

Detailed Minutes - Final

City Commission

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

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

Tuesday, January 9, 2018

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:01 p.m.

SPECIAL RECOGNITION

In recognition of National Law Enforcement Appreciation Day, Mayor Fisher, on behalf of the City Commission appreciated Captain Wayne Adkins for his 38 years of dedicated service to the City. Also, he thanked Captain Adkins' family for allowing him to serve the City so well. Mayor Fisher thanked all the officers that have served and continue to serve the City.

Captain Wayne Adkins, on behalf of the men and women of the Broward Sheriff's Office, particularly in the Pompano Beach District, expressed appreciation of the kind words and promised to continue to provide great service to the City

ROLL CALL

Mayor Fisher announced that Commissioner Sobel will not attend the meeting due to illness.

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

Absent: Commissioner Michael Sobel

INVOCATION

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation, and offered a prayer for Comr. Sobel's quick recovery.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

18-160 Regular City Commission Meeting Minutes of December 12, 2017

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

APPROVAL OF AGENDA

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Agenda be APPROVED as submitted. The motion carried by a unanimous voice vote.

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 1, 4 and 6 will be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

18-164 **Recognition of Pompano Chiefs Football Teams & Cheerleading Squads**

The Parks, Recreation and Cultural Arts Department recognized the following Gold Coast Pop Warner Super Bowl football teams and National cheerleading squads from the Pompano Chiefs Program:

Pompano Chiefs Football Super Bowl Champions

Varsity team & Head Coach Calvin Wallace

Jr Pee wee team & Head Coach Quinton Miller

Pompano Chiefs Cheerleading Teams at Nationals

Varsity Squad & Head Coach Richard Copeland

Pee wee Squad & Head Coach Krystal Copeland

Jr Pee wee Squad & Coach Tisha Sapp

Jr Varsity Squad & Coach Dionne Thompson

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS**18-163 Martin Luther King, Jr. Day**

Mayor Lamar Fisher proclaimed January 15, 2018 as Martin Luther King, Jr. Day in Pompano Beach. Dale Gibson, President of the Martin Luther King, Jr. Committee and Byron Hall, Vice President of the Martin Luther King, Jr. Committee accepted the proclamation.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

C. AUDIENCE TO BE HEARD

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

The following persons were called to speak.

G.O. Bond Issue - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, commented on the “dark side” of the G.O. Bond. He mentioned that in the 2016 election 30 of the 38 precincts in the City of Pompano Beach voted against a similar tax in the way of a sales tax. He then provided details on how much the city is spending to request the residents to go “further into debt.” He opined that the questions could have been placed on the November ballot which cost could have been much less. He said the City is in approximately \$300 million in debt and is asking the residents to go another \$347 million into debt. Therefore, he urged the residents to vote no on March 13, 2018 and provided several reasons why he is against the G.O. Bond issue.

Community Redevelopment Agency (CRA) - East Corridor - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, commented that for the past 37 years Pompano Beach has been a hidden gem and the diamond has now been discovered by developers. He said the City is trying to change the many “lots” for sale within the CRA zone, which plan will change the face of Pompano, but unfortunately the residents do not realize it. He stated that the City’s roads will not be able to handle the density currently being proposed. He then provided an overview of the current situation on Atlantic Boulevard regarding the proposed speed trains, the bridges and regular traffic and compared it with the proposed plans to build residential units and the overall impact it will have on the City.

In sum, Mr. Drum complained that there is too much density being proposed, which is advancing further into the neighborhoods; therefore, he urged the City Commission to “cut down on the number of units.”

Mayor Fisher explained Mr. Drum was referring to the East Transit Oriented Corridor (ETOC) that will be

coming to the City next month. Therefore, all interested persons can join into the discussion which will take place next week.

Police Response Time - Pat Lynes, 428 NE 4th Street, Pompano Beach, FL, indicated that she relocated from Southern California and loves it here in the City of Pompano Beach. However, recently her family have been discouraged because of the homeless issue in the City. She complained that items are being pilfered from the yards and she is of the opinion that this is done by the homeless. She cited an incident she experienced with a man screaming for help in the neighborhood and the police was called, but the response time was too long. She wanted to know how can the citizens protect themselves against such behaviors.

Additionally, Ms. Lynes enquired what are the plans for building on NE 4th and Flagler.

Mayor Fisher instructed Captain Wayne Adkins, Broward Sheriff's Office (BSO) to meet with Ms. Lynes to provide answers as to why it took that long to respond to calls for the homeless. Further, Mayor Fisher explained that the homeless issue is a national problem, which the City is dealing with. He said other churches along with First Baptist Church are feeding those homeless persons, but the City is trying to see what can be done for the homeless. There are two deputies that have been dedicated with dealing with the homeless.

Second, Mayor Fisher stated that the Heritage, which will be affordable housing for seniors is being built at NW 4th Street and Flagler.

Ms. Lynes asked if there is a neighborhood watch program in the City.

Mayor Fisher replied yes. He mentioned there is an Old Pompano Civic Association, which he encouraged Ms. Lynes to get involved with that group, also, Comr. Hardin would be able to assist her in this endeavor. In addition, there is a Citizens on Patrol (COP) program, which Ms. Lynes could join and the Broward Sheriff's Office could provide her with more information regarding how she could become a member.

Vandalism in the Neighborhood - Jana Chappie, 420 NE 4th Street #1, Pompano Beach, FL, stated that for the past week her place have been broken into twice. She indicated that as early as 8:00 am, a man was at her door with a knife and the police was summoned. The next time, her son's truck was broken into at 4:10 am. She called 911 and had to call back at 5:18 am but nobody came until 5:20 am. Ms. Chappie complained that she is unsure why it had to take that long for help to be sent to her house.

Mayor Fisher indicated that a team will need to be put in place to investigate the situation and he hopes Chief Hale and Captain Adkins will arrange a meeting with Ms. Chappie regarding the incidents.

John Hale, Police Chief, Broward Sheriff's Office (BSO), reported that there was an Old Pompano Beach Driveway meeting this past Friday and these issues were discussed. An arrest was made of a young man in his 20's, who grew up and was a resident in the Old Pompano area. He is addicted to crack cocaine and he was actually victimizing the residents in the neighborhood. There were several incidents reported that the young man was taking things out of people's sheds, carports, backyards, open garages, as well as taking stuff out of vehicles. Chief Hale indicated that he was actually caught in progress crawling through a window and was apprehended and is currently in custody and that there are multiple cases detectives are working on with him.

Ms. Chappie indicated that she did see a picture of the person and that the Chief was right in his report.

Comr. Hardin indicated that he attended the Old Pompano driveway meeting and will bring the matter up later under his report.

Sealing and Expunging of Records - Mary Phillips, Executive Director, Small Biz CEDC, 384 NW 19th Street, Pompano Beach, FL, announced that their group will be having the “sealing and expungement one stop shop” again in Pompano Beach. She said it will take place on January 11, 2018, to start from 3:00 pm to 7:00 pm. She indicated the service will be for anyone with a charge that they would like to have sealed or expunged as long as they bring the necessary identification. For more information, people can contact the E. Pat Larkins Center. In addition, she indicated that a processing fee will be charged after the paperwork is completed, however, there will be no charge for the paperwork, which normally lawyers would charge for that service.

Tiger Trail Festival Events - Ms. Phillips announced that the first event for the Tiger Trail festival will be on February 2, 2018, which is a gala to be held at the Westin hotel in Fort Lauderdale. The main event will be held on February 17, 2018 on MLK Boulevard. Ms. Phillips mentioned that there are still some spots available for food and non-food vendors. Also, churches are welcome to set up a table for only packaged food for sale, not “cooked food,” which will require a different fee and more money. Finally, she encouraged everybody to come out and be inclusive of everyone in the community. She stated that they place an emphasis on history and although MLK day involves predominately African-Americans, she is encouraging everybody to come out and participate.

Pompano Beach Eagles Cheerleading - Jenae Jonnson, 45 NW 3rd Street, Pompano Beach, FL, indicated that she was being accompanied with her husband Steve and daughter Zoe. She mentioned that her daughter went on the National Cheerleading trip with the Pompano Eagles. However, her daughter, although she has some impairment speech challenges, have participated with the cheerleading team, but when she went on the trip with her team they beat her up and posted the information on social media, which has caused her daughter to be fearful, scared and nervous. She indicated that she contacted Mr. Pete, from the City’s Park and Recreation Department, who spoke with her about the incident. She understands that the Orange County is conducting an investigation into the matter. In fact, she said since the incident happened, her daughter’s coach, Mr. Pete or any representative from the City have not contacted her to check on her daughter’s wellbeing.

In sum, Ms. Jonnson indicated that something must be done because 10 and 12 year old children are being left unchaperoned in a room. She indicated that she has the video of the incident of her daughter being beat up by her team members.

Mayor Fisher, on behalf of the City apologized to the Jonnson’s family for the incident that occurred and said it is an absolute shock to the City Commission. Therefore, the City will be doing all it can to disallow this type of behavior to be tolerated. He instructed Ms. Jonnson to provide the City Manager with the video for him to investigate and to have proper action taken.

Vice Mayor Burrie indicated that it was reported that approximately 10-12 girls were in one room unchaperoned. Notwithstanding, the City sponsors this team and when they are sent away on trips they should

be protected and should have chaperones. Moreover, this was a criminal act against Zoe. Therefore, she suggested that the City review the program regarding having proper chaperones and in the event proper chaperones are not provided, then the City should not sponsor these types of events.

Comr. Perkins indicated that she met with Mark Beaudreau, Recreation Programs Director regarding the incidents that took place in Orlando and left the meeting with no solutions. Notwithstanding, Ms. Jonnson contacted her about what happened to her daughter. Comr. Perkins stated the incident should not be a reflection of the City of Pompano Beach. She said a lot is going on with Parks and Recreation as it relates to the little leagues. Therefore, action should be taken to put something in writing and in place to prevent incidents that happened to Zoe.

Finally, Comr. Perkins assured Ms. Jonnson that she would ensure something like this does not happen and that her daughter will be taken care of, as well as the City will get to the bottom of the incident.

Mayor Fisher, as well as Comr. Perkins expressed how sorry they were to learn of what happened and he is praying for her healing.

Community Issues - George E. Dillard, 612 NW 7th Terrace, Pompano Beach, FL, stated that he had a meeting with Scott Moore from the City regarding the incident that Ms. Jonnson spoke about earlier. He mentioned that he would like Ms. Jonnson to attend the meeting where they will discuss, among representatives from the City, he, and anybody interested to attend the meeting, ideas that can be put in place to prevent and rectify some of the incidents happening in the parks.

Mr. Dillard indicated that he was one of the persons that started the Northwest Chiefs in 1972, which was a/k/a the Collier Chiefs. He indicated that perhaps the meeting may not take place until approximately four weeks later because Mr. Moore will be out for medical reasons. However, he encouraged residents to attend and he will be providing the time and place of the meeting at a later date.

Trash Issues - Mr. Dillard expressed concern about what is happening in the Northwest area with the trash issue that keeps piling up. He indicated the City will come out to clean up but it continues to be piled up. Therefore, he suggested to get some cameras to try to catch the persons who are committing the mess. Mr. Dillard mentioned that he has been meeting with the Code Compliance manager and going through the neighborhood with him and signs are being put up throughout the neighborhood. However, people still continue to dump trash as well as garbage in the area. He said in some areas from NW 17th Street, 3rd, 4th and 5th Avenues, which has a bad drug problem in that area, he has been promised that something will be done about the situation. Nevertheless, Mr. Dillard stated that they will have to figure out a way to get these problems out of the area.

Mayor Fisher confirmed that Mario Sotolongo from Code Compliance will be working on the trash issues and the Broward Sheriff's Office will be working on the drug issues.

Comr. Perkins indicated that complaints have been made about the trash and the drugs in the District 4 area for years. As it relates to the trash, some solution will need to be found to stop people from dumping trash in the area. Perhaps the suggestion to use cameras would assist in trying to catch those people who continue to bring

trash and dump in the area. Also, maybe people could use their cell phones to take pictures of people caught in the act and some type of reward offered for catching them. Apparently, the measures currently in place is not working to deter people from dumping their trash in the area, which is everywhere.

Mayor Fisher mentioned that there is a reward program that was brought forth a few months ago, which Russell Ketchem, Solid Waste Operations Manager is working on to get a type of reward system in place for those people who can catch people in the act of illegal dumping. In the meantime, he encouraged residents to continue to police their neighborhoods by using their cell phones and so forth to catch people and report it.

Comr. Hardin indicated that the drug issue has been reported continually, but the problem seems to be with follow up with BSO. He said while BSO has been doing a great job, they need to double their efforts to be in communication with the residents to let them know what is being done to get the problem resolved. He understands some cases do take time, nevertheless, BSO need to be in contact with the people making the complaints.

Additionally, as it relates to the trash issue, Comr. Hardin suggested that perhaps the City need to step up its effort and fine the property owner regarding illegal dumping. If the owner does nothing, then issuing enough fines would cause the City to foreclose on the property. The intention is to get people to be more responsible for monitoring the illegal dumping on properties in the neighborhoods.

Vice Mayor Burrie indicated that she would like to see Mr. Ketchem get the program going to take pictures of the violators. She cited an incident that took place in her neighborhood. On Tuesdays there is trash pickup in the area and Fridays are for bulk pickup. However, recently on Tuesday on her way out, she only saw on her street the trash cans, but when she went to the store and returned there were five piles of garbage in front of different houses. Besides, there are only two code enforcement officers citing violators for trash, and two people cannot cover the entire City.

Comr. Perkins enquired from Mr. Dillard if he had called to report the tag number to BSO, to which Mr. Dillard said he reported it to code compliance, who indicated that he would report it to BSO. Comr. Perkins asked if there is a non-emergency number to BSO for persons to call in illegal dumping.

Captain Wayne Adkins, BSO, replied yes. He said if the act is occurring at the time the non-emergency number is called, and upon availability of the deputies and prior calls, action will be taken but the person must be caught in the act. However, with the ability to take pictures of a tag and a person, a case can be started to be presented to the State/City Attorney's office for prosecution of municipal through the magistrate or county courts. Captain Adkins stated that according to the law the misdemeanor will have to be caught in the act before BSO can take any action.

Additionally, Captain Adkins mentioned the program that Mayor Fisher and Vice Mayor Burrie talked about earlier is similar to the "Crime Stoppers," which he explained in detail. In sum, if the person calling in the information and a conviction or arrest is made they will be subject to receiving a reward for the information.

Comr. Perkins indicated that perhaps she could meet with the City Manager to discuss the best method to use in catching these violators. She cited an incident where a homeowner had trimmed her trees and put the bulk

out for pickup on the 15th but her trash is just now being picked up, but by then people are dumping on to her bulk trash that did not get picked up in a timely manner.

Captain Adkins indicated they have created a position and will commence interviews to select a deputy who will be assigned to the nuisance abatement and illegal dumping. This will be similar to the homeless outreach, where that particular deputy will work the case up to the court system and the state attorney's office to file charges. Further, he will keep the City Commission informed when that person is in place.

In response to Comr. Perkins' question regarding how many deputies will be assigned, Captain Adkins indicated that there would be one deputy assigned to the chronic cases of illegal dumping and nuisance abatement cases, which would then be brought to BSO to be processed on the criminal side.

Special Needs Kids - Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated she intended to speak on the G.O. Bond but wanted to speak regarding the incident that involved Ms. Jonnson and her daughter Zoe. She stated that she has a special needs son and last year he was bullied very badly to the point he wanted to die. She said these actions can rip young children lives apart at such a tender age when they are looking for acceptance but instead they are bullied. Therefore, she suggested that education is the key to understanding how to handle special needs kids and especially those who chaperones and work with them.

G.O. Bond Special Election - Ms. Hill indicated that the City is asking for a combined total of approximately \$180 million for the Bond issue. She said between her and her husband they own three homes in the City and her current home would cost \$500 per year with a 30-year total of \$15,000 per property with the current numbers. Therefore, if all three (3) properties are combined there will be an additional tax burden of about \$45,000 at today's value. Consequently, Ms. Hill stated that the residents and the City Commission really need to consider what they have done with their tax dollars so far. She said in past incidents a particular price is started at an amount and ballooned over time to a much higher figure. She cited the Firehouse in District 1, where she said one door cost approximately \$1 million and explained how this was determined.

In sum, Ms. Hill stated it is important to take a look at what is done with the tax dollars so far and for the City Commission to reconsider putting the city into higher debt. Therefore, she requested that the City publish a list of the projects being funded and perhaps have them in priority order so the citizens can be aware of where the tax dollars will be spent in the future.

Mayor Fisher indicated for the G.O. Bond issue there is a full list of the projects that are going to be available and broken up in three questions. All this information is posted on the City's website.

Vice Mayor Burrie stated for the records that the Elks lodge was purchased through the Air Park property from the City of Pompano Beach at the market value in 1981, which was \$350,000, so it was not \$20,000, as Ms. Hill stated earlier. However, with the building on it at today's market value it appraised for approximately \$5 million.

MLK Boulevard Businesses - Jocelyn Jackson, 141 NW 19th Street, Pompano Beach, FL, stated that she noticed on MLK Boulevard, the businesses close early and they are not opened daily, which is a concern to her. Therefore, she would like to know what will be done to encourage more traffic on the boulevard to assist

those businesses.

Mayor Fisher indicated that City Vista is one of the biggest project currently going on in that location. However, the city cannot control private business hours of operation. Hopefully, with the new infrastructure and the City Vista there will be an attraction to increase businesses in the area.

Upcoming Projects - Ms. Jackson enquired if there were other big projects coming up besides the City Vista and if so, when would those be discussed with the citizens of the community within the northwest district.

Mayor Fisher responded that whatever the plans are if they exist, will be discussed with the community.

G.O. Bond Issue - Ms. Jackson asked about her receiving information regarding the G.O. Bond. She understood there are some things in the northwest section that need to be addressed. For example, some upgrading needs to be done by the parks and recreation. She cited the park in Collier City that needs to be revamped and hopes it will be part of the G.O. Bond projects. In addition, she enquired as to what will be done with the football field next to the Boys and Girls Club facility, which is concerning to her.

Mayor Fisher requested that City Manager Harrison get the information regarding the G.O. Bond to Ms. Jackson. He also asked if Ms. Jackson was aware of a group of interested residents and organize to get them to come out for a presentation to be made on the G.O. Bond so everybody is educated - win, lose, or draw.

Greg Harrison, City Manager, reported that he attended the Sanders' Park Civic Association meeting where he had a chance to briefly speak about the G.O. Bond and he had asked if he could return to their January meeting to make the presentation. He was provided the schedule of the meeting, at which time he will do a presentation on the item.

Comr. Perkins indicated that the group meets the fourth Monday in January, which will be January 22, 2018, at 6:00 p.m. at which time Mr. Harrison will make a presentation on the G.O. Bond.

Parks and Recreation Facilities Rental Fees - Ms. Jackson complained that the rental fees of City facilities are too high for residents who are already paying taxes within the City.

Mayor Fisher indicated the Parks and Recreation department could provide Ms. Jackson with pertinent information regarding the matter. He said he is aware there are deep discounts for residents versus non-residents.

Mark Beaudreau, Recreation Programs Administrator, responded that in Chapter 98 of the City Code, all fees are listed. In addition, he recalled several years ago, there was a three-year step increase to raise the City's fees to get to the median rate in county fees. He said there are discounts for residents, non-residents, for profits/not for profits, as well as a litany of things in Chapter 98.35 for all the fees.

Ms. Jackson requested the City Commission consider re-evaluating the residents' current fees.

Police Presence and Street Lighting - Debbie Massimi, 261 SE 12th Street, Pompano Beach, FL, complained that since October they have experienced a “rash of car break-ins and home robberies.” It appears to be that each street gets a batch of them in one night, the next night the other street, and so on. Also, the common theme is there is no police presence. Therefore, Ms. Massimi expressed concern that the police do not have enough funding, so they are either understaffed or maybe they are not supervised to go out to patrol. At community meetings, they have expressed their concerns regarding the lack of police presence and were told that they are there and perhaps they just do not see them. Therefore, she is requesting the City Commission to look into this situation.

Ms. Massimi stated another concern expressed by the residents in the area is that some of the streets are very dark and needing street lamps. And one area of concern is the Norwood community where there are no street lights and no sidewalks, which is dangerous when speeding vehicles are passing through.

Finally, Ms. Massimi indicated she visited the City’s website and raised two issues regarding the empty lot across the canal from her residence with a huge sea grape tree, which for some time has been collapsing and falling into the canal. The location is 260 SE 11th Street, and the homeowner is keeping the property in a deplorable state. Also, under the SE 5th Avenue bridge there is graffiti under the bridge, which detracts from the neighborhood.

Comr. Hardin indicated he will bring back the police issue under his report. Comr. Hardin asked staff to address the issue with the tree falling into the canal.

Rob McCaughan, Public Works Director responded that underneath the bridge, graffiti was an issue before and they cleaned it up. However, they will return to clean it up again. Also, he stated that if the tree is on private property, the code enforcement may have notified the owners to resolve the problem, but he will follow up on it. Mr. McCaughan explained in detail the typical process with the tree issue handled through code enforcement where the property is cited, and upon no response, the Public Works staff will clean it up and the property receives a lien.

Mayor Fisher indicated he resides in the area where car break-ins have been taking place. He encouraged everyone to lock their cars as a lot of the cars are left unlocked, thus enticing people to go in and take whatever they can get from the cars.

Chief Hale echoed Mayor Fisher’s comments for people to lockup their cars. He also stated there are trends of car burglaries moving throughout the region, therefore it is not specific to Pompano Beach. He explained what has been on the news lately about persons going into the newer cars with key fobs that are sometimes left in the car, which can be taken and that car is used to commit robberies somewhere else. He appealed to the residents to engage/contact the police with whatever medium they have to inform them of happenings in the neighborhoods that are suspicious or alarming.

Comr. Perkins indicated she had an incident previously, when someone broke into her vehicle about 2:00 - 3:00 am in the morning and they decided to return about 11:00 to 12:00 am to take a nap in the back seat of the car. Therefore, she mentioned that it is important to remember to leave nothing visible in the vehicles as it serves as an enticement. She said the police did catch the man who broke into her vehicle.

Dancin Starz Donation - Lashanda Bartee, 2726 NW 6th Street, Pompano Beach, FL, stated she has been involved with youth programs in the City of Pompano Beach for quite some time. She said she coaches with the Pompano Cowboys, as head coach cheerleading for seven years, and three years for their basketball program. Also, Ms. Bartee mentioned how she has started a youth dance program for girls ages 8 through 18. In addition, she has filed for her 501 (c)(3) status. Currently the girls practice at Hunter's Manor Park, which is very hard due to weather and poor lightening conditions. Therefore, she said they are looking for something that could assist in building more youth programs so they could practice and do more positive things for the youth.

Mayor Fisher asked if they are looking for a facility to practice.

Jocelyn Jackson, Pompano Beach, FL, stated she had brought this matter to Comr. Perkins' attention and wanted to thank Ms. Bartee for taking time out with the kids in Pompano Beach. However, she had explored a few facilities that Ms. Bartee could utilize for the young girls to practice to include the E. Pat Larkins Center and the Cultural Arts Center. Ideally, they could split up their schedule to practice between the two facilities.

Mayor Fisher instructed Ms. Jackson to get the exact information as to the times and days of the week practices are held. He referred her to Ms. Sharon Stone-Walker and Mark Beaudreau to work out the schedule.

Ms. Sharon Stone-Walker, Director of Community and Business Relations for the Cultural Arts indicated they do have rooms downstairs, however, the hours are until 6:00 pm and could be extended beyond only if the facility is being rented. The room can accommodate the girls for one day per week with a 4:00 - 6:00 pm schedule but there is nothing after 6:00 pm.

Mayor Fisher asked Mses. Jackson and Bartee to work with the City Manager and staff to get all the information to them so that they can determine some work around solutions to accommodate the group. In essence, the City Commission cannot make a decision at this level.

Comr. Perkins suggested that Mses. Jackson and Bartee may also want to check into the old Westside Park at the Sworn Houston pool area because there is a facility there. Moreover, she would be willing to work with Ms. Jackson and the City Manager to assist in accommodating the kids in this endeavor.

D. CONSENT AGENDA

There was no discussion on Consent Agenda items 2, 3, 5, and 7-9

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

1. [18-144](#) Approval to award Bid E-05-18 Mitchell Moore Park Concession & Restroom Replacement to the lowest responsive responsible bidder, C. Square Development Co., LLC dba C Square Construction Management, at a cost of \$227,210.00.
(Fiscal Impact: \$227,210.00)

(Staff Contact: John Sfiropoulos)

Comr. Perkins pulled the item for City Commission discussion. She asked about the starting date for the project.

Horacio Danovich, CIP Manager, responded the project manager is available to provide answers, as well as the schedule for the project. In addition, the contractor is present to answer any questions.

Anthony Alashemi, Project Manager, Engineering Department, mentioned that they plan to start in February. He said currently they are in the permitting process and the expected finished date will be summer 2018.

Comr. Perkins asked Mr. Alashemi to provide some of the projects he has worked on in the City.

Mr. Alashemi responded that he is working on the Blanche Ely Museum, Alsdorf Park, SW 35 Avenue, as well as a couple of utility projects, Avondale, and Esquire Lakes. He indicated that he will be working on one new concession stand at the Mitchell Moore Park. He explained that he would get renderings to the City Commission of both the inside and out.

Mayor Fisher asked if the contractor was a local Pompano Beach firm.

Cheddy Johnson, C. Square Development Co., LLC, responded that they are a local company and that they are 100% Small Business Enterprise (SBE). Mr. Johnson confirmed that they will be hiring mostly local subcontractors for the project. He provided details as to how they arrived at a completion date of summer 2018 for Comr. Perkins' clarification.

George Dillard, Pompano Beach, FL, stated that he has been asking for the information regarding the concession stand since 2014 and he is happy construction will begin. He hopes that the work will be first class and was assured that it would be.

Comr. Hardin requested the contractor to email the drawings to all the members of the City Commission.

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
Burrie
Fisher

Absent: Sobel

2. [18-152](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTIGUOUS SHARED COMMON DOCKING AGREEMENT AMONG JOANN SEARS, JOSEPH BEAUDRY, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2018-60

3. [18-153](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTIGUOUS SHARED COMMON DOCKING AGREEMENT AMONG JOANN SEARS, WILLIAM AND LAUREN HOUSTON, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2018-61

4. [18-149](#) Request of ratification by City Commission for Emergency Procurement of Streetlight Repairs from vendor Gerhold Electric, Inc. in the amount of \$107,765.00.

(Fiscal Impact: \$107,765.00)

(Staff Contact: Robert McCaughan)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins indicated that she was concerned with the \$107,765 allocated for repairs to 17 street lights and poles that were damaged by hurricane Irma and asked where these are located.

Robert McCaughan, Public Works Director, responded that they were not identified in the backup. However, they are not located in the residential neighborhoods. He explained the City-owned street lights are on the state and county roadways. Therefore, the lights are throughout the 33 miles of state and county roads in the city. All residential lights in the City are FPL owned and maintained. However, he will provide the Commission with a list of the lights to be repaired.

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
Burrie
Fisher

Absent: Sobel

5. 18-136 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ETA NU EDUCATION FOUNDATION, INC. FOR THE BLACK HISTORY EXHIBITION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$19,910)

(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. 2018-62

6. 18-158 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 FLIPPIN' DOGS, LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: City to receive \$100.00 per month)

(Staff Contact: Mark A. Beaudreau)

Comr. Perkins pulled the item for City Commission discussion. Comr. Perkins enquired if only one bid was received for this project. In addition, she expressed concern about staff getting bids out to the communities, and explained that she knows several persons that are licensed and could do the job, yet one bid was received and this company is out of Lighthouse Point.

Mark Beaudreau, Recreation Programs Administrator responded yes. Mr. Beaudreau explained that the bids go through the typical procurement process.

Otis Thomas, General Services Director, stated that the Request for Proposal (RFP) are posted, as well as they are posted out to locals, all around the state, and even sometimes going outside the state. The subject RFP was posted on the City's website. He continued by saying they go through bid warehouses, Sun Sentinel newspaper and even make calls to local companies.

Comr. Perkins enquired about the term of the contract.

Mr. Beaudreau responded that it is for one year with four (4) one year renewal options.

In response to Comr. Hardin's inquiry on how long was the previous contract, Mr. Beaudreau indicated that he could not recall. He also confirmed that only one bid was received.

Comr. Perkins asked if there is another way to get the RFP information out rather than just the City's website, since some people would not have seen the website.

Mr. Thomas provided the other ways that they use to get the word out and indicated that they would have to be in the City's database as a registered contractor to get contacted. Also, there is a method called "mail chimp" which includes 1,700 vendors that are sent for every solicitation for all kinds of services.

Jocelyn Jackson, Pompano Beach, FL, enquired if it is \$100 per month that Flippin Hot Dog vendor would be paying to the City.

Mr. Beaudreau responded yes. He explained that they would be operating from the Concession stands at Four Fields Complex and Community Park.

Ms. Jackson expressed concern that this person was only asked to pay a fee of \$100 per month to the City and felt the amounts were very low.

Comr. Moss enquired if a person would have to have proper licenses, insurances, inspections and so forth to satisfy the requirements to provide the services in this regard.

Mr. Beaudreau responded that is correct.

Comr. Perkins indicated that a rescheduled date will be set for Mr. Thomas to meet with members within her community to explain how the procurement process of the City works.

Willie L. Lawson, III, 5 East McNab Road, Pompano Beach, FL, asked how much the operations cost would be to the City to provide this vendor with the ability to operate and for them to only pay the City \$100 per month.

Mayor Fisher understands that all costs are absorbed by the vendor, which Mr. Beaudreau confirmed as correct.

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

Yes: Hardin

Moss

Perkins

Burrie

Fisher

Absent: Sobel

Enactment No: RES. No. 2018-63

7. [18-151](#) 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 BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR CONSTRUCTION OF RECLAIMED WATER TRANSMISSION LINES AND SERVICE LINES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500,000)

(Staff Contact: A. Randolph Brown)

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

Enactment No: RES. No. 2018-64

8. [18-141](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE CITY OF POMPANO BEACH TO BECOME A MEMBER OF THE SEAWALL COALITION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan)

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

Enactment No: RES. No. 2018-65

9. [18-145](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY RAWLS TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF JOHN WAY, APPOINTEE OF COMMISSIONER REX HARDIN; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING CITY OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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. 2018-66

E. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 10-11 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

10. [18-115](#) **P.H. 2018-17: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF WEST ATLANTIC BOULEVARD AND EAST OF SOUTHWEST 27TH AVENUE AND COMMONLY KNOWN AS 20 SW 27TH AVENUE FROM B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 12, 2017

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Development Services Director, presented the item as the second reading of the ordinance and that there are no additional 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
Burrie
Fisher

Absent: Sobel

Enactment No: ORD. No. 2018-20

11. 18-155 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE CLUB AT PALM AIRE PLAT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Development Services Director, presented the item and stated it is a request to amend a plat note at the Club at Palm Aire Plat in order to change the type of permitted residential unit from a midrise to townhouse and to update the findings of adequacy. The effected property is located at 4091 Palm Aire Drive West and is vested for 39 residential units. In addition, Mr. Recor indicated the applicant has submitted application for major site plan review and is scheduled for the January 17, 2018 meeting of the Development Review Committee. Subsequently, the plan will be reviewed by the Planning and Zoning Board.

Additionally, Mr. Recor stated that the existing plat note limits development to 39 midrise units, however, the proposed plat note would permit 39 townhouse units. Therefore, staff recommends approval as presented.

Comr. Moss explained that this is a parcel of land next to Misty Oaks that has been vacant for many years. The City Commission had approved two midrise buildings to house 39 apartments. However, now, the developer wants to change the 39 apartments into midrise buildings into 39 townhomes. In addition, the applicant did appear before the community at meetings and there was no objections from the Palm Aire community.

Comr. Perkins had indicated to the City Clerk that she would be temporary absent from the meeting but would vote yes for the item. However, since she was not present for the roll call her vote will be counted as absent.

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

Burrie

Fisher

Absent: Perkins

Sobel

Enactment No: RES. No. 2018-67

END OF QUASI-JUDICIAL PROCEEDING

12. 18-154 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR A SECOND EXTENSION TO THE 180 DAY TIME FRAME FOR ADOPTION OF THE EAST TRANSIT ORIENTED CORRIDOR (ETOC) LAND USE PLAN AMENDMENT (LUPA); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Jean E.Dolan/David L. Recor)

Jean Dolan, Development Services, presented the item and stated that they took the East Transit Oriented Corridor (ETOC) the Transit Oriented (TO), and the East Overlay District (EOD) code to the Planning and Zoning Board last month; however, there was one issue that they raised that staff wanted to take back to them before the rezoning is brought before the City Commission for first reading, which will bump the schedule for the Comprehensive Plan Amendment. Consequently, a date was created on the outside in the event more time would be needed. However, they will return to the City Commission for first reading on February 13, 2018.

Comr. Hardin stated that the City Commission received a letter from the East Community Redevelopment Agency (CRA) Advisory Committee who are fully supportive of moving the item forward as quickly as possible. They disagreed in delaying it unless it is absolutely critical that it be delayed.

Ms. Dolan indicated that staff will be moving it forward as quickly as possible, but it cannot be done prior to the rezoning, as they committed to taking them together. Since another month is needed with Planning and Zoning another month is needed for the Comprehensive Plan Amendment because they are being tracked together.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

Enactment No: RES. No. 2018-68

13. 18-146 **P.H. 2018-25: (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 REINSTATEMENT AND FIRST AMENDMENT TO A PARK LEASE AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF THE FLORIDA INLAND NAVIGATION DISTRICT AND THE CITY OF POMPANO BEACH RELATING TO EXCHANGE CLUB PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that this agreement dates back to the late 1970's to 1980's with Florida Inland Navigation District (FIND) for the Exchange Club Park and this is a reinstating and renewing of the agreement.

Comr. Moss asked about the location of the Exchange Park Club whether it is in Pompano Beach or Lighthouse Point. He stated that it would be helpful if an aerial map would have been included in the backup material.

Mr. Beaudreau mentioned that a map was not included and it was listed as MSA 726 which is the legal description. Nevertheless, the Park is located in Pompano Beach at NE 24th Street. In addition, Mr. Beaudreau stated that there is an interlocal agreement between the City of Pompano Beach and the City of Lighthouse Point so the property is jointly shared.

Comr. Moss indicated that having a map or an aerial would be helpful for those people who are not familiar with all the areas within the City.

Comr. Perkins asked who maintains the area.

Mr. Beaudreau responded that in the interlocal agreement with the City of Lighthouse Point they have some responsibilities and the City of Pompano Beach has some as well.

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
Burrie
Fisher

Absent: Sobel

14. 18-131 **P.H. 2018-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MICHAEL FARRELL, M.D. FOR MEDICAL CONSULTING AND ADVISORY SERVICES TO THE FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$65,004.16 per fiscal year for 3 years)

(Staff Contact: John Jurgle)

John Jurgle, Fire Chief, Pompano Beach Fire Rescue, presented the item and indicated that the City is required by the state to have a medical director in order to operate an EMS system and this ordinance will allow the City to execute an agreement with the medical director, Dr. Michael Farrell.

Comr. Perkins asked if this is a full time job as a consultant or is he called as needed.

Chief Jurgle responded that it is full time in the sense that there are requirements for 200 plus paramedics that he oversees. His license is at risk 365 days per year, and he is involved in training with the City EMS team. From a full time stand point he is not in 40 hours per week, but it is a full time job with regards that the City's EMS team is the only medical system that he supervises.

Comr. Moss mentioned that Dr. Farrell has been doing this job for approximately 27 years.

The City Commission thanked Dr. Farrell for his service.

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
Burrie
Fisher

Absent: Sobel

15. [18-157](#) **P.H. 2018-27: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT FOR EXTENSION OF THE PARKING MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$543,867)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item and stated this is requesting an extension of the City's current agreement with Denison Parking, Inc. for an additional year. Denison currently provides parking enforcement services, as well as management of the pier parking garage. She pointed out that with regard to enforcement they not only write citations but they serve also as parking ambassadors to assist the public with other issues. They also serve as the City's eyes and ears as they work closely with the Broward Sheriff's Office (BSO) to identify issues on the beach in terms of homelessness. Further, they are also responsible for collecting all parking revenues from the parking meters along the beach and throughout the City.

Ms. Sibble mentioned that they are amending two exhibits - the budgets for both services. The amount for the management of the parking garage did not change, rather the dates were the only change. Staff was able to negotiate the budget not to exceed an amount of \$396,000 to \$274,000 as it relates to parking enforcement.

Mayor Fisher asked if the fees went down from last year, which Ms. Sibble responded that is correct for parking enforcement.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that Denison Parking manages the parking garage, the parking meters, and collects funds for the parking enterprise fund, which is a quasi-public entity. The contract is between the City and Denison; therefore he questioned why the contract is not between the parking enterprise entity and Denison Parking.

Ms. Sibble responded that the parking enterprise fund is not a legal entity. It is a fund, an accounting mechanism for the parking system activities.

Mayor Fisher mentioned that he has had very good experiences and residents have indicated that they are doing a great job. They are pleasant, understanding and are willing to give people second chances.

Comr. Perkins asked if they issue citations for illegal parking or not paying parking tickets and asked how much are they collecting.

Ms. Sibble responded that the City for parking citation revenues brought in \$300,000 for fiscal year 2017, however, this amount may increase due to anticipated additional activity, with the restaurant scheduled to open in March. Initially, it was a five year contract but this is executing an option to renew for an additional year.

Mayor Fisher pointed out that the overall revenue component is much larger.

Comr. Hardin clarified that the parking tickets generate \$430,000, but the parking revenue from people parking is much more.

Ms. Sibble responded that is correct.

Vice Mayor Burrie indicated that she found out that they also clean the garage.

Ms. Sibble replied yes they are responsible for the maintenance of the parking equipment and garage on a daily basis.

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
Burrie
Fisher

Absent: Sobel

16. 18-159 **P.H. 2018-30: (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 DUDE SOLUTIONS, INC. D/B/A FACILITYDUDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$59,614.17)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that there is a strategic plan initiative to develop a master facility assessment plan and maintenance schedule. Therefore, the best way to accomplish it was to take what is used every day, the work order management system and use them to modify the contract and hire them to come and do an assessment of all the facilities, identify all those things such as current condition, capital improvement projects needed to maintain them and the inventory of all the equipment with the associated preventative maintenance schedules. All that data is loaded into the City's work order management system that is utilized in Public Works. Then there is an interactive system instead of being in a binder stack on a shelf. The total dollar value is available to draw down to show how the facilities are being maintained and how much it will cost.

Mr. McCaughan indicated that this is to amend the software contract. However, one thing to note is that he received the signed signature page from the contractor after the agenda was distributed, so he provided a copy

of it to the City Commission earlier today.

Comr. Moss asked if this is something new and not a renewal.

Mr. McCaughan replied that is correct.

Comr. Perkins asked if the item was sent out to bid.

Mr. McCaughan responded no and explained the various systems available but sought to use one that is compatible with the current system in place.

Greg Harrison, City Manager, clarified that the existing software is with the same company, therefore, this is an extension of their services.

Comr. Hardin stated that he was amazed at the cost of \$59,000 to accomplish all that needed to be done.

Mr. McCaughan explained that the City is purchasing a module to the software, therefore every year there will be an additional \$3,000 for the module software. He then provided details on how the system will work and how beneficial it will be to assist staff in keeping track of maintaining the 81 city facilities.

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

Burrie

Fisher

No: Perkins

Absent: Sobel

17. 18-112 **P.H. 2018-28: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO REAL ESTATE LEASE BETWEEN THE CITY OF POMPANO BEACH AND FEC ROW, LLC F/K/A FDG FLAGLER STATION II, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$13,264 Annual Rent; \$2,500 Security Deposit)

(Staff Contact: Pamela Stanton/David Recor)

David Recor, Development Services Director, presented the item as a matter to a direct follow-up to a developer's agreement that was executed by the City Commission in October 2017. The City currently has a real estate lease agreement with the Florida East Coast (FEC) railway that runs along the east side of the

railroad tracks between Atlantic Boulevard and Northeast 6th Street. He said the purpose of the agreement is to provide public access to North Flagler Avenue, a City street, which exists within the FEC owned property. Therefore, the lease agreement needs to be amended to incorporate proposed improvements to North Flagler Avenue that are associated with the Heritage of Pompano station residential mixed use development, located at 40 North Flagler Avenue. Specifically, parcel F of the lease agreement will be modified to include roadway improvements, on-street parking, landscaping, lighting that were all requirements of the Heritage project. Consequently, the new terms of the lease agreement include increased rent for the additional area of pavement and landscaping pursuant to the FEC requirements. The increase to parcel F will be \$1,105 per month. The City's total annual lease payments to FEC will increase from \$49,992 to \$63,252. In addition, the City records indicate that the original lease was approved in 2002 and amended once in 2014. The City had entered into a developer's agreement in October 2017 with the developing partners of Heritage project to ensure that the North Flagler Avenue improvements are constructed by the developer.

Finally, Mr. Recor stated that the FEC has requested that the City execute the amendment to the lease agreement first, in accordance with FEC's in-house protocol standard operating procedures. Thereafter, the FEC will execute following the City Commission's approval.

Mayor Fisher indicated that it will make a difference as far as Flagler when the new senior living facility is completed, as discussed under audience to be heard. Also, kudos to staff in getting this done so quickly as before, FEC was talking about getting this agreement executed in a year.

Vice Mayor Burrie commented that if FEC does something with the quiet zones and stop beeping the horns of the new yellow bird traveling along the line, the seniors might not like where they are living because the Havenwood trailer park residents are currently having issues with the noise.

Comr. Moss thanked staff for including the aerial map in the backup.

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
Burrie
Fisher

Absent: Sobel

18. 18-150 P.H. 2018-29: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL THREE MONTHS' TEMPORARY MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS FOR THE CONVERSION OF MULTI-FAMILY APARTMENT BUILDINGS WITH FIVE (5) OR MORE UNITS, TO SHORT-TERM RENTALS; PROVIDING FOR VESTED

RIGHTS, APPEALS, AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; AND PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING APARTMENT CONVERSIONS TO SHORT TERM RENTALS IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Development Services Assistant Director presented the item and stated that there is a strategic plan objective to address short term rentals within the City. She said on October 25, 2017, the City Commission adopted Ordinance No. 2017-43, which placed a nine month moratorium on the conversion of apartment buildings five units or more into some form of short term rentals. Staff had time to examine the use and with that staff has retained the assistance of two technical consultants, Keith and Associates, to examine those apartment buildings that are being converted into transient rentals and other group vacation rentals, as well as an attorney, Daniel Lobber, to perform a study entitled Pompano Beach Florida Principals to Guide Zoning for community residences for people with disabilities. A draft report is available, but due to the complexity and the sensitivity of those issues, staff desires to meet with each individual commissioners to go over the reports and answer any questions. A refined report will then be presented to the City Commission for approval in February and following that will return with amendments to the City's zoning code and any other applicable codes that may need to be changed prior to the expiration in April.

Debbie Massimi, 261 SE 12th Street, Pompano Beach, FL, commented that the City has a lot of rental properties and it seems disconcerting that the City is perhaps converting long term rental property into short term or transient. She is concerned what it will mean for the City and questioned whether the public will hear more details before something like this is approved.

Mayor Fisher responded that this has been a long time problem for the City and others. Therefore, the City is trying, at best, to use all the regulations available through the state and through local opportunities. The state has capped the City as to what it can do, but this will provide the opportunity to study and revise and tighten up wherever possible to prevent short term rentals that legally the City can utilize.

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
Burrie
Fisher

Absent: Sobel

19. 18-129 P.H. 2018-24: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA DISPENSARIES," TO BAN DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY; BY AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING ARTICLE 4, "USE STANDARDS," BY AMENDING PART 7, "MEDICAL MARIJUANA ESTABLISHMENTS," TO DELETE THE USE STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA RETAIL ESTABLISHMENTS; BY AMENDING THE DEFINITION AND STANDARDS OF MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENTS AND BY AMENDING THE STANDARDS FOR MEDICAL MARIJUANA INDUSTRIAL ESTABLISHMENT; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," BY DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY AMENDING DEFINITIONS AND DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO DELETE REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 12, 2017

(Staff Contact: David Recor/Jean E. Dolan)

Jean Dolan, Development Services Department, presented the item as the second reading of the ordinance and indicated that there has been no changes since the first reading.

Comr. Perkins asked if this is stating there will be no retail sales in the City of Pompano Beach. However, industrial will be allowed for the growing of the marijuana but at this time no retail sales of it.

Ms. Dolan responded that is correct.

Jocelyn Jackson, Pompano Beach, FL, inquired as to the location where the growing will be allowed.

Comr. Moss mentioned that a great deal of it will be in the District 5 area, which is South of Atlantic Boulevard and West of I-95 in those areas where there are warehouses and other industrial areas.

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

Enactment No: ORD. No. 2018-21

20. [17-547](#) **P.H. 2017-82: (PUBLIC HEARING 2ND READING)**

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

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 12, 2017

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

Jean Dolan, Development Services Department, presented the item as the second reading of the ordinance and there are no proposed changes since first reading.

Matt O'Brien, 1600 SW 5th Avenue, Pompano Beach, FL, spoke on behalf of "expanded polystyrene." He said Styrofoam is a trade name of Dow Chemical. He stated that he works for Dart Container Corporation and he is representing himself as a tax payer in the City. He pointed out a few inaccuracies about the subject and provided a brief education on the various material involved in the makeup of certain containers, to include biodegradable material. His hope was to convince the City Commission to reread the item and consider all the facts prior to making a final decision on the item.

Rick Massimi, Pompano Beach, FL, stated that trash is his favorite subject and he loves the environment that we live in. He wished that Mr. O'Brien was available prior, to present the benefits of Styrofoam and trash in the City's waterways. Nevertheless, he said they had scientists and environmentalists to review the item. He said he is not a scientist or environmentalist, rather he is a boat captain at a local dive shop where he works part time. However, he mentioned that every day he takes passengers from around the world to dive the waters and there is trash everywhere. In conclusion, he does not agree that Styrofoam in the water is a good thing.

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

Burrie

Fisher

Absent: Sobel

Enactment No: ORD. No. 2018-22

21. [17-621](#) **P.H. 2017-91: (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 MASTER SOLAR ENERGY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive payments of \$18.00 per Kilowatt from Canopies)

FIRST READING: DECEMBER 12, 2017

(**Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP Manager, presented the item and stated that there are no changes since the first reading. However, FPL informed him that it will be complicated for them to be able to build a canopy on the west side. Nevertheless, all the other elements remain same.

Comr. Hardin mentioned that he will not support the item as the technology is changing too fast. While FPL is not a bad institution, they are doing everything they can to benefit FPL and their shareholders, but his focus is more on the residents and the taxpayers of the City. This agreement would lock up the City for 15 years with a partner which there is no way of getting out of it without paying a lot of money. Furthermore, the technology, solar panels and solar generation is moving so fast, so, to lock the City in with this agreement for 15 years is a disservice to the residents.

In sum, Comr. Hardin indicated that for the residents of the City to lock in with this partner for 15 years with the opportunities on the horizon for solar generation of electricity is a mistake at this time.

Comr. Moss agreed with Comr. Hardin's comments and he also believed that 15 years is too long. He said a contract for three to four years may be possible but not 15 years.

Mr. Danovich asked if Mayor Fisher would allow David Bates of FPL to address the concerns that the City Commission has regarding the matter.

David Bates, Project Manager with FPL, representing the solar projects, explained that they were looking to use Pompano Beach as a host site for some of their projects as they have done with other sites, such as FIU in Miami, City of Hollywood, and several cities within Broward County.

Mr. Bates stated that unlike computer technology, which was referenced earlier, solar technology really does not change that much. He said what they are using currently is the same basic components that were used in 1952. It is a bit more efficient today and each year they do get efficient but it is silicone technology and not computer technology, which will rapidly change in six months from now would be obsolete. The bottom line is the proposal cannot be done in a two to three years' time period.

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

No: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

22. 18-133 **P.H. 2018-22: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN (DROP)," BY PROVIDING ADDITIONAL RULES RELATING TO THE DROP LOAN PROGRAM; AND BY AMENDING SECTION 34.066, "DURATION OF PENSION," TO CORRECT AN ERRONEOUS INTERNAL REFERENCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 12, 2017

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, presented the item as a second reading of the ordinance and stated there are no additional 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
Burrie
Fisher

Absent: Sobel

Enactment No: ORD. No. 2018-23

23. 18-147 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DONALD S. MCNIEL TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 26, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Donald S. McNiel - *Alternate 2* - District 1
James B. Morehead - *Alternate 1* - District 3
W.P. Davis, Jr. - District 1
Richard Tobin - District 1
Kerry-Ann Parsons - District 2
Charles H. Bechert, III - District 3
David Baumwald - District 4
Nancy Grant - District 5
David Miller - District 5

(Staff Contact: Asceleta Hammond)

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

Yes: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

Enactment No: RES. No. 2018-69

F. REPORTS

Gregory Harrison, City Manager - Habitat for Humanity Projects - Mr. Harrison reported that the Department Heads, Fire and EMS personnel have volunteered to put together crews for the Habitat for Humanity buildings for the build-outs they have going on currently. Therefore, the City employees will be actively involved as volunteers with those projects going forward.

Utilities Award - Mr. Harrison reported that Randy Brown, Utilities Department received an award called Resilient Utility of the Year Tier II. This is from the resilient utility coalition. Mr. Brown will be accepting the award on January 26, 2018 in Miami.

Report on Projects - Mr. Harrison mentioned that there are 23 large projects going on throughout the City in all districts and only half of those represent an investment in Pompano Beach of over \$111 million. Consequently, he would like to set up a tour for the City Commission to see the projects, which will be beneficial to them.

Mark Berman, City Attorney - No report However, Mr. Berman wished everybody Happy New Year.

Asceleta Hammond, City Clerk - No report

Commissioner Rex Hardin - Broward Sheriff's Office (BSO) Staffing Level - Comr. Hardin commented on the fact that he had asked this question several times, especially during budget, to determine if there is the right number of officers and he cannot get an answer to it. However, City Manager Harrison and Chief Hale are the experts to determine this. He said people are angry when they get victimized and there is a lot of people that are putting up with a number of disturbances in their neighborhood. He is concerned because public safety is our first priority. He requested that the City Manager take a look in partnership with BSO, to determine if the City is at the right mix or is there something that can be done to better police the City.

Street Lights - Comr. Hardin mentioned that he has had several complaints regarding street lights being too dim or not enough of them. He asked if the City has or have plans to evaluate the City as it relates to street lights, and is there a comprehensive evaluation that is used on the streets. If the City Manager can also meet with Robert McCaughan as he may have statistics and report back to the City Commission on this.

Metropolitan Planning Organization at Air Park - Comr. Hardin stated that the MPO is moving forward and will be presenting plans regarding going around two sides of the air park to expand it from eight feet wide to twelve feet wide, which is schedule to start in either 2019 or 2020. Furthermore, Comr. Hardin suggested that while they are doing this job it would be an ideal opportunity to piggy back with them and expand the jogging bike path to 12 feet all around the air park facility.

Kester Park - Comr. Hardin received a complaint that at Kester there is a power outlet that is uncovered and the homeless people are utilizing that to power the cell phones and hang out there at the Park. Therefore, he asked that staff get it covered with a locking mechanism.

Gravel in Swales - Comr. Hardin mentioned that code enforcement has been busy in the Old Pompano area. He reported that he has received several complaints about code enforcement citing people in Old Pompano for gravel in swales. Therefore, he would like to get information on the reasons why the City does not allow gravel in the swales.

Parking Situation - Comr. Hardin commented on an incident he had at the City's parking garage during a

weekend when he went to cash out his parking ticket, which registered that he was there for three hours and two minutes, upon checking out, he was actually charged for four hours. He believes the policy needs to be reviewed, because charging a full hour for two minutes over the time is a bit far reaching. Therefore, he asked staff to check into the matter.

Vice Mayor Burrie commented that at the Broward County garages they have a similar policy that if you paid eight dollars for parking and you were over by one minute you would get charged for an extra eight dollars on the ticket, so perhaps it might be some type of standard policy for parking. She agrees this can be aggravating

Commissioner Barry Moss - G.O. Bond Presentation - Comr. Moss reported that the City will be making a presentation on the G.O. Bond on February 18, 2018, at 6:30 p.m. at the Skolnick Center, sponsored by Palm Aire United. All District 5 and anyone in the City are invited to come and listen to the presentation.

Collier City Christmas Party - Comr. Moss congratulated the Collier City Civic Association for a very festive Christmas Party. It was well attended to include County Commissioner Bogen and other dignitaries. He indicated that the next meeting of the Collier City Civic Association will be on January 31, 2018, at 7:00 pm at the Jan Moran Library. There will be a presentation by the developer who wants to build the warehouse facility on NW 31st Avenue, therefore he invited anyone interested to attend that meeting.

CRA Owned 450 Building - Comr. Moss received two calls regarding things going on at NW 27th Avenue, particularly the CRA owned 450 building. People are using the empty lot, as well as others, to run businesses out of it. There is car washing facilities, cooking barbecue just as though they own the property. Therefore, he is asking the police department to keep an eye on that and shoo them away.

Martin Luther King, Jr., Committee - Comr. Moss congratulated the Martin Luther King, Jr. Committee for the prayer breakfast, which he said was nice.

Comr. Moss ended his report by stating that parking is never a problem in District 5.

Commissioner Beverly Perkins - Light Poles Out - Comr. Perkins reported that she would like to ride along with Code Enforcement or the City Manager during the night, while it is dark to identify some of the light poles that are out. She has received numerous complaints regarding no lights in several areas in the district.

Police Visibility - Comr. Perkins reported she has received several requests from people wanting speedbumps because of the speeding in the neighborhood. She spoke with Chief Hale about this situation and the bottom line is that more police visibility is needed in the community to deter speeding, crime and the hanging out.

Commissioner Michael Sobel - Out Sick

Vice Mayor Charlotte Burrie - No Report - Vice Mayor Burrie wished everyone a Happy and Healthy 2018.

Mayor Lamar Fisher - Oceanic Restaurant Ground Breaking Event - Mayor Fisher reported on Monday, January 8, 2018 there was a grand ground breaking for the Oceanic Restaurant on the ocean and they have a completion date of one year. Therefore, he thanked all who came out for the event.

50th Anniversary Harbor Villas Cleaners - Mayor Fisher recognized and congratulated the Harbor Villas Cleaners that was started by Bill Carson and his Dad 50 years ago. Congratulations to them for being in business for 50 years.

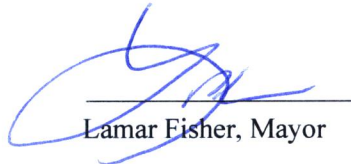
Nautical Flea Market - Mayor Fisher announced that the Nautical Flea Market will be held on January 20 and 21 at the Community Park at US 1 and 10th Street. He invited everybody to attend and said this event is always a huge success.

G. ADJOURNMENT

The meeting adjourned at 8:52 p.m.



Asceleta Hammond, City Clerk



Lamar Fisher, Mayor