

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, January 8, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

The Honorable Rex Hardin, Mayor of Pompano Beach offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[19-134](#) Regular City Commission Meeting Minutes of December 11, 2018

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

APPROVAL OF AGENDA

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Agenda be APPROVED as submitted. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that item 8 would be pulled for City Commission discussion.

CITY MANAGER'S STATEMENT

Mayor Hardin announced that City Manager Greg Harrison had some information to share with the City.

Greg Harrison, City Manager stated he had a statement regarding the 42" Sewage Force Main break on January 4, 2019, which he read into the record. (see attached as Exhibit 1)

A. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Pets being Euthanized - Michelle Maragh, 3213 SE 12th Street, Pompano Beach, FL, provided information regarding her pet that was lost on September 13, 2018 and was recently informed that he may have been euthanized. She said he was a neutered cat and do not appear to be a feral cat, as well as he was microchipped. In addition, she heard her cat was trapped in a house and that the Animal Control Department had euthanized him. In addition, she did contact Animal Control but they denied the information.

Ms. Maragh complained that she was not contacted, and she does not know what happened and have asked for a log or some type of proof of animals being picked up, euthanized, and so forth; however, she was

informed there are no pictures, so the request for a log was evaded. Therefore, she wanted to know if a joint effort to work together is possible in the City to avoid destroying these animals.

Mayor Hardin asked Ms. Maragh to provide her contact information to the City Clerk so someone can follow up to provide her with information. He expressed his condolences on the loss of her pet.

Community Activities in the Northwest Area of the City - David Miller, Cultural Arts Ambassador, Pompano Beach, FL, informed as follows:

- Last week a male person was fatally shot dead in Collier City.
- The Community Garden is coming along well. They have harvested over 600 pounds of produce at this point, as well as they have been actively involved in the Pompano Green Market. In addition, there is a new signage and shed, which he thanked the CRA for their help.
- In Collier City there is an activity called "All Hands In" which he invited everyone to come to the Jan Moran Library where a mural will be displayed on the wall. For each day of this week, the activity will commence from 3:00 p.m. to 7:00 p.m.
- The Community Mixer event was a success and he thanked Pastor Rich and Sharon Stone-Walker for sponsoring it.

Alice Chattman, 1748 NE 49th Street, Pompano Beach, FL, collaborated with Mr. Miller and reiterated that the community mixer was a success. She then requested that this type of event continue, as she greatly enjoyed it.

Vice Mayor Moss indicated that he just learned tonight about the murder in Collier City. He said on the night the event occurred he received a text message that there was an incident that was being investigated. Therefore, he did not know it was a murder until tonight. He said he spoke to the new head of the police department Major Adkins to indicate that there needs to be a better job in providing the commissioners with information on what is happening in each district, as well as there is a great need for improvement. Nevertheless, Vice Mayor Moss apologized to the residents of the Collier City community for the loss, and reiterated he did not know about it until today. He requested that if anyone has the contact information for the members of that family who suffered the loss, he would appreciate if they could provide it to him so he can get in touch with them.

Pompano Animal Care Division - Alex Pacheco, 49 N. Federal Highway, #275, Pompano Beach, FL, indicated that for the past 40 years, he has been working on the national and international levels in the area of preventing animal cruelty. He reported that two days ago he had numerous phone calls of complaints, which sounds like Pompano Beach employees are picking up stray cats and killing them, which sometimes the cats are people's pets.

Mr. Pacheco is requesting the City perform an investigation into the matter. He said the City employees have certain procedures which is unacceptable, such as having no waiting period when standard procedure is when a

stray dog or cat is picked up off the streets, there is a seven day waiting period prior to killing them if they are brought to the pound. He then explained the issue of no documentation available from the City, which is unacceptable.

Mayor Hardin addressed some issues, notwithstanding, he is very sympathetic to those who have lost a pet because he has three cats at home, but this has been a topic of discussion. He stated the City's animal control officers do not go out to kill animals indiscriminately or without proper procedures that they have developed through working with the City's administration. They do go through great lengths to ensure, if they encounter any animal out in the field that is loose, which they have picked up is not a pet for someone. If it appears to be a pet they treat it differently than they do a "feral cat," which is a different breed where they are not domesticated, family friendly, pet friendly, and not the type of animal to take home. Further, this issue has come up periodically, and can be discussed under commission reports if it is seen fit to do so. Therefore, any pet that is microchipped the officers do not euthanize them. Actually, they cooperate with the County, which will not accept feral cats unless they are going to be put back out in the open. This is not the law in the City of Pompano Beach and we do not allow animals to roam free.

Cat Care - Belle Laue, 3225 SE 11th Street, Pompano Beach, FL, said she would not forget the response from a Pompano Beach animal control officer regarding the enquiry of four missing cats from the Indian Mound Park, which was noticed by residents. She said the residents contacted her because she actively "TNR" (trap-neuter-return) in the area and often require their assistance to trap. She said she has been trying to obtain information on protocol for community, feral, and TNR cats through social media. She has received outcry of residents that have shared many awful stories for feral cats, registered colonies and their own pets. She understands that Pompano Beach protocol is to trap and kill. There are no records of animals picked up, no pictures, and nothing if an owner calls for his/her lost pets.

Ms. Laue urged the City to stop the trapping and killing of healthy cats, which is ineffective, outdated and cruel. She asked for support of TNR and the work the citizens have put into place, sterilizing, vaccinating, and caring for the cats. Therefore, she requested a meeting with the commissioners to discuss possible solutions. She indicated that she sent emails regarding this proposed meeting but only heard from one commissioner, Andrea McGee.

Mayor Hardin suggested that Ms. Laue provide her contact information to the City Clerk for future communication.

Cat Care - Susan Rosemarin, 60 SW 17th Street, #104, Pompano Beach, FL, stated that the Mayor is incorrect regarding the ordinances for free roaming cats in particular Chapter 90.27. She mentioned that she became an involuntary caregiver to a colony of cats when someone mentioned there were kittens near their fruits, which turned out to be twenty to twenty five cats that she began to get TNRd. She said she has three feral cats that are home, indoor, and domesticated cats that are loved; therefore, she differed in opinion with Mayor Hardin's on feral cats. She said Chapter 90.27 states, "...With written authorization from the property owner of the feeding location must be provided prior to issuance of a permit." The City's animal control officers have an issue with this. In addition, Ms. Rosemarin indicated that she spoke with Jason Soldini, when she became the caregiver of the colony, asking if they would be able to assist with trapping and TNRing. She then quoted him almost verbatim as saying specifically to her, *"We don't assist in any way in trapping, we*

don't provide traps, however, we have adopted Broward County's policy for TNR and free roaming cats. We are not permitted to remove them if we see an ear notched cat - which is the universal sign of a cat that has been neutered and vaccinated and is a free roaming cat - We are not to pick them up, we are not to euthanized them, they are to be left alone and free roaming. But we are not to assist in anyway." Ms. Rosemarin indicated that according to the City's ordinance Chapter 90.29 a person can rent a trap from Pompano Beach animal control.

Ms. Rosemarin believes that animal control officers do get a bad rap. She does not believe that the City's animal control officers plan to kill cats on a daily basis. However, she believes there needs to be more accountability and that animal control keep proper records. In addition, there needs to be an implementation of a proper TNR program utilized by the two animal control officers.

Youth Under Construction Youth Center - Delvin M. King, 231 S. Dixie Highway, Pompano Beach, FL, said he is the Executive Director of Youth Under Construction Youth Center, which is a 501(c)(3) non-profit organization located in the City of Pompano Beach. He said this is the only youth center in the City that works with scholars and at risk youth in the Pompano Beach area. He then provided a number of services the youth Center offers. Also, there are 250 students enrolled in their program and they provide free services to these youth. He indicated that during the non-profit sponsorship application process, the Commission approved an outside company be brought in to select who they see fit for funding. However, he is asking the Commission to take an in-depth look at the non-profits that the organization choose for funding. In addition, to look at his organization as he believes they should be funded by the City of Pompano Beach, because they are actually working extensively with the youth of Pompano Beach, as well as some other non-profits that work with the City but do not have the money to fund the programs they offer to the City.

George Dillard, Pompano Beach,, FL, wished everybody Happy New Year. He said he is for everybody and asked that the Commission be fair with all communities and treat everybody the same.

Mayor Fisher indicated that unfortunately there are not enough funds to give out to all the non-profits.

Cat Care - Lisa Joraskie, 130 Cypress Club Drive, #323, Pompano Beach, FL, stated that she takes care of cats in Fort Lauderdale and they have been neutered, fed regularly, vaccinated, and everything that she is supposed to do with them. She thinks it is wrong for the City to indiscriminately kill cats because they do not belong to a house. She said people are spending a great deal of their time, effort and money to take care of these animals.

Sewage Break in Canal - Alison Fournier, 430 SE 6th Avenue, Pompano Beach, FL, stated that she is surprised the Chamber is not packed. She said the City stinks and while she appreciates the City Manager's statement at the beginning, it is not sufficient for her. She said she has many questions. She then related an incident with her three-year-old son fishing in the canal on Saturday afternoon and just found out that millions of gallons of sewage are going into the canal daily and it was only a day later. She wanted to know why it took four days later to be alerted as to what had happened.

Mayor Hardin responded that Mr. Harrison gave a statement at the beginning to try and address this unfortunate situation that took place.

Mr. Fournier indicated that she finds an apology and the City Manager's statement insufficient. She wanted to know when would the situation be fixed to stop the sewage from flowing in the canal.

Greg Harrison, City Manager responded that as he indicated in his statement earlier, the plan is to have it fixed by late Wednesday.

Comr. McMahon stated that he has been at the site since Monday and today he went out on the service boat to survey the damage. He does understand the frustration, but when the initial accident happened, he believe that the City staff did not understand the magnitude of it and that it was a contained issue. Nevertheless, City staff has been spending 24 hours per day working on the situation. He said the Director, Randy Brown has not slept for days trying to come up with a resolution to the problem. Therefore, he wanted to assure the citizens that staff is working 24 hours a day to resolve this.

Mayor Hardin in addressing Ms. Fournier's multiple questions on the situation suggested that she contact the City Manager's office for more details. However, he stated that the Commission and staff is just as upset about the situation as the residents are, so everyone is working expeditiously as possible to get it fixed. In addition, he indicated that this was a Florida Department of Transportation (FDOT) project, who is ultimately responsible. He said it is unfortunate that the contractor drilled through the City's Force Main.

Comr. McGee indicated that she received many complaints about the notices and wondered if perhaps whoever runs the app could have notification updates on the Pompano Apps more quickly.

Code Compliance Issue - Pat Russel Anderson, 2650 NE 24th Street, Pompano Beach, FL, returned before the City Commission regarding an issue she has been experiencing for approximately two years. She believes she has been treated unfairly, when she has attempted every possible avenue to have a serious situation resolved at her primary residence. She then provided details of her personal story.

Mayor Hardin indicated that he is aware that the issue has been looked at several times by City staff and that she is still having problems with it.

Ms. Russel Anderson indicated that all she wants is for the records of the damage to her seawall, which Qualman damaged, however, there is no record of it.

Mayor Hardin indicated that the last time Ms. Russel Anderson appeared before the Commission it was suggested that one last meeting take place with City staff and wanted to know if this took place.

Ms. Russel Anderson responded that the meeting took place and the City Manager and the City Attorney had representatives look at the property who did not know what to look for, as there is no accountability in the zoning department and the code department. She said no one seems to know what is going on and she has exhausted all her funds trying to get the situation resolved.

Mayor Hardin promised to call Ms. Anderson on Wednesday to discuss the issue and he will meet with City staff to see what can be done.

Questions - Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, had a series of questions on different subject matter that were brought up earlier.

Cat Care - He said the story is terrible about the person who had her cat put to sleep/killed. He asked if the cat's ear is clipped would they be killed, because if so, a clipped ear means that they are neutered.

Canal Sewage Accident - He asked how many of the Commission lived on the canal intercoastal. In addition, he wanted to know if it is a fact that five million gallons of sewage is going into the canal.

Mr. Harrison responded an exact number is undetermined at this time.

Notification of Accident - Mr. Skversky asked why the people were not notified of the breakage of the pipe until four days later. He said most people found out about it over the news.

Mayor Hardin reminded Mr. Skversky of the statement the City Manager made at the beginning of the meeting.

Mr. Harrison tried to explain that this incident was a first for quite a number of staff personnel and no one on the City's staff knew precisely how to handle and forecast anything that was going on with this problem. Moreover, the City is working with FDOT for the cleanup and will be reimbursed for any costs associated with the repair work.

Comr. Perkins said she received notice on Friday when the incident took place but she did not know the magnitude of the matter until the City Manager's statement was made tonight. She indicated that she visited the site on Saturday and her concern was that the road was blocked off and wanted to know how the schools in the area were notified.

Mr. Harrison responded that the Broward Sheriff's Office (BSO) talked to the school resource officers who communicated everything to the school administrators.

Comr. Perkins indicated that some people received information regarding the situation but not all areas in the community heard about it, and every effort should be made to ensure all the residents are aware of the gravity of the situation. In sum, she understands now the magnitude of the situation and would like that the next time something of this magnitude happens that the Commission is informed prior to them getting to the meeting to hear about it.

Pompano Heritage - Marie Ford, 947 N. Powerline Road, Pompano Beach, FL, said she has been enquiring about the Heritage of Pompano Beach but has not been able to get any answers on the property that is being built.

Mayor Hardin responded that it is a private development, which is not part of the City's operations. Nevertheless, it is an affordable senior housing for the 55+ population. He is unsure who is the contact person; however, the Development Services Department should be able to assist with this information.

Greg Harrison, City Manager responded that he has the information in his office and he would be happy to call Ms. Ford with the information.

Grant Funding - Mike Olbel, Executive Director, Community Based Connections, Inc., Pompano Beach, FL, stated that recently he secured a \$100,000 in grant funding to help support families. While the funding is for the Broward County area and since Pompano Beach is located within the County, he would like to help support families who are experiencing hardships such as light and water being turned off or they are experiencing challenges to get funds for a deposit for a new home. Therefore, on behalf of the Board of Community Based Connections, and the founder Brian C. Johnson, he wanted to let the Commission know that there is a new additional resource available to the City. However, he indicated that they would screen calls and investigate potential recipients of funding who are enrolled in their program for at least sixty days. He is unsure who will be the contact person in the City that he will work closely with on these type of programs.

Mayor Hardin asked that Mr. Olbel provide his name and contact information to the City Clerk and someone from the Office of Housing and Urban Improvement will contact him to assist in getting the funds distributed.

Mr. Olbel clarified that they do not turn the funds over to the City; however, they are looking to support those families that must enroll in their programs and prove they are experiencing some challenges within their guidelines.

Comr. Eaton thanked Mr. Olbel for his dedication and being a good citizen to education, as well as all that he does. She committed to working with him in any way that she can to help the community, especially his "old stomping grounds."

Comr. Perkins asked if he could provide his contact information so those listening would be informed.

Mr. Olbel indicated that he would provide his number and contact to the City Clerk.

B. CONSENT AGENDA

There was no discussion on Consent Items 1-7 and 9-13.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that items 1-7 and 9-13 be APPROVED. The motion carried unanimously.

1. [19-83](#) Approve ranking order for RFQ P-54-18 Architectural Design Services for Fire/Emergency Operation Center and authorize staff to negotiate a contract with the highest ranked firm, Synalovski Romanik Saye, LLC.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

2. [19-121](#) Approve ranking order for RFQ E-16-18 Design and Consulting Services for Five Bridges Within City Limits, and authorize staff to negotiate contracts with the two highest ranked firms: T.Y. Lin International, and Kimley-Horn and Associates, Inc. (No cost at this time.)
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

3. [19-107](#) Approve ranking order for RFP P-52-18 Investment Management Services and authorize the appropriate City staff to negotiate and enter into a contract with Insight North America, LLC.
(Fiscal Impact: Estimated annual cost is \$54,000.00)

(Staff Contact: Andrew Jean-Pierre)

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

4. [19-112](#) Approval of budget adjustment to transfer funds from the Canopy Tree Trust Fund, to a CIP project to accomplish tree planting in City Hall parking lot.
(Fiscal Impact: \$88,000)

(Staff Contact: Robert McCaughan)

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

5. [19-102](#) 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 (4) AMENDMENT NUMBER FIFTEEN (15) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD A1A (OCEAN BOULEVARD) FROM MILE POST 9.031 TO MILE POST 9.127); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2019-52

6. [19-110](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: n/a)

(Staff Contact: Miguel A. Núñez/David Recor)

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

Enactment No: RES. No. 2019-53

7. [19-128](#) 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 FLIPPIN' DOGS, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Licensee will pay City \$100 per month for the use of the concession facilities.)

(Staff Contact: Scott Moore)

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

Enactment No: RES. No. 2019-54

8. [19-131](#) A RESOLUTION OF THE CITY COMMISSION OF POMPANO BEACH, FLORIDA, DECLARING CERTAIN CITY PROPERTY SURPLUS AND CONVEYING SAID CITY PROPERTY TO THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

Comr. Perkins pulled the item for Commission discussion. Comr. Perkins asked for an explanation about the item and what are the plans.

Cassandra LeMasurier, Real Property Manager, indicated there are properties throughout the City that is owned by the City of Pompano Beach and the Community Redevelopment Agency (CRA). Historically, the City has been able to convey properties from the City to the CRA and vice versa from the CRA to the City. This is in accordance with Section 253 (H) of the City Charter that allows for this action. She indicated that eight properties were identified that would be appropriate to convey to the CRA. These are adjacent to property already owned by the CRA, as indicated in the map provided in the backup. Continuing, Ms. LeMasurier indicated that four of the properties are located inside the innovation district that is under a brokerage services contract for development. One of the largest properties, the Gateway property is one that a solicitation will be issued in the near future for development. In sum, staff is requesting that the Commission approve conveying the properties over to the CRA and additionally at the CRA board meeting in January there will be six CRA owned properties that will be requested to be conveyed over to the City.

Comr. Perkins indicated she is unsure why the item is under Consent and have concerns with it. In fact, she

would like to see the item tabled because listed in the backup mention was made about “future development” and she has no idea what that entails. Therefore, as the commissioner for District she should be informed about items being placed on the agenda regarding developments in her district. She said for two years items are being placed on the agenda that she has no knowledge of and desires for this action to cease. Therefore, from now on when something goes on the Agenda for District 4 she would like to know about it prior to it being placed on the agenda. She provided an example of being asked what is happening in part of the district and she had no idea. Therefore, she is asking to be informed as to the plans for the district she is the leader of. Comr. Perkins stated that she does not want to see anything else going on the agenda without her having prior knowledge, which will include items coming from staff members such as Horacio Danovich, David Recor and others.

In sum, Comr. Perkins expressed her frustration with staff disrespecting her as a leader of the District and not properly informing her of events that she should know about prior to it happening.

Mayor Hardin asked if there is any urgency for the item, which City Manager responded no.

A motion was made by Commissioner Perkins, seconded by Commissioner McGee, that the Resolution be Postponed until the January 22, 2019 City Commission meeting. The motion carried by the following vote:

Yes: McGee

McMahon

Perkins

Hardin

No: Eaton

Moss

9. [19-130](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSENT FOR BROWARD COUNTY TO PROVIDE A REVOCABLE LICENSE TO EARLY LEARNING COALITION OF BROWARD COUNTY, INC. FOR CERTAIN PROPERTY LEASED BY CITY TO BROWARD COUNTY FOR USE BY ANNIE L. WEAVER HEALTH AND FAMILY SUCCESS CENTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

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

Enactment No: RES. No. 2019-55

10. [19-105](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARLA L. COLEMAN TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-56

11. [19-106](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PAUL WEBB TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-57

12. [19-108](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JEROLD A. MILLS TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BARRY MOSS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-58

13. [19-109](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DARLENE SMITH** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BARRY MOSS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2019-59

C. REGULAR AGENDA

14. [19-123](#) Approval to Piggyback Largo Florida Contract #17-C-589 "Pavement and Roadway Infrastructure Rehabilitation" from Asphalt Paving Systems, Inc., at a cost of \$611,457.25.
(Fiscal Impact: \$611,457.25)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that this is requesting the City Commission's approval for the City to piggyback on the City of Largo's paving contract to accomplish two types of paving in the City, which he provided the details on the type of paving to be done and where.

Thomas Drum, Pompano Beach, FL, stated that micro surfacing was discussed before and he was in favor of it because 7th and 8th Streets had it done and it was so pristine, but it has started to crack. Therefore, he suggested that staff take another look at this procedure, as it was done before and it was not compatible.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, said he spoke to someone who has some experience with roads in other states, and he informed him that the City needs to pay attention to what they are buying today with regards to the product.

Comr. Perkins suggested that whenever there are plans to block off the roads if staff could inform her about it. Also, she said huge cement poles was placed on NW 6th Avenue that she did not know anything about it. Since she is visiting the Homeowners' association meetings she would like to inform the residents as to what to expect.

Mayor Hardin indicated that he saw a sign that indicated that 3rd Avenue is to be determined when it will be closed, which is good there are lots of notice on this. However, he wanted staff to ensure that the Commission is aware of the closure of the roads.

Continuing, Mayor Hardin commented on the micro surfacing, which is a pet peeve of his. This was tried several years ago and a number of roads were done, one was in front of his home as well as others that were done and it looks terrible and did not perform the way it was expected. Therefore, he has some concerns with the use of the micro surfacing process.

Mr. McCaughan indicated that cracking happens on both micro surfacing and full overlay roads. Therefore, cracking can happen and they will look into it. However, the concern is what happened with the other product that delaminated and came up in pieces, which is not desirable. Therefore, he respectfully suggested that the Commission consider approving the reclamation part of the item and not the micro surfacing section of the item. Staff will look at the roadway and if there are cracks, the product will be discontinued if it will cause future problems.

Mayor Hardin indicated that he understands the problems with the micro surfacing and the City does not want to return to prior problems experienced.

Mark Berman, City Attorney, advised that staff could be directed as to the permitted scope of work that the Commission would allow to piggyback. The contract has various prices for product, services for different things.

In sum, staff would move forward with the reclamation but the resurfacing would need more investigation.

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

Yes: Eaton
McGee
McMahon
Perkins
Hardin

Absent: Moss

15. [19-125](#) **P.H. 2019-23: (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 THIRD AMENDMENT TO THE AGREEMENT FOR EXTENSION OF THE PARKING MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$543,867.00)

(**Staff Contact:** Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item stating it is to request an extension of the City's existing contract with Denison Parking Inc. for an additional one-year period to continue to provide parking management services for the City. Currently, Denison is charged to provide management of the City's existing pier parking garage, as well as they serve as the parking ambassador for the City's entire parking system inclusive of ensuring compliance with the City's parking regulations.

Comr. Eaton mentioned a recent incident with her daughter's payment of some parking tickets and although the Denison representative was very professional in his direction on how to access the City's website to pay she found it much too arduous to pay the parking fines. Therefore, she suggested that the City provide a link on the eService for parking violation tickets because as it is, it is not readily available to the public.

Ms. Sibble indicated that staff is working on a project to build the City's parking links on the website to make it more user friendly.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

16. 19-126 **P.H. 2019-21: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," TO ELIMINATE REFERENCES TO VALET PARKING PERMIT; BY CREATING CHAPTER 77, "VALET PARKING," TO PROVIDE DEFINITIONS, PERMITTING, REGULATIONS AND STANDARDS FOR VALET PARKING SERVICES; PROVIDING FOR PENALTIES AND ENFORCEMENT; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," TO REQUIRE VALET PARKING OPERATIONS UTILIZING PUBLIC PROPERTY OR PUBLIC RIGHTS-OF-WAY TO COMPLY WITH CHAPTER 77; PROVIDING EXISTING VALET OPERATORS 30 CALENDAR DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE TO APPLY FOR THE REQUIRED VALET OPERATOR PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item stating the main objective for the item is to establish regulations governing valet operations throughout the City. Currently, there is not a separate section in the City's Code of Ordinances establishing those regulations throughout the City. Therefore, staff feels this is going to be necessary, especially as more demand for valet operation services increases throughout the City, which would include restaurants, hotels, or some other commercial use as further development continues in the City. The consistent unified regulations would be established, somewhat similar to the City of Fort Lauderdale's code, which was utilized to build the City's recommendations. She then explained in details how the process would work, which would require a valet permit application.

Mayor Hardin asked if the permit would be per location or per company. In other words, if a particular valet service elect to do business in the City of Pompano Beach would they be required to pay a \$250 fee to conduct business for several other smaller businesses, such as pizza joints, restaurants, and so forth.

Ms. Sibble responded that it would be per location, as a site plan is required with each application.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

17. [18-533](#) **P.H. 2019-11: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 154.60, "DEFINITIONS," TO CORRECT DEFINITIONS FOR SAID CHAPTER; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY THE AUTHORIZED ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.73, "CONCURRENCY REVIEW PROCEDURES AND REQUIREMENTS," TO UPDATE PROCEDURES AND REQUIREMENTS FOR APPLICATIONS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 154.74, "LEVELS OF SERVICE REQUIREMENTS," TO MODIFY LEVEL OF SERVICE AND FEE REQUIREMENTS FOR NEW DEVELOPMENT; BY AMENDING SECTION 154.80, "AFFORDABLE HOUSING CONTRIBUTIONS," TO CLARIFY THE REQUIREMENTS FOR CERTAIN PROJECTS; BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING 155.2101., "SUMMARY TABLE," TO CORRECT TERMINOLOGY; BY AMENDING SECTION 155.2407., "SITE PLAN," TO MODIFY AND PROVIDE ADDITIONAL SITE PLAN REVIEW STANDARDS; BY AMENDING SECTION 155.2425., "CONCURRENCY REVIEW CERTIFICATE," TO CORRECT TERMINOLOGY AND CLARIFY GENERAL REQUIREMENTS FOR CONCURRENCY REVIEW; BY AMENDING SECTION 155.2426., "REALLOCATION OF FLEXIBILITY OR RESERVE UNITS," TO CORRECT REQUIREMENTS FOR FLEXIBILITY UNITS AND DELETE REFERENCES TO RESERVE HOUSING UNITS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PURPOSE OF AND STANDARDS FOR THE AOD; BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES," TO CORRECT STANDARDS FOR AUTOMOTIVE PART SALES BUSINESSES THAT DO NOT PROVIDE INSTALLATION OF SAID PARTS; BY AMENDING APPENDIX C: "FEE SCHEDULE," TO REVISE THE FEE SCHEDULE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 11, 2018

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item stating that it is the second reading of the ordinance, which is primarily to update the concurrency procedures that are code to match what is actually being done. Since first reading, no changes were made.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-17

18. [18-659](#) P.H. 2019-13: (PUBLIC HEARING 2ND READING)

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

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 11, 2018

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item stating this is an update to the City's Code of Ordinances, Chapter 152 with some minor comments that the City received from the Department of Environmental Protection (DEP). There were no changes since the first reading.

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

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-18

19. [19-03](#) **P.H. 2019-12: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.08, "COMPREHENSIVE PLAN AMENDMENTS," TO PROVIDE CONSISTENCY FOR COMPREHENSIVE PLAN AMENDMENT ADVERTISING REQUIREMENTS AND TO MODIFY NOTICE REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 11, 2018

(Staff Contact: (David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item stating this is an amendment to the City's Code of Ordinances, Chapter 154 to make the advertising requirements for a small and large scale Comprehensive Plan Amendments to be the same. She said there can be a lesser standard for small-scale amendments. However, staff decided it would be more appropriate to do the same thing regardless of the size of the amendment. There were no changes since first reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-1920. [19-90](#) **P.H. 2019-18: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.62, "SALE OR USE OF PLASTIC BEVERAGE STRAWS," TO PROVIDE ADDITIONAL DEFINITIONS AND TO PROVIDE ADDITIONAL REQUIREMENTS AND PROHIBITIONS FOR THE DISTRIBUTION OF PLASTIC BEVERAGE STRAWS WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 11, 2018

(Staff Contact: Mark A. Beaudreau)

Scott Moore, Recreation Manager, Parks and Recreation & Cultural Arts presented the item stating it is the second reading of the "straw" ordinance. No changes were made since first reading.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-2021. [19-119](#) **P.H. 2019-22: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD NEW DEFINITIONS; BY CREATING SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL; PERMIT APPROVAL; RIGHT OF APPEAL," TO PROVIDE FOR PERMITTING OF PARK AND RECREATIONAL FACILITIES ENUMERATED IN SECTION 98.10; BY AMENDING SECTION 98.10, "FEES," TO INCLUDE PAVILION ACCESSORIES IN THE RENTAL FEE, DELETE REFERENCES TO FORMER PRESCHOOL SERVICES, AND ELIMINATE DOG PARK RULES AND REGULATIONS FROM FEE SECTION;

BY AMENDING SECTION 98.15, "RESIDENCY AND EMPLOYEE BENEFITS," TO PROVIDE DISCOUNTS FOR MILITARY PERSONNEL AND VETERANS AND THEIR FAMILIES AND SENIORS THAT ARE AGE 55 AND OLDER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY SUSPENSION FOR CERTAIN ACTS AND TO PROVIDE AUTHORITY TO CERTAIN CITY PERSONNEL TO CLOSE, VACATE OR DENY ADDITIONAL ENTRY OF PATRONS INTO PARKS AND RECREATIONAL FACILITIES UNDER SPECIFIC CIRCUMSTANCES; BY CREATING SECTION 98.24, "ENFORCEMENT AUTHORITY," TO ENABLE LAW ENFORCEMENT AND DEPARTMENT PERSONNEL TO ENFORCE CHAPTER 98 AND TO EVICT OR SUSPEND PRIVILEGES WHEN REQUIRED; BY AMENDING SECTION 98.45, "FUNCTION AND PURPOSE," TO MODIFY REQUIREMENTS FOR USE OF RECREATION ACTIVITIES CENTERS; BY AMENDING SECTION 98.47, "FEES," TO REQUIRE LEASING OF RECREATION ACTIVITIES CENTERS FOR PUBLIC EVENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau/Scott Moore)

Scott Moore, Recreation Manager, Parks and Recreation & Cultural Arts presented the item stating the ordinance was done in three (3) different ways. The first way was to address housekeeping and to clean up the ordinance, which is to remove pre-school fees and rules that are no longer in place. Also, the dog park rules have been removed from the fee area to make it clearer, as well as clarity regarding pavilion rentals to allow grills next to the pavilion.

The second part was for a 20% discount for military persons at all facilities for rentals, memberships, and recreation programs fees. In addition, seniors at 55 and over are offered the same 20% discount as the military population.

The third part was the ability to evict and suspend, which he explained in details how the park rangers will have the ability to evict and suspend, and for easier flexibility for the parks directors to handle issues at the parks, as well as the Broward Sheriff's Office (BSO) will have more authority to assist in enforcing the rules.

Mandie Striggles, 1871 NW 5th Terrace, Pompano Beach, FL, indicated the BSO does not need anymore leverage in the parks. She indicated that kids have no other place to go but the parks and kids can get mouthy. However, the BSO officers have been known to come out and harass them just to move them off the park. Therefore, she would not agree with more authority, especially when it comes to the children in the park.

Mayor Hardin asked if the rules were designed to provide BSO with any additional influence to deal with the kids in the parks.

Mr. Moore replied no. He said this would help staff with ordinance problem issues with moving people along if they have to do so.

Mike Skversky, Pompano Beach, FL, asked for an example of an eviction/suspension.

Mr. Moore indicated that sometime last year, they had to suspend two people who got into a fight, the year before a person stabbed someone, which necessitated an eviction and suspension. Mr. Moore stated that they do want people to come to the parks.

Mark Berman, City Attorney clarified that there are different suspensions such as violent offenses, and offenses involving danger to park patrons including children. He said suspensions involve a notice, a hearing, an opportunity to be heard, and the right to appeal. The conduct of park patrons must not disturb and cause hazards to other patrons. Therefore, there is due process involved for these offenses and there are specific standards set forth in the City's Code of Ordinances.

Tom Terwilliger, Pompano Beach, FL, asked if there are license plate readers at any of the parks and elaborated on his reason in details for the question.

Major Wayne Adkins, BSO, responded that license plate readers are strictly for BSO deputies' use. Therefore, park rangers or anybody in the City does not have access to it. It does not alert for parking tickets or suspended driver's licenses. It alerts primarily for serious criminal offenses that have been put into the system through the National Crime Information Center Florida Crime Information Center (NCIC FCIC) system in Tallahassee so BSO deputies must respond to the alert.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

22. [19-63](#) P.H. 2019-20: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE WATER TAXI OPERATING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH WATER TAXI INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$63,203)

SECOND READING: DECEMBER 11, 2018

(Staff Contact: Horacio Danovich)

Horacio Danovich, CIP & Innovation Director, presented the item stating that the second reading was read in December due to advertising timing requirement, so this will be the first reading of the ordinance. There are no further comments since the 2nd reading was done.

Comr. McGee indicated that she would desire to see the water taxi move into something that becomes more of a mass transit option for the citizens. Perhaps a roundtable brainstorm session could be done to discuss with marketing, and IT staff how the City could use its app or the water taxi app to better serve the citizen for more frequent rides, so it would not be a once in a while sightseeing tour, and that this could actually become a easily used water taxi.

Mayor Hardin indicated that it is a great idea but how to accomplish this would have to be discussed in depth. Therefore, he suggested that perhaps Comr. McGee could meet with the City Manager and all the parties involved to see how the links could be set up to make this a reality.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2019-16

23. [19-104](#) **P.H. 2019-24: (PUBLIC HEARING 1ST 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 155.2304., "STAFF REVIEW AND ACTION," TO SUBJECT APPLICATIONS FOR TAKING AND VESTED RIGHTS DETERMINATION TO STAFF DECISION; BY CREATING SECTION 155.2309., "REVIEW OF APPLICATIONS FOR PERMITS AND DEVELOPMENT ORDERS WITH REGARD TO ZONING IN PROGRESS," TO PROVIDE PROCEDURES FOR REVIEW OF PERMITS AND OTHER DEVELOPMENT APPLICATIONS AFFECTED BY PROPOSED CHANGES TO THE CITY'S ZONING CODE; BY CREATING SECTION 155.2429., "TAKINGS OR VESTED RIGHTS DETERMINATION," TO ESTABLISH A PROCEDURE AND STANDARDS FOR PROPERTY OWNERS DESIRING TO RETAIN CERTAIN

RIGHTS FOLLOWING ZONING CODE CHANGES; BY AMENDING APPENDIX C: FEE SCHEDULE, TO PROVIDE AN APPLICATION FEE FOR TAKINGS OR VESTED RIGHTS DETERMINATION BY CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating that the text amendment proposes to create language adopted in the Code of Ordinances that would establish the rules and procedures of zoning in progress. The goal of the text amendment is to provide clarity to the development community and the public as to when potential zoning changes might be applied, as well as provide standardized procedures for determining vested rights and appealing decisions.

Continuing, Mr. Keester-O'Mills indicated that the City has declared zoning in progress in the past for things like community residences and when declared it was something incorporated into the proposed ordinance. When that happened the standard and appeal process was outlined in the ordinance. The proposed ordinance identifies two circumstances in which the City would declare zoning in progress, which he outlined in details. The first being a change in the City's zoning code and the second is a change of the zoning district.

Additionally, he stated that upon declaration of zoning in progress for a change in the zoning district it would be applicable to the property or parcels within the rezoning application. If a zoning in progress is declared for a change in zoning code that affect will be broader and could affect parcels citywide related to that specific amendment.

In conclusion, Mr. Keester-O'Mills stated that zoning in progress would take effect in one of two scenarios, which he outlined in details. Finally, Mr. Keester-O'Mills indicated that at the Planning and Zoning Board meeting in August, 2018 the Board recommended approval for the proposed text amendment by voting 5-1.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

24. [19-39](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING FRANK PELLY TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS;

SAID TERM TO EXPIRE ON OCTOBER 28, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Frank Pelly, Incumbent - District 1

Louis Riva, Alternate 1 - District 3

John R. Chapman, Alternate 2 - District 1

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the name FRANK PELLY be inserted and that Resolution be ADOPTED.. The motion carried. by a unanimous voice vote.

Enactment No: RES. No. 2019-60

25. [19-40](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JEFFREY SCOTT TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 28, 2021; PROVIDING AN EFFECTIVE DATE..

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 19-39 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner McGee to nominate Jeffrey Scott, and Vice Mayor Moss nominated Louis Riva. It was voted to insert the name JEFFREY SCOTT and that the Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton

McGee

McMahon

Perkins

Hardin

No: Moss

Enactment No: RES. No. 2019-61

26. [19-41](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING AL SIEFERT TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID

TERM TO EXPIRE ON OCTOBER 24, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

Al Siefert, **Incumbent** - District 1

Frank N. Sellers, Jr. - District 3

(Staff Contact: Asceletha Hammond)

A motion was made by Vice Mayor Moss that the name AL SIEFERT be inserted and that Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2019-62

D. REPORTS

Gregory Harrison, City Manager - Pompano Magazine - Mr. Harrison noted that he has provided a copy of the Pompano magazine to the City Commission earlier, which has a great article that was done on the City's Fire Department.

Pompano Beach new Chief of Police - Mr. Harrison formally introduced Pompano's new police chief, Major Wayne Adkins.

Major Wayne Adkins, Broward Sheriff's Office (BSO), provided a brief history of his journey serving the City of Pompano Beach for approximately thirty-nine years. He recognized Lieutenant Colonel John Hale who served as Pompano's Chief but has subsequently been promoted to Lieutenant Colonel. He then introduced his team, their history with the BSO, promotions and responsibilities. Captain Kevin Granville, Area I Command captain in charge of east of FEC railroad tracks to the ocean, Lieutenant Martin Hedelund, who is a Pompano homegrown, Captain Tim Ervin, II, who is the executive captain in the executive office for Pompano Beach district, and Captain Maurice Matthes responsible for Area II Command, who has been promoted from a Lieutenant to a Captain.

Finally, Captain Adkins asked for the Commission's guidance and desires to set up individual meetings with the mayor, vice mayor and commissioners along with his team to discuss their needs and concerns. He thanked City Manager Harrison for believing in his abilities and the members of the team and promised to do a great job.

Mayor Hardin welcomed Major Adkins who has moved up from Captain, which will take some time to get used to calling him by his new title. In addition, he expressed the City's regret to having lost the services of Chief John Hale to higher calling; however, the Commission is excited to having Major Adkins as the new chief. Mayor Hardin congratulated Major Adkins and his entire staff.

Mark Berman, City Attorney - No Report.

Mr. Berman wished everyone a Happy New Year.

Asceleta Hammond, City Clerk - No Report.

Ms. Hammond wished everyone a Happy New Year.

Commissioner Rhonda Eaton - New Year Wishes - Comr. Eaton wished everyone a Happy New Year.

Congratulations - Comr. Eaton congratulated and thanked the BSO team for their years of service and dedication, and for all they do for the citizens of Pompano Beach.

Charlotte J. Burrie Center - Comr. Eaton requested a meeting with the City Manager to discuss the opening of the Center and the impending knock down of the building next door.

Closure of Park in Cresthaven - Comr. Eaton indicated that a resident residing next to the Cresthaven Park has indicated that lately it is not being locked and that they have been missing doing this occasionally.

Commissioner Andrea McGee - New Year Wishes - Comr. McGee wished everyone a Happy New Year and indicated that she is excited to start the New Year.

Commissioner Tom McMahon - New Year Wishes - Comr. McMahon wished everyone a Happy New Year.

Comr. McMahon is grateful to have Major Adkins on board and stated that he has known him for years in the City of Pompano Beach. Therefore, to have his team and people who really understand the City's needs and concerns is important. He is very excited to work with the new team of officers.

Waste Spillage - Comr. McMahon referred to the spill that happened recently, he has several concerns as to why the alert did not go out earlier. City management has explained repeatedly and apologized for the situation. Therefore, he would like to ensure that new policies are in effect that when something like this happens that the mayor, and commissioners are informed immediately and the residents as it relates to potential safety hazard to the residents. He promised to go to the site every day until the problem is resolved and will do everything in his power to assist in any way possible. He provided his office number 954-786-4649 to call him and encouraged the residents to call him with any concerns.

Comr. McMahon stated that they were receiving briefings from the City Management on what is happening with the situation. He assured the residents that the Water Department, the City Manager, Assistant City Managers are doing everything in their power to get the pipe closed. The situation was unusual; however, there is an incredible team that works in the City who is working diligently to fix this problem. He said he went out on a boat with the BSO who showed him the areas affected and it is affecting his entire district. He urged residents to call him with their concerns as well as the City Manager.

Commissioner Beverly Perkins - Strategic Implementation for Northwest District - Comr. Perkins stated that during the December 11, 2018 City Commission meeting, she briefly discussed the intent to provide progress for the implementation for the northwest engagement plan, based on the strategic implementation plan

presented by Dr. Wilhelmina Mack of W Mack and Associates.

Additionally, Comr. Perkins indicated that the money earmarked for district 4 would be used to enhance projects currently addressing some of the issues within the district, and to create new projects and programs to continue to enhance the efforts in both the community and economic development. She mentioned that the previous mayor and commissioners gave approval and authorization to move forward with the implementation of the strategic implementation plan. Therefore, the progress of the plan is called the Northwest Community Engagement Plan, which will be implemented in four phases. With oversight, accountability, measurements and evaluation on the progress of each program. The City through the City Manager has provided funding to non-profit entities providing services within the district. The northwest community engagement plan is not a duplication of these projects and services.

Continuing, Comr. Perkins stated that as the director and author of the strategic implementation plan, a key contributor to the northwest community engagement plan, and someone who has a strong background in the project of administration and community development, she is instructing the City Manager to enter into a contract within the next seven days with Dr. Mack and Associates to administer and direct the northwest community engagement plan. On Thursday, January 9, 2019, the mayor and commissioners will be receiving an overview and progress of the first phase. She said Dr. Mack could be available to educate the new commissioners to understand better the initial process and findings, which resulted in the earmarking of funds for district 4.

Finally, Comr. Perkins stated that on behalf of her constituents in district 4, they look towards moving forward within the northwest community engagement plan.

Mayor Hardin indicated that he is unsure what Comr. Perkins was alluding to is appropriate based upon the City's Charter. As far as personnel decisions, that is strictly controlled by the City Manager. Notwithstanding, the City Commission can make suggestions to the City Manager on things that they think is important but as far as personnel decisions the Commission cannot direct the City Manager to hire nor fire anyone. They are allowed to push to get projects accomplished, policies followed, and things of that nature.

Mark Berman, City Attorney, concurred with Comr. Hardin's comments. He indicated that one commissioner cannot direct the City Manager to enter into a contract with anybody. If the Commission, as a body, had already directed that action then the records would confirm that. However, he could not recall any such action from the prior Commission. He explained that any contract entered into by the City Manager would be brought before the Commission for review unless it is a service contract for a certain amount.

Mayor Hardin suggested that there are ways to get things done and working with the City management is the most effective way to get that done. Therefore, perhaps working together and discussing what it is that needs to be accomplished with the City Manager would be a better method to get where he thinks the Commissioner wants to go.

Continuing, Mayor Hardin recalled that the Commission action was to accept the prepared report of Dr. Mack. However, the City Manager was not directed at that time to move forward on things. The commitment was there to see the issues dealt with because they are important issues to the northwest community; however,

directing a particular person or contract may not be the most effective way to get it done. In sum, Mayor Hardin suggested that perhaps the City Manager could provide the Commission with a bullet point report on the results of the empowerment meetings with Dr. Mack and show what the City has already been doing, which would be more effective.

Vice Mayor Barry Moss - Collier City Art Experience Event - Vice Mayor Moss announced that there is an art experience event at the Collier City Jan Moran Learning Library every day this week at 3:00 p.m. He encouraged everyone to participate in this art event for the Collier City neighborhood.

Pompano Beach Elementary School Volunteers - Vice Mayor Moss announced that there will be a meeting on Wednesday, January 9, 2019 at 9:00 a.m. at the Pompano Beach Elementary School's media room, for those people who would like to volunteer to help mentor or read with students at the school and he invited everyone who is interested to attend.

Jan Moran Learning Library - Vice Mayor Moss indicated that the Jan Moran Learning Library has a need for volunteers at any day during the week except Fridays, at 3:00 p.m. for after school to help the kids from the nearby school with their homework. He encouraged those with time to participate.

Marine Advisory Board Appointment - Vice Mayor Moss stated that he began his experience with the City by volunteering on the Parks and Recreation Advisory Board and served a few years prior to running for City Commissioner. He believes that the volunteers are very valuable and they put in a lot of time to attend meetings monthly or sometimes more often than that. In Mr. Riva's case, he served as alternate on the Marine Advisory Board and attended meetings regularly but does not get to vote as an alternate. However, they are there regularly to learn what the issues are.

Comr. Moss indicated that he does not know anything about the other two men that were being considered for the Marine Advisory Board. However, he wants his fellow Commissioners to understand that what was done tonight is to say to Mr. Riva, even though you have been an alternate and attended meetings, and have been dedicated, we are throwing you off and putting somebody else on. Therefore, that message would be discouraging to other people who want to serve on these boards. If the City wants to develop a system where we have good volunteers on the boards, throwing people off for no good reason at all is a little bit hurtful.

Northwest Community Engagement Plan - Vice Mayor Moss stated that concerning the Northwest Community Engagement Plan, he recalls that the Commission voted to employ Dr. Mack to do one survey, which was not unanimous as he voted against it. The City Commission did not ask her to do anything beyond that. In addition, for a commissioner to instruct the City Manager to enter into a contract suggests that the "City Commissioner does not understand how the system works to where her place in the pecking order is."

Comr. Perkins responded to Vice Mayor Moss' comments and noted that he has done nothing but disrespected her and Dr. Mack. Thereafter, a very intense discussion followed between Comr. Perkins and Vice Mayor Moss regarding comments made as it relates to district 4, the selective volunteering at the schools, as well as a number of accusatory comments made by both commissioners. The discussion got out of order with Mayor Hardin repeatedly asking both commissioners to discontinue the arguments.

Comr. Perkins apologized to Mayor Hardin for her disrespecting the meeting.

Mayor Rex Hardin - Best Wishes - Mayor Hardin wished Happy New Year to everyone.

Events to Come - Mayor Hardin reminded everyone about the Nautical Flea Market, which will be held on January 19-20, 2019 at the Community Park, 820 NE 18th Street, Pompano Beach. In addition, the Dr. Martin Luther King, Jr. (MLK) Day is coming up soon with many events planned.

Community Redevelopment Agency (CRA) Settlement - Mayor Hardin asked the City Manager to draft a letter to the County to get an update on the composition of the Board to oversee the \$10 million CRA settlement. He does not believe much can happen with the money until they get this board set up. This matter is important to the City of Pompano Beach. Additionally, Mayor Hardin asked if after contacting the County could they provide a timeline and their expectations, as well as what the process will be for people to submit their applications to serve on the board.

City Parks Issues - Mayor Hardin stated that we are still not doing enough in the City Parks. He said he received several complaints from people who are upset with the homeless situation in the parks. He said he visited Community Park today, and found six people laying down taking naps, and then another group was underneath a shade tree. He does not see anything wrong with people just taking a nap, but he asked for an update on the enforcement of personal belongings and things of that nature to try to stem the flow of homeless people camping in the parks.

Major Adkins, Broward Sheriff's Office (BSO), responded that there is a revised drafted ordinance. He mentioned that there were some issues in the recently passed ordinance dealing with the unlawful lodging that needed a bit of housekeeping work, to allow BSO a little more authority and a bit more definitive as to what is unlawful and lawful lodgings. Therefore, he believes the ordinance will be coming before the City Commission in the near future for their consideration. Notwithstanding, there are aspects of the BSO policy on the lodging and the homelessness issues. There are two dedicated deputies and the core team he introduced earlier are addressing this issue. In addition, BSO met with the City's Parks and Recreation Department and had an educational class with the park rangers as to what to look for and address versus BSO being required to step in. He is aware of the chronic situation, but they are aggressively and actively working on addressing the issues.

Mark Berman, City Attorney, indicated that there were some operational issues that staff wanted a section of the ordinance structured differently.

In response to Mayor Hardin's question regarding enforcement, Major Adkins responded that in some aspects, it is being enforced, however, particularly the unlawful lodging part, one of the biggest obstacles they are running into is the part of the ordinance that deals with the storage of the property that is taken by public works, if left unattended.

Comr. McMahon noted that there is a new group of commissioners with different policies, as well as there is a new major in the police department. He mentioned that he has received the same complaints Mayor Hardin received. He is unsure if it is possible, but if the City has a park that is a nuisance even with park rangers and officers, if there are officers that are not on call could that officer be placed at the park. He believes this will

allow the residents to feel safe going into that park until the City gets to the point where the ordinance is fully effective and enforceable.

Major Adkins responded that Comr. McMahon's recommendation is good; however, there is priority for service calls. He is aware of the issues in the parks and especially with the homeless and people causing the issues. However, the officer's time is split with patrolling other areas within the neighborhoods to include businesses. He assured the Commission that their comments and concerns are noted and will be addressed.

Mayor Hardin stated that it is frustrating to him because he keeps talking about these issues for years and he keeps hearing the same thing. He does not know the answers but look to the professionals to come up with answers and suggestions, but it appears the City is still in the same spot.

Sewage Spill - Mayor Hardin stated that the spillage situation broke his heart. However, on an operational standpoint that can never happen again. He knows the City Manager knows this, but had any one of the Commission knew what was going on, but again this gets back to communicating with the Commission, he thinks there would be six people screaming at the top of their lungs to do something different. This is not to say that the City Manager and staff did not do things they felt appropriate at that moment, which they did and he knows that. However, when he heard what was going on he was dumbfounded over the decision making that led to where the City was, which cannot happen again.

Continuing, Mayor Hardin stated that he would prefer to get twenty to two hundred emails a day from the City providing him with little bits of information of what is going on in his City, then he could choose whether to act on it, respond to it, or forward it on. Instead of on Monday morning, on arriving at his office only to receive an email from a resident stating that they heard a rumor that the City is dumping sewage in the canals and fishes are being killed, which is how he found out about the spill. He reiterated that this cannot happen again because from the Commission standpoint this is devastating.

E. ADJOURNMENT

The meeting adjourned at 8:29 p.m.



Asceletha Hammond, City Clerk

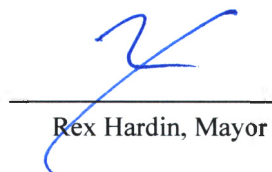

Rex Hardin, Mayor

Exhibit 1

City Manager's Statement regarding the 42" sewage force main break on January 4, 2019

Tuesday, January 8, 2019, City Commission Meeting, 6:00 pm

Summary of 42" sewage force main break by FDOT sub-contractor at NW 15th Street and I/95, City of Pompano Beach, Florida

- Friday, January 4, 2019, 2:30 pm City's 42" sewage force main was ruptured and in this immediate area the city also has a 36" finished water line, 42" raw water line and an 8" sewage force main line. A FDOT repair contractor was brought in to excavate the site to determine the damage and this was when we discovered the problem was actually the 42" sewage force main.
- Saturday, January 5, 2019, City organized 36 Jet Vacuum Trucks and tanker drivers to relieve 53 Lift Stations in an effort to stop the spillage while repairs were underway. However, the contractor could not fully excavate the site before the eastern lift stations had to be turned back on.
- Sunday, January 6, 2019, City hired a new contractor to repair the break and repeated the vacuum truck effort. The new contractor could not make the repair for the same reasons as above.
- Monday, January 7, 2019, the second contractor started working on installing a by-pass line to enable workers to repair the 42" sewage force main break and stop the spillage. Code Red was initiated in the AM and completed in the PM as well as the situation posted on the City's website and a press release was issued. This press release was also posted on the City's FaceBook page and Twitter account. BSO was engaged by the contractor to provide 24-7 security. BSO also advised Marcum Elementary and Sanders Park Elementary students and parents to avoid the construction area. Broward County Health Department directed the City to place warning signs along the canal banks.
- Tuesday, January 8, 2019, Broward County Department of Environmental Protection directed the City to have aerators placed in the canals to help with the odor and create more oxygen. As of this evening two aerators have been placed near the site of the spill. Broward County Health Department told the City to place "Door Hangars" warning residents to avoid contact with the canal water on each house contiguous with the canals. FDOT's contractor is making arrangements with an environmental company for vacuum vessels to begin vacuuming the canals and also placing additional aerators in the canals. City staff is working with Florida Department of Transportation, Broward County Department of Environmental Protection, Broward Health Department, State of Florida Department of Environmental Protection and the South Florida Water Management District and in an effort to complete the repairs, assure restoration and clean-up and comply with all environmental requirements for residents of Pompano Beach.
- Wednesday, January 9, 2019, contractor should be able to make the taps and connect the bypass. This will be the end of the spill.
- Thursday, January 10, 2019, once the tap occurs, the contractor will immediately begin work on the installation of the repair piece on the 42" force main. This work should take approximately 24 hours.
- Friday, January 11, 2019, the repair should be in place which will allow for the bypass to be shut off and restoration to begin.

I am truly sorry for not understanding the gravity of this accident and not getting ahead of notifying citizens before the odorous sewage hit their portions of the canals. We have all learned from this situation and this will never happen again.