach and the G.O. Bond principal and interest that must be repaid over the next 30 years. He urged the citizens to stand up, talk about their rights, and voice their concerns at the City Commission meetings.

**Support of new City Commission** - Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, congratulated the new mayor and commissioners. He stated that the Commission needs to move forward with the projects and the taxes are needed to get the projects completed.

**B. CONSENT AGENDA**

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that items 2-9 under the Consent Agenda be APPROVED without further discussion. The motion carried unanimously.**

1. [19-67](#) Approve ranking order for RLI E-31-18 General Comprehensive Plan Update, and authorize staff to negotiate a contract with the highest ranked firm, Calvin, Giordano & Associates (No cost at this time.).

(Fiscal Impact: N/A)

**(Staff Contact: David Recor)**

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins enquired about the Selection Committee's selection process in detail.

David Recor, Director, Development Services Department, responded that this was a Request for a Letter of Interest (RLI) for an update to the comprehensive plan. He said the process is coordinated by the City's Purchasing Department. It was advertised and specific firms were notified and requested to respond. In the third RLI four (4) firms responded and as typical for RLI's, there was an internal selection advisory committee appointed by purchasing comprised of representatives of various departments. Purchasing established the evaluation criteria and provided a weight to each of those criteria. The participants on the selection advisory committee reviewed the four respondents against the weighted criteria and provided their written commentary as well as their notes as provided in the backup. The firms were then ranked according to the scores and after being tabulated by the purchasing department became the backup material and the support for the recommendation that was provided to the mayor and commissioners.

In closing, Mr. Recor pointed out this is not a bid so there are no dollar figures provided by the respondents. This is a recommendation that the City Commission could accept the ranking order and allow staff to negotiate a contract with the highest ranked firm and to return with the contract for the City Commission's consideration and approval.

Comr. Perkins enquired how the RLI's are reviewed and responded to, and for example, in the event none qualified would the process be repeated to get more people to apply or submit.

Mr. Recor responded that the Selection Advisory Committee could make a determination that the respondents were nonresponsive. However, that did not happen in this case.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

2. [19-80](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED PARKING AGREEMENT BETWEEN ILL INVESTMENTS, LLC AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Paola West/David Recor)

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

**Enactment No: RES. No. 2019-43**

3. [19-96](#) Approve ranking of RFQ P-53-18 Planning and Design Services for Four Streetscape Improvement Projects with the following firms, Keith and Associates, Inc. and Kimley-Horn and Associates to establish a contract.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

4. [19-58](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO FLORIDA POWER & LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2019-44**

5. [19-97](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN FDOT 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 STREETScape IMPROVEMENTS OF DR. MARTIN LUTHER KING, JR BOULEVARD FROM POWERLINE ROAD TO EAST OF 511-9/INTERSTATE 95; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Maintenance costs annually budgeted by Public Works)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2019-45**

6. [19-95](#) Approval to Piggyback the City of Palm Bay Contract #45-0-2017 “Well Repairs Maintenance & Rehabilitation Services” to purchase as-needed potable production well rehabilitation from Aquifer Maintenance & Performance Systems, Inc. (AMPS) in the estimated annual amount of \$110,000.00.

(Fiscal Impact: \$110,000.00)

(Staff Contact: A. Randolph Brown)

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

7. [19-88](#) Request City Commission approval to issue Purchase Orders to Neptune Technology Group for the purchase of Neptune Water Meters, Parts, and Accessories, based on section 32.45 (Standardization) of the City Code of Ordinances.

(Fiscal Impact: \$300,000.00)

(Staff Contact: A. Randolph Brown)

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



8. [19-89](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE TASK AUTHORIZATION NO. 17 IN AN AMOUNT NOT TO EXCEED \$197,866.08 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CAROLLO ENGINEERS, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$197,866.08)

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2019-46**

9. [19-98](#) Approval to piggyback Lake County Florida's Contract No. 17-0606L for the purchase of bunker gear, various brands of parts, supplies, equipment, and services used by the Fire Department, from Ten-8 Fire Equipment, Inc., at an estimated annual expenditure of \$150,000.00.  
(Fiscal Impact: \$150,000.00)

(Staff Contact: George Pratt/John Jurgle)

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

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

Mark E. Berman, City Attorney, advised that items 10-12 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.

10. **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)

(Staff Contact: Jennifer Gomez/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahan, that the Resolution be TABLED until the February 12, 2019 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahan  
Moss

11. **18-640** **P.H. 2019-14: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THE RIGHT-OF-WAY LOCATED ON A PORTION OF LOT 1, BLOCK 10 OF HARBOR VILLAGE SECTION "C" ACCORDING TO PLAT BOOK 33, PAGE 47 (AKA 2600 NE 5th STREET); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 13, 2018**

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and indicated that this is the second reading of the ordinance. This is an abandonment of the right-of-way canal, which is triangular and located at the corner of 2600 NE 5th Street. The request was unanimously recommended for approval at the December 16, 2015 Planning and Zoning Board with two conditions, which have been addressed. At the first reading of the ordinance there was an additional sight visibility agreement that was signed by the applicant and accepted by the City, which was approved by the City Commission.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-11**

**12. 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)

**FIRST READING: NOVEMBER 13, 2018**

(Staff Contact: Jennifer Gomez/David Recor)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahon, that the Resolution be TABLED until the February 12, 2019 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**END OF QUASI-JUDICIAL PROCEEDING**

13. [16-32](#) **P.H. 2018-77: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE AMP IV HIDDEN HARBOUR, LLC REQUEST OF PROPERTIES LOCATED NORTH OF 14TH STREET, SOUTH OF NE 17TH STREET ON THE EAST SIDE OF FEDERAL HIGHWAY; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**TABLED FROM OCTOBER 9, 2018**

**TABLED FROM SEPTEMBER 11, 2018**

**TABLED FROM JUNE 26, 2018**

**TABLED FROM JUNE 12, 2018**

**FIRST READING: JANUARY 10, 2017**

**(Staff Contact: Jean Dolan/David Recor)**

Jean Dolan, Development Services Department, presented the item and stated that Hidden Harbour is a small scale Land Use Plan Amendment that is before the City Commission for second reading. She then presented an outline of the irregularly shaped parcel location and its adjacent parcels to include the Golf Course, the Pompano Air Park, the existing marina and the blank frontage. She made it clear that NE 23rd Avenue is not proposed to being abandoned.

Ms. Dolan stated that there is a long process associated with Land Use Plan Amendments and small scale amendments are no exceptions. Ms. Dolan then provided details of what is involved in the process. First step, start with the City's Land Use Plan and a proposed amendment which is submitted to City staff, it then goes through the Development Review Committee (DRC), Planning and Zoning Board and appears before the City

Commission for first reading. Once the Commission approves the first reading, the next step is to take it to the County to amend the County's Land Use Plan, which is similar to the enabling legislation for the City's Plan. Therefore, the County must create the entitlements before the City can actually put those entitlements on its map. The application was approved by the County last May so this is the second reading for the City Commission's approval.

Continuing, Ms. Dolan indicated that should the City Commission approve the amendment, it would then be submitted to the Department of Economic Opportunity for a brief review and then it would be recertified by the Broward County Planning Council before it becomes effective. The next step for the applicant is to start the rezoning and site plan approval process, where more details come to light regarding the project during this stage. Therefore, at the current land use stage, entitlements are addressed and at the zoning stage there will be actual master planning, building elevations, and those details would be worked out.

Ms. Dolan provided a brief history of the public hearings held to date and the actions taken, which this meeting is the seventh public hearing. In addition, Ms. Dolan informed that there is a companion item related to the property, and mentioned the requirements that the County wanted to be put in place regarding staffing of hurricane shelters, which the City Attorney will elaborate on that item that will follow discussion of this current item.

Ms. Dolan displayed the existing Land Use Map approved for the Hidden Harbour property with a frontage along Federal Highway, which is all commercial land use and the small piece north of NE 15th Street that is low medium residential and the remainder on the south side is medium high residential. The request is to change the mix of commercial medium high and low medium residential to a mixed use residential category called mixed use residential high (MURH), which allows for up to fifty units per acre and a floor area ratio (FAR) of 2.5. This is the total combined building square footage for both the residential and the commercial, which is two and half times the site.

Additionally, in this request there are restrictions that are attached as Exhibit C to the ordinance that restrict the development to 323 market rate units, which is 36 units per acre and a maximum of 650,000 total building square feet, which include the residential and the non-residential, this works out to be 1.7 FAR. Therefore, they have proposed less than what the land use category would allow at its maximum. If compared what is currently allowed on the site and future allowance with the Land Use Plan Amendment they can do 88 residential units and a maximum of 858,000 square feet of commercial. In fact, they could do 1.3 million square feet of commercial but with the airport height limits the applicants had to reduce their estimates of what they could actually get on the site, which is less than their entitlements. Ms. Dolan indicated that the MURH designation that they are requesting is for 323 units and a mixture of commercial and marina uses with the overall cap of 650,000 square feet.

One of the voluntary restrictions for neighborhood compatibility is anything within 50 feet of the neighborhood and will not be higher than three stories, which is what is allowed in the neighborhood zoning. The impact analysis for the Land Use Plan Amendment, is tested for concurrency and they look at what is the impact on water, sewer, drainage, garbage, parks, and traffic, which will increase on these services. However, because of the reduction in commercial land use they have a theoretical decrease in the traffic impact. The County did put a limit on their overall p.m. peak hour trips of no more than 1,377 trips and that gives them another

development cap.

Ms. Dolan indicated that the City does have service capacities to serve the projects so they passed the concurrency test to both the County and the City. She clarified the confusion regarding affordable housing and indicated that the applicant has committed to using the “in lieu of fee” to buy out of the affordable units, which fee is \$2,333 per market rate unit, payable at building permit.

Finally, Ms. Dolan indicated that staff recommends approval of the small scale land use plan amendment to MURH with the declaration of restrictions that is provided as Exhibit C in the ordinance.

George I. Platt, Esq., representing the applicant, indicated that the principal owner Andy Sterner is available for any questions, as well as Graham Penn, Esq, who will be providing a detailed presentation on the project’s process. Mr. Platt provided a brief background history on when the project was started and the public process they have gone through to date. He said they have been working on this since 2014 and they have received a lot of great input from the City and from the community. He said that the Hidden Harbour Marina is a major employer and a good tax payer and Mr. Sterner the principal owner will continue to be in the City and will be a joint venture partner in the development. The dry storage marina will remain but the wet slips will be consumed in the mixed use development.

Mr. Platt then provided the background and the details of the public process that has taken place to date, as this has been the most extensive strategic planning process for any single project that the City has ever done and he believes everybody will benefit from the tremendous effort that is going into getting them where they are. He indicated that the subject property is unique in nature for one not being on the Barrier Island. It has the advantage of when looking west there is the City park, a golf course and an airport with a nice view and looking east there is a beautiful canal where you can see all the way to the ocean, as well as an apartment located in the middle of Pompano Beach which will allow for easy access to the beach and lot more of other places for shopping and so forth.

Finally, Mr. Platt spoke about the outreach. He said public outreach is important and along the way they have had dozens of meetings some large, some smaller and some on a one on one. They mailed 5,000 flyers out and have met the people in their neighborhood and have reached out beyond the neighborhood with the encouragement of the City. They have met with all sections of the City to include the Northwest and the Barrier Island. He said they are willing to commit for the long term and the City’s Economic Development Council, of the City’s advisory board, has unanimously voted to support the project. It will provide a lot of jobs and they have committed part of development to provide jobs for local contractors, and they will add to the tax base of the City of Pompano Beach and fulfilling the vision contained in the corridor studies.

Mr. Platt concluded that they still have to go through rezoning and site planning and a lot of details to be sorted during that process. This is a Land Use Plan Amendment that was approved the first time around with a 5-1 vote in early 2017. He urged the City Commission to support and indicated that there are a number of people in the audience that supports the project.

Graham Penn, Esq., Bercow Randell Fernandez Larkin, 200 South Biscayne Boulevard, Miami, FL, provided a brief overhead presentation that is available in video format on the City’s website under Agenda Download,

12/11/18 City Commission Meeting Agenda item 13.

Mr. Penn concluded by expressing their appreciation for considering their application and that they look forward to moving forward and working with the City on this important project.

The following persons spoke in support of the project and provided their reasons why they support it:

- 1) Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL
- 2) Rhonda Bunker, 2600 N. Riverside Drive, Pompano Beach, FL
- 3) Brian LaRue, 2727 SE 9th Street, Pompano Beach, FL
- 4) Laurie Hall, 1010 NE 4th Street, Pompano Beach, FL
- 5) Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL
- 6) Phyllis Smith, President, Collier City, District 5, Pompano Beach, FL
- 7) Zia Mirjavadi, 2448 SE 13th Court, Pompano Beach, FL
- 8) Ronald Thurston, 2931 NW 9th Street, Pompano Beach, FL

The following persons spoke in objection of the Land Use Plan Amendment and provided their reasons why:

- 1) Timothy Morgan, 2550 NE 16th Street, Pompano Beach, FL.
- 2) Carole Fielder, NE 12th Street, Harbour Village, Pompano Beach, FL
- 3) Karine Schoen, 1780 NE, 28th Avenue, Pompano Beach, FL
- 4) Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL (likes development)
- 5) Lisa Morgan, 2550 NE 16th Street, Pompano Beach, FL
- 6) Joe McGee, 1341 NE 27th Way, Pompano Beach, FL
- 7) Audrey Gregg, 1401 N. Riverside Drive, Pompano Beach, FL
- 8) Sharron Chiappetta, 2890 NE 22nd Court, Pompano Beach, FL
- 9) Jeanie Schermesser, 1620 N. Ocean Boulevard, Pompano Beach, FL
- 10) Mary Ann Stirrat, 2701 NE 16th Street, Pompano Beach, FL
- 11) Melody Marterano, 2610 NE 16th Street, Pompano Beach, FL (likes development)
- 12) Evelyne Acevedo, 1781 NE 28th Avenue, Pompano Beach, FL
- 13) Roy Merritt, 2975 NE 19th Street Pompano Beach, FL (likes project but dislikes density)
- 14) Jeff Scott, 2600 NE 16th Street, Pompano Beach, FL
- 15) Sharen Pachnec, 2439 NE 14th Street, Pompano Beach, FL
- 16) Jodi Brown, Pompano Beach, FL
- 17) Paul Hage, 2630 NE 16th Street, Pompano Beach, FL (likes development)
- 18) Ed Michaels, 3731 NE 14th Street, Pompano Beach, FL
- 19) Dennis Bergeron, 2620 NE 16th Street, Pompano Beach, FL
- 20) Jodi Brown, 2858 NE 18th Street, Pompano Beach, FL
- 21) Molly Moor, [REDACTED] (likes responsible development)
- 22) Angela Bancalari, 1770 NE 28th Avenue, Pompano Beach, FL
- 23) Allan Walker, 2551 NE 17th Street, Pompano Beach, FL

The following persons had questions and did not speak for or against the project:

- 1) Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL
- 2) Andy Cherenfant, Palm Aire, Pompano Beach, FL

Mr. Penn provided some follow up comments regarding some of the concerns expressed earlier. He said the application has been tested by the County for all levels of infrastructure to include roads, water, sewer and schools and at the time of zoning they will be retested. Therefore, he confirmed that the infrastructure is available to serve the development that is contemplated for the subject project.

Mr. Penn stated that part of their covenant reflects the air park restrictions. He said the northern portion of the subject property the maximum height based on the air park's standard is approximately 100 feet and the southern portion at a maximum of 150 feet. He confirmed that the development plan for the property has never had 88 residential units contemplated, the current development plan approved multiple times since 2001 was commercial only. He said they cannot use those residential units anywhere on the property because they would have to be where the boatyard and marina is currently located. Therefore, they needed to use the mixed use residential process. He said they had to become an activity center under the BrowardNEXT plan to accommodate the mixed use designation.

Mr. Penn concluded that they will need to continue to work with the community with the actual design, the density, the height and those elements that come through zoning.

Mr. Platt commented that they did submit 400 letters in support of the project. He reiterated that the City's EDC committee unanimously approved supporting the Land Use Plan Amendment, the County Commission, the Broward County Planning Council, and the City Commission prior approval at first reading. He said the zoning and site plan issues that were expressed earlier will be addressed when they get to that stage.

Comr. Eaton enquired about the affordable housing buyout process and how many are they required to do.

Ms. Dolan responded that they have committed not to do any affordable housing units but will be paying \$2,333 per market rate unit, which is a sum of \$753,559. This will go to the City's Office of Housing and Urban Improvement division to provide affordable housing in the City.

Comr. Eaton said due to the close intersections the traffic lights get sticky, and enquired if a traffic study will be done at the site plan level, as well as could the lights timing be changed to reflect a different flow of traffic.

Ms. Dolan responded that the timing on the lights can be changed but defer the details of the process involved for this to Horacio Danovich, who is more knowledgeable.

Comr. McGee said that since being sworn into office, she has spent most of her time meeting with the neighborhood groups, the developers, and development services city staff to try and get the best rap of the plan and she hopes if they get to move to the zoning process, the developers take notes and listen to what the residents have expressed between concerns of encouraging families to come in with the mixed units, to taking care of the traffic, and the water taxi option, as those types of things are brought down to the "nitty gritty"



throughout the rest of the process.

Comr. McMahon enquired about the comments made regarding the drainage issue, and if someone could address the pumping of water in that part of the neighborhood.

Ms. Dolan responded that the concurrency analysis looks at plant capacities when there is line problems that is not looked at during a comp plan amendment, so when they do their site plan it will not present a problem for future growth. The lines would be required to be upgraded with the new development. However, if there is an existing problem that is not related to growth, it should be addressed now.

Comr. McMahon enquired at what stage is the project, and how many more stages are involved to complete. In essence, when will construction actually happen.

Ms. Dolan responded that this item is stage one to get the entitlements to decide what can be built, and stage two would be the zoning, which they will do a zoning master plan. Stage three is the site plan, which does not go before the Commission. In sum, there will be two more readings minimum on the zoning and the site plan goes to the Planning and Zoning Board. The timeframe is a minimum of approximately one year to get the zoning in place and another six months minimum to get a site plan and the construction plan is however long it will take them to get that done. In other words, they could start development in two or three years.

Mayor Hardin enquired about the issue regarding NE 23rd Street, and wanted to be assured that this will not be closed but what kind of impact will be on this road during construction.

Ms. Dolan responded that when they do construction plans they have to have a maintenance of traffic plans so if there are certain hours that the road would have to be closed for safety reasons, they would have that in the plan. However, she indicated that they would not be able to keep it closed all the time.

Comr. McGee mentioned that whatever type parking garage is planned they would take into account the desired retail tenants they are trying to attract to ensure the best possible structure.

Ms. Dolan stated that as per City codes they are specific about how many parking spaces per unit and so forth and staff looks at the design of the structure as it relates to maneuverability, but they can do more than code but up to a limit. In sum there is a code and is not a variable.

Mayor Hardin understands there is a number of angst on this particular property but anytime the City is going to do redevelopment in a challenging site, which this is one, because it is along Federal Highway, and it is not deep, it does create a lot of angst. However, he said all is being done is the beginning stage of the project. So this will return to the City Commission for rezoning approval and it will go before the Architectural Appearance Committee for the looks and it will go before City staff who will be reviewing it for all kinds of things. The developer will not bring a project forward where staff will recommend against it. There are a lot of steps and public input.

## **Meeting went into Recess**

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahon, to take the item off the table. The motion carried unanimously.**

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-12**

14. [18-400](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR EVACUATION SHELTER STAFFING; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**TABLED FROM OCTOBER 9, 2018**

**TABLED FROM SEPTEMBER 11, 2018**

**TABLED FROM JUNE 26, 2018**

**TABLED FROM JUNE 12, 2018**

**(Staff Contact: Jean Dolan/David Recor)**

## **Meeting Reconvened**

Jean Dolan, Development Services Department, presented the item and stated this is the companion item she spoke about earlier that is related to the Hidden Harbour Land Use Plan Amendment. She indicated that when the County reviewed the item the area had recently gone through hurricane Irma, which was wide spread and required a lot of shelters to be opened and they were short staffed. Consequently, they tacked on a requirement to the amendment that the City provide some additional staff for the sheltering if there was a Class

B hurricane evacuation order which would include the Hidden Harbor project.

Ms. Dolan indicated that the original application requirement was just for a legally defensible agreement which the City Manager provided in the form of a letter. However, the County Attorney later decided that they wanted an interlocal agreement, which the City Attorney has some issues with it and will provide his comments on it.

Mark Berman, City Attorney, stated that he is not commenting on the nexus or the policy, but he wanted to address the legal aspect of the County's policy of requiring the City to staff the shelter in exchange for approval of land use changes. He is concerned that the agreement requires that, "In the event of a Zone B storm evacuation is ordered, City shall provide city employees, at emergency shelters. Four evacuation shelter managers and fifteen evacuation shelter support staff." In this case, they are asking the City Commission to approve this.

Additionally, Mr. Berman stated he is aware that the City Manager has dealt initially with the County in various letters that have been exchanged. However, it should not be perceived that City staff do not want to assist residents in shelters. Mr. Berman's concern is that this requirement will violate Section 13 of the City's Charter, which states as follows, "...Except for the purpose of inquiry, the Commission and its members shall deal with the administrative service solely through the City Manager and neither the Commission nor any member thereof shall give orders or make request of any subordinates of the City Manager, either publicly or privately." Therefore, in good conscience, he questions how the Commission could pass this where they are telling and agreeing to provide City employees when they are not in a position to ask the employees to do anything. In other words, his concern legally, is the conflict or potential conflict with the City Charter provision. Respectfully, he indicated that this is the responsibility of the City Manager; therefore, the County and the City Manager will have to try to work out a mutually agreeable situation.

Mayor Hardin asked if this item does not get approved what will happen in this case. He is aware that City Manager Harrison did send a letter to the County agreeing to do everything necessary at that time, so what are the options.

Greg Harrison, City Manager responded that the question would have to be asked of the County and explained his reason as it relates to how Mr. Berman is looking at it from the Charter standpoint. Nevertheless, he believes if they should see Mr. Berman's point then they would be open to accept his letter he had sent previously.

Mr. Berman recommended that the Commission disapprove the item because of the conflict. However, the parties that can direct employees, along with the County and Developer can meet and discuss, and hopefully, they can reach an amicable resolution.

Graham Penn, Esq., Bercow Randell Fernandez Larkin, 200 South Biscayne Boulevard, Miami, FL, agreed with City Manager Harrison and what they need to do now that the amendment has passed this would be the time to resolve it. Given the Charter limitations, the County Attorney will see the wisdom of Mr. Berman's position. Consequently, they will deal with this matter as the amendment goes back to the County for its final review.

In response to Comr. Eaton's comments regarding preparedness for shelters, Mayor Hardin mentioned that the County asked the City for a commitment to assist with staffing and so forth and City Manager Harrison previously sent that letter to the County agreeing to their asking.

Vice Mayor Moss clarified that the City will comply, but it is just how it will be done that needs to be agreed upon.

Mr. Berman offered to work with the City Manager and Mr. Penn for some alternative arrangements that could be made to satisfy the County.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahon, to take the item off the table. The motion carried unanimously.**

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

**No:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ,**

15. [19-91](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MISCELLANEOUS APPROPRIATIONS AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$270,000.00)  
**(Staff Contact:** Erjeta Diamanti)

Erjeta Diamanti, Budget Manager presented the item and stated it represents eighteen different non-profit organizations that went through a cycle for fiscal year 2018-2019 to approve funding for them. She explained the City's support of various non-profit organization with a special emphasis on those that work to achieve the City's goals and objectives and to highlight the rich cultural makeup in the community. In particular, those organizations who support workforce readiness, education, senior assistance and community events. As well as, those who provide services to the community not provided by the City.

Additionally, Ms. Diamanti indicated that for the fiscal year, the City's funding priorities are for workforce readiness, education, senior assistance and community events. On an annual basis, the City receives many more requests that it can support, so, the threshold for this year was \$300,000, she then explained the difference as referred to in the agenda backup. In addition, they have updated the information because they have received additional information from some of the recipients. Also, all the awarded organizations upon Commission approval will need to submit all their insurance requirements to be cleared by the City's Risk Management.

Kelly Alvarez Vitali, President/Founder of Strategic Philanthropy, provided a brief background of their organization and the services they provide to agencies such as the City to assist them in their donations to non-profit organizations. Ms. Vitali presented an outline of the information that she had provided previously to the City earlier in the year regarding the history and impact of the City's giving, over the last five years and their identification of the funding mechanism, which they have used for the application process. She stated there were four priorities that the City would focus on for the \$300,000 budget to give away, which is workforce readiness, education, senior assistance and community events.

Additionally, Ms. Alvarez Vitali outlined the application process in details. She said they had an open call and open information sessions with all the non-profit groups so people could learn and ask questions on where they would be going moving forward. Moreover, she said they had a transparent process where all the information were accessible online regarding, frequently asked questions, the scoring guidelines and criteria, as well as information regarding a resource guide. Therefore, for organizations looking for additional funding or looking for free or cost effective leadership programs, they can access the resource guide. In addition, they provided all the disallowed costs the City would not be funding moving forward. An independent scoring panel was set up to review all the applications and after scoring the applicants, they invited nineteen groups to come out to a mandatory orientation. Finally, a contract will be entered into with these selected organizations and with the Commission's approval, they will move forward.

In sum, Ms. Alvarez Vitali stated that they had \$1.1 million worth of requests and 62 groups that applied in the four categories mentioned earlier. The approval is for \$300,000 to support nineteen groups and twenty-two programs. Based on the Commission approvals, they will work on all the deliverables starting next week and the first check should be ready for the first groups by December 31, 2018, pending all documents are submitted to the City correctly.

Delvin King, 2601 NW 12th Street, Executive Director of Youth Under Construction Youth Center, Pompano Beach, FL, stated that his organization applied for funding. Earlier he requested through public records request a list of organizations that applied and the ones accepted and observed that many of the smaller non-profits were denied, who are the ones who do a lot of work and work with the kids within the community. He recalled that there was a commitment to give everybody \$5,000 to accommodate more non-profits, but some of the bigger organizations were awarded amounts from \$15,000 up to \$60,000.

Mr. King complained that the organization was not as transparent in their process as they kept changing their dates, calls and emails were not returned, and they took a long time to respond to him. Moreover, a promise was made that they would receive moneys on a particular day and then the information changed that the City Commission must approve it. He said to date, he still has not received his scores to know what mistakes he

made. He complained that most of the companies selected are not in Pompano Beach and they do not have a business tax receipt and are not really working in the City. In sum, he said there are organizations who used to receive moneys, however, through the new process, they were not selected to receive funding. Therefore, he urged the Commission to review the list, how much is being allocated to the big non-profits, and how are they providing benefits to the residents of Pompano Beach. Finally, Mr. King enquired as to what other process they could go through in order for the smaller non-profits to qualify, because they are working with the children in the City of Pompano Beach specifically, students at Blanche Ely High School.

Ms. Diamanti responded that she understands Mr. King's frustration and the fact that his organization was not an award winner this year. However, this does not mean the organization would not be funded in the future. She said the City was transparent and posted everything online. There were a few postponements in regards to City Commission meetings so from a timing standpoint it was difficult to coordinate the nineteen organizations at the same time to avoid delays.

Ms. Diamanti indicated that there were no promises made to award \$5,000 to everyone. However, she provided information that an unbiased Committee scored the non-profits. She said City staff besides one person was outside of the process of scoring. In addition, the public records request they had asked for through the City Clerk's Office was provided accordingly.

Mayor Hardin observed that there might be a bit of confusion of what was going to happen with the process. This process is new and is the first time the City has done it this year, so there will be growing pains. There may be opportunities going forward for those organizations who did not get funded in one year, and could they be funded another year.

Ms. Diamanti responded that the application is always open for the following year, but they will still go through the process. This year was a bit challenging, as they had to start from scratch to build a system that the City can be proud of, as well as remain transparent. However, the website is not the only place to access assistance. In fact, if an organization needs help they are willing to guide them through that process, as well as guide them to different opportunities of grants that are not necessarily City funded.

Mr. King complained that while they were going through the process he made several phone calls that were not responded to, he submitted his information on the set deadline, was promised a call back on the award date but he never heard from anyone from the City.

Ms. Alvarez Vitali provided extensive information regarding the new award process, as well, how they worked hard to provide a resource information to all the non-profits. She agreed that they could improve on the communication process. Notwithstanding, there were a lot more requests made than funding compared to dollars available to be awarded by the City.

Mayor Hardin commented that no matter what process is used there would always be more request for funding than actual funds available to be awarded, and every year people do get disappointed. He apologized that Mr. King did not get his answers quickly enough or telephone calls were not returned.

In addition, Mayor Hardin indicated that there were varying amounts awarded ranging from \$3,000 to \$60,000, which is done every year.

Comr. Perkins indicated that several people were present earlier to speak on this matter but had to leave. She said she received a few calls from people being upset because they did not receive any funding, and she is aware not everybody can be funded. However, they complained about the process of the paperwork being tedious and calls not being returned. Notwithstanding, this is the first time for the new process, however, there are a number of areas that need to be improved.

Lisa Devine, Grant Writer at the Boys and Girls Club of Broward County, 230 SW 6th Place, Pompano Beach, FL, stated that her organization was awarded money, and thanked the City for its support. She said they are now doing a program on workforce and career preparation for the kids and they can use the funds to provide tours of colleges, materials kids need for career advancement, and helping with their college. She said they found the process easy and transparent.

Bishop Quinton Thompkins, 436 NW 19th Street, Pompano Beach, FL, expressed concern that Mr. King asked a question regarding the return phone calls during the deadline not responded to and it was not addressed. He agrees that a better system is needed and communications can be improved between the City and the organizations.

Comr. McGee wanted to be assured that a follow up is done to ensure that the funds received were used as requested.

Ms. Alvarez Vitali responded that they have a quarterly financial reporting system in place and all the non-profits funded will have to submit these reports to her along with the receipts, which will be checked for allowed costs and according to their program, if everything is okay, a check will be sent to them. She confirmed that various forms of reporting would be in place.

Comr. McGee suggested that the Commission be informed via a report card on those organizations that have submitted unauthorized receipts.

Greg Harrison, City Manager suggested that if the Commission wishes for the City's internal auditor to check into anyone of the contracts, he is at their disposal.

Comr. McMahon disclosed that he served as the president on the Pompano Beach Historical Society for the last year. Due to potential conflicts in the future, he has resigned from the Board as of December 6, 2018. He said the members serving on the Board are volunteers and are not compensated for their service. The City has provided funding to this Board for several years.

Comr. Perkins enquired how the recipients are determined as to who will receive \$60,000 versus \$5,000 in funding.

Ms. Alvarez Vitali responded that all the non-profits have the opportunity to submit two types of programs that must align with one of the four priorities identified earlier. Based on the program, they submitted what their needs are to continue the program. The scores are considered and how much is available within each bucket of priorities.

Mayor Hardin added that for the organization that received a large sum, they had a huge match. He said the City's match is a 10 to 1.

Vice Mayor Moss indicated that there appeared to be a hiccup in the new process, but the prior way this was done was haphazard with little or no documentation. He believes this process is a big improvement and he would recommend that phone calls be returned in the future.

Mayor Hardin wanted to be assured that there is the ability for organizations to get better with the process if they needed help. Ms. Alvarez Vitali indicated that they have created a resource page that individuals have accessibility via online to determine where they can receive help or other sources that could provide funding outside of the City's resources.

Comr. Perkins asked if they could think of how they could improve on the process.

Ms. Alvarez Vitali apologized that Mr. King's phone calls were not returned. However, if her organization will be the primary contact moving forward they will ensure that their contact information is provided versus a contact to call the Commission or staff that may not be well versed on the program. She indicated they were assigned the job in April to institute the process by the fiscal year in October. Therefore, there were some challenges with timing of everything, so they have established a calendar to plan the next fiscal year so everything will be complete in September to fund the groups by October, which is the commencement of the fiscal year.

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: RES. No. 2019-47**

16. [19-93](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN NATIONAL RETAIL PROPERTIES LP AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 2671 N. FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,800,000)

(Staff Contact: Cassandra LeMasurier/Suzette Sibble)



Suzette Sibble, Assistant City Manager, presented the item and stated that it is requesting the Commission authorization for City staff to purchase property located at 2671 North Federal Highway. This is a great opportunity to allow staff to enhance the initial design plans for the planned Charlotte J. Burrie Civic Center. She then provided an overhead presentation of the site plans for the Center and the proposed purchase of the parcel adjacent to the immediate north of the property, and the proposed enhancements. The recommended purchase price is \$1.8 million, which is below the appraised value for the property. In addition, staff plans to waive the two City code liens on the property. Finally, Ms. Sibble stated that staff deems this potential purchase as having a great public purpose for the City and the community to be able to enhance the facility,

Vice Mayor Moss stated that this needed to happen, as the current lot for the Center is inadequate as it relates to number of parking spaces needed. Therefore, for the City to purchase the parcel now is quite a good deal, so kudos to the City Manager.

Comr. Eaton stated that former Vice Mayor Charlotte Burrie worked hard on getting this project, which is needed, as this is one of the only community without a civic center. The addition would add so much versatility and use of the Center. Therefore, she supports this item and hopes her fellow commissioners would support it as well.

Mayor Hardin stated that he is pleased staff stayed with the owners, because he had tried to call them about three to four years ago to enquiry about the property for the Center and they outright refused to sell. Therefore, good job to the team.

Ms. Sibble indicated that funding would be taken mainly from the general fund to make the purchase.

Comr. McMahon asked about the funding to build out the new piece of property with the parking spaces and so forth.

Tammy Good, CIP Manager, responded that there is some funding in contingency as part of the Charlotte J. Burrie Civic Center project. The estimated development cost if the current concept is used is approximately \$700,000 that includes all of the soft costs. While they do not have all the amounts left in contingencies under the original project, there is a significant portion of it to fund this development.

Comr. McMahon asked if there is accessibility from the neighborhood to the Center.

Greg Harrison, City Manager responded that staff is still working with the owner of the lot west, on the ingress/egress into the Cresthaven Subdivision. Hopefully, by the time the project is constructed it is quite possible the problem will be resolved.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: RES. No. 2019-48**

17. [19-71](#) Approval to award Bid T-46-18 Aquatic Center Pump Room and Observation Replacement Building to the lowest responsive responsible bidder, Shiff Construction and Development, Inc., at a cost of \$1,051,030.20  
(Fiscal Impact: \$1,051,030.20)

**(Staff Contact:** Anthony Alhashemi)

Anthony Alhashemi, Engineering Department presented the item and stated that the project consists of demolition of an existing pump room and a construction of a new two-story pump room, which will include room for training class, retail area and a chemical room, along with ADA upgrades. He provided the process involved with advertising the project and the General Services outreach efforts to local contractors.

Three bids were received ranging from \$1.5 million to \$1.66 million. The lowest qualified bidder was Shiff Construction who is a local Pompano Beach contractor.

Comr. McMahon mentioned that the price difference between the lowest and highest bid is approximately \$222,000 and what guarantee does the City have that the cost would not end up at the higher price point.

Mr. Alhashemi responded it is a good question, but they have noticed lately that there has been a variety of different prices depending on the interest in the project. However, staff's estimate was close to the number received from Shiff Construction. In addition, he stated that the City has utilized Shiff's services before, and they have performed successfully on the projects, as well as they work very well with the City.

Comr. Eaton mentioned that Shiff Construction is working on the Charlotte J. Burrie Center and they seem to be ahead of schedule and working almost every day of the week. The project is looking good so she is quite happy with Shiff Construction.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

18. [19-70](#) **P.H. 2019-16: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$1,319,965.00, which was previously approved in FY 2019 departmental budgets)

**FIRST READING: NOVEMBER 13, 2018**

**(Staff Contact:** Bobby Bush/Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated it is a second reading of a proposed ordinance to modify a Section of the City Code of Ordinances, Section 34.107, "Position Classification Plan." This method is used when changes are made to the position classification plan. It is ministerial in nature to amend the code to what has been approved in the 2019 budget, approved by the Commission. He thanked the City Attorney's Office for their assistance as well as the Human Resources staff and especially Bobby Bush, Senior Human Resources Specialist that was instrumental in getting all the classifications updated in the proposed ordinance.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-13**

19. [19-73](#) **P.H. 2019-17: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," BY ELIMINATING ANNUAL RATE CHARGES BY AND THROUGH AN ORDINANCE; PROVIDING FOR LISTING OF CURRENT WASTE HAULING AND DISPOSAL RATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 13, 2018**

(Staff Contact: Russell Ketchem)

Russell Ketchem, Solid Waste Manager, presented the item and stated that the change before the Commission is to allow staff to remove the rates from the ordinance. The rates have been negotiated within the terms of the Solid Waste Hauling and Disposal contract and the methodology for adjusting the rates based on the various indexes is outlined within the contracts. Therefore, this action will eliminate the redundancy of establishing these rates and changing the ordinance. However, the rates would still be published on the City's website, and the City Commission and Clerk will be provided the rates in advance. Thereafter, during the September meeting under reports the current rates will be announced.

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-14**

20. [18-533](#) **P.H. 2019-11: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.60, "DEFINITIONS," TO CORRECT DEFINITIONS FOR SAID CHAPTER; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY THE AUTHORIZED ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.73, "CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS," TO UPDATE PROCEDURES AND

REQUIREMENTS FOR APPLICATIONS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY LEVEL OF SERVICE AND FEE REQUIREMENTS FOR NEW DEVELOPMENT; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO CLARIFY THE REQUIREMENTS FOR CERTAIN PROJECTS; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING 155.2101., "SUMMARY TABLE," TO CORRECT TERMINOLOGY; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY AND PROVIDE ADDITIONAL SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2425., "CONCURRENCY REVIEW CERTIFICATE," TO CORRECT TERMINOLOGY AND CLARIFY GENERAL REQUIREMENTS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 155.2426., "REALLOCATION OF FLEXIBILITY OR RESERVE UNITS," TO CORRECT REQUIREMENTS FOR FLEXIBILITY UNITS AND DELETE REFERENCES TO RESERVE HOUSING UNITS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PURPOSE OF AND STANDARDS FOR THE AOD; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CORRECT STANDARDS FOR AUTOMOTIVE PART SALES BUSINESSES THAT DO NOT PROVIDE INSTALLATION OF SAID PARTS; BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM NOVEMBER 13, 2018**

**(Staff Contact:** David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that the proposed ordinance is to upgrade the City's procedures in the Code of Ordinances to match what is actually being done. She explained that most of the concurrency requirements were done in the 1980's when the Growth Management act was first adopted and was not updated as the process has evolved to reflect what is actually being done. In sum, this is bringing the code into alignment with the current procedures.

Vice Mayor Moss commented that it is a housekeeping issue.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to take the item off the table. The motion carried unanimously.**

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

21. [19-03](#) **P.H. 2019-12: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.08, "COMPREHENSIVE PLAN AMENDMENTS," TO PROVIDE CONSISTENCY FOR COMPREHENSIVE PLAN AMENDMENT ADVERTISING REQUIREMENTS AND TO MODIFY NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**TABLED FROM NOVEMBER 13, 2018**

**(Staff Contact:** (David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated this amendment is to make all the Comprehensive Plan advertising to be consistent. There is a lesser requirement for small-scale amendments allowed by Chapter 163, F.S. that was reflected in the City's Code of Ordinances and they decided that all the Comp Plan advertisement should be done the same, as the impact is the same on the community whether the scale is small or large. Therefore, the large-scale advertising requirements will be used for all amendments.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to take the item off the table. The motion carried unanimously.**

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

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22. [18-659](#) **P.H. 2019-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.20, "GENERAL," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY DEFINITIONS; BY AMENDING SECTION 152.24, "PERMITS," TO REMOVE REFERENCE TO COMPLIANCE DATE; BY AMENDING SECTION 152.26, "INSPECTIONS," TO MODIFY THE TIME FOR SUBMISSION OF CERTIFICATES OF ELEVATION; BY AMENDING SECTION 152.27, "VARIANCES," TO CREATE ADDITIONAL STANDARDS FOR VARIANCE APPROVAL; BY AMENDING SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND STRUCTURES," TO PROVIDE ADDITIONAL ALTERNATIVE CRITERIA FOR CRITICAL FACILITIES BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM NOVEMBER 13, 2018**

**(Staff Contact:** David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that this is another cleanup item, Chapter 152, "Flood Regulations." She said the City recently went through an evaluation of the community rating system program and some changes were made with the regulations in order to get additional points in the community rating system.

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to take the item off the table. The motion carried unanimously.**

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

23. [19-90](#) **P.H. 2019-18: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE

CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.62, "SALE OR USE OF PLASTIC BEVERAGE STRAWS," TO PROVIDE ADDITIONAL DEFINITIONS AND TO PROVIDE ADDITIONAL REQUIREMENTS AND PROHIBITIONS FOR THE DISTRIBUTION OF PLASTIC BEVERAGE STRAWS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item and indicated that on October 23, 2018, the Commission passed Ordinance No. 2019-05 containing language that prohibited plastic straws in City facilities, parks and the beaches. The City Commission at that time desired to broaden the language to include all establishments within the City, and the language does just that.

Phyllis Smith, Collier City, Pompano Beach, FL, stated that she has plastic straws and since this ordinance has been adopted, she cannot use them anymore. Therefore, she asked that when the City comes up with the kind of straws that residents could use, she respectfully requested that they forward them to her house at 2437 NW 4th Court, Pompano Beach, FL.

Comr. McGee indicated that there is a similar existing ordinance within the city buildings addressing Styrofoam as well. Therefore, she suggested that the City Commission consider amending the ordinance and to expand banning Styrofoam along with the plastic straws throughout the City, since we are trying to be environmental friendly.

Mark Berman, City Attorney, explained that initially there was an ordinance for Styrofoam that prevented Styrofoam use at city facilities, concessions, at city parks, recreation facilities and in city buildings. Initially, he was required to prepare an ordinance for plastic straws the same way dealing with just City buildings, and City facilities. There was further instruction to prepare and expand it, in looking at what other cities were doing, and they scaled it back and the model ordinance provided to other cities is what was done for this item. However, this does not affect people's homes for straws, but it affects restaurants, food establishments, fast food and otherwise in the City. So this adds more to the cycle in terms of having restaurants, city facilities, single use requirements for restaurants, fast food to be given beverage straws only upon request, so this need to be reduced. What is not shown in this ordinance are the exemptions that were in the original ordinance which are applicable in this case. That is for pre-packaged drinks that contain the plastic straws, school districts, county, state or federal entities use during a locally declared emergency. Also, use by individuals in any restaurant or facility if an individual with a disability or other impairment require use of plastic straws they can be given those straws to use.

Mr. Berman said if the Commission desires the same for Styrofoam then consideration can be given to expand that ordinance.

Mayor Hardin confirmed that the City already has the Styrofoam on the books but it could be expanded, similar to the way the one for the straws was done.



Comr. Eaton for clarification purposes, for restaurants beverages, food trucks, and facilities can only give out straws by request or they will be banned.

Mr. Berman reiterated that this is based on the sample ordinance that on or after March 1, 2019, “A person working shall asked each sign-in customer if they want a single use beverage straw.” If they want a straw, they are provided with a straw of renewable combustible material, sugar cane, paper or bamboo.

Vice Mayor Moss is pleased there is a phase in period and he agrees with the idea about Styrofoam.

Mayor Hardin thanked Mr. Berman for bringing the item forward because he had asked about it, which is a good thing.

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

24. [19-100](#) **P.H. 2019-19: (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 SECOND ADDENDUM TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO AVIATION II, LLC FOR PARCEL “AAAA” OF THE POMPANO BEACH AIR PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Robert McCaughan/Steven Rocco)

Robert McCaughan, Public Works Director, presented the item and stated the item is a second addendum to a lease the City has with Pompano Aviation II, LLC. This is regarding the parcel “AAAA” located at the southwest corner of the City’s airpark. He then provided a brief background on a prior lease the City had with American Flyers that they wanted to assign to Pompano Aviation. A first addendum gave Pompano Aviation a new long-term lease of 30 years. Currently, the tenant has moved on so he is trying to procure the financing. A second addendum is requesting a lease with certain additional terms, which is the right to record the document to provide notice of the lease agreement and to add the description of the ingress/egress of the access to the property. In addition, certain scrivener’s errors are being corrected in this second addendum.

Notwithstanding, there is no change in the terms and the conditions from the financial aspect, the monthly rent payment of approximately \$4,200 remain same. Therefore, this is administrative to assist the tenant procure the financing.

Mr. McCaughan stated that should the City Commission approve first reading of the proposed ordinance, that the second reading take place also because the tenant desires to close and the City Commission do not meet until January 8, 2019.

Mark Berman, City Attorney, stated that since the request is that of an emergency nature due to the financial implications if this waits longer, asked if a second reading is requested due to the emerging nature of the financing situation.

Mr. McCaughan responded that is correct.

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

**A motion was made by Vice Mayor Moss, seconded by Commissioner McMahon, to declare the item an emergency for second reading. The motion carried unanimously.**

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-15**

25. [19-63](#) **P.H. 2019-20: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE WATER TAXI OPERATING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH WATER TAXI INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$63,203)

**FIRST READING: JANUARY 8, 2019**

**(Staff Contact: Horacio Danovich)**

Horacio Danovich, CIP and Innovation District Director, presented the item and stated that this is the second reading and the first reading will take place in January, as they were unable to meet the deadline to post the legal requirement for advertising for this evening's meeting. He added that the item is to move moneys that the City had initially subsidized for the water taxi service in future years four and five. He provided a brief background on the operation of the water taxi and the possibility of subsidizing it. A year has passed since the operation began, there was a daily requirement of 30 passengers, however, due to certain unforeseen weather conditions, and mechanical issues that had to be addressed, the daily passengers dropped to 26, which meant the operator fell short by \$30,000 as projected expenses for the year. Therefore, the operator has requested that the City move funding from year 5 of \$30,000 to cover year one to break even and from year 4 to subsidize for year 2 to provide them the additional moneys to help them to keep the service going. With additional marketing and branding, they will be able to get the service to be successful. In addition, adjustments to the itinerary is being considered to increase ridership.

Howard Clarke, 2509 NE 15th Street, Pompano Beach, FL, asked if the service is providing only 30 people and the City is looking to provide a subsidy of \$60,000.

Mr. Danovich responded that it is 30 people per day to allow them to break even financially in their operations.

Extensive discussion followed on the feasibility of a successful operation service and the justification of the City's commitment to subsidize the service.

Mr. Clarke concluded that more information regarding the feasibility of the operation needs to be presented prior to continuing to subsidizing the operation.

Vice Mayor Moss concluded that the service is not in place long enough to reasonably judge the success of the operation.

Comr. McGee indicated that she would like to discuss with the City Manager the possibility of creating land transportation route that services the water taxi stops to take them to the various features in the City such as the pier, the beach house and so forth. The water taxi could also become a transportation option for getting around the city and county and not only for sightseeing.

Comr. Eaton agrees with Comr. McGee's idea to explore it as a transportation option through the city and county, as well as to heighten the awareness by advertising through the CRA, signage, and so forth. In sum, she would like to see the water taxi remain in the City and to give it a chance to become successful.

Comr. McMahon enquired if the City of Fort Lauderdale subsidizes its water taxis.

Mr. Danovich responded that there are two water taxis in Fort Lauderdale. One is a regular that is private and not subsidized by the City. However, many years ago, it was subsidized. The other taxi goes from shore to shore and it is managed and operated solely by the City of Fort Lauderdale.

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: ORD. No. 2019-16**

26. [19-94](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LOCALLY FUNDED AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO THE DESIGN OF CONSTRUCTION PLANS FOR CONSTRUCTION (MILLING AND RESURFACING) OF MARTIN LUTHER KING, JR. BOULEVARD FROM POWERLINE ROAD TO EAST OF SR-9/I-95; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,972,180.00)

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP and Innovation District Director, presented the item and indicated it is a type of academic, and proceeded to provide a background on the TIGER grant. He said that currently the City is \$3 million short of the total match of this grant. Therefore, this item will ratify the City's commitment to the \$3.5 million match and a check will be made out and delivered to the Florida Department of Transportation (FDOT) to start the construction project. He then mentioned his memorandum submitted as part of the backup material providing information on the request by the FDOT for additional funding. He said although that is still pending, he is not recommending that the City pay those funds now and explain the reasons. Nevertheless, the City will still have to pay approximately \$700,000, which may come in the near future.

Comr. Perkins asked what the plans are as it relates to business for that area.

Mr. Danovich responded that they would beautify the area with sidewalks, medians, lighting and resurfacing of the road. In addition, the intent of improving MLK Boulevard stems from the Education Corridor notion. This is a thoroughfare that will bring people from the City of Pompano Beach to an education facility in the west, and then people from the west will come to the City.

Vice Mayor Moss asked where the \$700,000 amount would come from.

Mr. Danovich responded that they are looking in resources within the general fund and have identified some options. However, he hopes a check will not be cut until the bids come in. Until they start the process in January, it could take months.

**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:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: RES. No. 2019-49**

27. [19-103](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TO APPROPRIATE ANNUAL FUNDS IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS (\$10,000.00) PER EACH COMMISSIONER AND THE MAYOR TO UTILIZE SOLELY FOR THEIR SPECIFICALLY REQUESTED CITY EVENTS AND PROGRAMS AS APPROVED BY THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$60,000)

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

Andrew Jean-Pierre, Finance Director, presented the item and stated that there is a current process in place to hold public events. However, this item specifically is to place a limit on what the mayor and each commissioner can request for city events and programs. It is also to streamline the process for each member of the Commission to hold specific City events and programs and to ensure that each serve a valid public purpose and that accommodations have been made for the safety of the residents.

Vice Mayor Moss asked if the \$10,000 is not utilized what will happen to it.

Mr. Jean-Pierre responded that it will go back into the pot.

Mayor Hardin enquired if to spend any of the money would it need to come back to the Commission for approval.

Mr. Jean-Pierre responded that is correct.

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

**Yes:** Hardin  
McGee  
Perkins  
Eaton  
McMahon  
Moss

**Enactment No: RES. No. 2019-50**

28. [19-85](#) Consideration for the appointment of a representative to represent the City of Pompano Beach on the Metropolitan Planning Organization.  
(Fiscal Impact: N/A)  
  
(**Staff Contact:** Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that former Vice Mayor Burrie was the former representative of the City on the Board of Directors of the Metropolitan Planning Organization (MPO). Since she is no longer serving on the Commission there is a need to appoint a replacement.

Comr. McMahon nominated Vice Mayor Moss and Comr. McGee nominated herself and provided her reasons. This included her interest in mass transit and her trying to bring transit-oriented ideas to the City of Pompano Beach, to expand how to move people around in the City, as well as to try to bring as much through Broward with the moving forward of surtax, the Brightline train system and water taxi.

Comr. Eaton indicated that she recognizes that the MPO is a very important aspect of what is done in the City, as well as a hugely important body. She said she is also interested to serve on this Board, but she is not nominating herself at this time. She then asked if more than one person could be placed on the Board.

Mr. Harrison responded that there is a Mayors and Elected Officials Round Table. Therefore, since he knew there would be more than one commissioner interested to serve, he had enquired from the Executive Director of the MPO to appoint a commissioner, if the Commission so desires, to the Round Table. This individual will serve on the Steering Committee of the Round Table, which is a prestigious role for a municipal official to serve on in connection with the MPO.

Mark Berman, City Attorney respectfully suggested that both candidates to determine if one has a preference and the nomination could be amended and voted on. Since both positions can be appointed under the consideration item, alternate motions could be made.

Vice Mayor Moss applauded Comr. McGee's interest and said she will be here one day as she is still young.

However, this is an important position and it is complicated. However, for someone who has never served before it is somewhat of a big step. Moreover, he is not interested in serving on the Round Table.

Comr. McGee realizes her newness on the public side, and maintains that she has experience with the building of metro rail station and other types of transit when she worked in Washington D.C. and is familiar with the work of transit. Nevertheless, she will serve at wherever she can be of most good as soon as possible.

**A motion was made by Commissioner McMahon, seconded by Commissioner Eaton, to nominate Vice Mayor Moss to serve as the City's representative. Commissioner McGee nominated herself, seconded by Commissioner Perkins to serve as representative.**

**A motion was made to appoint VICE MAYOR MOSS as the City's representative.**

**The motion carried by the following vote:**

**Yes: Hardin**

**Eaton**

**McMahon**

**Moss**

**No: McGee**

**Perkins**

**A motion was made by Commissioner McGee, seconded by Vice Mayor Moss to nominate COMMISSIONER MCGEE to serve as representative on the Round Table. The motion carried unanimously.**

29. [19-99](#) Consideration for appointing a Director, Alternate, and Second Alternate to the Broward League of Cities to attend and vote at any Board of Directors or General Membership meeting held where he/she represents his/her municipality.  
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, to appoint Commissioner Eaton as Director, Commissioner McMahon as Alternate, and Commissioner McGee as Second Alternate. The motion carried unanimously.**

30. [19-84](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MICHAEL MILLER TO THE GENERAL

EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Michael Miller, **Incumbent** - District 1

Raymond Nies - District 1

Pamela Moore - District 2

George M. Abraham - District 3

Kenneth A. Campbell - District 3

Susan M. Gingerich - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the name MICHAEL MILLER be inserted and the Resolution be ADOPTED. The motion carried unanimously.**

**Enactment No: RES. No. 2019-51**

**D. REPORTS**

**Gregory Harrison, City Manager - Community Redevelopment Agency (CRA) Meeting Cancelled** - Mr. Harrison announced that there would be no CRA meeting on December 18, 2018. Therefore, the next formal meeting of the Commission will be in January.

**Utilities Department Awards** - Mr. Harrison reported that the last few weeks the Utilities Department has "hit a home run" on some awards, which are as follows:

- Randy Brown, Utilities Director, received the President's Appreciation Award for two years of service as president of Water Reuse of Florida.
- On Friday, the City was awarded the Utility of the Year from Region 7 of the Florida Water Pollution Control Operators Association.
- On Monday, the City was presented with a Certificate for the assistance that the City lent to the hurricane-ravaged area in the Panhandle, from Florida's Water Wastewater Agency Response Network.

**Invest Magazine** - Mr. Harrison announced that the Invest Magazine, which is a worldwide distribution magazine, the City of Pompano Beach has a ten page layout in the magazine focusing on what a great investment the City is for commercial and development activities and honing in on the Innovation District. Mr. Harrison indicated that he received the information in electronic format just prior to the meeting, therefore, he will send it out via electronic to all the Commission or his office could run hard copies if the Commission so desires.



**Mark Berman, City Attorney - Orientation of New Commission** - Mr. Berman said he enjoyed the opportunity to meet and speak with the new Commissioners and he looks forward to working with them and those who have returned. He looks forward to having a great year.

**Holiday Wishes** - Mr. Berman wished everyone a Merry Christmas, Happy New Year and Happy Holidays to all.

**Asceleta Hammond, City Clerk** - No Report.

**Holiday Wishes** - Ms. Hammond wished everyone a Merry Christmas and a Happy New Year.

**Commissioner Rhonda Eaton - Cresthaven Annual Party** - Comr. Eaton announced the Cresthaven Annual Party to be held on December 13, 2018 at 6:00 p.m. at the Moose Lodge. She invited all those are new to come out to meet and greet their neighbors. In addition, she said that it is \$15 per year to join the association

**Holiday Wishes** - Comr. Eaton wished everyone a Merry Christmas and a Happy New Year.

**Expression of Appreciation** - Comr. Eaton expressed thanks to staff, City Manager and City Attorney for assisting her in all the newness of the position. In addition, she thanked everyone who supported her in the election.

**Commissioner Andrea McGee - Expression of Appreciation-** Comr. McGee expressed thanks to everybody who assisted her as a new commissioner to get prepared for the Commission meeting. The enthusiasm and optimism and the willingness to work with the Commission has been “astounding” and she is grateful for this.

**Styrofoam Ordinance** - Comr. McGee directed the City Attorney to research how to expand what is currently in place for Styrofoam similar to the plastic straws.

**Commissioner Tom McMahon - Broward Sheriff's Office (BSO)** - Comr. McMahon reported that he received an email in regards to the BSO and read the first line that states, “Thank you very much for the attendance and valuable input to our community at our Safety meeting last night. Please pass on our gratitude to the rest of BSO representatives, including the captain. We are very happy with the attendance and BSO’s interest in making our community safer.” Comr. McMahon thanked BSO for doing such a great job with this particular group. He also thanked Ann for what she is doing for the community to get neighbors to look out for neighbors. Also, for bringing awareness to avoid crime in the area such as turning on security lights, making sure the car doors are locked and anything that can be done to prevent a crime.

**Expression of Appreciation** - Comr. McMahon thanked staff for the introduction and it has been a couple of

weeks of busyness in learning to do his new job. He said he is excited and honored that the residents of Pompano Beach voted to put him in office. Staff has done an incredible job, the City Manager's Office and City Attorney to assist him and guiding him through the process.

**Holiday Wishes** - Comr. McMahon wished everyone a Happy Holidays, Merry Christmas and a Happy New Year.

**Commissioner Beverly Perkins - Allocation of Funds to District 4** - Comr. Perkins stated that during a Commission meeting of July 10, 2018, district 4 was allocated \$1 million for the purpose of targeting community development projects. She then provided a background, stating the City of Pompano Beach received through a will decree, land located in district 4. The City sold the land for approximately \$1 million and the proceeds were placed in a general revenue account of the City.

Comr. Perkins indicated that she proposed the money received from the sale to be utilized in district 4, since the land that generated the money was in that district. On behalf of district 4 and its constituents, she asked for approximately \$500,000 of the \$1 million to be allocated to the district for community development purposes. A motion was made by a former commissioner to be allotted the entire \$1 million in district 4 as a good will and gesture for the community in lieu of the long history of disparity shown in the district. The motion was carried. Therefore, Comr. Perkins indicated that she is formally advising the mayor, commissioners, city manager and city attorney of her intent that within the next seven (7) days to provide the progress, guidelines and criteria for the distribution of the \$1 million. In addition, she looks forward to introducing the process, guidelines and the criteria to her constituents in the district before the end of the year.

**Holiday Wishes** - Comr. Perkins wished everyone a Merry Christmas and a Happy New Year.

**Vice Mayor Barry Moss - Collier City Christmas Party** - Vice Mayor Moss congratulated, the people of Collier City on a very nice Christmas Party held on December 5, 2018. Comr. McMahon attended the event and the food was delicious.

**Yuletide Parade** - Vice Mayor Moss congratulated the City on a very successful Christmas parade held on December 6, 2018. He said he had a lot of fun and had the two Smith cousins with him, Ms. Darlene Smith from Palm Aire and Phyllis Smith from Collier City.

**Aroma Joe** - Vice Mayor Moss announced a new coffee shop in district 5 on Powerline Road had its ribbon cutting on December 7, 2018 and it was well attended. The City Manager attended the event. Therefore, he congratulated Aroma Joe who is doing well and he encouraged everyone to stop by. In sum, of the three coffee shops in the area, Aroma Joe "is just right."

**John Knox Christmas Parade** - Vice Mayor Moss announced that on December 13, 2018, the John Knox Village will be holding its annual Christmas parade to which all the commissioners are invited as well as the residents. He encouraged them to be there at 3:15 p.m. for the lineup and it promises to be great fun.

**Holiday Wishes** - Vice Mayor Moss wished everybody a Merry Christmas, Happy Hanukkah, and a Prosperous and Healthy New Year.

**Mayor Rex Hardin - John Knox Christmas Parade** - Comr. Hardin echo the comments regarding the John Knox Village Parade. He said it is a great time for joining in to walk with the commissioners, which they have been doing for years. Therefore, he encouraged everyone to join in, as the residents would love to see them all.

**Yuletide Parade** - Mayor Hardin stated that the Yuletide parade was fantastic. Mark Beaudreau and the Parks and Recreation staff out do themselves every year, it is well received by everybody, and everyone had a fun time. He thanked everyone and the entire Commission for joining in and participating in this event.

**City of St. Augustine Correspondence** - Mayor Hardin stated that he received correspondence from the City of St. Augustine and they are encouraging the City to join the Florida Resilient Coastlines program. The Florida Department of Environmental Protection handles this. Therefore, he will pass the information on to the City Manager to check into it. Mayor Hardin indicated that since the City of Pompano Beach is a coastal city there should be involvement in all these types of things.

**Unity in the Community Event** - Mayor Hardin reminded everyone about the Unity in the Community, on January 26, 2019 and encouraged everyone to put this date on their calendar because this promises to be a great event.

**Holiday Wishes** - Mayor Hardin wished everyone a Merry Christmas, Happy Hanukkah, which has already passed, Happy Kwanza, Happy Holidays and that everyone have a blessed and festive Christmas, as well as a New Year Holiday season.

#### **E. ADJOURNMENT**

The meeting adjourned at 11:07 p.m.

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Rex Hardin, Mayor

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Asceletha Hammond, City Clerk

