

Detailed Minutes - Final

City Commission

Lamar Fisher, Mayor

Charlotte J. Burrie, Vice Mayor

Rex Hardin, Commissioner

Barry Moss, Commissioner

Beverly Perkins, Commissioner

Michael Sobel, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, July 10, 2018

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:08 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

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

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

18-484 Regular City Commission Meeting Minutes of June 26, 2018

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

APPROVAL OF AGENDA

Mayor Fisher announced that items 14 and 26 will be pulled from the table and re-tabled to the July 24, 2018

City Commission meeting. Also, item 32 will be moved from under Regular Agenda and placed at the start of the Consent Agenda.

CONSENT AGENDA DISCUSSION

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

Mayor Fisher announced that items 8, 12, and 13, will be pulled from Consent Agenda for City Commission discussion.

A. PROCLAMATIONS

18-490 Victoria Burgess Day

Mayor Lamar Fisher presented a proclamation to Victoria Burgess, declaring July 10, 2018, Victoria Burgess Day in Pompano Beach, for setting a Guinness Book of World Records by crossing from Cuba to the United States on a stand-up paddleboard in under 30 hours.

Mayor Fisher announced that Ms. Burgess, is one of the City's own fire employees, and stated it is an honor to present the proclamation to her. He then invited Chief John Jurgle and Victoria Burgess to accept the proclamation. Mayor Fisher stated that what Ms. Burgess accomplished was amazing in paddle boarding solo from Cuba to the United States with a small crew who supported her along the way.

Victoria Burgess stated that she was proud to represent the City of Pompano Beach throughout the journey and thanked her family, friends and sponsors and said without them none of this would be possible. She said most importantly she wanted to thank her crew who fed her, gave her water, and kept her company the entire 27 hours 48 minutes.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

SPECIAL RECOGNITION

Mayor Fisher recognized State Representative Patricia Williams who was seated in the audience and welcomed her to the City of Pompano Beach. He said State Representative Williams also represents Pompano Beach.

B. 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.

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

The following persons were called to speak:

Fourth of July Fireworks - Sandra Sacks, 725 N. Riverside Drive, Pompano Beach, FL, thanked the City Commission for a spectacular fireworks display on the Fourth of July. She said that they had a wonderful time and she saw an amazing sight with people of all nationalities, culture and cities and mostly citizens of Pompano Beach. She said the finale of the fireworks was brilliant and they enjoyed the evening.

Mustang Baseball Youth Championship - Angel Gonzalez, 2110 NE 3rd Avenue, Pompano Beach, FL, head coach of the Ten Youth Mustang All Star Team reported that they competed in Tampa and although they did not win the championship game, they were in the top two teams, which were selected to go to Deer Park, Texas to represent Pompano Beach. Therefore, Mr. Gonzalez requested some financial support to allow the boys to get to Texas. He mentioned that they are a 501 (c) (3) company and they have been soliciting funds through different ways to include GoFundMe and a raffle. They have raised \$6,000 and received an additional \$2,000, but need to reach a total of \$15,000.00 to cover travel and fees.

Mayor Fisher asked if it is possible for the City to fund \$1,000.

Comr. Hardin recommended that the City contribute \$2,000 to the youth of Pompano Beach.

MOTION: A motion was made by Comr. Hardin, seconded by Vice Mayor Burrie for the City to donate \$2,000 to the Mustang All Star baseball team. The motion carried unanimously.

Expression of Thanks - Sarahca Peterson, 305 SW 1st Court, Pompano Beach, FL, thanked Vice Mayor Burrie and Comr. Perkins for their support during a time of personal tragedy. She thanked Vicente Thrower who reached out to Chief John Hale and Captain Irving of Broward Sheriff's Office (BSO) who were very helpful to her.

Cultural Arts - Ms. Peterson stated that she is always advocating for cultural arts. She said for some time she has been searching for a terminology that would best depict the northwest community and how it plays a role in cultural arts. The terminology she came up with is "Black Cultural Tourism." She then provided a brief description of why this is important. She indicated that she has distributed to the City Commission through email some information that would provide additional information on "Black Cultural Tourism" and to determine how this could be best implemented in the northwest district to become an economic V8 engine.

Ms. Peterson enquired about the new cultural arts director.

Greg Harrison, City Manager, responded that the Cultural Arts Director is currently Phyllis Korab, who used to be the Assistant City Manager.

Ms. Peterson asked how could a prior Assistant City Manager who was interviewing other candidates for the position is now holding the same position. In other words, is it possible for Ms. Korab to take the position she was interviewing for, and who took Ms. Korab's position, and did the position go out to the public for hiring.

Mr. Harrison responded that Earl Bosworth former cultural director for Broward County took Ms. Korab's position as Assistant City Manager and she retained the role of Cultural Arts Director under Mr. Bosworth.

Ms. Peterson asked if Ms. Korab has the position she was hiring for and the person brought in from the county is now over her, as well as when did the position go out that Mr. Bosworth now holds that is currently over Ms. Korab.

Mr. Harrison replied it did not, and he has the authority to appoint Mr. Bosworth, which he did.

Mayor Fisher stated that he read that Ms. Peterson did a special presentation at an event in the City of Oakland Park and thanked her for that as it was a very "cool" thing to do.

Liberty Park Street Lights - Reverend Marguerite Luster, 632 NW 20th Court, Pompano Beach, FL, stated that as the President of the Liberty Park Homeowners' Association the residents have been asking for lights for the community. Over the past fifty years since the community was established they have not had any improvements in their lighting system. She complained that it is very dark on the streets and on some streets the older residents run off the road while driving because it is so dark.

Mayor Fisher asked for an update on the street lights project, as well as recommended that Reverend Luster be updated.

Greg Harrison, City Manager reported that staff is working on a project for street lights for Liberty Park and Collier City areas.

Dogs - Reverend Luster complained about the caring for dogs in her neighborhood. She reported that her neighbor has four dogs that he cannot take care of any longer due to his illness and Animal Control was contacted to assist with the situation. However, they were told that dogs cannot be removed from a private property. They were provided with the county's animal rescue number, however, in the meantime the dogs are

getting in bad shape due to lack of care. She appealed to the City Commission for help to get to this neighbor who is unable to care for the four dogs he has.

Mr. Harrison requested that Reverend Luster provide the individuals name, number and address so staff can reach out to him.

Reverend Luster stated that his name is Devin Matthews, at 616 NW 20th Court, Pompano Beach, FL. She did say most of the time Mr. Matthews is in the hospital.

Front Yard Fence - Reverend Luster complained about a recently renovated house in the neighborhood that the owners have erected a seven-foot fence when everyone else in the neighborhood are allowed to put up only a four-foot fence. She wants to know why special privilege is granted to this property, when everybody else has to abide by the four-foot rule. In addition, the owner is not maintaining the lawn, when mostly everybody else is maintaining their lawn. Reverend Luster also stated for more than two years she has been complaining about the yard in front of her that has been kept dilapidated and nothing is being done. Also, there is a cane patch across the street on NW 6th Avenue and several vehicles are parked on the grass. In sum, Reverend Luster complained that it appears no one seems to care about her neighborhood.

Mayor Fisher recommended that the City Manager coordinate with Mario Sotologo of Code Enforcement to meet with Reverend Luster so she can point out the offending properties. Perhaps a task force could go through the Liberty Park neighborhood and cite those who needed to be cited and where nuisance abatement is necessary then this should be applied. Also, Reverend Luster could be the person to spearhead the task force in their efforts to get the neighborhood cleaned up.

Vice Mayor Burrie wanted to be informed on how someone would be allowed to put up a seven-foot fence in the neighborhood.

Ms. Luster provided a brief historical background of how the city allowed fences in the back yard. She said some people owned big trucks so they did not want them parking all over the street. However, what is currently being done to include the cane field is unacceptable.

Christmas Tree Lights on Martin Luther King Blvd. - Reverend Luster asked about the person who will be responsible for the Christmas tree lighting on Martin Luther King Blvd.

Demise of Blanche Ely Students - Reverend Luster reported that two former Blanche Ely High School students from the class of 2008, passed away on Sunday. She said one girl was found dead in Miami and the other girl left to go to Tampa but suffered from a heart attack and passed away.

Mayor Fisher stated that prayers will go out for the families of the deceased. Also, City Manager Harrison will inform everybody about the Christmas Tree schedule for this year.

Property Taxes - Douglas Matthes, 500 NE 6th Street, Pompano Beach, FL, compared the year 2008 to year 2018 over a ten-year period. He said the Save Our Homes assessment increased during that period by 18.1%, the social security increased by 15.4%, the taxes increased by 10.3% for schools, county and hospitals

that are on the tax bill. In addition, the tax assessment, debt service and so forth that is on the City's tax bill will increase by 109.98%, which is ten times all the other taxed services.

Mr. Matthes surmised that income has not increased by 109% for most people, as well as benefits have not increased by that amount for the residents. He stated that this year's debt service taxes will increase the resident's tax bill by 16.6%, which is a significant increase. Nevertheless, he said the increase might be slightly different once the bond amount has been established. He complained that the percentage increase ratio for employees being hired versus population growth is imbalanced as it was reported a few meetings ago that the population growth increased by 6% while the number of employees increased by 21%.

Mr. Matthes stated that his tax assessment bill in 2008 for the City of Pompano Beach was \$384.00, however, his estimated 2018 tax bill is \$807.00, which is a big increase. He said the increases are outrageous and the City needs to take financial literacy lessons from the schools and the county because they have been able to operate on 10% increases. He suggested that the City look at doing some deep cutting of the budget.

Mayor Fisher noted that Mr. Matthes every year comes up with certain percentages that he believes is correct as far as the assumptions of increases. Therefore, he requested that City Manager Harrison organize to have Mr. Matthes meet with Erjeta Diamante, Budget Manager to compare their numbers for accuracy.

Hurricanes and Tropical Storms - John Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, stated he wanted to continue with his comments regarding hurricanes and tropical storms. He said two weeks ago he brought up the matter and mentioned the Irma post action report, suggesting that it was not widely disseminated, and there were 65 recommendations in the report, and most importantly that the city maintain a good database and a tracking mechanism for ensuring that the City is following the recommendations and doing the things to protect the citizenry. In addition, he had requested that the issue be placed on an agenda and that the report be widely disseminated and that the residents learn more of what is happening. However, he has not heard anything. Notwithstanding, the time maybe short for feedback, but he reminded everybody that hurricane Beryl and Chris have both been formed since he spoke two weeks ago.

In sum, Mr. Geer noted that the citizens are entitled to transparency, and should know that the City Commission is protecting them in the event of a significant storm. Therefore, he wants to know about the report, the status report, the tracking mechanism in place and what direction the City is going in relating to storms.

Mayor Fisher understands that Kimberly Cristiano, Emergency Manager, is working on the report that Mr. Geer referred to earlier and asked if this could be made available on the City's website when completed.

Greg Harrison, City Manager said he will ensure an updated report is made available on the City's website.

As a point of order, Comr. Perkins asked for the status on agenda item 14. Mayor Fisher explained that it was tabled before, so when it comes up for discussion it will be taken off the table, and then tabled to July 24, 2018 City Commission meeting.

Funding for Community Groups - Debresia LeSane, Pompano Beach, FL, complained that the City

Commission just approved funds to a baseball team for \$2,000, however, there are plenty of non-profit organizations in the community that she alleged the City does not give funds. For example, there was the Passport for Change group, the Pompano Chiefs football team who competed for the national title last season and no funds were available to assist them, as well as a few others.

Additionally, Ms. LeSane complained that there is a person operating the parks that does not live in South Florida, yet he is in charge of the park system. Moreover, he is getting rid of coaches that have competed for national championships. Continuing, Ms. LeSane suggested that the programs should be managed and facilitated by the community residents. She indicated that the kids in the community do not have many people to look up to so the boys who play football for the Chiefs should be the coaches and presidents for the team, not someone from Jacksonville that does not know the history and tradition of the Pompano Chiefs.

Mayor Fisher noted that the City did honor the football teams to include the Eagles and the Chiefs.

Seawall and Dock Unresolved Issues - Pat Russell Anderson, 2650 NE 24th Street, Pompano Beach, FL, reported an ongoing problem that has not yet been resolved. She stated that approximately one year ago her next door neighbor, who owns the property at 2640 NE 24th Street, Pompano Beach, which is currently vacant, had a new seawall and dock installed in her backyard. Ms. Anderson alleged that the seawall was not built pursuant to the City's code or permits and explained her reasons. In sum, she stated that her neighbor's seawall protrudes three to four feet from her property line, which is double the length that is allowed by the code. Therefore, because the seawall is outside the limits her adjoining dock is also outside the code limit. In essence, her neighbor has added approximately five feet of her property line through the seawall on the canal.

Ms. Anderson complained that her backyard view has been obstructed as well as her enjoyment of the canal due to the protrusion of her neighbor's seawall and dock. She said she reviewed the files for the permits, however, although the permits are in compliance with the code the final product was not. Therefore, she is requesting the City to inspect her neighbor's seawall and dock to ensure it was built up to code.

Mayor Fisher indicated that he received, today, an email from Ms. Anderson expressing the desire to revisit the situation with some highlighted issues concerning the code. Therefore, he requested that Miguel Nunez, Building Official meet with Ms. Anderson to resolve the issue on hand and provide a report to the City Commission.

Lightening and Striping of NW 6th Street - George E. Dillard, 612 NW 7th Terrace, Pompano Beach, FL, stated that two weeks ago he was riding on NW 6th Street on the wrong side of the road due to poor lighting on the street, also the roads need to be striped, because he could have hurt himself or someone else. Mr. Dillard concluded that some things are getting better in the City but there are still some things that need to be improved upon.

1841 North Powerline Road Surplus Property Sale - Mr. Dillard said he received a request from one of his relatives to inquire about property located in the Northwest section being sold by the City and where that money will be spent for that property. He is hoping the funds realized from the sale would be spent in the northwest section, which needs it to help with businesses, jobs and assist with the drug problems.

Political Signage - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that he previously spoke with Mayor Fisher and they both agreed that many commission meetings ago, during the discussion period prior to the passage of the temporary sign's ordinance, section 156.09, that political signs should be excluded from the temporary sign ordinance. However, after receiving a copy of the temporary signs from Asceletha Hammond, City Clerk, she indicated that political signs are not exempted from the temporary sign ordinance. Therefore, he is requesting the Commission to modify the amendments of Chapter 156 to exclude political signs from the sign ordinance so the City candidates can know what they can and cannot do before the election period gets into full swing.

Mark Berman, City Attorney, indicated that they spoke after last meeting, however, he does not have any powers to order anyone to do anything. He said he spoke with David Recor, Development Services Director, and they plan to review the ordinance. Also, he noted that when the ordinance was amended as a result of a lawsuit, the City had to make provisions for temporary signs, which was the main focus of the Reed Supreme Court case. He said political signs cannot be treated different from any other temporary signs, so there are provisions for fees for signs over a certain size. As it turns out, some of the larger campaign signs might fall under that category, so the discussion will be to change the dimensions for temporary signs and fees. Mr. Berman concluded that Mr. Terwilliger's complaint was not ignored, however, staff is reviewing and amendments to the ordinance cannot happen within a week of the complaint.

Family Fun Day - Darlene Brown Ponder, 611 NW 31st Avenue, Pompano Beach, FL, President of Brown's Community Development, stated that on behalf of Collier City Family Fun Day Committee expressed special thanks to Comr. Barry Moss for his support in assisting them to coordinate their first Family Fun Day. Also, she thanked Mayor Lamar Fisher, City Manager Greg Harrison, and all the city officials for their support and for giving them the financial assistance to purchase backpacks for the children in Collier City in the past three years. Ms. Brown Ponder stated that it has been a pleasure to work with the Community Redevelopment Agency (CRA), Kim and Tierra on this event. She reported that Habitat for Humanity has partnered with them to conduct a workshop at the event on how to qualify for the habitat homes.

Ms. Brown Ponder extended special invitation to the City Officials to attend their fourth annual family fun day on August 4, 2018. She indicated that the theme is "Keeping Families Together." Finally, she asked for financial assistance in the amount of \$1,000 to purchase 500 backpacks and supplies for the children.

MOTION: A motion was made by Comr. Moss, seconded by Comr. Hardin to donate \$1,000 to the Family Fun Day Event. The motion carried unanimously.

Mayor Fisher asked if Ms. Brown Ponder accepts volunteers for her senior day care, which she responded yes. Mayor Fisher invited everybody to visit the day care for seniors on NW 31st Avenue, which is amazing how the seniors seem to be involved in a lot of fun social activities and volunteers are needed. He indicated that he has visited the facility several times and it is a rewarding experience.

Use of funds from Sale of 1841 Powerline Road Property - Comr. Perkins indicated that she had met with a number of residents from the community who expressed concern about the land that was donated to the City, which is not on the agenda. Comr. Perkins stated that several times she had mentioned that she wanted the funds from the sale of 1841 North Powerline Road earmarked for the northwest community. In addition,

Comr. Perkins stated that she received a Memorandum from the City Manager, which she doubts he wrote it, stating that she should not be thinking of earmarking the funds for a particular district. She said she was taken aback by the memorandum. She then explained the reasons why she wanted to get the funds earmarked for the community, which includes programs they could possibly utilize the funds. If not the entire \$1 million at least some of it, because the land was donated in District 4 and was sold for approximately \$1 million.

Mayor Fisher mentioned that only two weeks ago the City closed and received the funds from the sale.

Mr. Berman responded that is correct and the funds have been deposited in the General Fund where it is normally designated.

MOTION: A motion was made by Comr. Perkins, seconded by Comr. Sobel to earmark at least half of the funds realized from the sale for the northwest community for educational purposes.

Vice Mayor Burrie noted that she read the same memorandum and it explained that the City should not do that. Nevertheless, she understands why Comr. Perkins needs the money but the memorandum recommended that this should not be done the way Comr. Perkins is asking for the money to be expended for just one district, rather than the entire City.

Mayor Fisher asked how much was realized from the sale of the property.

Mr. Berman replied that it was \$1.5 million, but the City originally purchased the property for \$320,000.

Comr. Sobel stated he read the City Manager's memorandum as well, and agrees with some of the general principles that Mr. Harrison stated in terms of running the city and the operations of the city and the disbursement and the disparity between the expenditures in the districts. So, perhaps they could find a middle ground in this case. He understands what the residents seems to be communicating is a sense of unfairness that has permeated certain districts and certain areas over an extended period of time.

Continuing, Comr. Sobel stated that in this instance, where there is clearly a specific amount of money from that building that becomes available, he thinks it would be prudent, as a showing of good faith to the community that has not always been dealt with fairly in the past, have an opportunity to move forward. Therefore, he agrees the money should be put towards the district but all of the funds should be put towards the district. However, his concern is how the money would be appropriated, delegated and awarded to whatever causes and what criteria it would be. He suggested that there would have to be some clear standards laid out so people could see where the money is going and the good benefit it serves. But in terms of giving the money itself, he said it is about time.

Mayor Fisher indicated that he also would make the same suggestion if this is moved forward, they could earmark the dollars but most importantly, let whatever programs or items being requested to come back to the City Commission for the public's discussion and the Commission make a decision on it. Therefore, he suggested that the motion could be to earmark a certain amount but come back in the future with suggestions on how the earmarked dollars will be spent.

Comr. Perkins agreed to return with a written proposal for the next City Commission meeting for voting.

Mayor Fisher suggested that perhaps Comr. Perkins may want to wait until the study is complete as some of those dollars could be earmarked for programs from that effort.

Comr. Perkins indicated that she had a similar discussion with Dr. Mack, so she will be happy to come back with that amount.

Mayor Fisher repeated what the first motion will be, which is to earmark fifty percent of the dollars.

Comr. Perkins requested to rescind her motion for the \$1 million, and instead that the \$1 million be given to the Northwest Community for educational purposes and at the next meeting she will provide a line item of what the funds will go towards.

State Representative Williams asked if it was \$1 million received for the property or \$1.5 million.

Mayor Fisher responded it was \$1.5 million but the city had to pay approximately \$300,000 plus cost of carry, so it amounted to approximately \$1 million net.

The prior motion made by Comr. Perkins and seconded by Comr. Sobel was amended accordingly.

Comr. Moss expressed concern that this is a little bit of a slippery slope, because the Commission is establishing a precedent where the income that comes from one district stays in one district. Therefore, he would like to suggest that the \$1.8 million per year in revenue sharing, not taxes, that comes from the Isle Casino stay in District 5, where it could do a lot of good in Collier City and other parts of District 5. He said if this is setting a precedent to keep moneys generated within the individual districts, in the final analysis, District 4 will ultimately be a loser while other districts will be winners.

Comr. Perkins asked if Comr. Moss wrote the memorandum because he is making reference to the “slippery slope” stated in the memorandum.

Comr. Moss stated that “slippery slope” is hardly a unique phrase, and he did not write the memorandum. He asked City Manager Harrison to confirm if he had suggested any language, which Mr. Harrison replied, no sir.

MOTION: A motion was made to earmark \$1 million of the sale of the property at 1841 North Powerline Road, for specific purposes, which will be finally approved by the City Commission. The motion carried by the following vote:

Yes: Perkins

Sobel

Burrie

Fisher

No: Hardin

Moss

Comr. Sobel stated that under generic circumstances he would agree with Comr. Moss and the principle set forth in the memorandum. But this is a unique exception here, different criteria and a particular purpose and he does not think the Commission is "opening up the barn door to unlimited problems in the future."

C. CONSENT AGENDA

Items 1 through 7 and 9 through 11 were approved without any discussion.

1. [18-459](#) Approve ranking order for RFP E-23-18 Lot Mowing Services, and authorize staff to negotiate a contract with Cutting Edge Industries. (No cost at this time.)
(Fiscal Impact: N/A)

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

2. [18-460](#) Approve ranking order for RFP E-24-18 Litter Removal Services, and authorize staff to negotiate a contract with SKKV Property Maintenance, LLC. (No cost at this time.)
(Fiscal Impact: N/A)

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.

3. [18-463](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ADOPT-A-STREET PROGRAM AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PPI, INC. D/B/A ISLE CASINO RACING POMPANO PARK; PROVIDING FOR LITTER REMOVAL AND MAINTENANCE OF DESIGNATED CITY STREETS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

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. 2018-207

4. [18-428](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN FDOT DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO MAINTAIN THE BLACK COLOR COATED PAINTED MAST ARM ASSEMBLIES AT THE INTERSECTION OF STATE ROAD AIA AND NE 2ND STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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. 2018-208

5. [18-457](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS, ACCEPTING A GENERAL PROGRAM SUPPORT GRANT IN THE AMOUNT OF \$9,361.00 FOR THE POMPANO BEACH CULTURAL CENTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$9,361.00)

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. 2018-209

6. [18-469](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE USE OF THE E. PAT LARKINS COMMUNITY CENTER FOR A CULINARY KITCHEN INCUBATOR PROGRAM; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: N/A)

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. 2018-210

7. [18-454](#) 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 XPRESS YOUTH DEVELOPMENT INSTITUTE, INC. TO USE VARIOUS CITY OWNED FACILITIES TO PROVIDE A TRACK AND FIELD PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

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. 2018-211

8. [18-471](#) 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 INTERIOR RENOVATIONS AT POMPANO AIRPARK 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 \$918,150.33, OF WHICH \$760,000.00 WILL BE FUNDED BY A FLORIDA DEPARTMENT OF TRANSPORTATION GRANT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Airport Cost Share: \$158,150.33)

Tammy Good, Project Manager presented the item and stated that the project consists of renovating the Air Park administration building and portions of the air traffic control tower. She noted that the City received a \$760,000 grant from Florida Department of Transportation (FDOT).

Comr. Sobel stated that none of his comments should be a reflection on the excellent work that Ms. Good has done in providing a memorandum and the backup information. However, he asked why the City Commission

is being asked to award nearly \$1 million construction project to Shiff Construction Development, Inc. under Consent Agenda. Also, the Commission is being asked to waive the normal competitive advertising bid process under the premise that using the old documents that were available from 2016 might save the City some money. There is no idea whether this would save some money unless it is put out for competitive bid, especially a job of this size. He said there is still time to go out for bid as the City will not lose its grant from FDOT and he recommended that this be done.

Comr. Sobel continued by indicating that the whole item feels wrong to him and spoke in details about "paid to play in Pompano Beach." He said the concept of paid to play has no business in the City of Pompano Beach, which is not good for the residents and not good for the City. He alleged that Comr. Hardin's personal attorney, Mark Aaron has been running a Political Action Committee (PAC), called "Citizens for a Better Pompano Beach" and it is doubtful to him that the citizens of the City have any idea of what has been going on.

Comr. Sobel stated that Shiff Construction contributed \$5,000 to Comr. Hardin's personal lawyers PAC on March 3, 2018. He said they were not the only city bidders to contribute to Comr. Hardin's personal lawyer PAC. He then provided a listing of the contributions and the contributors, to include Calvin Giordano - the Code Enforcement and Civil Engineering people, West Construction - builders of the Fire Station 24, Murray Logan who is involved in the Pier and the Atlantic bridge construction, Keith and Associates who has contracts with the city with developer services and engineering, a construction group associated with Pop Holdings LLC, Invesca - the Koi residence marine and real estate in Pompano, Kaufman Lynn who constructed the pier garage, and Greenspoon Marder - attorneys who represent clients and zoning applicants before the commission. Comr. Sobel stated that he will be publishing the list in his commissioner newsletter going out later this week, and will add interested person's email to his distribution list. He said the newsletter will be a three part entitled, "Follow the Money in Pompano Beach."

Comr. Sobel continued by stating that he is concerned about the City's procurement process, in awarding bids to the lowest bidder often to many of the same companies over again and at the same time it often does not turn out to be the true cost to the taxpayers after the final change orders take place. He then provided two such examples of projects awarded lowest bid ending up costing significantly more than originally stated to include the fire station 11 on the beach, and the cultural arts center.

Additionally, Comr. Sobel stated that the Citizens for a Better Pompano Beach PAC run by Comr. Hardin's personal lawyer may not be the only one, but he knows that it was used to push for the passage of the Pompano Beach General Obligation Bond (G.O. Bond). He alleged that where it passed, many of the city contractors and contributors such as Shiff Construction stood to possibly make a lot of money on new projects. He continued to complain about the way the G.O. Bond was advocated, and the ways that the PAC is strategizing to keep him from becoming Mayor, as well as certain residents supporting and being paid by the PAC. Comr. Sobel stated that it is time to pass an ethics law in the City of Pompano Beach similar to the City of Los Angeles and other cities that says no city bidders, contractors, developers or their attorneys and executives can contribute to any type of political activity. Therefore, he would ask Mr. Berman to start working on such a law for the City Commission to consider.

Mayor Fisher noted that the comments that Comr. Sobel is making regarding the issue of the PAC's, the passage of the G.O. Bond and so forth has nothing to do with the resolution being considered.

Comr. Sobel disagreed with Mayor Fisher's comments and stated that he is trying to "draw a thread for the residents and for the Commission to understand how to follow the money in Pompano Beach and the direct relationship between contributing money by city bidders, the different PAC's and how it affects it."

In conclusion, Comr. Sobel stated that the residents deserve some answers before the City award any of the PAC companies any more work. In sum, he said he is "Declaring war on paid to play in Pompano Beach." In addition, he said in instances where it may or may not be legal or ethical it is not right. So, either a company merit getting the contract or you do not. Therefore, he invited the owner of Shiff Construction, if present, to answer some questions he has about solicitation of funds.

Finally, Comr. Sobel stated that he wanted to make a motion to refer this matter out for a competitive bid so the residents may know what is the cheapest and best product for their taxpayer dollars, or in the alternative, he would move to have proper federal law enforcement outside of Pompano Beach can look into some of these issues, make an investigation and report back to the Commission.

Mayor Fisher advised that the motion is out of order because there is a motion already on the floor for the resolution, therefore, he would have to amend the resolution of some sort.

Mark Berman, City Attorney, says he would have to check with someone in Los Angeles about the topic. Moreover, he cannot comment on any of the statements made, but would respectfully suggest to the Mayor and Commission that they speak to the Engineering Inspector as to this particular item and perhaps Robert McCaughan, Public Works Director could speak if necessary, as to what is the National Joint Powers of Alliance (NJPA) contract. Also, how was Shiff chosen, how did this come about and why is it before the Commission for discussion, what are the proposed savings, and in other words how did they get to this position.

Mayor Fisher indicated that he would ask the Commission to be respectful of everybody and to stay on point of the items that is under discussion. He said when you get off track with an item it really is parliamentary procedures not to do that. Comments can be made under reports but there is a need to respect each other's positions and to stay to the point of the agenda. Mayor Fisher said he was not trying to call out Comr. Sobel but was trying to keep him on task of the resolution on hand.

Continuing, Mayor Fisher asked Ms. Good to talk about the JCon process whether there was a bid procedure, etc. to clarify for the records exactly about the contract under discussion.

Ms. Good explained that the job order contract is one that is based on national prices. She said RS Means is a book published every year, and those prices are then factored for a specific region such as Miami Dade, Broward and West Palm Beach counties. She said Shiff Construction, among other contractors, do competitively bid when they solicit for a job order or a contractor, and they won that bid through the NJPA. Staff chose the job order delivery method not Shiff Construction based on the type of project, which is renovation. She provided details on what a renovation type project entails. In sum, there is no negotiation for a change order for this type of project because the prices are already established through the RS Means. To answer why it is under Consent, she indicated that she is "happy" that it got pulled for further discussion. She

said the job order contract is a competitive bid process and Shiff bids on his upcharge, so all the prices are the same that every other job order contractor uses, which Shiff uses as well. Moreover, there is a guideline published in the RS Means so staff does a check and balance to make sure Shiff is complying with all the prices, which he is.

Continuing, Ms. Good stated that they chose not to use the traditional design bid build and explained the reasons in details. In the end, she said the City saved a considerable amount of money for architectural and design fees, as well as time by using this method.

A very intense discussion followed between Comr. Sobel, Mayor Fisher and Comr. Hardin regarding certain allegations made by Comr. Sobel of the PAC's involvement with the decision to use Shiff Construction for the project. Comr. Hardin clarified that he had hired an attorney for his personal legal work and what the attorney does he has no control over.

Debresia LeSane, Pompano Beach, FL, asked that for the contracts the city provides notice of the bids at least thirty (30) days prior to allow residents that are contractors to participate.

Mayor Fisher complimented Otis Thomas, Purchasing Director, for reaching out to the local businesses to notify them when there is a particular job to be done. He personally goes out to visit these businesses, therefore, Mayor Fisher thanked him for his efforts.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, responded to some of the statements made by Comr. Sobel earlier in calling out certain individuals to include him, who were allegedly accused of wrong doing. In sum, he stated that Comr. Sobel will not become mayor since that was his agenda from the day he took office, and he has not done much for the northwest people but make accusations and criticisms.

Ms. LeSane started to speak out of turn, thereafter, Mayor Fisher instructed her to follow the decorum of the meeting, but after three prior warnings to cease disrupting the public meeting, which she did not adhere to, he had to ask her to leave the Chamber.

Sarahca Peterson, 305 SW 1st Court, Pompano Beach FL, stated that she is ashamed to say she lives in Pompano because what she just witnessed is a shame. She said she knows it is an election period, but they are tearing people down as well as the City which is not right.

Tom Terwilliger, Pompano Beach, FL, stated that RS Means have been around for over fifty years and it is meant to be a guideline for estimators and not meant to be a pricing tool for construction projects. Therefore, he suggested in this case that the best way to support the local businesses and to keep things above worth honest, specifically when this contract is approximately \$1 million, would be to ask the Commission to put the contract out for public bid and let the public bid on it to get the City the best building for the best price.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, noted he agreed with Mr. Terwilliger and to put the contract out for bid.

Mayor Fisher asked if Shiff Construction is a Pompano Beach firm, which Ms. Good replied yes they are. In

addition, Mayor Fisher mentioned if the item went out for bid, and as Ms. Good stated earlier, there are various costs that would be associated with it, i.e. architectural, design, timing, etc. those would be additional costs that the City would have to pay from the bid.

Ms. Good responded that is correct.

Vice Mayor Burrie added to what Ms. Good stated that this is a solid price. If they run into a problems, they will have to absorb the costs.

Ms. Good clarified that if the job is an unforeseen then the City would not have to negotiate, which is what is done under a traditional design bid build. So, there would be established prices in the RS Means, which staff would use.

Comr. Sobel indicated that he would be laying out in greater detail the facts, but Mr. Terwilliger is right in that the National Joint Powers Alliance (NJPA) is generally used for fixed pricing on machinery and office equipment, it is not routinely used for construction jobs. He said every time the residents have heard this is a "fixed price" this is a "Guaranteed Maximum Price" it is also said at the tail end disastrous stories about ultimate change orders and money that had to be paid and additional funds and taxpayer dollars that had to go into the project to make it whole again.

Mayor Fisher asked how many times the NJPA has been used for construction jobs rather than machinery and equipment.

Ms. Good responded that there are several books that are published via RS Means specific to certain industries. There is one for furniture, manufacturing, industrial, residential; however, staff uses the one specific for commercial construction that is commonly used every day throughout Broward County and the State. In addition, Ms. Good confirmed that she is not aware of any "behind the scenes going on that has been alleged.

Comr. Hardin asked about the proposed process that staff is requiring approval to use for this particular job, was that process used for the cultural arts center, or the beach fire station.

Ms. Good responded no and said those projects were bid out.

Comr. Sobel asked if the figures provided are based on the documents presented in 2016 from Shiff to the NJPA.

Ms. Good responded that is correct. She added that the City is actually getting a good deal because the prices have been inflated considerably since 2016.

Mayor Fisher reiterated that the pricing cannot change once the contract is awarded, so the pricing structure is already stated. So, if there is unforeseen issue the pricing structure will be used and there is no negotiation higher or lower.

A motion was made by Commissioner Hardin, seconded by Vice

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

Yes: Hardin

Moss

Perkins

Burrie

Fisher

No: Sobel

Enactment No: RES. No. 2018-212

9. [18-453](#) 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. 1 FOR CIP#15-256 FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$168,115.00 RELATED TO WATER TREATMENT PLANT REHABILITATION EVALUATION AND DESIGN PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND GLOBALTECH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$168,115.00)

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. 2018-213

10. [18-468](#) 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 FOR CIP#16-289 FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$124,940.00 RELATED TO HURRICANE HARDENING DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE WATER TREATMENT PLANT CHEMICAL FEED BUILDING PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$124,940.00)

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. 2018-214

11. [18-450](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND HOLA MUNDO!, LLC FOR TEMPORARY DISPLAY OF RECYCLED ARTWORK AT 100 POMPANO BEACH BOULEVARD, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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. 2018-215

12. [18-474](#) Approval of the 2018-2019 Annual Action Plan in the amount of \$1,038,308 of CDBG Funds and \$453,745 of HOME Funds for a total of \$1,492,053.

(Fiscal Impact: N/A)

Comrs. Perkins and Moss asked to pull the item for City Commission discussion. Comr. Perkins requested an explanation of the item.

Mark Korman, Program Compliance Manager, stated that the Annual Action Plan is the funding recommendations done annually to allocate the formula funds that are granted to the City by the Housing and Urban Development (HUD). An extensive process is done that begins in February starting with RFP's, then various organizations apply for their public service money, thereafter the applications are scored, staff evaluates the community needs according to the consolidated plan, and make recommendations regarding the respective spending.

Comr. Perkins stated that she felt the item should not be placed under Consent agenda because this is an important item with a large number. Moreover, a number of items were not in the backup, specifically, the minutes of the Community Development Advisory Committee (CDAC) meeting.

Mr. Korman stated that the CDAC members reviewed the item and the recommendations that were presented which staff had agreed upon. He added that there were three (3) public hearings as required by law. Also, in response to Comr. Perkins question as to why the minutes were not submitted in the backup, Mr. Korman said

they normally do not submit the minutes of the meeting.

Comr. Perkins indicated that she is unable to agree to the item because she does not know the process, what transpired, and how staff arrived at a conclusion. She enquired why three (3) people had to sign a conflict of interest acknowledgment form.

Mr. Korman stated that members of the scoring committee must acknowledge that they have no conflict of interest, so there is a special form to complete and sign.

Comr. Perkins asked why the advisory board members are not involved in the scoring.

Mr. Korman explained that staff has tried various approaches over the years and the current process used has worked the best, which the CDAC members were in agreement. Moreover, it is more objective and credible to bring outside people combined with staff.

Miriam Carrillo, Director, Office of Housing and Urban Improvement (OHUI), stated that she did not get a call from the Commission requesting additional backup.

Comr. Perkins disagrees with the statement that the Commission should call staff to request additional backup on agenda items, rather staff should provide all the information necessary for the Commission to review the items to make a decision.

Mayor Fisher asked if the minutes are disbursed to the Commission as they happen.

Ms. Carrillo responded that the minutes were not ready to be submitted, but will be by next week.

Mayor Fisher suggested that those minutes be provided to Comr. Perkins. He asked Ms. Carrillo to talk about the process so Comr. Perkins can understand it. Also, Mayor Fisher stated in the future, the minutes should be provided to the Commission in advance.

Comr. Perkins indicated that she has received numerous calls and complaints regarding the OHUI department as well as the CDAC meetings being frequently cancelled. In sum, she is asking that the staff be fair and right.

Comr. Moss agreed with Comr. Perkins about the Commission not getting enough time to think about an item and they are asked to make a "right now" decision. He stated that the Commission needs more time to be able to study these things. He said in terms of the minutes that come from the various advisory boards, they are often times late and the Commission receives them after the item is voted on that was discussed by the respective advisory boards.

Continuing, Comr. Moss asked if the funds were from HUD, which Ms. Carrillo responded correct. Comr. Moss asked for an explanation if these are housing funds why the City is giving money to Women In Distress, Life Skills and Reading and scholarship programs, and parks and recreation that has nothing to do with housing issues.

Ms. Carrillo responded that it is not housing but community development and they all provide public service, which the federal government provides the funding for these types of community services.

Comr. Sobel echoed what Comr. Perkins commented on, because as he read the material he had questions on why there are no standards indicated as to how the money is being awarded, and asked if there are standards.

Ms. Carrillo replied yes, but they are in the Request for Proposal (RFP).

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, noted that he could not determine from the proposal the amount of money going to District 2 and asked where the money is for District 2.

Vice Mayor Burrie agreed with Mr. Terwilliger because she has had residents from District 2 saying by the time they get around to applying there is no money left. In sum, the people that knows the system and appears first before the board they are the ones to get it first.

Mr. Terwilliger requested that if the Commission approves the item staff finds a way to redistribute these funds more appropriately to the entire community including District 2.

Ms. Carrillo explained that all the programs are on a first come first serve basis. It is not divided by districts, so whoever comes first, which most of the people are from District 4, 5, 3, and 2. She said there are no favoritism shown for the people who comes in to apply.

Dale Allen, Pompano Beach, FL, expressed concern that the demographic areas has become diverse and wanted to know who makes the selection of these people.

Ms. Carrillo responded that they do not make a selection and explained that there is a waiting list of people who call-in or walk-in.

Mr. Korman explained about the different programs involved. He said the City administers several different types of programs and most of the money goes to individuals who are low, moderate income residents of the City, who apply for housing, rehabilitation, assistance, emergency repair and so forth. So, fifteen percent of the Community Development Block Grant (CDBG) funds are reserved for public service activities. There is a total of \$120,000 that is divided among fourteen organizations that are public service groups serving people within the City. So the scoring committee and the RFP's and those types of things are devoted to the fifteen percent portion. However, the balance is for individual applications where people walk-in so the money runs out quickly.

Mr. Allen enquired as to what quantifies the integrity of the system for the first come first serve basis method in place.

Mr. Korman reiterated that there is a waiting list.

Mayor Fisher suggested that staff talk about the process in which a person qualifies.

Ms. Carrillo explained when someone comes into the office and completes the application, they are placed on a waiting list and are issued a number that is assigned and the applicant call to check on their positioning on the list via the number assigned. Moreover, she stated that the department gets audited by both internal and external auditors, HUD, and the State. In fact, the last audit has been crystal clear so they have been following the law.

Emma Ellington, Pompano Beach, FL, stated that she served on the CDAC for a few years and wondered if that board was still active.

Mayor Fisher responded yes.

Comr. Perkins said she is just understanding that it is on a first come first serve basis, and she has had previous discussion with Ms. Carrillo that many people in her district are not familiar with first time homebuyers and in order to reach most of these people is not in newspaper or on the web but to publicize it through the churches, organizations, fraternities, sororities and flyers. Therefore, Comr. Perkins offered to assist with reaching some of the people in her district.

Comr. Hardin noted that the recommendations were reviewed by the CDAC that made changes and staff accepted those changes, which Ms. Carrillo confirmed that is correct.

Comr. Perkins asked Jocelyn Jackson to provide information since she serves as a member on the CDAC. She enquired as a board, did they score and vote on some of the people to receive some of the funds.

Jocelyn Jackson, Pompano Beach, FL, replied no.

Sharon Stone-Walker, Pompano Beach, FL, stated that the board received recommendations from staff of which they made some amendments to it and approved them at that time.

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

Sobel

Burrie

Fisher

No: Perkins

13. [18-483](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CHDO AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND

SET FREE COALITION OUTREACH PROGRAMS, INC, PROVIDING FOR THE FUNDING AND ADMINISTRATION OF HOME INVESTMENT PARTNERSHIPS PROGRAM PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: CHDO HOME Program - \$125,000)

Comr. Perkins pulled the item for Commission discussion and indicated her reason for pulling it is that she felt the item should be placed under regular agenda. She then asked for an explanation of the CHDO process.

Mark Korman, Program Compliance Manager, stated that the CHDO is the acronym for Community Housing Development Organization. He said the City has three (3) certified CHDO's, who are developers of affordable housing. They utilized HOME funds that are federal funds to add to the inventory of affordable housing in the City. He said this year they received one CHDO application, but they are not obligated to award the funds. However, this application was deemed "good" by the scoring committee. He said Pastor Zanders is present and could describe the project in more detail. The applicant will be constructing a new home on the property given to them by the CRA. The home will then be sold to a low to moderate income family.

Comr. Perkins wanted to know how they are communicating the information to the public that this program is available.

Mr. Korman explained that CHDO is limited to the three current applications, but for this year only one of the three applied. He said it starts with a notice of funding availability that starts in February, which is published in the Sun Sentinel newspaper. Next, there is the RFP for application, then workshops are conducted for potential applicants that are assisted to complete the applications, use the software, and so forth.

Comr. Perkins reiterated her request for staff to do a better job of advertising to let people know that this program is available.

In response to Mayor Fisher's question regarding the CHDO, Mr. Korman stated that only a certified CHDO can submit an application. He added that to be certified an applicant must follow the HUD HOME rules and establish the fact that they have the ability to do the work, the community based organizations must meet the HUD requirements, their credibility and viability must be established as well.

Comr. Perkins asked about the land for this program.

Pastor Johnny Zanders, Pompano Beach FL, stated that he does a lot of work not just building and rehabbing houses, but he also work hard to try and get low to moderate income individuals to get these jobs and has been successful in this effort. In fact, he said when he had his drug and alcohol ministry Comr. Perkins used to work with him years ago. He said he had to go through a lot of things to become a CHDO and to operate within the specs, which he provided in details. Pastor Zanders said they have operated as a CHDO since 2010.

In sum, Pastor Zanders indicated that the goal is to provide an environment for those young people who normally are dropouts to acquire the skills of the building trade, so they can acquire a journeyman certificate of license so they can be productive with their family.

Comr. Moss said he applauds Pastor Zanders for what he does and thanked him for his efforts. Comr. Moss asked about the process involved with the builder's profit.

Mr. Korman responded that there is a 5% developer's profit.

Mayor Fisher thanked Pastor Zanders for his efforts. He said he has known Pastor Zanders track record for many years and his mission is less important in building a house than it is training individuals who need help. Therefore, he thanked him for helping the City's residents who are less fortunate to get back on their feet again.

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. 2018-216

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 14-18 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 then Commission's discussion.

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

14. [18-390](#) P.H. 2018-73: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 15th STREET WEST OF NW 15TH AVENUE AND COMMONLY KNOWN AS 1641 NW 15TH STREET FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO CF (COMMUNITY

FACILITY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JULY 10, 2018

TABLED FROM JUNE 12, 2018

*With regard to this Item, the applicant requested to postpone this matter to the March 12, 2019 Commission Meeting Agenda.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to take the item off the table.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED until July 24, 2018 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Burrie
Fisher

Absent: Sobel

15. [18-466](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LETTER OF NO OBJECTION TO THE PLAT AMENDMENT FOR THE BF POMPANO PLAT LOCATED AT 1380 SOUTH OCEAN BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Daniel Kester O'Mills, Principal Planner, presented the item stating that the owner of the property, 1380 South Ocean Boulevard Florida, LLC has requested to amend the plat note on BF Pompano plat to change the use, update the findings of adequacy, and amend the non-vehicular access line also known as the NVA line. The subject property is located at 1380 South Ocean Boulevard. The amendments would do the following:

- 1) Modify the use restrictions from a 396 unit hotel room and 10 existing boat slips to a 239 unit condominium and 14 boat slips in order to be consistent with the approved Planned Development In-fill (PDI) master plan adopted by ordinance.
- 2) Update the findings of adequacy.
- 3) Change the NVA line to permit an additional access on State road A1A to be consistent with the master plan.

Gregory McAloon, Esq., Tripp Scott, 110 SE 6th Street, Fort Lauderdale, FL 33301, attorney for the applicant, stated that this is pursuant to the PDI rezoning which was approved by the Commission on April 24, 2018, which allows them to continue forward with the Broward County plat application.

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

No: Sobel

Absent: Perkins

Enactment No: RES. No. 2018-217

16. [18-467](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR AMENDMENT OF NOTATION ON PLAT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Daniel Kester O'Mills, Principal Planner, presented the item stating this is a City initiated request to approve an agreement required by Broward County in order to complete a Plat Note Amendment process for the southwest fire station. On October 24, 2017, the City Commission approved a Plat Note Amendment for the Palm Aire Cypress Estates 4th Section Plat. A copy of the resolution has been included in the backup. The approved plat note restricted the property to a 20,000 square foot fire station.

In April 2018, the Plat Note Amendment was approved by the County Commission, however, the resolution did not include the provision to authorize the city to execute any subsequent approvals. The County is requiring this agreement to be executed in order to complete the amendment. The document states that either a principle building permit must be approved and first inspections must occur or the infrastructure border lines, zero lines, drainage and internal roads must be substantially completed on or before April 10, 2023. If not, the County's finding of adequacy shall expire and no additional building permits will be issued. Additionally, the plat must comply with the County's development regulations as they relate to hazards air navigation.

Mayor Fisher understands Broward County requirement of the City to sign the agreement as the owner and asked if that was unknown at the time.

Michael Vonder Mullen, Keith and Associates, 301 East Atlantic Boulevard, Pompano Beach, FL, responded that normally the City's standard resolution process authorizes the Letter of no Objection, but it was an oversight on his part that they missed the additional whereas clause. It requires that whenever it is a city piece of property there needs to be an additional authorization for the signature. It has been done in the past, but he apologized for the oversight for this item.

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. 2018-218

17. [18-464](#) P.H. 2018-84: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWENTY FOOT WIDE UTILITY EASEMENT LYING SOUTH OF SW 13TH COURT, NORTH OF WEST MCNAB ROAD AND WEST OF SOUTH ANDREWS AVENUE LOCATED AT 1570 SW 13TH COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 10, 2018

Daniel Kester O'Mills, Principal Planner, presented the item stating the agent, J. Mark Shapland of Becknell Services, LLC on behalf of 1570 SW 13th Court, Florida, Becknell Investors LLC, is requesting the vacation of a 20 foot wide FP&L easement on the subject property. The property is located west of South Andrews Avenue, also known as Southwest 12th Avenue and south of Southwest 13th Court with the address 1570 SW 13th Court. The easement runs south from Southwest 13th Court along the portion of the eastern boundary of the property approximately 350 feet in length.

The intent is to build a new warehouse facility approximately 68,000 square feet and they have submitted a site plan that was approved at the August 23, 2017 Planning & Zoning Board meeting. One of the conditions of approval on the development order for the site plan was to vacate the easement on the property as there are proposed improvements within the area. At the March 28, 2018 Planning & Zoning Board meeting, it was unanimously recommended for approval to the City Commission with the condition that this request not be

placed on a City Commission agenda until all comments are received from each service provider or until sixty days from the date of the recommendation, whichever occurs first. Consequently, several service providers have replied to the city's request issuing no objection.

The standards for abandonment are as follows:

- 1) The easement is not now or in the foreseeable future any benefit to the City or its inhabitants.
- 2) The abandonment is consistent with a Comprehensive Plan.

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

18. [18-465](#) P.H. 2018-85: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING PORTIONS OF THE RIGHT-OF-WAY ON NW 12TH AVENUE ADJACENT TO 1751 NW 12TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 10, 2018

Daniel Kester O'Mills, Principal Planner, presented the item stating the agent, Damian Brink of Schmidt Nichols Land Planning Inc. on behalf of Lone Oak Broward LLC, is requesting abandonment of portions of Northwest 12th Avenue right-of-way adjacent to 1751 NW 12th Avenue. The intent is to reconfigure the access for the Gold Coast Beverage site to construct a 9,500 square foot addition. At the time of the Planning & Zoning Board meeting there were four service providers that did not issue comments, and four stated they had no objections, and two city departments that required further commitments before a no objection statement could be provided. At the April 2018 Planning & Zoning Board meeting three conditions were included in their recommendations for approval to the City Commission. The first was requiring the retention of a public access easement in perpetuity that would comply with the minimum dimensional standards, to permit adequate turn around capacity for fire trucks and cars, which was provided in the second whereas clause in the ordinance. On the date of the second reading a resolution can be approved that would accept the easement conveyance.

The second condition related to satisfying the concerns brought up by the utilities department, however, since the Planning & Zoning Board meeting, the applicant amended the subject area of the abandonment in order to leave out the City's assets. The final no objection comment from the utilities director has been included in the backup.

The third condition related to the outstanding service providers issuing letters of no objection or waiting sixty days before bringing the matter to the City Commission. There are four service providers that are outstanding and did not provide any comments for the right-of-way vacation and as a result, staff has waited sixty days prior to bringing it to the City Commission. The standards for the abandonment are that the right-of-way is not now or in the foreseeable future be of any benefit to the City or its inhabitants and the abandonment is consistent with the Comprehensive Plan. At the April 25, 2018 Planning & Zoning Board meeting, the board unanimously recommended approval with three conditions that have been met.

Damian Brink of Schmidt Nichols Land Planning Inc. representing the applicant Lone Oak Broward LLC and the operator Gold Coast Beverage, noted that the integrity of the cul-de-sac for turnaround of public vehicles will still be intact and will operate as it is currently. He said the reason for the abandonment of a portion of it is for direct access for staff cars immediately to the west. Currently, there is no access point in the cul-de-sac except for all the trucks access on the northeast side.

Comr. Perkins asked if this will be for parking instead of signage.

Mr. Brink responded it will be for a reconfiguration for direct access to the parking lot to allow cars for easier access.

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

END OF QUASI-JUDICIAL PROCEEDING

19. [18-458](#) Acceptance of the City Manager's Recommended Operating/Capital and Line Item Detail budget books for FY 2018-19 and approval of public hearing dates to adopt the FY 2018-19 millage rates and budget.
(Fiscal Impact: N/A)

Erjeta Diamanti, Budget Manager presented the item stating it is a housekeeping item that is brought before the City Commission annually to satisfy the Code of Ordinances Chapter 36.014. The City Manager is required to

submit a budget message and an explanatory budget variance for the upcoming fiscal year sixty days prior to the starting of the fiscal year of October 1, 2018.

Ms. Diamanti stated that the second part of the item is related to the budget hearings, which are scheduled to be held in September on a Friday after 5:00 p.m. Consequently, the first budget hearing is scheduled for September 14, 2018 at 5:15 p.m. and the second and final budget hearing is scheduled for September 21, 2018 at 5:15 p.m. She noted that the budget books have been distributed to the City Commission. This is the only action the City Commission will take at this time. However, further discussions on the recommended budget for fiscal year 2018-2019 will take place during the July Budget Workshop, which will be on Monday, July 16, 2018.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

20. [18-220](#) P.H. 2018-49: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES;

PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

TABLED FROM JUNE 26, 2018

TABLED FROM JUNE 12, 2018

TABLED FROM MAY 22, 2018

FIRST READING: MAY 8, 2018

John Sfiropoulos, City Engineer, presented the item stating that the Advanced Wireless Infrastructure Deployment Act became effective in 2017, creating new requirements and allowances for local governments related to the insulation of wireless facilities in public right-of-way (ROW). As a result, municipalities are required to revise their codes to be in compliance. Based on comments presented from the industry at first reading, the City agreed to meet with them to resolve prior to second reading. Both sides went through various iterations and the City has accommodated majority of their concerns. In fact, the City has received four industry letters, three of which are in support, while the fourth is generally positive but they still have some minor concerns. Mr. Sfiropoulos thanked City Attorney Berman for his assistance.

Continuing, Mr. Sfiropoulos indicated that the City Commission has the final version of the ordinance, the red lined version and the memorandum summarizing the changes from first reading to second reading. Gary Resnick, outside counsel who the City used to write the ordinance was unable to attend tonight's meeting.

Mathew Scott, Esq, Dunay Miskel and Bachman, 14 Southeast 4th Street, Boca Raton, FL, stated he represents Crown Castle a member of the industry. He said they appreciated the experience with Mark Berman and John Sfiropoulos working through the issues that are complicated and technical.

Doug Matthes, Pompano Beach, FL, stated that he has some concerns with the item. He stated that at the May 8th City Commission meeting there were discussions with the communications companies with those issues in the agenda item. The residents of the City were involved in these issues as well and he asked if the residents were given equal access, and were there any community meetings and if so, what were the results. Moreover, Mr. Matthes mentioned about the City spending millions of dollars placing utility lines underground at or near the beach. Based on prior discussion, communications companies will be allowed to place poles almost anywhere on city property without restrictions, which includes the beach area.

In sum, Mr. Matthes complained about poles and the black communication cables that have created visual pollution in his neighborhood. Therefore, he suggested that the cable color needs to be regulated to something less obvious. In addition, the ordinance needs to address the pole problems with a requirement that the lines and poles in residential areas only serve its customers immediately adjacent to the lines. He continued with a

list of suggestions that the City should include in the ordinance to deter or restrict the communications companies from creating visual pollution in the residential areas.

Mr. Sfiropolous explained the ordinance is for telecommunications, but what Mr. Matthes is referring to is mostly about the franchise agreements with FP&L, AT&T, Comcast, etc. Nevertheless, he provided information as to the current arrangements that the City has with these utility companies, which include regular meetings and staff is working to have them remove the double poles that are out in the neighborhoods.

Mr. Matthes believes the issues are communication related and should be addressed in the communications ordinance.

Mark Berman, City Attorney referred to page 33 that there is still an underlining, which should not be there, but they will take care of it. In addition, Mr. Berman stated that they did not meet with the residents as it is up to the City Engineer and the City Attorney to determine based on the Advance Wireless Infrastructure Deployment Act that sets the rules as to what the City has to do. Therefore, staff has checked and reviewed it to best protect the City's rights-of-ways and citizens. He provided a few examples as to the steps taken.

Mayor Fisher reiterated that if the City did not implement an ordinance as proposed, it would be a free for all and therefore, the communications industry would be able to do whatever they wanted to do. Therefore, this ordinance provides as much regulations possible to protect the residents.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take the item off the table.

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. 2018-64

21. [18-410](#) P.H. 2018-79: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.40, "LOCAL BUSINESS

PROGRAM,” TO MODIFY EXCEPTIONS TO THE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 26, 2018

Chris Clemens, Economic Development Manager, presented the item stating that this is the second reading of the ordinance, which will remove the Consultants Competitive Negotiations Act (CCNA) provision. Finally, there has not been any changes since first reading.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2018-65

Meeting went into Recess

Meeting Reconvened

22. [18-437](#) P.H. 2018-80: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST ADDENDUM TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO AVIATION II, LLC, FOR PARCEL “AAAA” OF THE POMPANO BEACH AIR PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$50,094.00 to be paid to the City annually)

FIRST READING: JUNE 26, 2018

Robert McCaughan, Public Works Director, presented the item stating that at the last meeting the City

Commission approved the resolution, which allowed Pompano Aviation to assume the lease from American Flyers. Also, at the first reading of the ordinance, a new lease was approved for 30 years for Pompano Aviation. Since the first reading there has been no changes. He mentioned that on Tuesday, July 3, 2018 the Air Park Advisory Board reviewed the item and they were pleased with the proposed lease.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked if this will be a partnership where the company will go to the City's high schools and allow students to learn about aviation.

Mayor Fisher responded that the City can and have been successful already, as Dahlia Baker has created a program for aviation, which has been very successful. Moreover, he believes Mr. Spatz would want to continue with this program.

Comr. Sobel in the interest of full disclosure, indicated that Pompano Aviation LLC did send a contribution to his campaign.

Mark Berman, City Attorney asked if the contribution in any way attempted to affect his vote in this matter or influence any type of outcome of this matter.

Comr. Sobel answered, "Absolutely not."

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. 2018-66

23. [18-477](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AN APPLICATION FOR AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN TO REDUCE THE RIGHT-OF-WAY DEDICATION REQUIREMENT FOR ATLANTIC BOULEVARD FROM CYPRESS ROAD TO THE INTRACOASTAL WATERWAY, FROM 120 FEET BETWEEN CYPRESS AND FEDERAL HIGHWAY AND 110 FEET FROM FEDERAL HIGHWAY TO THE INTRACOASTAL WATERWAY, TO 100 FEET FOR THE ENTIRE CORRIDOR;

PROVIDING AN EFFECTIVE DATE.**(Fiscal Impact: N/A)**

Jean E. Dolan, Development Services, presented the item stating this is a resolution to transmit an amendment to the Broward County Trafficways Plan. Currently, they have 120 feet required between Cypress Road and Atlantic Boulevard and 110 feet between Federal Highway and the intercostal. She said when the East Transit Oriented Corridor (ETOC) land use plan amendment was done, the City designed a section for that road that only requires the existing 100 feet of right-of-way (ROW). Therefore, the City is requesting Broward County to reduce that ROW requirements so the City do not continue to take ROW that is not needed to fulfill the complete street vision for Atlantic Boulevard and the segment.

Doug Matthes, Pompano Beach, FL, asked what is the plan and timeline for Atlantic Boulevard and its implementation. Also, what is the plan to eliminate cut through traffic from Atlantic Boulevard from entering Old Pompano. In addition, he enquired if a traffic study has been done by a qualified traffic engineer, if so, what plan has been approved and when will it be seen. What is the impact on the sidewalks, light poles, drainage and utility easements along Atlantic Boulevard on both sides of the street? Additionally, he asked if there were any community meetings with adjacent neighborhoods for residents input. Continuing, he asked what is the cost of the change to implement Atlantic Boulevard and how will it be funded to make the changes. He concluded if all the questions asked is not complete, then he would recommend that the City Commission vote no for the item.

Ms. Dolan stated that they are not narrowing the ROW, they just will not take more ROW.

Mayor Fisher stated this is a housekeeping issue where the City will not take any more ROW it does not need, and just limit it to the 100 feet that is already in place.

Comr. Sobel asked if the ROW is 100 feet from curb to curb, to which Ms. Dolan replied yes. Also, he asked if bike lanes will be carved out of that.

Ms. Dolan responded that the section that was approved in the ETOC zoning code between Federal Highway and the Intercostal has a bike lane on both sides, and there is a share arrow on the part between Cypress Road and Atlantic Boulevard. There is on-street parking instead of a bike lane.

In response to Comr. Sobel's question as to what other cities do in this case, Ms. Dolan stated that there is a trend but it depends on that city's plan. The trafficways plan shows different widths all over the county based on what the roads are. So, if the widths are consistent with what they want to do they would leave them, and if they want to narrow they would propose amendments.

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

Yes: Hardin

Moss

Perkins

Burrie

Fisher

No: Sobel

Enactment No: RES. No. 2018-219

24. [18-434](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH FOR CITY'S SHARE OF THE COST FOR THE COUNTY'S PREPARATION OF A 100-YEAR FLOOD ELEVATION MAP AND ASSOCIATED MODELING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$49,285.71)

TABLED FROM JUNE 26, 2018

Jean E. Dolan, Development Services, presented the item stating the interlocal agreement was provided to the City by Broward County, and it was an item they requested to be funded last year, which was put into the City's budget for this year. Therefore, this item is to allocate those funds for the update to the flood maps, which will take sea level rise into consideration. This will help the cities throughout the county to determine what the finished floor elevations should be to accommodate the two feet of sea level rise being anticipated by 2060.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked upon the completion of the map will it be used so the residents of some of the areas that are 23 feet above sea level could go to their insurance companies and have some of their flood insurance removed from private homes within the City.

Ms. Dolan clarified that this map is different. She said FEMA is the agency who makes the flood zone maps and although the City is using the same Lidar data that they use on the flood maps, these will not replace the FEMA flood maps. These will provide more detail in terms of what the finished floor elevation should be to keep people out of the water once the sea level starts rising.

Additionally, Ms. Dolan indicated that if a homeowner wants to get out of a flood zone requirement because he/she feels they are in a higher zone and do not need to be in a flood zone, then they can apply for a LOMA, which is a letter of map amendment, where a survey is done to prove that the property is higher than the flood map indicates.

Don McNeil, NE 6th Street, Pompano Beach, FL, asked if the City could implement the FEMA data that has already been done.

Ms. Dolan responded no and explained that this is much more complicated. She said they are using a model called "Mikeshe" and it takes various factors into account. The design storm, the ground water elevation and then sea level rise on top of that. So it is much more in depth and site specific than the FEMA maps.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take the item off the table.

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. 2018-220

25. [18-368](#) P.H. 2018-78: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.2205., "ARCHITECTURAL APPEARANCE COMMITTEE (AAC)" TO MODIFY POWERS AND DUTIES; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY APPLICABILITY, EXEMPTIONS, STANDARDS AND MINOR DEVIATIONS; BY AMENDING SECTION 155.2408., "BUILDING DESIGN," TO MODIFY APPLICABILITY AND STANDARDS; BY AMENDING SECTION 155.2410., "PLAT," TO MODIFY PROCEDURES AND REQUIREMENTS FOR AMENDMENTS OF APPROVED PLATS; BY AMENDING SECTION 155.2412., "TEMPORARY USE PERMIT," TO MODIFY PROVISIONS FOR REVIEW OF TEMPORARY USE PERMITS; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY STANDARDS FOR ALLOWABLE ADMINISTRATIVE ADJUSTMENTS; BY AMENDING SECTION

155.4302., "GENERAL," TO MODIFY REQUIREMENTS FOR ACCESSORY USE STRUCTURES; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO MODIFY REQUIREMENTS FOR OFF-STREET PARKING AND ADDING CERTAIN COMMERCIAL USES; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO MODIFY LANDSCAPING REQUIREMENTS FOR EXISTING DEVELOPMENT AND DEMOLITION SITES; BY AMENDING SECTION 155.5301., "SCREENING," TO MODIFY SCREENING STANDARDS FOR NEW AND CERTAIN EXISTING DEVELOPMENT AND PROVIDING EXEMPTIONS; BY AMENDING SECTION 155.5603., "INDUSTRIAL DESIGN STANDARDS," BY MODIFYING INDUSTRIAL DESIGN STANDARDS FOR ENTRANCES AND FACADES OF BUILDINGS; BY AMENDING SECTION 155.5902., "MAINTENANCE," BY MODIFYING LANGUAGE TO CLARIFY GENERAL MAINTENANCE REQUIREMENTS; BY AMENDING APPENDIX C: FEE SCHEDULE, TO MODIFY FEES FOR CERTAIN DEVELOPMENT SERVICES APPLICATIONS FOR DEVELOPMENT IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 26, 2018

Paola A. West, Principal Planner, presented the item stating that the proposed changes stemmed from suggestions made at the round table forum the Development Services Department hosted, as well as there were some housekeeping type edits, and most importantly to remove some burdensome processes and streamline a couple methods. She said there were not many changes to the language except the one minor change mentioned at first reading, which was on page 16 and page 17, to extend single family from double striping.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, likes the changes to remove some of the obstacles moving forward, and hopes to see a lot more projects that the City Commission could move forward. He thanked the City Manager and the Development Services Director for bringing this item forward.

Mayor Fisher thanked Ms. West and her team for working with the community and developers and for coming up with some great ideas.

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. 2018-67

26. [18-370](#) P.H. 2018-72: (PUBLIC HEARING 2ND READING)
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
POMPAÑO BEACH, FLORIDA, AMENDING CHAPTER 115,
"MISCELLANEOUS BUSINESSES," BY AMENDING SECTION 115.18,
"MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," TO
EXCLUDE PIER AREA VENDING AS DEFINED IN SECTION 115.19;
BY CREATING SECTION 115.19, " PIER AREA VENDING," TO
PROVIDE DEFINITIONS, APPROVALS, PROCEDURES,
REGULATIONS AND STANDARDS FOR PIER AREA; PROVIDING
FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM JULY 10, 2018

TABLED FROM JUNE 12, 2018

FIRST READING: MAY 22, 2018

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to take the item off the table.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED until the July 24, 2018 City Commission meeting. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

27. [18-404](#) P.H. 2018-86: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO PROVIDE RESTRICTIONS FOR THE SALE OF NEW OR USED MERCHANDISE AND/OR GOODS ON CERTAIN CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 10, 2018

Daniel Kester O'Mills, Principal Planner, presented the item stating that the proposed text amendment proposes to add a new use and specific standard that would be applicable to all users. The new uses standard apply specifically to those properties owned or leased by the City and Community Redevelopment Agency (CRA). The standard would prohibit any use or activity that would exclude a minor, pursuant to state law, from selling, transferring, possessing or viewing the material or goods that are being exhibited or displayed. The exception provide any amendment would be granted to approve special events that sell or distribute alcoholic beverages lawfully for the consumption on premise.

Continuing, Mr. Kester O'Mills stated the purpose behind the ordinance is to ensure that the public spaces are open and welcoming to people of all ages. In addition, at the May 23, 2018 Planning & Zoning Board meeting, the Board unanimously recommended approval for the proposed text amendment.

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

28. [18-449](#) P.H. 2018-82: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF

POMPANO BEACH AND CYPRESS GOLF MANAGEMENT, LLC FOR MAINTENANCE AND MANAGEMENT OF THE MUNICIPAL GOLF COURSE AND ATTENDANT COMMON AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,604,084 Annually for Agreement and \$25,000 for 19 putting greens re-turfed)

FIRST READING: JULY 10, 2018

Brian Donovan, Assistant City Manager, presented the item stating it is an agreement with Cypress Golf Management, LLC. He said there are two changes to the agreement. First, it is to extend the agreement for an additional five years and second, is to allow Cypress Golf to install pass palm on nineteen putting greens on the golf course. He explained the specialty of pass palm that thrives in this type of environment.

Tom Terwilliger, 3180 NW 1st Avenue, Pompano Beach, FL, asked about the extension of the agreement being five years, but he understood that this would be five one year contracts.

Mr. Donovan responded that when the agreement was approved there were two five year options, so staff is recommending the first five years option not five one year option.

Don McNiel, NE 6th Street, Pompano Beach, FL, stated that the golf course is a jewel, but unfortunately it is fallen in disrepair. He asked if there were any performance review on the five years, and if they do not make a certain gate then the City could terminate the contract. He said there are people who have left Pompano Beach and travel 25 miles to play golf in Boca Raton.

Mr. Donovan responded that there are provisions in the agreement that if for whatever reason the City feels it is receiving unsatisfactory service or the service is not up to par, the City can either perform the service or move to terminate and deduct the charges accordingly.

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

29. [18-470](#) P.H. 2018-83: (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 115.30, "SALE OF NICOTINE VAPORIZERS OR LIQUID NICOTINE," TO PROVIDE FOR DEFINITIONS, PROHIBITIONS, ENFORCEMENT AND PENALTIES; BY AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," BY CREATING SECTION 131.24, "PROHIBITED USE OF NICOTINE VAPORIZERS," TO PROVIDE FOR PROHIBITIONS, ENFORCEMENT AND CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JULY 10, 2018

Tracy A. Lyons, Deputy City Attorney, presented the item stating that during City Commission meeting of June 26, 2018, the Commission directed the City Attorney's Office to draft an ordinance, which would regulate the use of vaping an E-cigarette in public due to the many concerns of second hand smoking accessibility of such products to our youth. Pursuant to the City's home rule authority and in an effort to protect the health, safety and welfare of our residents in the community, there is a proposed ordinance for the City Commission to consider that will amend Chapter 115 - Miscellaneous Businesses - to include certain regulations of the sale of nicotine vaporizers or liquid nicotine to prohibit such sales to anyone under the age of 18. The ordinance also prohibits any type of self-service vending machines in businesses. Finally, Ms. Lyons stated that the ordinance provides for criminal penalties for those found in violation of the code with the maximum penalty of \$500 and up to sixty days in jail.

Continuing, Ms. Lyons stated that the second section of the ordinance will amend Chapter 131 - Offenses Against Persons and Property - to prohibit the use of nicotine vaporizers in all public areas including City parks and beach, and all other areas where smoking is prohibit pursuant to Florida Statute 316, which includes areas such as residence and the work place. The City ordinance is in addition to state regulations and is not preempted by the state, because the state statute regulates the burning of tobacco products and E-cigarettes do not burn tobacco. The section of the ordinance also provides for civil penalties for anyone found in violation, which will include fines starting at \$100 and increasing thereafter for each additional offense.

Comr. Hardin thanked the public for first bringing this item forward to the City Commission's attention, and thanks to the legal staff for putting the ordinance together.

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

30. [18-488](#) P.H. 2018-88: (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 AND FIRST AMENDMENT THERETO FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC, TO PROVIDE FOR A SECONDARY REDUNDANT FIBER LINE FOR INTERNET AND VOICE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$41,216 Per Year)

SECOND READING: JULY 10, 2018

Gene Zamoski, IT Director, presented the item stating that the agreement will allow Comcast to provide for a secondary redundant fiber line for voice and internet service at the Pompano Beach Emergency Operations Center and all other City facilities. This fiber connection will have a dedicated direct connection from the emergency operations center to the home office of Comcast. The cost to the City will be approximately \$3,400 per month and there is a \$500 one time installation fee.

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. 2018-68

31. [18-489](#) P.H. 2018-89: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 132.38, "CHRONIC NUISANCE PROPERTY CODE," PROVIDING FOR THE IDENTIFICATION OF PROPERTIES THAT ATTRACT OR PERMIT NUISANCE ACTIVITIES; REQUIRING CORRECTIVE ACTION BY PROPERTY OWNERS; PROVIDING PROCEDURES FOR ENFORCEMENT; PROVIDING FOR NOTICE, HEARING RIGHTS, AND APPEALS; PROVIDING FOR ASSESSMENT AND RECOVERY OF COSTS, FINES AND FEES RELATED TO ENFORCEMENT; PROVIDING FOR LEVY AND COLLECTION OF NON-AD VALOREM ASSESSMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: JULY 10, 2018

Tracy Lyons, Deputy City Attorney, presented the item stating that this is a chronic nuisance ordinance, which will provide city personnel with another method to combat properties throughout the City that presents public nuisance. The ordinance creates Chapter 132 - A New Chronic Nuisance Property Code, which will identify chronic nuisance properties that have a significant adverse effect on the quality of life, safety and health of the neighborhoods where they are located.

Once identified the City will provide for a nuisance abatement process which will include notice to the property owner of the chronic nuisance. This will require the property owner to enter into a nuisance abatement agreement and action plan, which will detail the necessary corrective actions to remedy the nuisance activity within a specified time frame. The ordinance further provides for an administrative process in the event the property owner fails to correct the nuisance. This will allow enforcement and prosecution by the City through the Special Magistrate hearing process to obtain a chronic nuisance order with notice and due process to the property owner. In addition, once the order is obtained, such order will authorize City personnel to service the property and abate the nuisance and will further authorize the City to bill the costs to the property owner. Such costs can then be levied against the benefitted property as a non-ad valorem assessment, and certified to the tax collector for collection pursuant to Florida Statute 197. The ordinance also provides for periodic monitoring to ensure compliance with the proposed action plan.

Mayor Fisher thanked staff and the City Attorney's office for finally coming to fruition with the nuisance ordinance.

Comr. Hardin asked if this integrate with the Nuisance Abatement Board.

Ms. Lyons replied no and explained that this will be in addition and will be another method. This will

enumerate certain chronic nuisances through the ordinance particularly criminal offenses and activities.

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. 2018-69

32. [18-487](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT REGARDING THE CITY OF POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY AMONG BROWARD COUNTY, CITY OF POMPANO BEACH, POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY, NORTH BROWARD HOSPITAL DISTRICT, AND CHILDREN'S SERVICES COUNCIL OF BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Mayor Fisher announced that the item was discussed at a Special Community Redevelopment Agency (CRA) Board meeting earlier and Mr. Berman would present the item.

Mark E. Berman, City Attorney, stated that this is the interlocal agreement, if approved, would settle litigation between the City of Pompano Beach and Broward County with regard to the issues involving the Community Redevelopment Agency (CRA). The other parties are the North Broward Hospital District, and the Children's Services Council of Broward County. He said a meeting was set earlier this evening for over one hour going through the terms and conditions, therefore, he will set an appropriate record for the City Commission and the audience.

First, Mr. Berman stated that under the terms of the proposed agreement, the Northwest CRA was due to terminate on December 31, 2019, but this would be extended. The City tried to extend it but the County disagreed that this was done appropriately, which is part of the litigation. Therefore, under this agreement the Northwest CRA would terminate December 31, 2040, as the City proposed. In addition, the TIF money for the Northwest would end after fiscal year 2019, and moneys would all be due by December 31, 2019. The City's TIF obligations and contributions would continue. The County would contribute \$7 million in two payments, \$5,200,000 before December 31, 2020, and another \$1.8 million before December 31, 2021.

After multiple discussions with the public and shade meetings in discussing what the projects are, the backup material includes the approved projects for a total of \$7 million. The County will have to approve any changes in those approved projects on the list.

Continuing, Mr. Berman indicated that participating taxing authorities, specifically, it would be North Broward Hospital District and the Children's Services Council of Broward County would contribute 46 million. It would be \$1.5 million per year times four years and there would be one additional payment of \$750,000, as well as that would be made prior to December 31, 2025. Those funds would be designated for approved projects as well.

Finally, Mr. Berman stated that the County would contribute towards slum and blight in the northwest district \$10 million to improve the northwest district, which money must be spent by December 31, 2025. A residential district advisory board consisting of specific members as set forth in the proposed agreement would advise and recommend the projects to the County for the use of the \$10 million. There would be an independent audit of the CRA and the CRA Trust Fund as requested, and that could be done with the same accounting firm as the City's, but as a separate audit of those accounts and trust funds. Overall the entire amount that would be coming into the Northwest CRA is \$23,750,000. At that point, this would free the City up to have the CRA, the Bonds, additional funds, which could not be done with pending litigation. They also discussed at length should the City proceed to litigation the opportunity is that potentially the City gets nothing or potentially could receive more. However, win or lose the City would tend to lose because if it wins the County would appeal to the Fourth District Court of Appeals that could tie the case up for years. The City would lose its financing ability, the TIF money, which is income for the Northwest CRA district. If the City wins the County appeals and if the County wins the City appeals same problem would exist, the City would be unable to bond, and to finance these projects. So, this agreement gets a known quantity and a decent amount of money coming in for the northwest for redevelopment and keeps the ball rolling and keeps the progress that the City has been making in the northwest area. Mr. Berman concluded that this is the basic construct. He said Jamie Cole, outside litigation counsel is also available, as well as Claudia McKenna, CRA counsel who have remained for this meeting.

Mayor Fisher thanked Mr. Cole for all his many hours of negotiations working with County staff to bring it to where we are today.

Anne Siren, Pelican newspaper, Pompano Beach, FL, asked about the debt payment for the G.O. Bond that will be taking care by each taxpayer. Therefore, if the City bonds this money for the northwest district, will that debt payment be citywide or would it only be for taxpayers in the district.

Mayor Fisher reiterated the question, if the City bond on the proceeds received from the settlement who would pay those dollars back and would it be through the TIF funds.

Claudia McKenna, CRA Attorney, responded that if a bond is done it becomes debt service, which is an expense item in the redevelopment trust fund budget and the TIF dollars that come into the fund would pay for the debt service.

Dale Allen, Pompano Beach, FL, mentioned that various commission members are astute and knows about the

P&L as the bond is being discussed. However, he mentioned there are other collaborative ways that the money can be brought back to the community. For example to engage in joint ventures either with some laborers, or some companies putting in the work, but getting a percentage of the business they put into the city. He said there are several nuances in which the City could go. In fact, currently, Pompano as a whole is stagnant. He asked what can the city do now to be proactive in making things neutralized and stay stable instead of being reactive once the epidemic starts. He said as Comr. Perkins spoke earlier on the monies for that district, it is still Pompano as a whole. So, the Commission should consider what can be done with the various businesses that can be attracted to the City. For example, to invite a business to come in and build on a particular property, and in exchange offer to give them a percentage for them and their family as well as the community. So, it becomes a business that study reaping farmers.

Continuing, Mr. Allen stated that the funds are coming but a lot of people do not see it. But there is the P&L of strategic building and what can be done for the current and future generations. In addition, he said as staff is being inclusive of other people, City Manager Harrison needs a paid community person to act as liaison to assist with doing some of these things and to interact with these people. Therefore, he suggested to take someone from the community to be a conduit. He said he has a number of ideas he can provide. In sum, he said there are so many other ways that it can be done from a P&L standpoint and the City would win. He said it is not a black or white issue but it is demographically Pompano diversity, which is a melting pot.

Mayor Fisher stated that Mr. Allen brought up a great point that the City Commission discussed earlier in the CRA meeting. The whole idea of reinvesting these dollars is to create infrastructure and create the foundation to attract a private development, and when they come in to build jobs, tax base, and TIF moneys are created that the City can again take those dollars that are being generated from the initial investment, which will be about ten to fifteen fold, to get back to the community and to do all the things that are desired. Therefore, Mr. Allen is on point as that is what is the Commission's intent to utilize the settlement dollars and be able to maximize the value of the money, to be able to do the redevelopment needed, the job creation, and ultimately for all people to enjoy as one City.

Comr. Hardin reiterated what he said earlier at the Special CRA meeting that he cannot support this item as he thinks the City is selling the community short. The northwest community, and the City as a whole in accepting this settlement is a detriment to the community on a long term basis. He said there were opportunities that the City could have pursued to get better dollars than what is being offered now. In fact, this is pennies to the dollar compared to what the City should be receiving for the community.

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: Moss
Perkins
Sobel
Burrie
Fisher

No: Hardin

Enactment No: RES. No. 2018-221

33. [18-455](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DAVID HALL TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2021; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

David Hall, Incumbent - District 3
Raymond Nies - District 1
Robert J. Sikorski - District 1
Kenneth A. Campbell - District 3

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name DAVID HALL and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2018-222

34. [18-472](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MOLLY MOOR TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS ALTERNATE 1 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Latoya T. Almonord, Incumbent/Alternate 1 - District 1

Mary C. Antoine - District 1

Patricia DeSanctis - District 1

Rafal Dradrach - District 1

Molly Moor - District 1

Bruno Munoz - District 1

Kerry-Ann Parsons - District 2

Sarahca Peterson - District 3

Philip J. Schulte - District 3

Hazel K. Armbrister - District 4

Monifa Aruwajoye - District 4

Marie Goodrum Johnson - District 4

Marguerite K. Luster - District 4

Marcus A. McDougale - District 4

Shelton Pooler - District 4

John Reed - District 4

Bettye A. Walker - District 4

Andy Cherenfant - District 5

Frank Shulman - District 5

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name Latoya T. Almonord, Commissioner Moss nominated Kerry Ann Parsons and Commissioner Sobel nominated Molly Moor. The Resolution was ADOPTED, to insert the name MOLLY MOOR. The motion carried by the following vote:

Yes: Moss

Perkins

Sobel

Burrie

Fisher

No: Hardin

Enactment No: RES. No. 2018-223

35. [18-473](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PHILIP J. SCHULTE

TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2 FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 18-472 FOR APPLICANTS.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name Philip J. Schulte and Commissioner Perkins nominated Marguerite K. Luster. The Resolution was ADOPTED to insert the name PHILIP J. SCHULTE. The motion carried by the following vote:

Yes: Hardin

Moss

Burrie

Fisher

No: Perkins

Sobel

Enactment No: RES. No. 2018-224

36. [18-476](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING EMMA ELLINGTON TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2; FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Emma Ellington, Incumbent/Alternate 2 - District 4

Predrag P. Jovanov - District 3

Phyllis Smith - District 5

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name EMMA ELLINGTON and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: RES. No. 2018-225

E. REPORTS

Gregory Harrison, City Manager - Sale of Bonds - Mr. Harrison reported that during this month the City has been working with the Bond rating companies for the ratings that will be coming out for the sale of the bonds in August to September.

Additionally, Mr. Harrison reported that staff is working on finalizing the pull up banners and larger permit signs that will be placed on the sites for the 25 different General Obligation Bond issue projects. These will be posted on the City's website, as they become available.

Broward Sheriff's Office Arrests - Mr. Harrison reported that Broward Sheriff's Office (BSO) have been busy the last ten to fourteen days. They have made 55 arrests, 30 were prostitutes and 25 were gentlemen soliciting prostitutes in the City of Pompano Beach. This is another effort to get the streets cleaned up and making Pompano Beach a place to be proud of.

Mayor Fisher thanked Chief Hale and City Manager Harrison for the report.

Mark Berman, City Attorney - Litigation with JCon - Mr. Berman reported that the JCon Fire Station 11 trial resumed today and concluded. Both sides will be submitting their final arguments in writing to the judge, so hopefully the City will know something within the next two weeks.

Ascelela Hammond, City Clerk - Candidates' Forum - Ms. Hammond, as a reminder, noted there will be a candidates' forum that will be held on Wednesday, July 11, 2018 at 9:30 a.m. at the Cultural Arts Center.

Commissioner Rex Hardin - Fourth of July Fireworks - Comr. Hardin reported that the fireworks were great on Fourth of July. Great job to the City Administration and the Parks and Recreation. They always do a great job.

Lyons Park Fourth of July Parade - Comr. Hardin stated that there is a gentleman by the name of Tyler that resides in Lyons Park who has organized a Fourth of July parade in Lyons Park, which he has been doing for a few years now. It is a tremendous hometown event and makes you proud to be part of Pompano Beach.

Commissioner Barry Moss - Judicial Candidates' Forum - Comr. Moss reminded everyone that he will be sponsoring a candidate's forum for judicial candidates on Wednesday, July 25, 2018 from 7:00 p.m. to

9:00 p.m. at the Herb Skolnick Center. He said he will be co-sponsoring the event with the Collier City Civic Association members and invited everyone citywide to attend.

Commissioner Beverly Perkins - Commendation of Broward Sheriff's Office (BSO) - Comr. Perkins commended BSO for the last two weeks of doing "hard force and shut down" on the prostitution in the district. She said they have been doing a great job with this task.

Chicken Issue - Comr. Perkins indicated that she has received numerous calls of relief and thanks to the City Manager for the chickens that are finally being caged. The residents are really pleased with this effort.

Registration to Vote - Comr. Perkins stated that people who need to register to vote can do so at the E. Pat Larkins Center every Tuesday and Thursday from 1:00 p.m. to 6:00 p.m.

Meeting Decorum - Comr. Perkins mentioned that earlier while Debresia LeSane was speaking at the microphone she walked to her seat but a comment was made and she was yelling from her seat based on the comment. Comr. Perkins said she did not think she was disrespectful. She said earlier at the 5 o'clock meeting the same thing happened in front of the podium with another gentleman, and he was talking from his seat but a conversation was going back and forth with him from the dais. She said she is bringing this to the Mayor's attention that sometimes when you walk away from the podium some of the people think the conversation is over and from the dais it continues. Therefore, she thinks everyone "should be a little more mindful of that."

Commissioner Michael Sobel - Clarification on Comments made under Item 8 - Comr. Sobel indicated he wanted to clarify his comments made under item 8, and wanted to apologize if at any time he misspoke, because the facts need to be very clear. He said he was at all times referring to Rex Hardin's lawyers PAC not Rex Hardin.

Soulful Sundays at Ali Cultural Arts Center - Comr. Sobel noted that Soulful Sundays is like music under the stars. He said he has been attending for years and he is astounded by the number of people that were there. Also, the number of people throughout the City that do not go there can enjoy the opportunity at the Ali Cultural Arts Center on the second Tuesday of every month.

Comr. Sobel stated that Sherolyn Davis does a phenomenal job running that program. Linda Jones from Ashanti was there, there is a live painter, and there is a seven piece band that was there on Tuesday night. There is a \$5 cover charge and plenty of parking. He said there is a beautiful open air stage, and BSO is present. Therefore, he encouraged everyone in the City to attend.

ADA Accessibility at the Beach - Comr. Sobel mentioned that making the City beach more handicap accessible is something that drew a lot of attention this week. He thanked Fire Chief John Jurgle, City Manager Greg Harrison, City Engineer John Sfiropolous, as well as Recreation Programs Administrator Mark Beaudreau for their help. He said for those who are unable to access the beach over the sand there are several cities that have taken steps to provide not only those 250 pound wheel chair capacity like the City does at the Ocean Rescue. Comr. Sobel mentioned that there are two chairs, but one is broken and they needed \$1,200 to replace that chair. Also, there is the need to find some additional funds for the ADA beach mats and to get

the chair repaired/replaced.

Fee Schedule for Parks and Docks - Comr. Sobel stated that he received a lot of email regarding the docking fees and park fees. As it relates to the water taxi, there is a clear 25% reduction for Pompano Beach residents, for veterans, for seniors. He said there is a lot of enquiries as to why the same is not done for the boat docks, and some of the park fees to include the dog park. He suggested that the City Commission direct staff to consider a fee schedule to include some kind of sliding scale for Pompano Beach residents.

Solar Power - Comr. Sobel reported that the State of California took a leap forward this week and is now requiring new home construction to be solar powered. Therefore, he thinks the City should pay attention to, and keep an eye on, and perhaps take a lesson from that state. He said here in the sunshine state we should consider some mechanism to go solar powered.


Waste Management Services - Comr. Sobel stated he read an article in the Pelican newspaper about other cities in Broward County taking a different approach regarding Waste Management Inc. of Florida. He said the City of Deerfield Beach just voted to abruptly stop using their recycling services because their cost increase went from \$51 per ton to \$96 per ton. Also, City of Lighthouse Point is also putting their service out for bid, and the City of Sunrise is looking elsewhere as well. In sum, Comr. Sobel is requesting that the City Manager consider providing the Commission with an updated memo on the status of the City's waste management contracts, and if it seems that the price may increase then perhaps the City Commission could consider having a workshop to discuss waste management options, and recycling options to be able to put the contracts out to bid.

Vice Mayor Charlotte Burrie - No Report.

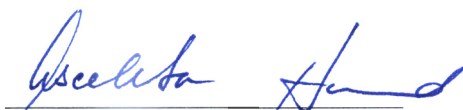
Mayor Lamar Fisher - Family Fun Day - Mayor Fisher reminded everybody to come out to support the Collier City Family Fun Day to be held on August 4, 2018 at the McNair Recreation Park, from 10:00 am to 2:00 p.m., which will be a great event with wonderful entertainment.

F. ADJOURNMENT

The meeting adjourned at 10:09 p.m.



Lamar Fisher, Mayor



Asceleta Hammond, City Clerk