

## Detailed Minutes - Final

### City Commission

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

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

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Tuesday, November 14, 2017

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

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

#### ROLL CALL

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

#### INVOCATION

Rev. Dr. Wylie Howard, Sr., of St. James Missionary Baptist Church Pompano Beach offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Ascelela Hammond, City Clerk

#### SPECIAL RECOGNITION

Mayor Fisher recognized the birthdays of November 14, for Comr. Sobel, and December 1, for Vice Mayor Burrie. In addition, City Manager Greg Harrison recognized November 19, as Mayor Fisher's birthday.

**APPROVAL OF MINUTES**

18-108 Regular City Commission Meeting Minutes of October 24, 2017

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**APPROVAL OF AGENDA**

Mayor Fisher indicated that item 20 would be taken out of order and heard as the first item under Regular Agenda, and item 13 would be postponed until December 12, 2017 City Commission Meeting.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**CONSENT AGENDA DISCUSSION**

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

Mayor Fisher stated that Consent Agenda items 3, 5, 6, 11, 13, and 15 will be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION****18-92 Merit Award of Excellence for Design Presentation**

The City of Pompano Beach Public Library & Cultural Center was awarded a 2017 Merit Award of Excellence for Design from AIA Miami on Friday October 27th. This award recognized recent, commissioned architectural designs that exemplify excellence in design while exploring the nature and science of the profession. A design jury was convened in Washington DC that reviewed over 200 entries. Winning entries included projects from throughout Florida as well as several international projects. Alejandro Silva of Silva Architects, LLC and Terrell Fritz (who was unable to attend the meeting) of Fritz Geitner, Inc., City of Pompano Beach Cultural Arts Consultant made the presentation to the City.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS****18-110 National Hunger, Homeless and Youth Homeless Awareness Month**

Mayor Lamar Fisher proclaimed November as National Hunger, Homeless and Youth Homeless Awareness Month in Pompano Beach. Michael Wright, Broward County Homeless Initiative Partnership/Continuum of Care Administrator was present to accept the proclamation.

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

**18-113 Annual Greater Pompano Beach Chamber of Commerce/Pompano Beach Holiday Boat Parade Proclamation**

Mayor Lamar Fisher proclaimed December 10, 2017 as Pompano Beach Holiday Boat Parade Day and presented the proclamation to Rhonda Bunker, Event Chair and Tim Hogans, Pompano Beach Chamber of Commerce Board Chairman.

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

**C. AUDIENCE TO BE HEARD**

Mayor Fisher announced that it was time for "Audience To Be Heard" and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight's agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker's comments. All persons interested in speaking during "Audience To Be Heard" must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

The following persons were called to speak:

**Tiger Trail Festival** - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, reported that the Tiger Trail Festival is on course to do a number of activities for Black History Month. This volunteer group ensures that Black History Month is what the City of Pompano Beach wants it to be. He said he is also pleased with the City's partnership with this organization. Among some of the activities planned are the 5K run/walk on February 3, 2018 at 5:45 a.m. As well as, there are events planned by the Collier City Committee, and the Banquet Committee.

**Community Health and Wellness Fest** - Mary Phillips, Small Biz CEDC, 164 N. Powerline Road, Pompano Beach, FL, announced that they will be holding the annual community health and wellness fest on November 18, 2017 at the E. Pat Larkins Center from 10:00 a.m. to 1:30 p.m. Continental breakfast will be provided to attendees, several screenings will be done to include blood pressure, spinal screening, glucose screening, HIV testing, body index screening, eye exam, BMI and cancer screening. She encouraged those who have not done a physical to come out and take advantage of these services. Also, activities are planned for the kids so parents can bring the children along. Turkeys will also be given away and at the same time she is soliciting donations which can be given by going to their website [www.smallbizimpo.net](http://www.smallbizimpo.net)  
<<http://www.smallbizimpo.net>>

Finally, Ms. Phillips indicated that they will be giving out postcards to get turkey from the Rodriquez Foundation, which will be giving away turkeys as well.

**Reaching the Haitian Community by Radio** - Arnold Pierre, Pompano Beach, FL, stated that there is a growing Haitian Community in the City of Pompano Beach and he believes they are unaware of the City's activities. Furthermore, he is a radio announcer on 1580 and 99.9 JAM and he would like to be the bridge between the City and the Haitian community. He indicated one of the best way to reach that community is through the radio system.

Mayor Fisher indicated that Mr. Pierre leave his contact information with the City Manager to pass on to the Public Communications Director for the City.



Comr. Perkins indicated that she has a large population of Haitians in her community and asked for an estimated amount of the population.

Mr. Pierre responded approximately 3,000 listens to the radio where he informs and teaches them about the City.

**Community Outreach Program for the Youth** - Katrice Burton, Limmonad Consulting, 114 NE 6th Street, Pompano Beach, FL, informed the Commission that she is launching a kid entrepreneurship academy with the partnership of Jesus Supernatural Church located in the City of Pompano Beach, as well as several local restaurants, physical therapists and tutors. She indicated that the inspiration behind the academy came from her son who likes to sell freshly squeezed lemonade. This activity has helped him with his behavior and successful performance in school, which could assist other kids in the community. On November 25, 2017, there will be a four-hour training at the academy to educate them on business plans and to motivate them. Registration will be \$10 for kids from 5 to 18 years old. She invited the Mayor and Commissioners to come out and support the event. The website for donations is [limmonadman.com/kidpreneurship](http://limmonadman.com/kidpreneurship) or call 954-478-9964.

Comr. Perkins said she would be happy to support the event because she is an advocate for kids.

**Fund Raiser Event** - Mr. Ryan mentioned that Mayor Fisher raised a lot of money at the affair that was held at the airport hangar on Saturday, November 11, 2017. He hopes other organizations in town would do the same thing and that local support is necessary for events such as these.

**Financial Issues** - Mr. Ryan complained that the meetings are promoting happy days, which he thinks is not the case. He argued there are big financial problems, and the meetings should conduct business in this forum. He alleged that there is a huge lawn and tree service business where "millions" are spent on landscaping instead of spending in other areas.

**Community Needs** - Rev. Marguerite Luster, President Liberty Park Community Services, 632 NW 20th Court, Pompano Beach, FL, requested that somebody contact her at 954-942-8063 to replace a tree for a 98-year-old member of her community, who was told to remove her Norfolk Pine tree she had received.

Mayor Fisher inquired who may have asked her to remove the tree if it was a city staff member.

**Liberty Park Street Lights** - Rev. Luster requested that street lights be placed in the Liberty Park neighborhood. She said most of the residents are elderly in their seventies and up and it has always been dark. Improvements are needed on the streets as the area is too dark.

**Sound Issue at City Commission Meetings** - Rev. Luster complained that the microphones are not loud enough on TV so people watching can hear and understand the matters are being discussed.

**Cultural Center Library** - Rev. Luster inquired about the opening of the library that was originally designed to be located at the Cultural Center across from City Hall.

Mayor Fisher indicated that on the street light issue, City Manager Harrison will be checking into that. In addition, with regard to the library opening, they will be shutting down the 13th Avenue library this month, and the new Broward County library at the Cultural Center is scheduled to be opened in December. City Manager Harrison confirmed the last word from the County was in December.

**Lightening up MLK Boulevard** - Rev. Luster expressed concern regarding lightening up Martin Luther King Boulevard in the northwest community.

**Unity of Palm Aire Residents** - Walter Hunter, 2337 NW 15th Street, Pompano Beach, FL, congratulated the people from Palm Aire and John Knox Village. He said this is a true feeling of people from a community to come out and stand for what the people want. He complained that the black community does not get the support like it should.

**District 7 Commissioner** - Mr. Hunter inquired about the seventh district that has already been approved, yet has been repeatedly denied. He indicated that the people in Collier City, Esquire Lake, Hunter's Manor and others have been cheated because they do not have the same as most residents in District 5. Therefore, they need another district. He thinks it is time to change the districts and to do justice to the people on the northwest side of Pompano Beach from NW 31st Avenue, Powerline Road to the Railroad tracks. This will allow at least two people from the African-American community to sit on the dais. Representation for the people from that community is unfair as it is now. In fact, he complained that the votes have been diluted on the other side of town in District 4.

Vice Mayor Burrie mentioned that she spoke with Mr. Hunter earlier and indicated that this matter would have been part of her report later. She indicated that there is a six-member Commission where when voting three and three things would fail. Vice Mayor Burrie noted that while the land geographically remains the same the development has increased. Therefore, she agreed with Mr. Hunter's request for a seventh district, which she will bring up under Reports later in the meeting.

**District 7 Commissioner** - Vicente Thrower, 1890 NW 6th Street, Pompano Beach, FL, supports Mr. Hunter's request regarding an additional seat for the Commission. Whenever there are issues and there is a deadlock on the voting the City needs to get pass this type of situation as it develops.

**Neighborhood Improvements in Northwest Area** - Mr. Thrower stated that in Collier City at the McNair Park it has come to light that to improve the park, mulch was put down in the kids play area, which can be detrimental to the kid's safety. He inquired why small improvement requests cannot be accommodated in that community. He indicated that the people should not be asked to support certain initiatives in order to get certain necessary improvements in the neighborhood.

Mayor Fisher indicated that City Manager Harrison will take a look at the matter where mulch is being placed on the kids playground.

**Public Participation** - Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that he wanted to

follow-up on his last comments made at the last City Commission meeting regarding public participation. He assumed that everyone agreed that public participation is a good thing for the community and for the City. Second, he agreed that not enough is being done and that more could be done and there is room for improvement and more public participation in the City. Third, he said it is a worthwhile pursuit to try to build public participation within the City. As he had shared previously, the International Association Public Participation (IAP2) has a spectrum that rates public participation and the City of Pompano Beach is towards the bottom of the spectrum. Therefore, he questioned what can be done to improve the level of public participation in the City. He stated that it is refreshing to see so many people in attendance and cannot remember the last time he has seen this type of participation.

Mr. Hill mentioned that the IAP2 has a program with tools and methodologies that cities can use to encourage public participation, which will try to move the City up the spectrum so there is more community involvement in all the issues at hand.

Finally, Mr. Hill requested that the Commission sponsor this initiative as it is important for the City to improve public participation.

**Assistance for Small Business** - Patricia William Thompson, 2061 N. Dixie Highway, Pompano Beach, FL, requested the Commission's help with her small business that has been out of business for three months because of hurricane Irma. She indicated that she has reached out to the Community Redevelopment Agency (CRA) with no success. Ms. Thompson explained that she is running into several roadblocks, to include the City issuing permits for the building she leases to her property as well as being insufficiently insured. She indicated that she was denied an SPA loan. Therefore, she is inquiring if the City could assist her with any type of financial assistance that could assist small businesses such as the one she operates.

Mayor Fisher suggested that since she has been in touch with Comr. Perkins that they both meet with City Manager Harrison to see what type of assistance if any that can be done.

#### **D. CONSENT AGENDA**

There was no discussion on Consent Agenda items 1-4, 7-10, 12, and 14.

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

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

1. [18-81](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH SUPPORTING FLORIDA DEPARTMENT OF TRANSPORTATION'S 2018-2020 MOBILITY PROJECTS PLAN FOR THE CITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2018-38**

2. [18-87](#) RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A BROWNFIELD SITE REHABILITATION AGREEMENT AND AN ACCESS AGREEMENT WITH BROWARD COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT FOR THE POMPANO BEACH SPORTS PARK REUSE AREA LOCATED AT 3190 NW 4<sup>TH</sup> STREET, POMPANO BEACH, FLORIDA 33069, FOLIO NUMBER 4842-32-19-0030, FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

**Enactment No: RES. No. 2018-39**

3. [18-107](#) Approval to Piggyback NJPA Contract #FL04GC1-051716-SCD for the renovation of Blanche Ely Park and Museum, by Shiff Construction and Development, at a cost of

\$298,750.00.

(Fiscal Impact: \$298,750.00)

**(Staff Contact:** Anthony Alhashemi/Horacio Danovich)

Mayor Fisher indicated that there was an error on the summary sheet regarding the total cost of the playground equipment, and that the improvements of the facilities was not included. However, Comr. Perkins pulled the item for discussion.

Horacio Danovich, CIP Manager, indicated that the project manager, and the assigned project manager for the project is available to answer any questions.

Comr. Perkins indicated that the backup mention the Blanche Ely Park museum and inquired about the park being included in the name.

Mr. Danovich responded that a name has not yet been established for the site, which is still to be decided with the group that is assisting with the process of the project. Therefore, the name is temporary until the name is selected.

Comr. Perkins indicated that the name should be Blanche Ely Museum without the park included.

Anthony Alhashemi, Project Manager I, City of Pompano Beach, responded that with reference to the “park”, the project is actually a park and a museum and explained that the park aspect would allow for a smoother reviewing process with the Building Department, which may require extra code requirements.

Comr. Perkins indicated that if the name is being changed, the community needs to know about it as the residents’ desire would be for the facility to remain a museum and not a park.

Dr. Catherine Gillis, 220 NW 15th Place, Pompano Beach, FL, indicated that they attended the Zoning Board meeting and the words used for the project was used to get it passed. However, the facility will be a museum. She explained that trees will be put in for an area where the children could sit because the house can only accommodate a certain amount of people at any one time. Dr. Gillis also indicated that nothing has been done without the community not knowing about it.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

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4. [18-84](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO



BEACH, FLORIDA, AUTHORIZING THE APPROVAL OF A CONTRACT WITH SHIFF CONSTRUCTION & DEVELOPMENT, INC. FOR THE RENOVATION AND RESTORATION OF THE HISTORIC BLANCHE ELY HOUSE PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN NATIONAL JOINT POWERS ALLIANCE CONTRACT, IFB NUMBER FL04GC1-051716-SCD IN THE NOT TO EXCEED AMOUNT OF \$298,750.00; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$298,750.00)

(Staff Contact: Horacio Danovich/Anthony Alhashemi)

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

**Enactment No: RES. No. 2018-40**

5. [18-86](#) 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 THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, ACCEPTING A GRANT IN THE AMOUNT OF \$50,000.00 FOR THE BLANCHE ELY HOUSE RESTORATION, PHASE II; AND CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT UP TO \$50,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,000)

(Staff Contact: Horacio Danovich/Anthony Alhashemi)

Comr. Perkins pulled the item for discussion. Comr. Perkins inquired if the City will be receiving any more grants for the Blanche Ely museum.

Jennifer Gomez, Assistant Development Services Director, stated that she has been in the background with the project for quite some time and have been actively seeking grant opportunities. Recently, they were contacted by State Representative Patricia Williams to fill out a House Appropriations request, which has been submitted. They hope funding will be available for the project.

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

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

**Enactment No: RES. No. 2018-41**

6. [18-80](#) Approval to piggyback Osceola County Schools Contract #SDOC-16-B-087-LH for the furnishing and installation of playground equipment at Kester Park, for the Public Works Department, by Top Line Recreation Inc.  
(Fiscal Impact: \$110,885.81)

**(Staff Contact:** Robert McCaughan)

Mayor Fisher indicated that he pulled the item for a constituent who had a question.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated that he understands that the process assist with expediting what needs to be done at the parks, but he hopes the City does not become “piggy-back friendly” on items that could get small businesses participation. He agrees with the piggy-back process, but would prefer it not to become a recurring process and particularly if the Bond issue moves forward.

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

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

7. [18-93](#) Approval to award Bid #E-42-17, Mulch (Cooperative Bid), to the low responsive bidders, Advanced Mulch, Inc., (Item 9), Adwood, Inc., (Items 1, 2, 6, 12), Eastcoast Mulch, (Items 8, 10, 11, 13), and Superior Mulch (Items 3, 4, 5, 14), as prime contractors, and to the remaining responsive bidders as alternate contractors, for annual open-end contracts. The estimated annual cost to the City for mulch is \$109,500.00  
(Fiscal Impact: \$109,500.00)

**(Staff Contact:** Robert McCaughan)

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

**Agenda. The motion carried unanimously.**

8. [18-104](#) Approval to purchase Sidewalk Replacement and Installation, as needed for the Public Works Department, per the City of Miami Gardens Cooperative Bid #15-16-039(A) from the awarded vendor Metro Express, Inc., in the estimated annual cost of up to \$150,000.00.  
(Fiscal Impact: \$150,000.00)

(Staff Contact: Robert McCaughan)

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

9. [17-666](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AGREEMENTS FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND DONALD GIALANELLA; GREGORY DIRR; MISSY PIERCE; TIMOTHY VAUM; MARY FRAGAPANE; BETH DUBOW; CARLOS INOCENTE GONZALEZ; IVETTE CABRERA; MARCOS CONDE; AMIR SHAKIR; ALEJANDRA ABAD; AND CHAN SHEPHERD, RESPECTIVELY, FOR PARTICIPATION IN ROUND TWO OF THE PAINTED POMPANO SERIES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$18,000.00)

(Staff Contact: Laura Atria/David Recor)

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

**Enactment No: RES. No. 2018-42**

10. [18-23](#) Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2017.  
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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

11. [18-90](#) 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: \$283,000)

(Staff Contact: Erjeta Diamanti)

Vice Mayor Burrie indicated she pulled the item for discussion for a constituent.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, indicated that giving to charities and non-profits is a good thing and hope those able would give generously. However, the resolution calls for gifts to religious and community groups totaling \$283,000, the 2017 CDBG service grants fund another \$197,392, and the Sample McDougald House contract provides \$40,000 unrestricted funds to the group, plus untold thousands of dollars in City maintenance. He complained that at most City Commission meetings a group requests assistance for thousands of dollars and the City pays directly or indirectly for services for a number of privately run events. He concluded that City gift giving can easily approach a million dollars per year. In addition, he stated that gifts are paid for by taxpayers and he alleged that 30% of the city's population live below the poverty level, as well as there are large numbers of working poor and fixed income seniors being forgotten.

Mr. Terwilliger concluded that "charity begins at home" and those who can afford to give should give, which he encourages but it should not be the City's job to raise and collect taxes to make gifts to religious and community charity groups. He urged the City Commission to lower the taxes and stop the gifting and let the working core and the fixed income seniors keep their hard earned money.

Mayor Fisher explained that the dollars that are funded through the City's annual budget for non-profits assist young children, senior citizens, underprivileged and elderly who do not have food. Therefore, this is a gamut that assists the entire community and are truly non-profits that need some assistance. He concluded that we need to help each other and we want to help those who cannot help themselves.

Comr. Sobel agreed with Mayor Fisher's comments regarding the non-profits who serve a purpose. While he may agree in concept with Mr. Terwilliger's principle it does not necessarily apply in this instance, and explained his reason, which is a very minute portion taken from the City's budget, which does not have any direct or indirect impact on the taxes. However, there are other issues that could be addressed for financial reasons that could help to reduce the taxes but this is not one of them in all fairness.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher



**Enactment No: RES. No. 2018-43**

12. [18-100](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BASEBALL, INC., TO USE VARIOUS BASEBALL FIELDS IN THE CITY TO OPERATE COMPETITIVE AND TRAVEL YOUTH BASEBALL AND SOFTBALL LEAGUES IN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

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

**Enactment No: RES. No. 2018-44**

13. [18-102](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CENTENNIAL BANK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be TABLED to the December 12, 2017 City Commission meeting. The motion carried by the following vote:**

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

14. [18-109](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FORM LETTER APPROVING THE DISTRIBUTION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS FOR FEDERAL FISCAL YEAR 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$416,692.00)



(Staff Contact: Suzette Sibble)

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

**Enactment No: RES. No. 2018-45**

15. [18-91](#) 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 DR. BRENDA C. SNIPES, SUPERVISOR OF ELECTIONS OF BROWARD COUNTY, AND THE CITY OF POMPANO BEACH, FOR A MUNICIPAL SPECIAL ELECTION TO BE HELD ON MARCH 13, 2018, RELATING TO THE BOND REFERENDUM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$234,450.00 Estimated Costs)

(Staff Contact: Asceleta Hammond)

Vice Mayor Burrie and Comr. Sobel pulled the item for discussion.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, alleged that the real cost of the Bond issue is not only the \$234,450. He stated that the City expended \$15,000 for a study and there could be thousands more dollars spent for staff time including time to educate the public. He said there will be the cost for advertising that the city will spend on local newspaper and magazines and other areas. He estimated that the real cost of the election will be approximately \$500,000, and provided his reasons.

Mayor Fisher asked if the election cost will be approximately \$500,000.

Asceleta Hammond, City Clerk responded no. The total amount provided by the Supervisor of Elections Office is \$234,450, which will cover most of the costs with an undetermined amount of approximately \$5,000 added for advertisement.

Comr. Sobel indicated that the cost of approximately \$250,000 is a heavy burden for the taxpayers. He said previously he voted against the bond issue because it was tied up into a single item and required one vote for all three bond proposals, as opposed to when it goes on the ballot. However, it is going to be separated into three ballots, broken down by projects and amounts to allow the taxpayers to make an intelligent decision. Nevertheless, he is concerned that the City is having an expensive special election for this limited purpose when he believes "we should be getting more bang for the buck."

Comr. Sobel indicated that there are a couple issues that are of a serious nature with regard to the City Charter and the way it is written, which the Charter Amendment Board had made recommendations that the City put on the ballot alternating terms for the City Commissioners and the Mayor to avoid alternating problems when all the positions came up at the same time for re-election. In sum, Comr. Sobel concluded that the City should prepare to put on the ballot for the special election, the opportunity for the citizens to decide on term limits as

the Charter Board recommended. Also, they should have alternating limits and extending some of the limits for the City Commissioners. Moreover, there is another issue with the flawed language in the City Charter, which does not contemplate the Mayor's action to resign-to-run. Therefore, he wants to know why this special election could not be used to cover all the other issues that will come before the taxpayers.

Mayor Fisher explained that there is a Charter Review Committee that reviews the City's charter and make recommendations and these items were debated for the City Commission to discuss whether they wanted to put those items on the ballot, and he inquired what was the current position on this.

Greg Harrison, City Manager, responded that he will need to regroup with the Chair of the Charter Board, M. Ross Shulmister to get a consensus of the members of the Board.

Mayor Fisher indicated that one of the items mentioned by Comr. Sobel with regard to the Mayor's position, no resignation has taken place yet, so the City cannot move forward with any action on it. Nevertheless, the item is regarding a special election for the G.O. Bond issue.

Comr. Hardin indicated that he wanted to correct a few points that Mr. Terwilliger made earlier. He stated that if the Commission approved this item it would end up costing \$367 million, which the item is simply approving to have an election where the public will be able to vote on the Bond issue and to decide whether to move forward or not. Also, he did not understand that the Charter Board had recommended term limits for the City Commission.

Comr. Sobel indicated that he would recommend term limits. Notwithstanding, he indicated that the Commission was aware of the recommendations since July 2017, and it has not been brought before the City Commission for consideration. Moreover, the Mayor has announced that he will be running for County Commissioner, and Comr. Hardin, Vice Mayor Burrie and he have indicated that they will be running for the open seat. Therefore, with one year to go, the City can prepare for the special election in one of many legal ways to include amending the City Charter, which if not addressed now will hurt the residents of the City.

Mayor Fisher agreed that Comr. Sobel can have his opinion, but to say this process will hurt the residents of the City is not true.

Comr. Hardin indicated that truth and honesty must come from the dais. He said the Charter Amendment Advisory Committee did not recommend term limits. However, if Comr. Sobel feels term limits are warranted that is his opinion, but to state that the Charter Board recommended term limits is not the truth, because they did not.

Comr. Sobel indicated that the Charter Board recommended term limits on an alternating basis with a four-year commissioner break down so there would not be an initial term limit not from a long term limit.

Comr. Moss indicated that his appointee to the Charter Board had indicated to him that there was no vote to have term limits.

Mayor Fisher read into the record the Charter Amendment Advisory Committee memorandum of July 13,

2017, item 3, term limits should not be adopted.

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

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

**Enactment No: RES. No. 2018-46**

**E. REGULAR AGENDA**

**QUASI-JUDICIAL PROCEEDING**

16. [18-79](#) **P.H. 2018-11: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, TO ABANDON A UTILITY EASEMENT FOR JOHN KNOX VILLAGE LOCATED AT 651 SW 6TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

David Recor, Acting Director of Development Services Department presented the item and stated that it is an application to abandon a 12 foot utility easement on the property owned by John Knox Village, located at 651 SW 6th Street, to allow construction of a 7,150-square foot welcome center. It has been determined that the public health, welfare, safety and necessity no longer requires retention of any interest of the public in this utility easement. The Planning and Zoning Board reviewed the matter on July 26, 2017, and voted unanimously to recommend approval, as well as staff is recommending approval as presented.

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

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

17. 18-35 **P.H. 2018-07: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED EAST OF THE INTRACOASTAL WATERWAY AND THE NORTHEAST CORNER OF THE INTERSECTION OF A1A AND N. RIVERSIDE DRIVE AND COMMONLY KNOWN AS 2629 N. RIVERSIDE DRIVE AND 2507 N. OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2017**

**(Staff Contact:** Jae Eun Kim/David Recor)

This item was heard after item 28.

Prior to approval to discuss the item Bonnie Miskel, on behalf of the petitioner, stated that item 28 is a companion item, which is the Comprehensive Plan Amendment and suggested that perhaps the City Commission's order of vote should take item 28 first, as the rezoning would become mute should it be denied.

Mayor Fisher asked the City Attorney for legal sufficiency on this matter.

Mark Berman, City Attorney advised that the City Commission could move to take the item out of order. Consequently, Mayor Fisher requested to move item 28, which is under Regular Agenda, out of order. Thereafter, the Commission returned to the remaining quasi-judicial items.

David Recor, Acting Director of Development Services Department presented the item as the second reading and indicated that staff had no additional comments.

Sandy Von Staden, 3201 Beacon Street, Pompano Beach, stated that she resides in the neighborhood of the proposed project of Hillsboro Shores and is interested in the project. Also, because it is along the designated scenic A1A corridor, and Pompano Proud is doing a project along the same corridor. Ms. Von Staden stated she is excited with the project for a number of reasons, which she provided and concluded by stating that she supports the project.

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



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

**Enactment No: ORD. No. 2018-09**

**18. [18-36](#) P.H. 2018-08: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF ONE HUNDRED (100) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED WEST OF NW 18 AVENUE, ON THE SOUTH SIDE OF DR. MARTIN LUTHER KING JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM OCTOBER 24, 2017**

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

Mayor Fisher announced that in the abundance of caution, he will abstain from voting on agenda item 18, pursuant to the provisions of Section 286.012 and Section 112.3143 Florida Statutes. He stated that he will file the appropriate memorandum to disclose in nature and the possible voting conflict required by law. His firm, Fisher Auction Co. Inc., has been engaged, although not currently, to assist in the auction sales of properties owned and controlled by Cornerstone or its affiliates. Mayor Fisher then turned the meeting over to Vice Mayor Burrie.

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that it is for a flex unit application to allow residential use on a commercial property with a commercial land use. She said a full presentation was provided at the October 24, 2017 City Commission meeting, as well as public feedback. In addition, Ms. Gomez indicated the item was postponed to the current meeting in order to have additional communication with the community, which had taken place.

Michael Vonder Meulen, Keith and Associates, Inc., 301 East Atlantic Boulevard, Pompano Beach, FL, stated that at the previous meeting the item was tabled and requested for additional community outreach which occurred, with Comr. Perkins attending that meeting.

Phyllis Smith, 2437 NW 4th Court, Pompano Beach, President of the Collier City Homeowners' Association, stated that she met with the work force unit and they attended the Homeowners' Association meeting and presented the project to the residents. Therefore, they are in favor of the flex units coming into the community.

Rev. Wylie Howard, St. James Missionary Baptist Church, 2300 NW 6th Street, Pompano Beach, stated that in 2005 the City was granted the All American City Award. He said even though there may have been some



misunderstandings and difficulties, currently, the City of Pompano Beach feels like home. He was proud to see the Clergy coming together with the community leaders and working out the misinterpretations, misunderstandings and the lack of protocol in the northwest area of the City. He said Cornerstone has made it possible for the people of the community to discuss the one common good for the people and what is best for them, which is the proposed project.

Additionally, Rev. Howard complimented city staff for being a part of the meeting to ensure complete understanding regarding the project.

Rev. Marguerite Luster, 632 NW 28th Court, Pompano Beach, spoke in favor of the project and provided her reasons. She mentioned that the units are needed and she requested a written commitment that 80% of the flex units will be dedicated to people who are 55 +, as well as a community room will be provided for the community to utilize.

Rev. Luster stated that Mt. Calvary Baptist Church have been trying to build a standalone senior citizen building for many years and to build a meeting place for the seniors. Notwithstanding, she understands that in order to put the senior citizens complex as proposed, much work must be done. She mentioned that there is a need for a standalone senior citizen complex. Also, a medical center is needed for the senior citizens.

Comr. Perkins mentioned that she met with the developer, the community, and the pastors and it was an effective meeting that was mutually agreed upon. Therefore, she will be voting yes for the project.

Comr. Sobel stated that the State of Florida and the Federal Government defines senior citizens as 62 + and mentioned that the northwest community have been in full force at City Commission meetings for most of the year asking for this type of project. He stated that it is a wonderful project and it is good for the City of Pompano Beach to move forward and the residents to get what they have been asking for over one year.

Comr. Hardin thanked the Cornerstone Group for working with the residents to make the project a reality.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to remove the item from the table. The motion carried unanimously.**

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Recused:** Fisher

**Enactment No: RES. No. 2018-47**

**END OF QUASI-JUDICIAL PROCEEDING**

19. [18-82](#) Approval to purchase quicklime, as needed, for the Water Treatment Plant, per the City of Tamarac Cooperative Bid #17-22B, from Lhoist North America of Alabama, LLC at an estimated total cost of up to \$555,000.00/year.  
(Fiscal Impact: \$555,000.00)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item as a contract for one of the primary participants in the City's lime treatment system that has always been used.

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

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

20. [18-57](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN PALM AIRE ASSOCIATES LIMITED PARTNERSHIP AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT PALM AIRE LAKES; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$765,000.00)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager stated that the item under consideration was started under his predecessor, Dennis Beach, who worked with Comr. Moss. He said the main content of the item is Memorandum No. 16-562, from Robin Bird, Former Director of Development Services, who indicated the need for additional park space for the City to maintain its adopted level of service for parks. As of 2016, the City is deficient in an overall park space by twelve and half (12.5) acres. The deficiency will increase as the City grows. He stated that in the memorandum it refers to a list of five rationales:

**Rationale #1** - City Parks Level of Service - By 2025 it was predicted that there will be a deficiency of park land of approximately 106 acres.

**Rationale #2** - Consistency with Comprehensive Plan - There are eight notations from the Comprehensive

Plan that cites enhancement of the existing recreation facilities visually, as well as physical access to park properties.

**Rationale #3** - Protection of the City's Wellfields within the proposed location. There are two wellfields that need suitable land designation and would restrict inappropriate development in the area, as well as protect the integrity of the two wellfields.

**Rationale #4** - Reduce Sea Level Rise Impacts on City Parks - Eight of the existing City Parks are vulnerable to a sea level rise of two feet.

**Rationale #5** -Economic Development - The real property values will be positively affected, municipal revenues increased, affluent retirees attracted and retained, knowledgeable workers and talent attracted to live and work, and homebuyers attracted to purchase homes.

Finally, Mr. Harrison indicated that the overall rationale for use of the 100 acres of property, there will be 70 acres of lakes, 30 acres of land, which will be a nice addition to the City's green space, therefore, staff is recommending the City Commission's approval.

Comr. Moss indicated that the overwhelming majority of people attending the meeting are from Palm Aire and they are present to express their opinions. However, most have agreed to allow one person to speak on their behalf, who is Darlene Smith, President of one of the largest condominium associations in Palm Aire.

Darlene Smith, 3200 North Course Lane, Pompano Beach, President of Palm Aire Association Four and lake liaison for the community and the lake construction project currently taking place in the community. She then made a presentation on the story of the Palm Aire Lakes property.

In conclusion, Ms. Smith indicated that the City of Pompano Beach has a unique opportunity to be a model for other cities that have been negatively impacted by closed golf courses in their communities. Therefore, the City could show its peers how land use can be changed for the better from dead earth to an urban park with peaceful walking trails and beautiful lakes. From decreasing property values to double digit increases. She urged the City Commission to vote yes on the item to make a difference in the City and in the neighborhoods, to keep the Palm Aire Lakes property a peaceful park and the lakes forever blue.

Former Vice Mayor George Brummer, urged the City Commission to vote yes for the support of the item and stated his reasons, which he indicated was already stated in the memorandum from Robin Bird. However, he emphasized that if the City purchases the property, it will benefit Palm Aire and the residents whose property is on the border of the lakes, but it is no less important to the City. Among one of the benefits to the City, is the maintenance and increase of property values. He mentioned that the southwest area of Palm Aire has contributed more to the city's coffers than it costs the city to maintain it, and the excess goes to other districts within the city. Second, it would provide the open space, which good growth management demands open space to support new development and the city needs both new and redevelopment activities in certain areas due to its age.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, inquired if the proposed property would go under

Parks and Recreation. Moreover, he wanted to know if the park would be opened to the public and that there will not be any complaints of trespassing by other residents.

Mayor Fisher indicated that it would be part of the City's park inventory and it would be opened for the entire City of Pompano Beach.

Mr. Thrower inquired why is the City purchasing this property now rather than wait to include it in the bond issue. Also, he asked where the funds would come from to make the purchase.

Mr. Harrison explained that the project was not significant enough to be included in the bond issue. The purchase price is approximately \$765,000 and there is only 31 acres of land that can be mowed through a contract of \$1,500 per month. In the meantime, he will meet with the four Homeowners' Association, 1, 4, 52 and 53, to discuss expanding their landscaping contracts to cover the portions of the property that is next to their property.

In response to Mr. Thrower's request regarding entrance ways, Mr. Harrison responded that the details have not yet been identified and will be laid out, and explained there are a number of projects that will be within the project.

The following persons spoke in favor of the item:

- 1) Jeremy Little, a/k/a J Little Love Artist, 3150 North Course Lane, Palm Aire, Pompano Beach.
- 2) Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach.
- 3) Phyllis Smith, 2437 NW 4th Court, Pompano Beach.
- 4) Jeanne Biebeault, Board Treasurer of Building 53 of Palm Aire, 2900 North Course Drive, Pompano Beach, indicated that while they support the project there are some concerns regarding security with the public coming in and what will the City do to protect the residents of the neighborhood.
- 5) Wayne Bereen, 2420 NW 27th Street, Pompano Beach.
- 6) Dr. Jonathan Hartman, 3150 North Course Lane, Pompano Beach.

Comr. Moss clarified that there was some angst when the Brummer Park was constructed regarding hordes of people outside of the Palm Aire coming in for the park facility to change the character, which never happened. Therefore, it will not happen with this project. In sum, the City will own the land instead of potential developers who will truly alter the character of the community.

Comr. Hardin stated that great cities have great open spaces and cited cities such as New York City with Central Park open space. Therefore, the City Commission is willing to embrace more parklands in the City and this would be a step in the right direction in making the city great with open space.

Comr. Sobel indicated that the City Commission would be "crazy" not to vote for this item. He then spoke about the \$235 million Master Parks Plan that the City had, which this park land was not included, along with a soccer park that the City Commission approved earlier this year. Therefore, he indicated that when an opportunity arises part of the City is to preserve and to enhance the parks not only for one area but a project that would benefit the entire city. Overall this will be a win-win for the City at large, as well as a fiscally

responsible move.

Vice Mayor Burrie mentioned that she used to use the spa in Palm Aire when Elizabeth Taylor previously visited it.

Mayor Fisher indicated that the Palm Aire community makes up approximately 17% of the City's residents, therefore, small issues versus macro issues, people tend to forget about the area. Notwithstanding, this is a great opportunity for the City. Therefore, he thanked former City Manager Dennis Beach for starting the process to acquire the property. It is exciting to be able to acquire park lands for the entire city to enjoy. Kudos to everyone involved in the process, as well as thanks to the residents for showing their support and to Comr. Moss for steering the efforts to this point.

Meeting went into Recess

Meeting Reconvened

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-48**

21. [18-89](#) REVIEW OF SEALED WRITTEN BIDS FOR THE PURCHASE OF THE PROPERTY DECLARED AS SURPLUS. THE SUBJECT PROPERTY IS LOCATED AT 1841 N. POWERLINE ROAD, POMPANO BEACH, FLORIDA.  
(Fiscal Impact: N/ A)

**(Staff Contact:** Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item indicating that the City Commission will consider the sealed bids for property located at 1841 North Powerline Road. In accordance with the City's Charter, the City Commission previously authorized the surplus property in the month of October. Pursuant to City Charter, the City advertised the property's availability resulting in five (5) sealed bids that were received by the City Clerk's Office. All bidders were required to include a cash, performance bond, cashier's check or a certified check equal to ten percent (10%) of the bid price. Also, the proposers were required to include a



conceptual proposal for the site as part of their bid package.

Mayor Fisher asked if the highest cash offer might not resemble what the conceptual proposal would be. Therefore, at this time the City Commission does not have an option to look at the conceptual prior to making a decision on which bid to go with. It could be the highest and best, but not be the dollar, or a better conceptual than one or the other.

Mark Berman, City Attorney indicated that the bids could be opened and read into the record tonight and the information may be forwarded for further vote. The vote could be tabled until the City Commission has had the opportunity to look at the conceptual bids.

Asceleta, Hammond, City Clerk, stated the following bids were submitted:

- 1) Sauer Enterprises submitted a bid for \$745,000.00 with a check for \$74,500.00
- 2) Cool Roof Foam and Coatings submitted a bid for \$1,025,000 with a check for \$102,500.00
- 3) Dewitt Realty, Inc. submitted a bid for \$651,000.00 with a check for \$65,100.00
- 4) Nefco Construction Supply, LLC submitted a bid for \$500,044.00 with a check for \$50,000.44
- 5) Pedowitz Machinery Movers, submitted a bid bond for \$1,500,000.00.

There was some discussion among the City Commission and City Attorney whether the Bid Bond would be equivalent to a check for the 10% required and whether the City shall sell to the highest and best bidder.

Comr. Sobel recalled that when this item came before the Commission the last time, the highest and only bid was less than half of the lowest bid of the five currently submitted. This was as a direct result of the steps that Mayor Fisher took in picking up on the deficiency. Therefore, the money that is clearly saved and benefitting the taxpayers is over \$1.2 million. He commended Mayor Fisher for his astuteness regarding this item.

Mayor Fisher indicated since there is no time restriction on the rejection of the bid, he suggested that the City Commission accept the bid bond equivalent to a cashier's check or certified funds. Secondly, perhaps the item could be postponed to December to allow the City Commission a chance to look at the conceptual plans to see if they are in line for what would be best for the property. It was the consensus of the City Commission to accept Mayor Fisher's suggestions.

Mr. Berman confirmed that there is no time limits on the bid or requirement in the City's Code on the bid bond.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Item be TABLED to the December 12, 2017 City Commission meeting for Commission's further review . The motion carried by the following vote:**

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

22. [18-50](#) **P.H. 2018-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO PROVIDE DEFINITION, STANDARDS AND PERMITTED LOCATIONS FOR LIMITED AUTO DEALERSHIP - FLEET AUTOMOBILE SALES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY PROVIDING A DEFINITION FOR FLEET AUTOMOBILES, AND LIMITED AUTO DEALERSHIP - FLEET AUTOMOBILE SALES; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Paola A. West/David Recor)

David Recor, Acting Director of Development Services Department thanked Mayor Fisher and the Commissioners for accepting the additional background information. Mr. Recor explained that there are three ways to amend the zoning code, 1) the City Commission through staff can initiate amendments; 2) the Planning and Zoning Board can initiate amendments; and 3) the public can initiate amendments. Therefore, Mr. Recor indicated that this item was a public initiated text amendment to Chapter 155 of the City's Zoning Code.

Additionally, Mr. Recor stated the applicant is requesting to amend Chapter 155.4219 to Commercial: Motor Vehicle Sales and Services Uses," and Appendix A, the consolidated use table, to add a new use identified as "Limited Auto Dealership Fleet Automobile Sales." The text amendment would allow a car rental business to sell rental cars after the rental cycle subject to several specific use standards. This will properly recognize and identify auto rental agencies, such as Avis and Budget, that currently offer their vehicles for sale to the public. In addition, the sale will be the principal use and not accessory to the car rental. Therefore, since the proposed use is not identified in the Zoning Code the proposed use is defined independently as a principal use.

In sum, Mr. Recor indicated that the text amendment provides limited auto dealership automobile sales to be permitted by right in the I-1, I-1X and PCD zoning districts and permitted by special exception in the B-3 and B-4 zoning districts. On July 29, 2017 the Community Redevelopment Agency (CRA) prepared a memorandum in opposition to the proposed text amendment, particularly its applicability within the CRA boundaries, and proposed two modifications. First, to establish a maximum linear street frontage requirement of 100 feet. Alternatively, the CRA suggested a maximum lot area for the use could be established in conjunction with the minimum proposed by the ordinance. However, the CRA opined that the frontage along

a corridor is more critical than the overall area.

Second, to create a minimum distance separation from the same use. On August 23, 2017, the Planning and Zoning Board reviewed the proposed text amendment and subsequently voted to recommend approval subject to three conditions, which has been accepted by the applicant's attorney, and incorporated into the proposed ordinance.

Mr. Recor stated the three conditions include adding a use specific standard requiring that accessory auto service is subject to special exception approval. This requirement would apply in addition to the requirements for the principal use to obtain special exception approval in the B-3 and B-4 zoning districts. The second condition is to specify that limited auto dealership fleet automobile sales shall not be permitted within the CRA boundaries, and third condition is to specify that the required 5,000 vehicles of fleet shall be titled in the State of Florida.

In sum, Mr. Recor stated that staff recommends the City Commission's approval of the text amendment and to delete specific use standard G regarding accessory auto service, subject to special exception approval as the requirement was already stated and clarified under the use standard.

Rod Feiner, Esq, Coker and Feiner, 1404 South Andrews Avenue, Fort Lauderdale, FL, provided a brief background as to the necessity of the proposed ordinance, and the CRA's opposition regarding the text amendment and trying to work with the issues they were having with the item. Therefore, they have worked with the Planning and Zoning Board and have agreed with no objections to this not being located in the CRA boundaries, which solves the CRA concerns as a whole. Also, Mr. Feiner stated that they would not have any objection if the City Commission added another condition to have no car sales in the East Transit Oriented Corridor (ETOC). He said another condition they worked with staff on is that they must be located within a half mile of a new car dealership and explained the thought process behind it.

Finally, Mr. Feiner indicated that the business model especially for these car dealership has changed significantly, and that change was not encapsulated within the code, which they are trying to get done.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, stated that CRA should not be so involved with what is going on in the Development Services Department. In sum, he believes the CRA is too involved with the City's decisions and indicated that it is the City that should drive the CRA activity not the other way around. Consequently, he suggested that there should be some protocol of how the CRA interject their thoughts as it relates to development within the City.

Mayor Fisher clarified that there is a difference between providing new products as it relates to dealerships versus providing used products. He further clarified that the goal of the City is not to have a proliferation of used car lots within the communities, hence, the creation of the text amendment to allow this to happen and to have regulations on the frequent pop up of used car lots. Notwithstanding, to address Mr. Thrower's concern to discuss first what the community would prefer, he indicated that the item can return for discussion with the City Commission on amendments to the ordinance that could accommodate exceptions.

Mr. Feiner concurred with the Mayor's comments as to why the proposed ordinance is being done.

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Comr. Perkins inquired about where the business would be located.

Mr. Feiner responded that it is a general text amendment that is applicable to the entire City so it could be in various locations. However, the client he represents have plans to locate at 1150 South Federal Highway, which was a prior old exotic car dealership location.

Comr. Perkins asked if the area is part of the CRA boundary, to which Mr. Feiner replied it is not.

Mayor Fisher explained that the CRA concerns are for the entire City and in fact, spot zoning is not allowed within the City. In addition, Mayor Fisher noted that two amendments will be made, which is to delete G and add ETOC. Moreover, Mayor Fisher suggested that first reading could be passed and prior to second reading, Comr. Perkins could get feedback from the community whether they wanted to amend the proposed ordinance or not.

Comr. Moss noted that the matter was passed by the Planning & Zoning Board by a vote of 5 to 2 and it was initiated because a used car dealership wanted to be located on South Federal Highway. Therefore, he inquired as to how many rental agencies will be selling cars.

Mr. Feiner responded that the ordinance is specific as to not allowing many agencies but just one agency and emphasized the requirement for a 5,000-fleet of cars agency being allowed.

Comr. Moss reasoned that a two-year-old car is a used car and he cannot imagine how this would be a benefit to the City to allow multiple dealerships throughout the city. Therefore, he will not be supporting the item as it is not a good idea to have used car lots on Federal Highway.

Mayor Fisher explained that the way the text amendment is written the only other areas that the dealership will be going into the northwest community would be the location of the Lou Bachrodt Chevrolet and the other is north by Copans Road off I-95 where the Landrover or Mercedes dealership is located, which Mr. Feiner confirmed and reiterated that because of the half mile requirement within an existing dealership it limits the neighborhood to only two areas.

Comr. Hardin suggested that the language that states, "The use shall not be permitted within the CRA districts" should be defined differently as far as the areas that are currently identified as CRA districts. He stated that sooner or later the CRA will go away. Therefore, he suggested that the City should name the boundaries by the CRA districts.

Mr. Berman indicated that could be accomplished.

Comr. Hardin suggested that a similar situation should take place for the ETOC and explained that ETOC excludes the car sales completely. In addition, he does not want a proliferation of these facilities and asked if there was a way to add a distance separation requirement between these. He understands there is a half mile within an auto dealership, but if approximately two miles distance separation was required it would further limit the areas that these could be located.

Mr. Berman explained that it could be done and provided the City Commission with how it could be accomplished.

Mayor Fisher asked if all the amendments could be done in one motion, to which he responded yes.

Comr. Sobel stated that there may be a wealth of information that he may not be aware of due to the late submission of information regarding the subject matter. However, he stated that he does not have a judgment on it, but his inclination is that this is not a favorable thing for the citizens of Pompano Beach. Notwithstanding, he wanted to ask questions to get a better understanding. Therefore, since the CRA and the ETOC does not desire it, why would the citizens want to have something of this nature? Also, he understands that the developer is splitting hairs between the current ordinance definitions of a new car which had a clear intent for the betterment of the City, which was new cars. However, the City Commission needs to determine its vision for the City's future. In sum, Comr. Sobel opined it is a false premise that a less used car somehow makes the proposed ordinance okay.

Mr. Feiner indicated that he would be happy to address all of the Commission's questions and desires to discuss the matter in between first and second reading as he short answer while advocating. He then explained the reasons why the Zoning Code allows new car sales along the Federal Highway corridor.

Comr. Sobel asked should the Commission pass the ordinance as is, how many locations throughout the City of Pompano Beach would potentially be able to house the showrooms.

Mr. Feiner responded that he has not mapped it out, but indicated that it is approximately four or five. However, by excluding the CRA, and by having a requirement of half mile within an existing new car dealership the area is being shrunk.

An extensive discussion followed between Comr. Sobel, Mayor Fisher, Vice Mayor Burrie and Mr. Feiner on the benefits and disadvantages of allowing used car dealerships with showrooms.

Mayor Fisher noted the overall amendments to the Ordinance as follows:

- Deletion of G
- The boundaries of the CRA's, northwest and east, would be defined
- The exclusion of the ETOC along with those boundaries would be defined
- To have a distance separation between the facilities of two miles

A Motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to amend the ordinance accordingly.

Comr. Moss expressed disappointment that the information regarding the East CRA objection of the item was not conveyed to the Commission earlier.

Comr. Sobel indicated that "bad facts make bad law" and mentioned that the Commission has bad facts and provided the details for his statement. Therefore, he made a motion for the City Commission to table the item until the next meeting in December 12, 2018, so a fair and thorough consideration could be given to the matter, as well as to meet with the developer to get questions answered.



Mayor Fisher mentioned that there was a motion already on the floor and seconded, so the Commission could not move to table the item. Secondly, there will be another "bite of the apple at the second reading." Therefore, he encouraged discussion regarding the amendments to the ordinance.

Comr. Sobel indicated that "bad facts make bad law" and mentioned that the Commission has bad facts and provided the details for his statement. Therefore, he made a motion for the City Commission to table the item until the next meeting in December 12, 2018, so a fair and through consideration could be given to the matter, as well as to meet with the developer to get questions answered.

Mayor Fisher mentioned that there was a motion already on the floor and seconded, so the Commission could not move to table the item. Secondly, there will be another "bite of the apple at the second reading." Therefore, he encouraged discussion regarding the amendments to the ordinance.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to include the amendments to the Ordinance. The motion carried with a 4-2 vote with Comrs. Moss and Sobel voting NO.**

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

**Yes:** Hardin  
Perkins  
Burrie  
Fisher

**No:** Moss  
Sobel

23. [17-618](#) **P.H. 2017-90: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A (Pass Thru))

**TABLED FROM SEPTEMBER 26, 2017**

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and indicated that the City's contract with

Waste Management, the exclusive hauler, requires that each year the city revise its rates according to the Consumer Price Index (CPI). Consequently, the index has been applied resulting into a small adjustment of .85% increase. This will impact all fees in the contract, but for a single family home there is an increase of 15 cents per month. In addition, the disposal tonnage is increased by 68 cents.

Vice Mayor Burrie asked for clarification that the 15 cents increase per month is not a fee for the excessive trash put out prior to hurricane Irma.

Mr. McCaughan replied that is correct.

Comr. Sobel indicated that he does not understand why this item is being presented to the City Commission, because there is a contract in place with fixed terms and rate increases that are specifically designated. Therefore, if the City Commission does not pass the item nothing will change as the contract terms will remain same.

Mr. McCaughan indicated that since the rates are included as an Exhibit A in the ordinance, when the CPI is applied it is amending the exhibit within the contract, which needs the City Commission's approval. Perhaps in the future it could be stated another way so it does not need to be brought back for City Commission's approval each year, but currently it is an exhibit in the contract.

Comr. Sobel recommended amending the ordinance to state that "It will continually perpetuate and comply with the terms of the contract, which will include the filing of the appropriate amendments when the rate hikes occur."

Mark Berman, City Attorney indicate that he would not recommend the amendment. He explained that it is never easy to know what is desired, whether there is the desire for public transparency that this be brought and shown to the public or just operational through the contract. In past years, this is how it has been done even though it is stated in the contract that a percentage increase shall be done every year, but it does not say what the price will be.

Mayor Fisher noted that there were times in the past when the rates actually went down and required a credit situation. So there are times when the CPI does not meet the requirements and the rates decreased. Therefore, due to fluctuation of the price over each year he would prefer that the ordinance be kept as stated.

Mr. Berman reiterated that in the interest of full public disclosure, he opined that it should remain as is. Nevertheless, he would be willing to review the past process and provide the Commission with advice at a later date.

Comr. Hardin indicated that the rates would have to be changed as per the CPI. Originally, the contract came out with the published rates.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to remove the item from the table. The motion carried**

**unanimously.**

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

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

24. [18-77](#) **P.H. 2018-12: (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 CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., A SINGLE CONTRACT FOR ENGINEERING AND RELATED SERVICES FOR AN UPDATED POMPANO BEACH AIR PARK MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$407,830; City's cost share is \$23,283)

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

Robert McCaughan, Public Works Director, presented the item and stated that previously the item's ranking for the consultant to update the master plan at the Air Park was presented to the City Commission. The number one ranked firm was Kimley Horn and Associates; and staff was able to negotiate a contract as authorized by the Commission now being presented for its review. He said within the contract is the proposed cost assessment to accomplish the update, which is \$407,830.00. Previously, the Commission had accepted a grant from Federal Aviation Administration (FAA) for 90% of the cost, which is approximately \$360,000.00, therefore, the remaining 10%, of \$46,000, split in half, will be shared between the Florida Department of Transportation (FDOT) and the City of Pompano Beach, so the City's shared cost is \$23,000. He mentioned that included in the backup is the timeline for accomplishment, which is sixteen months.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, asked if Kimley Horn will be reviewing a master plan.

Mayor Fisher explained it will be an update to the Air Park Master Plan.

Mr. Thrower, asked how will the update be done and further inquired if it will consist of discussion about building a hotel on one parcel and things of that nature.

Mr. McCaughan responded that all the issues will be looked at as to the future of the Air Park, and a review of the airport layout plan, which will be discussed at public meetings along with the Air Park Advisory Board's review report of the plan prior to the City Commission receiving the final plan for consideration.

Mike Gary, Kimley Horn and Associates, indicated that he is available to answer any questions regarding the scope of work.

Comr. Sobel mentioned that he received numerous emails from residents who expressed fear of major changes being done to the Air Park. For clarification, Comr. Sobel indicated that he understands that this is a requirement that the City needs to do in order to continue getting FAA funding as a condition preceding to that in the future.

Mr. McCaughan responded that is correct and stated that it would identify capital improvement projects, which will come before the City Commission for approval prior to proceeding with them. The plan is similar to the Parks Master Plan, but it is a requirement by FAA to have one on file.

Comr. Sobel indicated this is the reason for the action and that there are no changes being done at this time, but the City is just studying the plan and it is being done so that the City could obtain future grant money, which Mr. McCaughan replied, correct.

In sum, Comr. Sobel indicated the City is receiving a \$380,000 in grant funds, which it does not have to match and once it is done we will satisfy the conditions that is preceding the receipts of FAA funding, which Mr. McCaughan replied, correct.

Mayor Fisher noted that it has always been the goal over the years and thanked Steve Rocco, Air Park Manager for spearheading the grant program, who has done a great job over the years. He stated that most of the premise has been done at the Air Park through grant funding. So, kudos to staff to go from a cost of \$400,000 to \$23,000, which is really good for the City.

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

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

25. [18-85](#) **P.H. 2018-15: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY



OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ADVANCED DATA PROCESSING, INC., D/B/A INTERMEDIX, FOR AMBULANCE BILLING AND RELATED PROFESSIONAL CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$54,000)

(Staff Contact: John Jurgle)

John Jurgle, Fire Chief, presented the item and stated that the amendment will be to the service contract with the billing company for the Fire Department and it will enable the City to utilize their services to bill for the fire prevention inspection fees. This will represent additional estimated revenues of \$100,000 to the \$500,000 currently being collected.

Comr. Sobel asked if there is a threshold whereupon if the collection provider does not successfully collect a certain level of funds based on the charges that the taxpayers then have to subsidize or supplement their collections to meet the payment on the contract.

Chief Jurgle responded that the company gets paid a percentage of their collection, so the more they collect the more money they will make. Therefore, it behooves them to collect as much as they can. In fact, the fees are not negotiable, they collect the full amount. He explained that the problem with the Fire Department is they collect about 60% of what is being billed.

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

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

26. 18-101 **P.H. 2018-16: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL 120-DAY TEMPORARY MORATORIUM TO PROHIBIT THE ACCEPTANCE OR PROCESSING OF ANY APPLICATION FOR A PERMIT, DEVELOPMENT ORDER, OR ANY OTHER OFFICIAL ACTION OF THE CITY HAVING THE EFFECT OF PERMITTING OR ALLOWING THE CONSTRUCTION OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY CONTROLLED BY THE CITY; PROVIDING FOR EARLY TERMINATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.



(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer presented the item and indicated that it involves recent changes to FCC regulations and changes to the state statute regarding communication facilities in the public's rights-of-way. As a result, municipalities are required to revise their codes to be in compliance, so in May of this year the City Commission approved a six-month moratorium on installation of wireless communications in the City's rights-of-way so that the codes could be reviewed and modified as necessary.

Additionally, Mr. Sfiropoulos stated that City Attorney Mark Berman and he have recently received a draft code amendment; however, the moratorium is scheduled to dissolve November 23, 2018, so this is the reason for the extension being requested to provide adequate time to review it and refine it prior to adoption.

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

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

**Enactment No: ORD. No. 2018-10**

Mayor Fisher indicated that due to the time sensitivity of the item, he requested a motion for an emergency second reading of the item

Mark Berman, City Attorney, stated that when the date was set for the first moratorium it was not accounted for that there would be only one meeting for the month. Therefore, staff appreciates the emergency reading. He stated that not only has staff received but are actively working with the telecommunications counsel and the ordinance is approximately 90% ready to go, which no other changes are anticipated, so it is just about ready to go.

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

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

**Enactment No: ORD. No. 2018-10**27. [18-76](#) **P.H. 2018-10: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LABOR AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2019, RELATING TO WAGES FOR FISCAL YEARS 2017-2018 AND 2018-2019; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$827,889)

**SECOND READING: OCTOBER 24, 2017**

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director presented the item and stated that there have been no changes to the item since staff's initial presentation at the last meeting of October 24, 2017.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-08**28. [17-444](#) **P.H. 2018-14: (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 CG HILLSBORO SHORES, LLC REQUEST OF PROPERTIES LOCATED AT 2507 N. OCEAN BLVD. AND 2629 N. RIVERSIDE DRIVE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON APRIL 26TH, 2017; 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)

**FIRST READING: MAY 23, 2017**

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Acting Director of Development Services Department presented the item as the second reading of the Land Use Plan Amendment (LUPA). He said at the May 23, 2017 City Commission meeting the first reading was approved by a 5 to 1 vote. He explained that typically the first and second readings of the ordinances would be heard at consecutive meetings, and in the case of this LUPA, it travelled to the Broward County for approval prior to second reading being heard. Since the first City Commission meeting this LUPA was recommended for approval by the Broward County Planning Council and was approved by the Broward County Commission. Hence it has returned to the City Commission for second reading and final approval.

Furthermore, Mr. Recor indicated that the request is to change the future land use designation for two parcels totaling 3.4256 gross acres from commercial to high residential irregular dashed line 35.7 designation. The property is located at 2507 North Ocean Boulevard, and 2629 North Riverside Drive. It is also the subject of item 17 on the City Commission agenda, and a second reading of a rezoning application.

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

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

**Enactment No: ORD. No. 2018-11**

29. [17-668](#) **P.H. 2018-05: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO MODIFY POWERS AND DUTIES OF THE COMMITTEE WITH REGARD TO SIGN STRUCTURE PERMIT APPLICATION APPROVALS; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY BUILDING DESIGN REVIEW STANDARDS FOR SIGN STRUCTURES; BY AMENDING SECTION 155.2416., "SIGN PERMIT," TO RENAME THE MASTER SIGN PROGRAM AND TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES AND STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING PART 10, "SIGN STRUCTURE DESIGN STANDARDS," TO SET FORTH REQUIREMENTS FOR DESIGN, MATERIALS, LOCATION AND ILLUMINATION OF SIGN STRUCTURES; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," BY ESTABLISHING A DEFINITION FOR THE MASTER SIGN PROGRAM; PROVIDING FOR

SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2017**

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

David Recor, Acting Director of Development Services Department presented the item by indicating that there have been no changes to the item and no further comments from staff.

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

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

**Enactment No: ORD. No. 2018-12**

30. [18-44](#) **P.H. 2018-06: (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 RENEWAL OF SOVEREIGNTY SUBMERGED LANDS LEASE BY AND BETWEEN THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA AND THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$11,548 annually)

**FIRST READING: OCTOBER 24, 2017**

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that it is for the submerged land lease at the Hillsboro Inlet Marina. There have been no changes since the first reading.

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



**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-13**

31. [18-105](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 IN THE AMOUNT OF \$406,200 PURSUANT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ODYSSEY MANUFACTURING CO. FOR REPLACEMENT OF TWO EXISTING LIME SLAKING SYSTEMS AT THE WATER TREATMENT PLANT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$406,200.00)

(**Staff Contact:** A. Randolph Brown)

A. Randolph Brown, Utilities Department Director, presented the item and stated that the project is to replace the City's 15 to 20-year-old lime system in the treatment plant to allow for the continued treatment of the water.

Comr. Hardin thanked Randy Brown for taking care of the City's utilities, that is water and sewer, so that some of the problems other neighboring communities are experiencing the City of Pompano Beach is not encountering.

Comr. Sobel asked what is the life expectancy on the new lime slaking system for \$465,000.

Mr. Brown replied it is in the range of the older system of approximately 20 years.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-49**



32. [18-99](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LOUIS RIVA TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF WILLIAM R. GRISSINGER ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Louis Riva - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name LOUIS RIVA and that the Resolution be ADOPTED. The motion carried by the following vote:**

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

**Enactment No: RES. No. 2018-50**

33. [17-626](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ROGER GINGERICH TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF GARY S. RUDERMAN, ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**Applicants:**

Roger Gingerich, District, 5

**TABLED FROM SEPTEMBER 26, 2017**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin seconded by Vice Mayor Burrie to remove the item from the table. The motion carried unanimously.**

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

**following vote:**

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

**Enactment No: RES. No. 2018-51****F. REPORTS**

**Gregory Harrison, City Manager - Water Taxi** - Mr. Harrison announced that the water taxis inaugural trek will be on December 12, 2017 at 11:00-11:30 a.m. departing from the North Riverside Park station. A bus will be at City Hall to pick up the City Commission at 10:30 a.m. Also, a follow-up email is forthcoming from Shelley Bartholomew.

**Funding Homeless Activities** - Mr. Harrison indicated that during the budget workshops there was discussion on funds for homeless activities. Staff has researched how this could be accomplished and suggested that the City Commission authorize a feasibility study to take a look at using the utility tax for this effort.

Mayor Fisher confirmed that this matter was discussed at the workshops on how to “raise dollars” and thinks this is a great idea.

The consensus of the Commission was to have the City Manager move forward with the suggestion of getting a feasibility study done.

**Children Financial Literacy** - Mr. Harrison reported that Suzette Sibble, Assistant City Manager and her team had a positive meeting with J.P. Morgan Chase about financial literacy with fifth graders. They will be teaching the kids about budgeting and saving money, which is a good project that the City has partnered with J.P. Morgan Chase for the kids.

**Diversity Training** - Mr. Harrison reported that 262 employees have attended the diversity training to date, with 296 remaining to attend. Also, simultaneously with the general employees’ diversity training 135 firefighters did the training that was put on by the International Association of Firefighters.

**Internal Auditor Interview** - Mr. Harrison reminded the City Commission about their one on one interviews for the internal auditor’s position, which will take place on Wednesday, November 13, 2017.

**City Manager provided the following Updates:**

- The City will provide CPR and First Aid training to all City employees.

- The new Tradewinds magazine will be ready for mail out. He said an article of special interest to note is on page 4, about the General Obligation Bond issue that is coming up in March. In addition, there are a number of articles regarding matters such as the \$100,000 national endowment that came to the Cultural Center, the Mayor's State of the City was covered, an article on the City's budget, progress on the pier development project, the fire station groundbreaking ceremony that took place recently and other articles that are important for the residents to know about.

**Mark Berman, City Attorney - Best Wishes** - Mr. Berman wished Happy Birthday to those celebrating now and for the upcoming month, as well as wished Happy Thanksgiving to everyone.

**Update on OPIOD Litigation** - Mr. Berman announced that he had distributed a memorandum to the City Commission regarding information on the OPIOD litigation, as well as the two firms that have shown interest in the City of Pompano Beach, and some background materials from the firms. Also, he has provided statistics furnished by Pompano Beach Fire Department showing in Broward County and the City of Pompano Beach the number of runs and calls, and the amount of money spent in the past year on naran, the drug reversal for overdose. Mr. Berman indicated that he is available for additional conversations with the City Commission as indicated in the memorandum. This can be set up for discussion at a future Commission meeting. Both firms will make presentations if necessary at that time. He said one of the firms is located in Delray Beach and the other is out of New York with a Miami office.

Mayor Fisher noted the firm representing Delray was not listed in the memorandum.

Mr. Berman indicated that he meant the firm in Boca Raton instead, and that perhaps he had inadvertently left out Delray in his memorandum.

**Solid Waste Consumer Pricing Index** - Mr. Berman stated that the contract for solid waste says yes, the price goes up or down per the Consumer Price Index (CPI) every year. Therefore, it is a fait accompli, but this has always been in our ordinance and every year the rates are changed in the ordinance, which is codified and made available to the public online. While it may appear to be overlapping, the prices must be changed according to the CPI and be made accessible to the public. Over the years it has been placed in the code, therefore, the item involves amending the code with the current prices. Nevertheless, this practice can be changed as the Commission desires.

**Ascleeta Hammond, City Clerk - Best Wishes.** Ms. Hammond wished everyone a Happy and delicious Thanksgiving.

**Commissioner Rex Hardin - Yuletide Parade** - Comr. Hardin reminded everyone regarding the Yuletide parade on Atlantic Boulevard, which will take place on December 7, 2018 at 6:30 p.m.

**Best Wishes** - Comr. Hardin wished Happy Thanksgiving to everybody.

**Senior Citizens Thanksgiving Event** - Comr. Hardin reported that he attended the senior citizens

Thanksgiving held at the E. Pat Larkins Center. He said the Mistress of Ceremony, Mary Jefferson did a great job and it was a fantastic event. He encouraged those who have not attended to attend as it is a great event, with great vocals. Also, Greg Jones has done a good job at the E. Pat Larkins Center.

Comr. Hardin reported on a number of important events that happened this past week, which included:

- Groundbreaking for Harbor NYC restaurant, which will be a fantastic addition to the City of Pompano Beach with 500 seats indoor/outdoor restaurant on the southeast corner of Atlantic Boulevard and the Intercoastal. Mayor Fisher and Comr. Sobel attended the groundbreaking as well.
- There was an event at Westside Paint and Body Shop, which has been around for over fifty years founded by Bob Phillips and now continued by his son Derek. It was moving to hear the people speaking about the business and the people who operates the company and how they have impacted people's lives within the community in a positive way. He said it is a great business in the City.
- The Rock Road Restoration Exhibit, which was the first one put on by Hazel Armbrister and the group with Esther Rolle exhibit at the Ali building.
- Street renaming event honoring Ms. Runette Williams, former principal at Sanders Park Elementary School. The event was great and it was good to see someone who have been impacting the City of Pompano Beach in a positive way for many years.
- The Rebuilding Together event in Collier City that he and Comr. Moss attended was fantastic. They painted, and did landscaping. They do this project twice a year, so they will try to do another one in the spring in the City of Pompano Beach. The Rebuilding Together is a great project with the churches, Home Depot providing supplies to improve the Collier City area.

Comr. Hardin thanked City staff, John Sfropoulos who was at the South Pompano Civic Association last night to present information about the McNab Road improvements and to take public input, as well as the consultant, Bermello Ajamil & Partners, Inc. was in attendance.

**Cypress Club Condominium Lift Station Issue** - Comr. Hardin indicated that 256 unit owners in Cypress Club have a joint sewage lift station they share with another property, which they are having problems with as it is nearing the end of its useful life and the other property owners are uncooperative. Recently, one of the two pumps they have has failed and they have informed the City they are between a rock and a hard place. The City Attorney has reached out to them and the City has offered to assist in any way possible, but the City has been told by a judge that it cannot intervene. On January 9, 2018 they have a court hearing and hopefully they will be able to resolve the problem of the lift station, which is a private matter.

**Commissioner Barry Moss - Collier City Housing by Rebuild America** - Comr. Moss thanked the people at Rebuild America for the wonderful job they did in Collier City, which has made a huge difference. This is the third time since he has been commissioner that they have come into the City to rebuild and they have really been transforming the neighborhood.

**Palm Aire Residents Support for Item 20** - Comr. Moss thanked all the residents from Palm Aire who attended the City Commission meeting in support of Item 20. It is always a concern of the Commission wanting to know that the community is behind something being advocated, and with the people in attendance as well as the 400 signatures presented on a petition, there is no doubt that the community was definitely behind the initiative. He thanked his fellow commissioners for their vote of support. He invited anyone in the City to come and see how beautiful the area will be for a bike ride, a walk, jog, and just to enjoy the area.

**Commissioner Beverly Perkins - Broward County National Council of Negro Women** - Comr. Perkins reported that she attended an event honoring veterans. The Broward County National Council of Negro Women honored Robert Martin, a/k/a Huckabuck, a veteran from Pompano Beach. Mr. Martin lost his right leg due to an explosive that fell from the air during 1968. He is still strong and used to help E. Pat Larkins with his campaigning. Comr. Perkins said she felt proud to know that this was a resident from Pompano Beach.

**Abyssinian Baptist Church Food Pantry** - Comr. Perkins stated that the Abyssinian Baptist Church, located at 612 NW 6th Street at the intersection of NW 6th Avenue and NW 6th Street, invite the entire community to partake from their food pantry every Wednesday, from 3:00 p.m. to 5:00 p.m., which is a free event to the neighborhood to obtain vegetables and things of that nature.

**Broward County Clerk of the Courts Driver's License Clinic** - Comr. Perkins indicated that she received a call from the Clerk of the Courts Brenda Foreman who informed her to get the word out that anyone in Broward County that has had their driver's license revoked, suspended, or canceled there will be a clinic on Tuesday, December 5, 2017, from 4:00 p.m. to 8:00 p.m., which will take place at the Judicial Complex West Wing, 201 SE 6th Street, Fort Lauderdale, 1st Floor of the lobby. Anyone interested for faster service can pre-register at [www.eventbright.com](http://www.eventbright.com) <<http://www.eventbright.com>>

**Division within the City** - Comr. Perkins stated that she was excited to hear about the project that will take place in Palm Aire. However, she indicated that there is a divide within the City. She indicated that there are even those who are running for office in the City who does not see or acknowledge the divide. Furthermore, Comr. Perkins stated that there is a problem when people within a district are requesting simple things like street lights for a long time. Also, request for renovation of the concession stand at Westside Park, which has never been done, instead it has been postponed constantly. In addition, Comr. Perkins reported that she has been receiving constant calls from the volunteers with the Parks and Recreation, and McNair Park, which she considers minor things that is not costly. Therefore, she desires to understand why minor items cannot be done such as fixing the roof and floor at Mitchell Moore Park.

Comr. Perkins indicated that it is quite obvious there is a divide in the City and cited a few situations, to include the dumping of debris from hurricane Irma on the field at the Boys and Girls Club where the children play football. She said the debris was removed but the land and surface was not cleaned up yet the children are playing in the area, which is a concern for her neighborhood. Therefore, she urged the members on the dais to take a look at the bigger picture and try to see things at a different angle to see what she is seeing.

Greg Harrison, City Manager asked if Comr. Perkins was referring to Apollo Park, and if so, he confirmed that the City did clean the field with the traditional equipment they have. He had authorized Beach Raker, the same



company that cleans up the beach, to go to the site and clean it up.

Comr. Perkins indicated that the calls she have been receiving is that she was the one who caused the trash to be placed on the Boys and Girls field, which she has been trying to get the field cleaned up. In addition, Comr. Perkins indicated that a lot has been going on with City staff not informing her of activities within her district. She requested an update on the concession stand, the Blanche Ely Museum, as well as the McNair Park renovation, which is now placed on the Bond Issue and if it is not passed, nothing will be done to renovate the Park. She is asking that the northwest community be treated fairly as the other areas within the city, as most of the minor things to be done has taken a long time to get completed.

**Best Wishes** - Comr. Perkins wished everybody a Happy Thanksgiving.

**Commissioner Michael Sobel - Expression of Thankfulness** - Comr. Sobel indicated that there is so much we have to be thankful for and there is always something to be thankful. Comr. Sobel then expressed thankfulness for the opportunity to serve the residents of District 1 in particular and all the citizens in Pompano Beach as a whole. He agrees with Comr. Perkins that no matter how much progress is made in District 1, the City will not be successful until the benefits of the growth are spread citywide. The formula is to work on the public schools to make Pompano Beach schools the best in Broward County. This will attract young families and development to the City.

**Utility Tax and Reserve Funding for the Homeless** - Comr. Sobel commended City Manager Harrison for talking about the utility tax and investigating the possibility. He had suggested at the budget meetings that the City should put at least \$3 million in a reserve fund for the homeless.

**Weekly Newsletter** - Comr. Sobel stated that there are so many residents that adds so much richness through their culture and background to everything that goes on in Pompano Beach. He encouraged residents who want to send him written information on subjects that interest them, to do so and he would review and get it into his newsletter designed specifically to provide information to the residents citywide as well as to provide information on the other districts' perspective.

**Visitation with Senior Residents** - Comr. Sobel stated that he met with Mr. & Mrs. Lloyd King, who could not attend the street naming event, so he visited with them and he received an ear full. He learned that Mr. King worked with the City for many years and how much the integrity of the City meant to him.

**Pompano Rocks** - Comr. Sobel announced that Pompano Rocks will be held Saturday, November 18, at 2:00 pm., at the Juke Box Diner in Harbor Village. He explained what is done at Pompano Rocks and how friendships are established at the meetings. The age group varies at this event and it is great to see everyone working together.

**Yuletide Parade** - Comr. Sobel reminded everybody about the Yuletide Parade, which he said is a fantastic event. He reiterated that it will take place on December 7, at 6:30 p.m. He invited everybody to come to Atlantic Boulevard to celebrate whatever season it is a person is celebrating during the holidays.

**Vice Mayor Charlotte Burrie - Redistricting** - Vice Mayor Burrie indicated that she had planned to bring

up the subject regarding an additional district. She stated that although the City's mileage and geography has not changed through the years, the demographics and moving forward with everything has changed. People need to have their voices heard. Therefore, she proposed placing an item on the agenda for the City Commission's discussion to do something with the district to have a seventh person on the dais, which will make it well rounded, as well as it would eliminate tie votes.

Mayor Fisher mentioned that it is a very interesting process because redistricting is done for so many years and he is unsure when it would come up again.

Mark Berman, City Attorney, stated that in 2020 the next decennial census, which is covered under Section 3 of the City Charter. As a point of correction, Mr. Berman stated that perhaps what Mr. Hunter meant when he spoke earlier about seven districts was that it would increase to six districts with seven people sitting on the dais.

Vice Mayor Burrie indicated that she is familiar with districting, as she served as City Clerk when the City went from citywide voting to district voting, which at the time there were no computers to assist with the process. Nevertheless, she indicated that she would like to obtain a consensus from the City Commission to place an item on the agenda for discussion.

Mr. Berman explained that under the City's Charter it provides for no less than five and no more than seven, so there is an option already established, and the City Commission would only need to adopt an ordinance. The challenge is, there are multitude of case laws on the requirement that each district has to be reasonably geographically compact. The last time this was done, three different plans were done for one to be selected, which in some cases there were those who wanted one over the other and so forth and wanted to litigate the choices. In sum, the problem is to get everyone to agree on what is reasonably geographically compact.

Additionally, Mr. Berman stated that to make it possible there has to be a desire. Also, the need to look at the latest population figures, and the maps, as well as look at districts that are fair to everybody that do not gerrymander, and are reasonably geographically compact as required by the Charter.

Mayor Fisher directed Mr. Berman to dissect the comments made regarding the matter and return to the Commission with a plan of attack on how to go about it if the City Commission is willing to do that.

**A Motion was made by Vice Mayor Burrie, seconded by Comr. Perkins to direct the City Attorney to put some information together and bring back as an agenda item for commission discussion. Upon voice vote the motion carried unanimously.**

Comr. Sobel stated that at least one year ago he talked about the fact that the City is about 33% of people of color and that he did not see that percentage reflected on the dais. Notwithstanding, with population growth there may be a legitimate basis for redistricting. In sum, he said Vice Mayor's suggestion is a good idea to look into the facts and have City Attorney Berman advise the Commission on possible directions that they could go on. He indicated that the Commission should focus on the clear, necessary, and fair representation in terms of an objective in achieving with this possible consequence.

Mayor Fisher clarified that this is a complete City and he would not want any misconstrued ideas. He said it is

important to understand Comr. Sobel's comments about "of color". The City is an extreme diverse community, with a population of 20% Brazilians, another percentage in the Avondale area are Mexicans, and there is a large Haitian community. Therefore, to limit and indicate people of color is disrespectful to the entire community. In sum, Mayor Fisher indicated that diversification is key but he wants to see a true diversified City "at the end of the day."

**Dissatisfaction with RMA within the Northwest CRA District** - Vice Mayor Burrie stated that for quite a few months, every time someone gets to the microphone talking about the northwest CRA and RMA they are very unhappy about it. She mentioned that there was a motion made previously under this particular section of the meeting by at least one commissioner to fire RMA, but she felt there was passion behind it. Vice Mayor Burrie indicated that the Reports section is not the place to make a motion after everyone has left and the audience is not here to get involved with it. Therefore, she inquired if the Commission would go ahead and put an item on the agenda to discuss RMA at a City Commission meeting not a CRA meeting and let the public speak on both sides of it to get it aired.

Vice Mayor Burrie opined that the situation has become the opposite of progress and is becoming digressive because the people are saying they do not want what RMA is proposing to give them. She has been listening to this complaint for some time now and said it has come to that time if there is that much angst in the community, to allow the residents to voice their opinions at one meeting so the Commission can do what they have to do. She indicated that she is not including the east CRA residents but rather the NW CRA residents who are the ones that come before the Commission most of the time expressing their dissatisfaction.

Mayor Fisher suggested that this item for discussion should be brought up at the CRA Board meeting instead at the Commission meeting.

Vice Mayor Burrie responded that she would like to get this matter debated and out of the way at whichever meeting the Commission wants to discuss it. Nevertheless, she will bring the matter up at the CRA meeting.

**Best Wishes** - Vice Mayor Burrie wished Comr. Sobel and Mayor Fisher Happy Birthday, as well as a Happy Thanksgiving to everybody.

**Mayor Lamar Fisher - Reporting on Past and Upcoming Events** - Mayor Fisher reported on the following:

**Past Events**

- **The Senior Annual Thanksgiving Dinner.** This is a dinner that the City puts on every year for the seniors in the community, which he said was incredible and Greg Jones, who currently works for the City is a tremendous asset to the community. Mr. Jones worked for many years at the Boys and Girls Club and has now joined the City and is doing a fantastic job. In addition, Mayor Fisher stated he met a 99 year old resident who will be 100 in May and found her to be full of energy and life and it was refreshing to see her excitement in sharing in this event.

- **Avery Place Groundbreaking** - Mayor Fisher reported that Avery Place groundbreaking took place on November 1, and he thanked the Myers Group for coming to town at the corner of NE 4th Street and Federal Highway. This will be a market rate housing project, which is expected to be completed within the next eighteen months.
- **Congratulations to Rev. Mohorn** - Mayor Fisher indicated that on November 5, they congratulated Rev. Mohorn on his 26 years of ministry, and who is a tremendous asset to the community.
- **Sea Rising** - Mayor Fisher reported that on November 6, he met with the former mayor Jim Cason of Coral Gables, who has now dedicated his time on sea level rising issues. Therefore, he looks forward to bringing some information to the Commission on that, as well as a resolution to be considered. He indicated that this would be an opportunity to look at something that will be a major problem in the future.
- **Annual Pompano Beach Club Event** - Mayor Fisher thanked the Pompano Beach Women's Club for allowing him to attend their annual event, as well as he thanked Horacio Danovich for assisting him in this endeavor.
- **Pompano Beach High School Athletes** - Mayor Fisher reported that on November 8, he attended the Pompano Beach High School early signing of seven athletes' scholarships, one female and six males. Six were for baseball and the female was for soccer. Kudos to coach Jason for making this happen for the students.
- **Annual Veterans Day Event** - Mayor Fisher stated that he and Comr. Moss attended the annual honoring of the veterans at the Broward County library, which was an incredible event. He thanked Broward County library for what they did for the veterans.

Additionally, Mayor Fisher encouraged everybody to attend next year's Fallen Hero Ceremony by Lieutenant Col. Johnson of Pompano Beach High School, who has done this each year. Veterans from World War II would be in attendance, and on the grounds they will set up a flag for every fallen hero. There were 6,192 flags that flew in the courtyard with the name of each veteran. It is a moving opportunity to attend. Normally, this is held the 9th or 10th of November prior to Veterans' Day.

- **Offerdahl's Grid-Iron-Grilloff** - Mayor Fisher announced last weekend, the John Offerdahl's Grid-Iron-Grilloff Food and Wine Festival took place and was successful. He thanked the Public Works Department and the Broward Sheriff's Office (BSO) for their dedicated assistance in making the event great.

#### **Upcoming Events**

- **Homeless Coalition** - Their monthly meeting will be held on Wednesday, November 15, at 3:00 p.m. at the St. Martin Episcopal Church located at 140 SE 28th Avenue, Pompano Beach. They are in the process of having a strategic plan built, which will be a long term plan discussed at the meeting.

- **Kick Off of Brick Program** - On December 2, 2017 at 10:30 a.m. the Blanche Ely Alumni will kick off their brick program. He invited everybody to join in at the Blanche Ely High School, as well as he encouraged people to purchase a brick.
- **Light Up MLK** - On December 2, 2017 from 4:00 p.m. to 8:00 p.m. Light Up MLK will take place at the Annie Gillis Park. At approximately 7:30 p.m. the Christmas tree will be lit. Mayor Fisher invited everyone to attend and stated this is a time for family to gather around to have some good eats and fellowship.
- **Groundbreaking - Atlantic Boulevard Bridge** - On Monday, December 11, at 10:30 a.m. a Groundbreaking for the Atlantic Boulevard Bridge will take place. Mayor Fisher invited everybody to join in for this exciting opportunity.
- **Water Taxi Grand Opening** - On Tuesday, December 12, at 11:00 a.m. there will be a grand opening of the Water Taxi.

Mayor Fisher concluded that it is amazing what is being done throughout each district and community in Pompano Beach. Everybody has jumped in to make it what it is today.


**Business Journal Article** - Mayor Fisher mentioned an article in the Business Journal, called "Emerging Neighborhoods" as Pompano Beach home to Broward's next Hipster Haven article. The article mentions what is being done in the communities, that the City as an up and coming City, as well as what the residents are desirous to be, which focusses on the entire City.

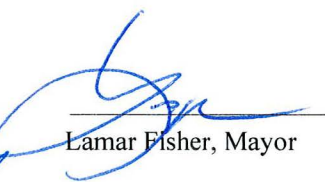
**Office of Housing and Urban Improvement (OHUI) Award** - Mayor Fisher congratulated OHUI for receiving the Florida Housing Coalition's Award, recognizing the City as a model for effective leveraging of SHIP funds.

**Best Wishes** - Mayor Fisher reiterated that great things are happening in the City and great discussion in the City Commission meeting. Finally, he wished everybody a Happy Thanksgiving.

#### **G. ADJOURNMENT**

The meeting adjourned at 10:45 p.m.

  
Asceleta Hammond, City Clerk

  
Lamar Fisher, Mayor



<div> <div>FORM 8B</div> <div>MEMORANDUM OF VOTING CONFLICT FOR</div> <div>COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS</div> </div>			
<div>LAST NAME—FIRST NAME—MIDDLE NAME</div> <div>Fisher, Lamar</div>		<div>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</div> <div>City of Pompano Beach Commission</div>	
<div>MAILING ADDRESS</div> <div>290 S.E. 5th Terrace</div>		<div>THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:</div> <div> <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY </div>	
<div>CITY</div> <div>Pompano Beach</div>		<div>COUNTY</div> <div>Broward</div>	
<div>DATE ON WHICH VOTE OCCURRED</div> <div>November 14, 2017</div>		<div>NAME OF POLITICAL SUBDIVISION:</div> <div></div>	
		<div>MY POSITION IS:</div> <div> <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE </div>	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lamar Fisher, hereby disclose that on November 14, 2017.

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on November 14, 2017, I abstained from voting on the following Agenda Item:

- Item 18 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF ONE HUNDRED (100) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED WEST OF NW 18 AVENUE, ON THE SOUTH SIDE OF DR. MARTIN LUTHER KING JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that my firm, Fisher Auction Co., Inc. has been engaged, although not currently, to assist in the auction sales of properties owned or controlled by Cornerstone or its affiliates.

11/29/17  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.