



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2015-08

Date: January 13, 2015

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<b><u>Budget Costs</u></b> – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, Florida 33064			2
<b><u>City Spending</u></b> – Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach, Florida 33062			2
<b><u>Term Limits</u></b> – Mr. Ryan			3
<b><u>Residency of City Administration</u></b> – Mr. Ryan			3
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<b><u>Kester Park Lights</u></b> – Douglas Matthes, 500 NE 6th Street, Pompano Beach, FL			3-4
<b><u>Waste Management Bonus</u></b> – Vicente Thrower, 190 Northwest 6th Avenue, Pompano Beach, FL			4-5



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<p><b><u>CONSENT AGENDA</u></b></p>			
<p>Approval of a budget adjustment for Division 1550 Building Inspections, for the amount of \$60,000 from the Budget Fund Balance Building Department account.</p>			6
<p>Approval of a budget adjustment for Division 1550 Building Inspections, for the amount of \$65,000 from the Budget Fund Balance Building Department account.</p>			6
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LITTER REMOVAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE IVY EDUCATIONAL AND CHARITABLE FOUNDATION, INC. PURSUANT TO THE CITY'S ADOPT-A-STREET PROGRAM; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-128	6
<p>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 AS TO FCC LICENSE SHARING; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-129	6
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATING TO GENERAL AVIATION SECURITY ENHANCEMENTS AT THE POMPANO BEACH AIR PARK; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$40,900)</p>		2015-130	7
<p>Approval to award Bid # E-04-15, Pharmaceuticals for EMS, to the low bidder, Bound Tree Medical LLC, for an annual open-end contract, at an estimated cost of \$100,035.91 per year.</p>			7



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<p>Approval to award Bid #E-62-14, Pompano Beach Air Park General Aviation Security Enhancements, to the lowest responsive, responsible bidder, Powercom, LLC, in the amount of \$187,510.</p>			7
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPLICANT-INSTALLED FACILITIES AGREEMENT AND A CITY/COUNTY RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER &amp; LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-131	8
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARTIAL RELEASE OF RIGHTS UNDER WATER WELL FIELD RIGHTS AND EASEMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-132	8
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FORM OF A PRELIMINARY AGREEMENT FOR ISSUANCE OF REVENUE BONDS BY AND BETWEEN THE CITY AND JOHN KNOX VILLAGE OF FLORIDA, INC. AND AUTHORIZING EXECUTION THEREOF; PROVIDING FOR CERTAIN OTHER MATTERS WITH RESPECT THERETO; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE. (All associated costs for transaction will be the sole responsibility of John Knox Village of Florida, Inc. The City will yield approximately \$40,000 for administrative and conduit closing fees.)</p>		2015-133	8
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING CLOSING THE SOUTH BOUND RIGHT-TURN LANE OF NORTH RIVERSIDE DRIVE AT EAST ATLANTIC BOULEVARD (S.R. 814); TO PROVIDE FOR BETTER OPTIONS FOR OUTDOOR AMENITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-134	9-10



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<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CLOSING AGREEMENT AMONG THE CITY OF POMPANO BEACH, SHELTAIR POMPANO BEACH, LLC, AND THE COMMISSIONER OF THE INTERNAL REVENUE AND A CONSENT TO DISCLOSE TAX INFORMATION RELATING TO THE SPECIAL FACILITY AIRPORT REVENUE BONDS; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-135	10
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <b><u>HAZEL ARMBRISTER</u></b> TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.</p>		2015-136	11
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RESTRICTIVE COVENANT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS RELATING TO THE LIBRARY CULTURAL CENTER PROJECT; PROVIDING AN EFFECTIVE DATE.</p>		2015-137	11
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS ACCEPTING A GRANT IN THE AMOUNT OF \$500,000.00 FOR THE LIBRARY CULTURAL CENTER PROJECT; PROVIDING AN EFFECTIVE DATE.</p>		2015-138	11



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<b><u>CONSENT AGENDA – CONTINUED</u></b>			
Approval to award Bid #E-73-14, Public Safety Complex Fire Alarm System Replacement, to the lowest responsive, responsible bidder, Chi Alarms, Inc., in the amount of \$70,183.			12
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 INSTALLATION, OPERATION AND MAINTENANCE OF EQUIPMENT AND A BUSINESS SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC RELATING TO PUBLIC WI-FI SERVICE AT THE PUBLIC BEACH; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$123.00 per month)		2015-139	12
Approval to purchase a Pac-Mac 8 yard rear loader for the Solid Waste and Recycling Division per the National Joint Powers Alliance (NJPA) contract #031014-HMC from JLM Equipment, Inc., in the amount of \$38,500.00.			12
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SUPPLEMENTAL PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR DESIGN/CONSTRUCTION OF TAXIWAY DELTA RELOCATION; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)		2015-140	12
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO NONVEHICULAR ACCESS LINES BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY; PROVIDING AN EFFECTIVE DATE.		2015-141	13



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<p><b><u>REGULAR AGENDA</u></b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$40,000,000 AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA REVENUE BONDS (JOHN KNOX VILLAGE PROJECT), SERIES 2015, FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING THE COST OF CERTAIN CAPITAL IMPROVEMENTS FOR OR TO THE SENIOR LIVING AND HEALTHCARE FACILITIES OWNED OR TO BE OWNED AND OPERATED BY JOHN KNOX VILLAGE OF FLORIDA, INC. ON A CAMPUS LOCATED WITHIN THE CITY, FUNDING ANY NECESSARY RESERVES, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AUTHORIZING A DELEGATED NEGOTIATED SALE OF SUCH BONDS; PROVIDING FOR CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING THE MANNER FOR ESTABLISHING THE INTEREST RATES THEREON; APPROVING THE USE OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS IN CONNECTION WITH THE MARKETING AND SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND INDENTURE, LOAN AGREEMENT, BOND PURCHASE CONTRACT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS BOND TRUSTEE; MAKING CERTAIN COVENANTS, AGREEMENTS AND FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING FOR SEVERABILITY; REPEALING CLAUSES AND AN EFFECTIVE DATE.</p>		2015-142	14-18
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF BLANCHE ELY AVENUE (NW 6<sup>TH</sup> AVENUE) AND SOUTH OF NW 15<sup>TH</sup> STREET AND COMMONLY KNOWN AS 600-800 NW 15<sup>TH</sup> STREET FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) AND B-2 (COMMUNITY BUSINESS) TO RM-12 (MULTI-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-14		18-25



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<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF SE 3<sup>RD</sup> STREET AND SE 15<sup>TH</sup> AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-02		25-26
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTIES LYING GENERALLY EAST OF NORTH POMPANO BEACH BOULEVARD (“EAST PARCEL”) AND WEST OF NORTH POMPANO BEACH BOULEVARD (“WEST PARCEL”) AND BOTH BETWEEN NE 2<sup>ND</sup> STREET AND NE 3<sup>RD</sup> STREET FROM PR (PARKS &amp; RECREATION) DISTRICT TO PR (PARKS &amp; RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE EASTERN PARCEL AND FROM PR (PARKS &amp; RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) TO PD-I (PLANNED DEVELOPMENT-INFILL) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE WESTERN PARCEL; PROVIDING FOR CONFORMANCE TO A PLANNED DEVELOPMENT PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-15		26-31
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF TWENTY ONE (21) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF NORTH WEST 15<sup>TH</sup> STREET AND NORTH WEST 6<sup>TH</sup> AVENUE; PROVIDING AN EFFECTIVE DATE.</p>		2015-143	31-35
<p>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 FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO &amp; ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-16		35-36



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<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSULTING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RAFTELIS FINANCIAL CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-17		36-37
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LABOR AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE CONTRACT PERIOD BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2017; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-18		37-38
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2014-61; AMENDING CHAPTER 34 "CITY POLICY," BY AMENDING SECTION 34.045, "DEFINITIONS," TO MODIFY THE DEFINITION OF AVERAGE MONTHLY EARNINGS AND SURVIVING SPOUSE FOR THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; BY AMENDING SECTION 34.053, "NORMAL RETIREMENT DATE," AND SECTION 34.055, "NORMAL RETIREMENT BENEFIT," TO MODIFY PENSION RETIREMENT REQUIREMENTS FOR FIREFIGHTERS; BY AMENDING SECTION 34.057, "DISABILITY," TO MODIFY THE CALCULATIONS OF DISABILITY BENEFITS FOR FIREFIGHTERS; BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN," ("DROP") TO AMEND THE PROVISION RELATING TO PROMOTIONS OF FIREFIGHTERS WHO HAVE ENTERED THE DROP AND TO PROVIDE FOR FIREFIGHTER PARTICIPATION IN THE DROP LOAN PROGRAM; AND BY AMENDING SECTION 34.061, " CONTRIBUTIONS," TO MODIFY REQUIRED MEMBER CONTRIBUTION TO THE FIREFIGHTER RETIREMENT SYSTEM – ALL TO COMPLY WITH THE PROVISIONS CONTAINED IN ARTICLES 35 AND 38 OF THE ADOPTED LABOR AGREEMENTS BETWEEN THE POMPANO</p>	2015-19		39-40



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<p>BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH, FOR THE PERIOD BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2013, AND OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>			
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ADDENDUM NO. 1 TO THE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND KESSLER CONSULTING, INC. FOR SOLID WASTE CONSULTANT SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-20		40-41
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 30, "CITY COMMISSION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 30.02, "MEETINGS," TO ESTABLISH THE TIME OF DAY WHEN REGULAR MEETINGS SHALL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-21		41-42
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY PENALTIES FOR VIOLATIONS; BY DELETING SECTION 70.24, "PARKING METER ZONES," SECTION 71.05, "PARKING METER TIME LIMITS; FEES," AND SECTION 71.06, "PARKING METER VIOLATIONS," BY CREATING CHAPTER 76, "PARKING METERS," TO PLACE ALL REQUIREMENTS AND REGULATIONS FOR PARKING METERS IN ONE NEW CHAPTER; BY AMENDING SECTION 71.08, "PARKING FOR CERTAIN PURPOSES PROHIBITED; TOWING," TO DELETE CONFLICTING LANGUAGE; BY AMENDING SECTION 98.09, "ALSDORF PARK," TO DELETE REFERENCE TO</p>	2015-22		42-43



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<p>PARKING METERS; BY AMENDING SECTION 98.10, "FEES," TO DELETE REFERENCE TO PARKING METERS AT OCEANSIDE AND PIER PARKING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>			
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR PROPERTY LOCATED AT 1400-1600 NW 33<sup>RD</sup> STREET; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON NOVEMBER 19, 2014; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.</p>			44-48
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PARKING MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$396,785.16)</p>			48-51
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BRIDGE DESIGN ASSOCIATES, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$647,575.50)</p>		2015-144	51-52
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <b><u>GARY E. MCLAMORE</u></b> TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KEVIN MCDUGAL; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2015; PROVIDING AN EFFECTIVE DATE.</p>		2015-145	53-54



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<b><u>City Attorney</u></b> – Charter Amendment Advisory Board			58
<b><u>Deputy City Clerk</u></b> – No Report.			58
<b><u>Internal Auditor</u></b> - No Report.			58
<b><u>Commissioner Barry J. Dockswell</u></b> – Monarch Hill Transfer Station Land Fill			58
Concerns On Moving the 4th of July Fireworks			58-59
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<b><u>Commissioner Rex Hardin</u></b> – Concerns On Moving the 4th of July Fireworks			63
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<b><u>Commissioner Barry Moss</u></b> – Advisory Board Statistical Report			64
<b><u>Commissioner Ed Phillips</u></b> - Chicken Epidemic in District 4			65-66
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# **CITY OF POMPANO BEACH, FLORIDA**

## **REGULAR CITY COMMISSION MINUTES**

Agenda No. 2015-08

Date: January 13, 2015

Commission Meeting Room

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The Mayor called the meeting to order at 7:00 p.m. and presided as the chairman.

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**ROLL CALL:**

**Present:**

**Mayor**  
**Vice Mayor**  
**Commissioner**  
**Commissioner**  
**Commissioner**  
**Commissioner**

*Lamar Fisher*  
*Charlotte Burrie*  
*Barry Dockswell*  
*Rex Hardin*  
*Barry Moss*  
*Edward Phillips*

and

**City Manager**  
**City Attorney**  
**Acting City Clerk**

*Dennis W. Beach*  
*Gordon B. Linn*  
*Asceleta Hammond*

**INVOCATION BY:**

*Pastor Don Worden*  
*First Baptist Church of Pompano Beach*

**PLEDGE OF ALLEGIANCE LED BY:** *Asceleta Hammond, Acting City Clerk*



# City of Pompano Beach, Florida

## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

### PAGE 1

#### APPROVAL OF MINUTES

**MOTION:** To approve the Special City Commission Meeting Minutes of September 12, 2014 and September 22, 2014, as well as the Regular City Commission Meeting minutes of December 9, 2014.

There were no revisions to the minutes.

#### CONSENT AGENDA DISCUSSION

Mayor Fisher requested that the City Commission pull Item 11 from the Consent Agenda. Therefore, a person may speak on Items 1 through 20 on the Consent Agenda during Audience to be Heard.

#### APPROVAL OF THE AGENDA

**MOTION:** To approve the City Commission Meeting Agenda of January 13, 2015, as amended by amending Items 32 and 36.

Mayor Fisher noted that the City Commission would hear Item 32 as Second Reading; therefore, it was not necessary to remove it from the table. In addition, two additional applications were placed on the dais for Item 36.

#### 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 that speakers not 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.

Names of Commrs.	M	S	V Y	V N
<b>VOICE VOTE</b>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
<b>VOICE VOTE</b>				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 2</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p><b><u>Budget Costs</u></b> – Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, Florida 33064, stated the City invited the public’s comments on the Proposed Budget, therefore, he declared that the budget is a “spend, spend, spend budget, which fails to pay the City’s bills and puts us further as a City into debt.” He contends that the City’s budget is approximately a fourth of a billion dollars with over seven hundred employees.</p> <p>Mr. Terwilliger noted that the City has unfunded pension liabilities of approximately \$145 million that is short today. He said according to the City’s actuarial, the City’s pension funds are 67% funded or \$145 million short in contrast to the States’ pension fund, which is 98%, funded. He provided a short description of the City’s pension budget and its impact on the future generation. He said during his campaigning efforts he discovered certain endorsements were made by the fire department employees. Therefore, he requested in the future the City and its employees do not endorse any commission persons for elections.</p> <p>Mr. Terwilliger provided information he had acquired from some firefighters regarding their pension, which concerns him. He discovered that they were not worried about their pension and had mentioned to him that the commission would pay whatever requests they made, which will be funded by the taxpayers.</p> <p>In sum, Mr. Terwilliger suggested that the City rewrites its budget, pay its current and past bills, cut costs and save money to stop the future generation from having to pay the bills of the current commission.</p> <p><b><u>City Spending</u></b> – Joseph Ryan, 427 Northeast 24<sup>th</sup> Avenue, Pompano Beach, Florida 33062, agrees with the previous speaker. Recently, the City spent \$27,000 on the holiday parade, \$40,000 for the west side festival, as well as \$6,000 to the Broward Sheriff’s Office and \$50,000 in money and in-kind services to the Brazilian Business Men’s Association. He questioned why a foreign entity is allowed to use the City’s amphitheater, yet, some years ago, when he had asked to use it he was turned down “flat.”</p>				

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 2**

**AUDIENCE TO BE HEARD – CONTINUED**

**Budget Costs** – Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, Florida 33064, stated the City invited the public’s comments on the Proposed Budget, therefore, he declared that the budget is a “spend, spend, spend budget, which fails to pay the City’s bills and puts us further as a City into debt.” He contends that the City’s budget is approximately a fourth of a billion dollars with over seven hundred employees.

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# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 3**

**AUDIENCE TO BE HEARD – CONTINUED**

**Term Limits** – Mr. Ryan suggested the City switches to term limits, and indicated that the City should reinstitute at large voting and eliminate race and religion as blocked criteria.

**Residency of City Administration** – Mr. Ryan stated that the City Manager and the Departments’ head should reside in the City.

**City Taxes** – Mr. Ryan complained that the City’s taxes increased 45% under the present administration.

**Crime Watch** – Mr. Ryan would like to see the City institute crime watch, and get some security going.

Finally, Mr. Ryan apologized for speaking about the issues at hand; nevertheless, he does not want to “confuse the commission with facts.”

Comr. Phillips questioned Mr. Ryan’s source of information regarding the \$40,000 he mentioned earlier for the west side event.

Mr. Ryan replied he had to call the City Clerk’s office to obtain the information.

**Kester Park Lights** – Douglas Matthes, 500 NE 6<sup>th</sup> Street, Pompano Beach, FL, stated that it has been four years, since he received a letter from the City Manager’s office stating that the City would address the annoying Kester Park lights and the utility poles. To date no action has been taken.

Additionally, Mr. Matthes stated that he had received an email with attachments from Comr. Hardin some time ago regarding the Kester Park lights. The email attachment referred to City Code 155.5401(k), *Illumination of Outdoor Sports Fields and Performance Areas*, which states “the lighting of outdoor sports fields shall be aimed so that their beams are directed to fall within the primary playing or performance area”. Therefore, Kester Park lights violate this code.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 4</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Additionally, the attachment informed that the light levels on Northeast Sixth Street area was on lowest measured in the subject area; however, Mr. Matthes contended that the measurements were made in the shadows. Since then the crews have worked on the lights during the daylight hours for two days, but they made the problem significantly worse. There are still mobile lights on 100 feet high poles similar to high beam headlights shining into his back yard and home, which is well beyond the primary playing area.</p> <p>In sum, Mr. Matthes stated that park lights should be properly aimed directly into the ball field with near zero spill over onto the neighborhood. Therefore, perhaps the City could spend some dollars to bring this lighting into compliance with the above cited city code.</p> <p>Mayor Fisher requested that Mr. Matthes provide the City Manager with his written comments and the City Manager will review and provide Mr. Matthes, as well as the commission, with a report on the subject matter.</p> <p><b><u>Waste Management Bonus</u></b> – Vicente Thrower, 190 Northwest 6<sup>th</sup> Avenue, Pompano Beach, FL, noted that in the upcoming weeks, there will be a discussion on the Waste Management Contract and he wanted to know what happened to the \$5 million sign-in bonus that they did. In addition, previously, the City would get approximately \$800,000, from the contract; however, in the budget it has never been earmarked as returned to the City. He questioned where did the funds go and if received how are these funds distributed within the City.</p> <p>Mayor Fisher was aware that the \$5 million was used for capital improvement projects during the time of former City Manager William Hargett. However, he is unsure about the \$800,000 from the lawsuit.</p> <p>Dennis W. Beach, City Manager referred the question regarding the \$800,000 to Finance Director Suzette Sibble.</p> <p>Suzette Sibble, Finance Director, replied that the annual \$800,000 rebate is deposited in the Waste Management Fund, which is then transferred to the General Fund to be utilized for general purposes.</p>				



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 5</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>In response to Mr. Thrower’s question, Mr. Beach replied that the general purposes are whatever the City Commission designates as part of the General Fund, which has a number of revenue sources. Therefore, to simplify the explanation, it is treated as a revenue source into the General Fund the same as ad valorem taxes.</p> <p>Mr. Thrower recommended that upon the establishment of a new contract, the Commission should direct to fund some of the improvement projects throughout the City, from the annual \$800,000, as well as the \$5 million bonus, which may increase.</p> <p>Comr. Phillips asked on what was the rebate contingent upon for \$800,000.</p> <p>Mr. Beach replied that the \$800,000 is not a rebate, but rather a settlement from a lawsuit that the City was engaged in some fifteen years ago.</p> <p>Ms. Sibble clarified that the lawsuit resulted from the hauling contract with Waste Management, which is not the portion currently out for bid, rather, it is the disposal portion that is out for bid. In fact, the \$750,000 approximately, is adjusted by the CPI every year and the settlement is spread out over a number of years so it is ongoing.</p> <p>Mayor Fisher concluded that staff would provide a report to the commission on how many remaining years are on the hauling contract lawsuit settlement and how long it has been.</p> <p>Vice Mayor Burrie noted that the \$800,000 per year is placed in the General Fund, and she understands that this would assist with defraying the costs of raising ad valorem taxes. Therefore, this amount is in that fund, which would also enable the City not to raise taxes by the same amount.</p>				







# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 8</b></p> <p><b><u>CONSENT ITEMS – CONTINUED</u></b></p> <p><b>RES. NO. 2015-131:                    TAPE 1 – 543                    ITEM 8</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPLICANT-INSTALLED FACILITIES AGREEMENT AND A CITY/COUNTY RIGHT-OF-WAY AGREEMENT FOR UNDERGROUND CONVERSIONS BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER &amp; LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p> <p><b>RES. NO. 2015-132:                    TAPE 1 – 543                    ITEM 9</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARTIAL RELEASE OF RIGHTS UNDER WATER WELL FIELD RIGHTS AND EASEMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p> <p><b>RES. NO. 2015-133:                    TAPE 1 – 543                    ITEM 10</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE FORM OF A PRELIMINARY AGREEMENT FOR ISSUANCE OF REVENUE BONDS BY AND BETWEEN THE CITY AND JOHN KNOX VILLAGE OF FLORIDA, INC. AND AUTHORIZING EXECUTION THEREOF; PROVIDING FOR CERTAIN OTHER MATTERS WITH RESPECT THERETO; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE. (All associated costs for transaction will be the sole responsibility of John Knox Village of Florida, Inc. The City will yield approximately \$40,000 for administrative and conduit closing fees.)</p>				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**CONSENT ITEMS – CONTINUED**

**RES. NO. 2015-134:                      TAPE 1 – 554                      ITEM 11**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING CLOSING THE SOUTH BOUND RIGHT-TURN LANE OF NORTH RIVERSIDE DRIVE AT EAST ATLANTIC BOULEVARD (S.R. 814); TO PROVIDE FOR BETTER OPTIONS FOR OUTDOOR AMENITIES; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2015-134 upon reading.

**ROLL CALL**

Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Robert A. McCaughan, Public Works Director, stated that some conflicting information was provided in the backup document. In the memo, it stated that there would be an elimination of a right turn lane and the remaining lanes would be a right lane, a straight through and left turn. However, the site plan graphic indicates a straight through lane and a right turn. Therefore, Mr. McCaughan confirmed that it is the one right turn remaining, and there will be a straight through and left turn.

Furthermore, Mr. McCaughan indicated that he recently distributed the stated facts from FDOT (Florida Department of Transportation) to the commission. Hence, the site plan will be revised to match up with FDOT's approval. The project will not be finalized and approved until it is accepted, as FDOT has the final on the pre-applications.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**CONSENT ITEMS – CONTINUED**

Barbara Gordon, 305 North Pompano Beach Boulevard, Pompano Beach, FL, stated that she resides one block north and one block east of the subject area. She provided a brief description of how long it would take to travel from Northeast 3<sup>rd</sup> to the parking lot of City Hall and wondered if the impact of increased traffic flow to residents in the area from several different locations along the beach area, was ever taken into consideration. She said the Entertainment District is developing nicely, but at a cost to the lifestyle that the residents have enjoyed for a long time in Pompano Beach, as well as the cost of the character of the community.

Subsequently, Ms. Gordon requested that our attention should not focus only on eliminating the turning lane but the impact it will have on the island community, and provided her opinion on it.

Vice Mayor Burrie indicated that she understands Ms. Gordon's dilemma with the traffic in trying to get onto Atlantic Boulevard, as she experienced difficulties getting on, which is not the City's fault. However, she questioned whether all the utilities to include FDOT, have approved the traffic flow for this project.

Mr. McCaughan replied, "Yes it has...been analyzed and traffic will flow adequately." In fact, in eliminating the right lane, the Fire and EMS Departments confirmed that the changes would not interfere with their ability to respond in an emergency.

**RES. NO. 2015-135:                      TAPE 1 – 543                      ITEM 12**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CLOSING AGREEMENT AMONG THE CITY OF POMPANO BEACH, SHELTAIR POMPANO BEACH, LLC, AND THE COMMISSIONER OF THE INTERNAL REVENUE AND A CONSENT TO DISCLOSE TAX INFORMATION RELATING TO THE SPECIAL FACILITY AIRPORT REVENUE BONDS; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)



# City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 11**

**CONSENT ITEMS – CONTINUED**

**RES. NO. 2015-136:                    TAPE 1 – 543                    ITEM 13**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HAZEL ARMBRISTER** TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2015-137:                    TAPE 1 – 543                    ITEM 14**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RESTRICTIVE COVENANT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS RELATING TO THE LIBRARY CULTURAL CENTER PROJECT; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2015-138:                    TAPE 1 – 543                    ITEM 15**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS ACCEPTING A GRANT IN THE AMOUNT OF \$500,000.00 FOR THE LIBRARY CULTURAL CENTER PROJECT; PROVIDING AN EFFECTIVE DATE.





# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**CONSENT ITEMS – CONTINUED**

**RES. NO. 2015-141:                      TAPE 1 – 543                      ITEM 20**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CURRIE SOWARDS AGUILA ARCHITECTS, INC. FOR CONTINUING CONTRACT FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE. (No cost at this time)

**MOTION:** To approve and/or adopt Consent Items 1-10, and 12-20.

**ROLL CALL**

Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

There was no discussion on Consent Items 1-10, and 12-20.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 14**

**REGULAR ITEMS**

**P.H. 2015-31; RES. NO. 2015-142: TAPE 1 – 727      ITEM 21**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$40,000,000 AGGREGATE ORIGINAL PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA REVENUE BONDS (JOHN KNOX VILLAGE PROJECT), SERIES 2015, FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING THE COST OF CERTAIN CAPITAL IMPROVEMENTS FOR OR TO THE SENIOR LIVING AND HEALTHCARE FACILITIES OWNED OR TO BE OWNED AND OPERATED BY JOHN KNOX VILLAGE OF FLORIDA, INC. ON A CAMPUS LOCATED WITHIN THE CITY, FUNDING ANY NECESSARY RESERVES, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AUTHORIZING A DELEGATED NEGOTIATED SALE OF SUCH BONDS; PROVIDING FOR CERTAIN TERMS AND DETAILS OF SUCH BONDS, INCLUDING THE MANNER FOR ESTABLISHING THE INTEREST RATES THEREON; APPROVING THE USE OF PRELIMINARY AND FINAL OFFICIAL STATEMENTS IN CONNECTION WITH THE MARKETING AND SALE OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND INDENTURE, LOAN AGREEMENT, BOND PURCHASE CONTRACT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS BOND TRUSTEE; MAKING CERTAIN COVENANTS, AGREEMENTS AND FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING FOR SEVERABILITY; REPEALING CLAUSES AND AN EFFECTIVE DATE.

The Resolution was read by title only.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<b>ROLL CALL</b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 15**

**REGULAR ITEMS – CONTINUED**

**MOTION:** To adopt Resolution No. 2015- 142 upon reading.

Suzette Sible, Finance Director, stated that the backup is very extensive and indicated that she provided a memorandum to summarize the purpose of each document.

John Knox Village (JKV) provided the City with a written request for the City to serve as a conduit issuer on their behalf to issue revenue bonds not to exceed \$40,000,000.00. Among other things, the key purpose of the bond issuance is to finance the construction of a new health care facility and to provide for various capital improvements to their existing facilities. With the City serving as the issuer of the Bond, it will loan the proceeds to the John Knox Village to complete their project.

Subsequently, Ms. Sible explained in detail what it means for the City to take the role of a conduit issuer of the bonds, which under the guidelines of the Internal Revenue Services, is authorized to issue tax-exempted bonds. Although the City is serving as the issuer of the bonds, it is not legally obligated to repay principal and interest on the bonds through maturity. Therefore, the City is not pledging its faith, credit, or taxing authority as security for repayment on said bonds.

The City in serving as a Conduit Issuer, had the following considerations:

- 1) Background of the JKV and Economic Impact on the City - as disclosed in the proposed financing documents.
- 2) The project.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b>				
<b>PAGE 16</b>				
<b><u>REGULAR ITEMS – CONTINUED</u></b>				
<ul style="list-style-type: none"> <li>3) Reimbursements</li> <li>4) Financial and Operational Capacity for repayment of the Bonds</li> <li>5) Regulatory Reserve and Reporting Requirements</li> <li>6) Ongoing Debt Covenants</li> <li>7) No History of Defaults</li> <li>8) City’s Past History with JKV as a Conduit Issuer</li> <li>9) Risk</li> </ul>				
<p>Finally, Ms. Sible stated that City Attorney Linn, and she have reviewed the documents along with the City’s external bond counsel, GreenspoonMarder Law, as to the legal sufficiency to ensure that the City’s interests are protected and represented correctly.</p>				
<p>In conclusion, Ms. Sible indicated that any costs incurred by the City to review and prepare the documents, any costs going forward, as well as costs for any disclosure requirements would be 100% borne by JKV.</p>				
<p>John Knox Village of Florida, Inc., President Robert Scharmann, 651 Southwest 6<sup>th</sup> Street, Pompano Beach, FL, thanked Ms. Sible for her stalwart effort during the process to make it happen for JKV.</p>				
<p>Additionally, Mr. Scharmann stated that because they could not undertake this on their own they have approached the City to partner with them. Incidentally, the City partnered with them on an existing Bond Issue in 2010, therefore, this is a new second bond issue Series 2015, which they are requesting the City to play an important role.</p>				
<p>He then explained their reason for establishing the bonds, which includes funding their Woodlands project. This will be a greenhouse model of twelve homes, which will have twelve residents to whom quality care can be delivered. There will be 144 private rooms in the project. In fact, they would be the first skilled nursing facility in the State of Florida to adopt the green house model, which he described in details.</p>				



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 17</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Mr. Scharmann provided a list of some of the things JKV provide for the City of Pompano Beach to include:</p> <ul style="list-style-type: none"> <li>- Being the second largest continuing care retirement community in the State of Florida.</li> <li>- Sixth largest single site community in the nation.</li> <li>- The third largest employer in the City of Pompano Beach.</li> <li>- The largest healthcare provider in Pompano Beach</li> </ul> <p>Notwithstanding, there are large amounts of people depending on JKV to have a livelihood and to assist them in fulfilling their mission.</p> <p>With the new addition of the Woodlands project JKV will be able to add to their existing amount of 650 employees another 50 to develop the plan of care necessary to meet the residents' needs.</p> <p>Additionally, Mr. Scharmann indicated that for their operating budget they are spending \$22 million annually in payroll, which will increase with this project by \$1.5 million. There are 120 employees residing in the City of Pompano Beach, and 91% of the employees reside in Broward County. In 2011, JKV received a special national award for excellence in the workplace.</p> <p>Nine Hundred (900) residents of JKV utilize all the services offered throughout the City to include Publix, Walgreens, Banks, Pharmacies, Restaurants and the Casino. Also, they volunteer within the community to include the schools, library, churches and hospitals, as well as with Broward Sheriff's Office, different civic organizations and clubs. JKV has the only official rotary chapter that happens in a continuing care retirement community in the USA.</p> <p>In sum, Mr. Scharmann provided a list of activities that JKV have been engaged in that positively impacts the City as well as the outer communities in South Florida, to include non-profit organizations.</p>				

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 17**

**REGULAR ITEMS – CONTINUED**

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- Sixth largest single site community in the nation.
- The third largest employer in the City of Pompano Beach.
- The largest healthcare provider in Pompano Beach

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# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

He reiterated the financial stability of the JKV, which he said they worked hard to establish of which they are proud. Therefore, with the City's support they will make a giant step forward for the future of JKV and for the City of Pompano Beach.

Comr. Phillips commended Ms. Sibble for providing the summary information to the commission, which he indicated was easy to digest and was excellent. As well as Mr. Scharmann's presentation. He said John Knox have been around for a long time and have employed quite a number of residents of the City, which is commendable. Therefore, he plans to support this effort.

Comr. Moss stated that he received a tour of the JKV facility and he was very impressed with what he saw. Therefore, this matter under consideration will be good for JKV, as well as the City of Pompano Beach, and he plans to support it.

Mayor Fisher thanked Mr. Gillispie for working with staff.

**P.H. 2015-23; ORD. NO. 2015-14: TAPE 1 – 1,289 ITEM 22**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF BLANCHE ELY AVENUE (NW 6TH AVENUE) AND SOUTH OF NW 15TH STREET AND COMMONLY KNOWN AS 600-800 NW 15TH STREET FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) AND B-2 (COMMUNITY BUSINESS) TO RM-12 (MULTI-FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<b>ROLL CALL</b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**MOTION:** To adopt Ordinance No. 2015-14 upon second and final reading.

Gordon B. Linn, City Attorney, advised this item is 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. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Asceleta Hammond, Acting City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated that this is a request to rezone 7.8 acres located at 600-800 Northwest 15<sup>th</sup> Street, from RS-4 (Single-Family Residential) and B-2 (Community Business) to RM-12 (Multi-Family Residential). The land use for 6.71 acres that is the RS-4 portion is M (Medium Residential), so approval will be consistent with the Land Use Plan for M. The 1.16 acres of the property has C (Commercial) land use designation, which an allocation of concurrent flex units will be considered later on the agenda. At the December 9, 2014 meeting, the applicant volunteered to restrict the property in the following manner:

- a) Property use will be restricted to meet Section 154.61(D)(3) Affordable Housing Requirements of the City's code.



# City of Pompano Beach, Florida

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**REGULAR ITEMS – CONTINUED**

- b) The property shall be restricted to eighty (80) fee simple, detached dwelling units.
  
- c) Traffic access shall be from a public road to be dedicated to Northwest 6<sup>th</sup> Avenue, with no access from Northwest 15<sup>th</sup> Street, unless through final platting approval the City determines access on to northwest 15<sup>th</sup> Street is warranted.

Mr. Bird stated that the original executed document of the Declaration of Restrictive Covenants was submitted to the City and is currently with the City Clerk, who, upon passage of the ordinance, will get the document recorded. Finally, the Planning and Zoning Board did recommend approval of the rezone request and their recommended conditions were met.

Perry Ecton, Executive Director, Habitat for Humanity Broward, Inc. (Habitat), 3564 North Ocean Boulevard, Fort Lauderdale, Florida 33308, thanked the commission for their consideration. He also indicated that as previously outlined, Habitat for Humanity would like to build 80 single-family fee simple detached homes, and has agreed to a Deed Restriction of such arrangement, which was cosigned this afternoon by The Abyssinian Baptist Church of Christ (Church). He confirmed that Habitat wanted to keep their promise to the community, the commission and the Zoning Board.

Subsequently, Mr. Ecton provided a brief history of their activities in the City of Pompano Beach, as well as in depth information on Habitat's goals to construct affordable homes and at the same time provide jobs for the residents in the community.

Terry A. Williams, 757 Northwest 15<sup>th</sup> Street, Pompano Beach, FL, 33060, understands that the applicant/developer will be building single-family homes and although they have signed a restrictive covenant in partnership with The Abyssinian Baptist Church of Christ, one of the persons signing on behalf of the Church, Barbara Martin, is not authorized to do so. She pointed out that in 2006, the Church modified and authorized only four people to sign on behalf of Reverend Rudolph, who at this time is incapacitated.



# City of Pompano Beach, Florida

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**REGULAR ITEMS – CONTINUED**

Moreover, Ms. Williams expressed concerns with the Bill of Sale, because they are acting as a developer, they could pre-empt and ask for a change on the property that they do not fully own. Therefore, she is unsure why the applicant would request a RM-12 at this time since the area was zoned for RS-4. Ms. Williams indicated that she was concerned that things could be changed around and not for the betterment of the people within the community. She cited similar circumstances happening with the Blanche Ely Estates, and Ester Rolle Avenue.

Ms. Williams questioned whether the size of the homes would be approximately 500 square feet.

Mr. Ecton replied that the single-family detached homes of three and four bedrooms would average approximately 1,230-1,280 square feet.

Ms. Williams complained that representatives of Habitat did not meet with those people who reside directly across from the proposed site for the single-family homes, to include her and did not get the people's input on the proposed development. She contend that while they indicated that they met with residents of the community, she did not "hear anyone knocking on her door to speak with her", or others living on Northwest 15<sup>th</sup> Street, where she resides.

Ms. Williams stated that while that property has been empty for a long time, they would not want hi-rise buildings constructed but rather keep it at low to medium homes. She does want to have development in the area but the people impacted should have some consensus on it.

Ms. Williams requested that the City, prior to signing a contract, ensures that the developer does exactly what they agree to do, which should be included in the contract. There should not be any room for amendment of the original contract. Therefore, she urged the commission to make the right decision for the people.



# City of Pompano Beach, Florida

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**REGULAR ITEMS – CONTINUED**

Ruben Young, 757 Northwest 15<sup>th</sup> Street, Pompano Beach, FL, stated he spoke with one of the residents of the area and her concerns are in line with what the previous speaker, Ms. Williams expressed. She said no one came to speak with her about what is happening. Therefore, she is concerned that the zoning will be changed from RS-4, which is residential to RM-12, which is for multi-family hi-rise homes. While he is familiar with Habitat doing a good job, the concern is that the City's Master Plan, approved many years ago, had stipulated the different types of zoning and properties that would have certain type of zones. Presently, because Habitat desires to change the zoning of a residential, they are requesting to change the Plan.

Finally, he thinks that the community should have the opportunity to vote on the changes to take place. Moreover, he indicated that any zoning or rezoning change normally goes to the people in the community to voice their approval or disapproval. He reiterated Ms. Williams concern whereby changes can be made after the contract is signed. Therefore, he appealed to the commission to put some safe guards in place to discourage future consequences of low to moderate-income homes, which will devalue the many valuable properties on Northwest 15<sup>th</sup> Street.

Mayor Fisher, to allay the fears of the residents, indicated that this is similar to a court proceeding, which it is a quasi-judicial hearing. Therefore, everything on the record "is the record". Moreover, it has been stated through legal documents, as well as at the meeting, that the deed restrictions, which will be recorded, allow that property to be only used for 80 single-family detached homes. Therefore, the multi-family portion goes away and it becomes an 80 single-family home development.

Vice Mayor Burrie indicated that she is not against the project, however, she cited a comment Ms. Williams made that someone, who is not legally able to sign an agreement had done so. Therefore, she asked staff to check into it prior to recordation of the document to ensure the person from The Abyssinian Baptist Church of Christ is authorized to sign.



# City of Pompano Beach, Florida

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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mr. Ecton introduced the person who signed the document to confirm her authority to sign on behalf of the church.

Barbara R. Martin, 740 Southeast 1<sup>st</sup> Way, #104, Deerfield Beach, FL, stated that the corporate records of The Abyssinian Baptist Church of Christ reveal that she is a director of the church and the Vice President of the corporation. Additionally, she received permission from the church body and from their pastor to sign in his stead.

Comr. Phillips commended those persons with difference in opinions and wanting to participate in the discussion. However, he indicated that the community largely did participate in some of the processes of Habitat and they answered some of the public's questions. Perhaps they could not get to everyone in the community, but they did get to a number of people in the community, so largely it would be a consensus. Therefore, it was communicated to him, who represents the district, that the people in the community wanted single-family homes. So, based on the documents submitted to the City they will get the single-family homes.

Finally, Comr. Phillips commended Habitat, as well as the community for being concerned, and they will be getting single-family homes that they had asked for.

Comr. Dockswell asked if everyone residing within a certain radius was notified of the proposed rezoning.

Mr. Bird replied property owners within 500 feet radius were notified.

Comr. Dockswell asked if the City knew at the end that it would be single-family residences and there are two different zoning designations in the parcel, one RS-4 and the other B-2, why not change the B-2 to RS-4.



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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mr. Bird explained the application originally was initiated as a RM-12. However, Habitat did not anticipate building more than just single-family homes. Furthermore, they are in a medium density district, and there is commercial in the land use plan. In essence, one should not be going to single-family in commercial districts. However, at the end of all this, Habitat will have to go through a land use plan amendment to make it compatible with their request for flexible units, as well as the restrictions they put on the property.

In sum, if there was a better scenario to start with and it was a lower density, they probably would have chosen such. The City will allow the building of single-family homes in the RM-12. The requirements are different, the site statistics are different on the lot versus that on a RS-4 lot, and they are actually getting a better requirement in the RM-12, which is minimum lot size, than the RS-4 for single-family.

Mayor Fisher clarified that the original vision by Habitat was to build a town-home project on that property. So, they were “going down that road with the zoning” but met with community resistance, so they decided to go through with the zoning, but would deed restrict to single-family. Habitat’s ultimate goal is to close on the property this month; therefore, they did not want to stop the process by going through re-advertising the ordinance, so, they chose the way of the deed restriction.

Mr. Bird confirmed that is correct.

In response to Comr. Dockswell’s question, Mr. Bird replied that the City has not seen their full site plan regarding what they want to do. In fact, they have not yet platted the property, so this provides more flexibility in platting. In sum, Mr. Bird stated that there is nothing wrong in what Habitat is proceeding to do at this time.

Comr. Dockswell questioned whether this would result in single-family residences that are smaller lot sizes than anywhere else in the City.



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**REGULAR ITEMS – CONTINUED**

Mr. Bird replied no, and explained the process in detail.

Comr. Phillips commended Mr. Bird as he explained to him the various scenarios of the process for Habitat's request. Therefore, based on his understanding for what the City required of them, he is satisfied.

**P.H. 2015-30; ORD. NO. 2015-02: TAPE 1 – 2,074 ITEM 23**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWO (2) FOOT PORTION OF A SIX (6) FOOT UTILITY EASEMENT LOCATED NEAR THE NORTHWEST CORNER OF SE 3RD STREET AND SE 15TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

**MOTION:** To approve the Ordinance upon first reading.

**ROLL CALL**

Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Gordon B. Linn, City Attorney, advised this item is 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. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 26</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Asceleta Hammond, Acting City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.</p> <p>Robin M. Bird, Development Services Director, stated that the property owner located at 1433 Southeast 3<sup>rd</sup> Street has utilities that were on their property in 1974, and a swimming pool was erected, which encroaches on the utility easement. They have gone through the abandonment process and received positive responses from the utility companies to abandon the two-foot portion, which encroaches. Therefore, they can clear the title, should they wish to sell the property.</p> <p><b>P.H. 2015-16; ORD. NO. 2015-15: TAPE 1 – 2,107 ITEM 24</b></p> <p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTIES LYING GENERALLY EAST OF NORTH POMPANO BEACH BOULEVARD (“EAST PARCEL”) AND WEST OF NORTH POMPANO BEACH BOULEVARD (“WEST PARCEL”) AND BOTH BETWEEN NE 2ND STREET AND NE 3RD STREET FROM PR (PARKS &amp; RECREATION) DISTRICT TO PR (PARKS &amp; RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE EASTERN PARCEL AND FROM PR (PARKS &amp; RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) TO PD-I (PLANNED DEVELOPMENT-INFILL) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE WESTERN PARCEL; PROVIDING FOR CONFORMANCE TO A PLANNED DEVELOPMENT PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>The Ordinance was read by title only.</p>				

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

**PAGE 26**

**REGULAR ITEMS – CONTINUED**

Asceleta Hammond, Acting City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated that the property owner located at 1433 Southeast 3<sup>rd</sup> Street has utilities that were on their property in 1974, and a swimming pool was erected, which encroaches on the utility easement. They have gone through the abandonment process and received positive responses from the utility companies to abandon the two-foot portion, which encroaches. Therefore, they can clear the title, should they wish to sell the property.

**P.H. 2015-16; ORD. NO. 2015-15: TAPE 1 – 2,107 ITEM 24**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTIES LYING GENERALLY EAST OF NORTH POMPANO BEACH BOULEVARD (“EAST PARCEL”) AND WEST OF NORTH POMPANO BEACH BOULEVARD (“WEST PARCEL”) AND BOTH BETWEEN NE 2ND STREET AND NE 3RD STREET FROM PR (PARKS & RECREATION) DISTRICT TO PR (PARKS & RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE EASTERN PARCEL AND FROM PR (PARKS & RECREATION) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) TO PD-I (PLANNED DEVELOPMENT-INFILL) DISTRICT WITH AN AOD (ATLANTIC BOULEVARD OVERLAY) AS TO THE WESTERN PARCEL; PROVIDING FOR CONFORMANCE TO A PLANNED DEVELOPMENT PLAN AND STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.



# City of Pompano Beach, Florida

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<b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b>				
<b>PAGE 27</b>				
<b><u>REGULAR ITEMS – CONTINUED</u></b>				
<b>MOTION:</b> To adopt Ordinance No. 2015-15 upon second and final reading.				
<b><u>ROLL CALL</u></b>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Gordon B. Linn, City Attorney, advised this item is 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. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Asceleta Hammond, Acting City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated this is a City-initiated zoning. The property, which is approximately 4 acres in size, was approved unanimously at the Planning and Zoning Board with certain conditions that have been addressed. The Unified Control Agreement has been addressed, and the City has a developer's agreement, which a separate document or resolution will be presented should there be any amendments.

Additionally, Mr. Bird stated the City amended the land use designation in 2013 for the west parcel from OR (Open Space Recreation) to C (Commercial) by way of ordinance 2013-69. The rezoning for commission's consideration is actually two rezoning, the east and the west of Pompano Beach Boulevard. He then provided detail descriptions of both rezoning and the reasons for the rezones, as well as the advantages.



# City of Pompano Beach, Florida

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<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 28</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>A full presentation was done at the first reading by Tim Hernandez, who is partnering with the City on the subject matter, as a public-private partnership.</p> <p>Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL, stated that the commission is requested to rezone the designation of City public beach property from a protection of the designation of Parks and Recreation (PR) to a zoning, which does not protect the public. It will open development on the sand side of A1A and includes Planned Development (PD-I) on the west side to include the beach on the Atlantic Overlay District. However, this action will not benefit the citizens, and will only likely benefit a developer.</p> <p>Furthermore, Mr. Terwilliger stated that the City’s Ordinance 2012-64, specifically authorizes and states, several times in Section 155.1103 that, “The purpose of the zoning is to preserve, conserve, and protect natural resources”. This proposed ordinance change would move the sand area east of A1A, as well as the area west of A1A from the current designation of PR to PR/Atlantic Boulevard Overlay District (AOD). Therefore, this rezoning does nothing to protect and preserve the beach area or the necessary parking area for beach goers.</p> <p>Finally, Mr. Terwilliger stated that upon the passage of the proposed ordinance, the City would be taking public land from its citizens in violation of the City’s voter referendum that the beach should be retained for the benefits of the public at large, or may violate the Burt Harris law. Therefore, he requested that the commission preserve and protect the public areas especially east of A1A.</p> <p>Barbara Gordon, Jamaica House, Pompano Beach, FL, requested information regarding the beach property east of Pompano Beach Boulevard, which was zoned PR (Parks and Recreation), because she does not understand how the addition of the AOD could enhance the beach property, or what is planned to be built there.</p>				



# City of Pompano Beach, Florida

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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mr. Bird explained that the PR district has certain setbacks and there is a developer's agreement that allows certain structures in that area. The setbacks would push it, 25 feet back, which is contrary to what the City wants to develop and bring those items closer together for the pedestrian field.

Notwithstanding, the AOD district is specifically about having pedestrian connections and pedestrian-type development with a maritime theme. They have the Fishing Village concept, which the City made that decision some time ago, and the AOD compliments it. Overall, the PR District is not conducive to it.

Ms. Gordon explained in detail her reason for inquiring about the necessity to change the zoning for this area.

Mr. Bird explained that for the PR zoning district, the land use the City requires is the beach-oriented development to be accessory to the beach, similar to the golf course, which has a restaurant accessory to the golf course. He then explained the approval process for the use on the property, which did not include the distances, amount of green space; rather it was about the possibility of allowing a restaurant in the location.

In sum, Mr. Bird stated that the PR district permits concessions and accessory restaurants to the primary use, which is the beach and the outdoor activities that are presently there.

Ms. Gordon asked about the lots that are involved in the project, which in this case the entire block was rezoned rather than the two or three lots that would be used for the restaurants.

Ms. Gordon provided a lengthy comment regarding the ethics of changing the zoning of those lots, which have certain deed restrictions. She mentioned that in 1956, the commission body made a deal and purchased the property, which had restrictions that no structures should be built. Yet, in 2015, the commission body will rule to negate



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**REGULAR ITEMS – CONTINUED**

the original deal and are setting up conditions whereas, on the lots where Fisherman’s Wharf used to be located, the restrictions would be ignored, as there are plans to put up kiosk on those restricted lots. Finally, Ms. Gordon does not support the commission action to include those lots, which should be set aside for civic use.

Mayor Fisher questioned whether the lots that are deed restricted even though they are requested to be rezoned, would always be deed restricted as Open Space.

Gordon B. Linn, City Attorney replied yes, when the City constructed the agreement those restrictions were taken into consideration.

Mayor Fisher noted that those restrictions are in place even in the developer’s agreement they remain, as they are, deed restricted.

Vice Mayor Burrie requested clarification regarding the building of a hotel that a previous speaker complained will be constructed on the subject lots.

Mr. Bird clarified there is a Master Plan included in the backup material. The development agreement specifically states that the Commission has to authorize the building of a hotel on the site. Therefore, it would take either a resolution, amendment or a confirmation with the development order, which would be the first step.

Furthermore, the Master Plan has 10,000 to 15,000 square feet of retail in that southwest corner of the western parcel. Therefore, the developer, at a bare minimum, cannot change that without coming back through to get the City to approve a hotel for the site. In essence, it will not be a minor amendment, and they would have to appear before the Planning and Zoning Board, and the City Commission, as well as have it vetted by the public.

Vice Mayor Burrie noted that with the passage of this ordinance, the commission is not approving a hotel on the beach.



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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

Comr. Phillips asked if the City would lose any sand or beach area on the east side.

Mr. Bird replied it is not currently contemplated in the plans, notwithstanding they would be gaining deck area.

**RES. NO. 2015-143:                      TAPE 1 – 2,793                      ITEM 25**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF TWENTY ONE (21) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF NORTH WEST 15TH STREET AND NORTH WEST 6TH AVENUE; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2015-143 upon second and final reading.

**ROLL CALL**

Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Gordon B. Linn, City Attorney, advised this item is 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. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b></p> <p><b>PAGE 32</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Asceleta Hammond, Acting City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.</p> <p>Robin M. Bird, Development Services Director, stated that this is a companion item to the rezoning by Habitat for Humanity for commercial land use designation to grant a 21 flex units necessary to build this development.</p> <p>Perry Ecton, Executive Director, Habitat for Humanity Broward, Inc. 3564 North Ocean Boulevard, Fort Lauderdale, Florida 33308, thanked the commission for their earlier recommendation. Therefore, this request just adds to that recommendation of being able to transfer the commercial property to allow for additional residential units on that site.</p> <p>Willie L. Lawson, III, 510 East McNab Road, Pompano Beach, FL, President of New Alliance, stated that since Items 22 and 25 are companion items and Item 22 was passed with the understanding that the person submitting the application is authorized to sign. According to the State and the Articles of Corporation, established in 1977, he read the names of persons authorized to sign as; Reverend Winston W. Rudolph, Charles Ellington, Gloria Robinson and Annie Harris. Since that time, no amendments have been made in terms of authorization for anyone else to sign on behalf of the church. He then submitted copies of the documents to the City Clerk for the records to include, documents that changed the authorization in 1997.</p> <p>Additionally, Mr. Lawson understood that in order to get flex units the zoning cannot be a B-2, however, the proposed item changes to MS-12, so, there is no need for flex units. Furthermore, there were other options required in terms of accessibility on Northwest 15<sup>th</sup> Street or 6<sup>th</sup> Avenue. Exhibit B in the backup material does not show any outlet. Therefore, his concern is with the increased traffic on Northwest 6<sup>th</sup> Avenue and those residents in Pine Tree are concerned with traffic on Northwest 15<sup>th</sup> Street.</p>				



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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

Mr. Lawson concluded while the two projects are co-related, they are not compatible; therefore, there should be some considerations given to confirm that the current signor have authorization from the church to sign the documents. He also provided copies of two newspaper articles reporting the profits made by Habitat for by putting two single-family homes on one lot, and ten townhomes on a lot.

Terry A. Williams, 757 Northwest 15<sup>th</sup> Street, Pompano Beach, FL, 33060, said she had a letter dated December 22, 2014, addressed to Habitat for Humanity, stating they would not be authorized to build flex units. However, the current item will provide Habitat for Humanity the ability to build flex units.

Mayor Fisher questioned whether staff could provide this referenced document for evidence.

Mr. Bird replied no.

Ms. Williams promised to submit a copy of that letter via email to the commission.

Ruben Young, 757 Northwest 15<sup>th</sup> Street, Pompano Beach, FL, on behalf of property owner, Mattie Williams, stated that there are many concerns with the lack of information distributed to the long-standing members of the community regarding Habitat's plans. As well as their desire to have some safe guards in place, to protect previous plans to preserve the zoning of the neighborhoods already established in the Master Plan.

Mayor Fisher reiterated that the wonderful safe guard in place is that there is a deed restrictive covenant that will be recorded with the land. In addition, the City has a process in place to notify residents affected by zoning changes, which is done by both the Planning and Zoning Board as well the City Commission. This includes mailing notices to anyone within a 500 radius, as well as posting a sign on the property.



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### REGULAR ITEMS – CONTINUED

Mattie Belle Slappy Williams, 757 Northwest 15<sup>th</sup> Street, Pompano Beach, FL, provided a brief history on her family living in Pompano Beach. She is requesting that Habitat build houses in front of her property, and not apartments. She complained that the street in front of the Supermarket is too narrow for motor vehicle and pedestrian traffic.

Mayor Fisher assured Ms. Williams that no townhomes or apartments would be built in her neighborhood, but rather they will be single family homes.

Mr. Ecton clarified that Habitat's only intention is to build single-family homes for ownership for the residents of Broward County, between 40% to 80% area median incomes. Furthermore, he indicated that Habitat was happy with the newspaper article on their organization building multi-family units, because it states, "When and if the opportunity presents itself, Habitat will diversify its housing stock to meet a variety of citizens' needs." He then clarified in detail the situation referenced in the City of Hallandale. Finally, he indicated that they want to dispel the myths and mystery that Habitat is coming to neighborhoods to change it in a negative way, rather they are about people and their community, their pride and ownership.

Mr. Lawson asked about the status of the deed restrictions. Finally, he clarified that he supports the Habitat.

Mayor Fisher replied that the City received the deed restriction, which will be recorded by Broward County.

Mr. Lawson indicated that Exhibit B shows that 80 units will be constructed on a 9-acre lot, which equals to ten units per acre.

Carmen Jones, 71 Northwest 16<sup>th</sup> Street, Pompano Beach, FL, indicated that she missed the discussion on item 22, however, she heard examples provided by Mr. Bird on the zoning and wondered if she could get details on the explanation on the zoning for the item.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mayor Fisher indicated that item was already discussed and due to quasi-judicial nature, and the fact they are discussing a different item, he could not allow a continuation on the previous item at this time. However, Ms. Jones could contact Mr. Bird for the details after the meeting.

Mr. Bird indicated that he would not have a problem in providing his explanation to Ms. Jones.

Comr. Phillips indicated that he is excited to see the participation from his constituents. However, he is concerned when people question the church's ability to authorize someone to sign on behalf of the Board. Because he has some knowledge of several churches' procedures, he said there are bodies that can empower individuals within the churches to sign. Therefore, he would not like to see the question of an authorized church member's signature impede or stop this process in any shape, form or manner.

**P.H. 2015-20; ORD. NO. 2015-16: TAPE 1 – 3,595 ITEM 26**

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 FOR CODE COMPLIANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal impact: an annual sum of \$1,146,428 to be paid on a monthly basis)

The Ordinance was read by title only.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**MOTION:** To adopt Ordinance No. 2015-16 upon second and final reading.

**ROLL CALL**

Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Dennis W. Beach, City Manager, stated that this is the second reading of the amendment of the Calvin, Giordano & Associates, Inc. Agreement. In addition, they have been providing code enforcement services to the city for the past four years; therefore, this amendment is designed specifically to add one code enforcement position to the contract.

Comr. Phillips reported that he has a chicken problem in his community and wondered if this could be addressed now.

Mayor Fisher indicated that this item is to discuss an additional position. However, the chicken problem will come up under Reports.

Comr. Moss questioned whether the cost for an additional inspector would be \$187,648, as indicated in the backup.

Mr. Beach clarified that the amendment is to the original contract from four years ago to a price that adds an additional code enforcement officer, at a cost of \$80,000. Notwithstanding, each year there is a cost of living adjustment that has occurred throughout the length of the contract.

**P.H. 2015-22; ORD. NO. 2015-17: TAPE 1 – 3,678 ITEM 27**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSULTING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RAFTELIS FINANCIAL CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.





# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

Michael Smith, Human Resources Director stated that this is the second reading of the ordinance that approves the collective bargaining agreement with the largest union in the City, the Federation of Public Employees. The agreement will run through October 1, 2014 to September 30, 2017.

The highlights of the agreement provides for a Cost of Living Adjustment (COLA) in each of the contract years, to modify the pension vesting program which will change the vesting from ten to seven years, providing incentives that will enhance the quality of services, raise standards, add values and help the City to retain and recruit top talent. This Agreement will also allow the creation of a Voluntary Employee Benefit Association (VEBA) program to assist the retirees in maintaining their health insurance upon retirement.

Comr. Phillips asked for an explanation on Article 5, Section 2, of the contract that states, "Employee rights non-discrimination."

Mr. Smith replied the article has been in the contract since its inception, which states they will not discriminate against the employees, or firms that the City has committed to non-discrimination. Particularly, not to discriminate against persons based on their union membership.

Comr. Phillips questioned the right of appeal by the employees.

Mr. Smith replied that the City has a grievance procedure contained in the Code of Ordinances, and the employees have access to the equal employment opportunity commission, which generally handles all charges of discrimination.



# City of Pompano Beach, Florida

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			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**P.H. 2015-24; ORD. NO. 2015-19: TAPE 1 – 3,802 ITEM 29**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2014-61; AMENDING CHAPTER 34 "CITY POLICY," BY AMENDING SECTION 34.045, "DEFINITIONS," TO MODIFY THE DEFINITION OF AVERAGE MONTHLY EARNINGS AND SURVIVING SPOUSE FOR THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; BY AMENDING SECTION 34.053, "NORMAL RETIREMENT DATE," AND SECTION 34.055, "NORMAL RETIREMENT BENEFIT," TO MODIFY PENSION RETIREMENT REQUIREMENTS FOR FIREFIGHTERS; BY AMENDING SECTION 34.057, "DISABILITY," TO MODIFY THE CALCULATIONS OF DISABILITY BENEFITS FOR FIREFIGHTERS; BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN," ("DROP") TO AMEND THE PROVISION RELATING TO PROMOTIONS OF FIREFIGHTERS WHO HAVE ENTERED THE DROP AND TO PROVIDE FOR FIREFIGHTER PARTICIPATION IN THE DROP LOAN PROGRAM; AND BY AMENDING SECTION 34.061, " CONTRIBUTIONS," TO MODIFY REQUIRED MEMBER CONTRIBUTION TO THE FIREFIGHTER RETIREMENT SYSTEM – ALL TO COMPLY WITH THE PROVISIONS CONTAINED IN ARTICLES 35 AND 38 OF THE ADOPTED LABOR AGREEMENTS BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH, FOR THE PERIOD BEGINNING OCTOBER 1, 2010 AND ENDING SEPTEMBER 30, 2013, AND OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2016; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**MOTION:** To adopt Ordinance No. 2015-19 upon second and final reading.

**ROLL CALL**

Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

Michael Smith, Human Resources Director, stated that this is a second reading of an ordinance. In September this item was originally approved, however, the City Attorney's Office and the Pension Board Attorney's Office had collaborated on creating a new ordinance, which unfortunately, the wrong version got on the agenda for approval. Therefore, this is a technical correction and there are no new concepts in the ordinance. Consequently, this is to ensure that the legal wording of the pension board attorney and the city attorney offices agreed to the right language.

**P.H. 2015-26; ORD. NO. 2015-20: TAPE 1 – 3,939 ITEM 30**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE ADDENDUM NO. 1 TO THE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND KESSLER CONSULTING, INC. FOR SOLID WASTE CONSULTANT SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

**MOTION:** To adopt Ordinance No. 2015-20 upon second and final reading.

**ROLL CALL**

Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	



# City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

Robert McCaughan stated that this addendum is necessary to extend the period of the City’s contract with Kessler Consulting, Inc., who are providing technical advice for the Waste Hauling Contract that was bided through the RFP (Request for Proposal) process. The bids are closed and staff is reviewing the documents with Kessler who will be providing technical advice during the review process. The proposed addendum will extend the contract by one year with no financial impact.

**P.H. 2015-32; ORD. NO. 2015-21: TAPE 1 – 3,984 ITEM 31**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 30, “CITY COMMISSION,” OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 30.02, “MEETINGS,” TO ESTABLISH THE TIME OF DAY WHEN REGULAR MEETINGS SHALL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

**MOTION:** To adopt Ordinance No. 2015-21 upon second reading.

**ROLL CALL**

Dockswell		x		x
Hardin	x		x	
Moss			x	
Phillips				x
Burrie			x	
Fisher			x	

Gordon B. Linn, City Attorney, stated that the proposed ordinance would provide that the regular City Commission meetings would commence at 6:00 p.m.

Comr. Phillips recalled that the Commission has tried several times to change the timing of the meeting but inevitable returned to a 7:00 p.m. timing. Therefore, he will not support changing the time because of previous actions in the past.



# City of Pompano Beach, Florida

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			Y	N

## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Vice Mayor Burrie recalled when the Commission would meet every Tuesday, and those meetings were held in the day. Thereafter, the Commission decided to diversify the timings for some meetings during the days and some in the evenings. While she is not averse to changing the time to 6:00 p.m., she is averse to having meetings each Tuesday, one in the day and one at night.

Comr. Dockswell does not have an issue with the commission meeting at 6:00 p.m. or 7:00 p.m. However, he is not supportive of the item because it will be more difficult for people to get to the meetings by 6:00 p.m. Notwithstanding, there are times when the meetings last longer than five hours, which would impact people's dinner time. Therefore, he would prefer to keep the meeting to commence at 7:00 p.m.

Mayor Fisher reminded everyone that the first reading of the proposed ordinance would be heard in another two weeks.

### **P.H. 2015-19; ORD. NO. 2015-22: TAPE 1 – 4,101 ITEM 32**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY PENALTIES FOR VIOLATIONS; BY DELETING SECTION 70.24, "PARKING METER ZONES," SECTION 71.05, "PARKING METER TIME LIMITS; FEES," AND SECTION 71.06, "PARKING METER VIOLATIONS," BY CREATING CHAPTER 76, "PARKING METERS," TO PLACE ALL REQUIREMENTS AND REGULATIONS FOR PARKING METERS IN ONE NEW CHAPTER; BY AMENDING SECTION 71.08, "PARKING FOR CERTAIN PURPOSES PROHIBITED; TOWING," TO DELETE CONFLICTING LANGUAGE; BY AMENDING SECTION 98.09, "ALSDORF PARK," TO DELETE REFERENCE TO PARKING METERS; BY AMENDING SECTION 98.10, "FEES," TO DELETE REFERENCE TO PARKING METERS AT OCEANSIDE AND PIER PARKING LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.



# City of Pompano Beach, Florida

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<b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b>				
<b>PAGE 43</b>				
<b><u>REGULAR ITEMS – CONTINUED</u></b>				
The Ordinance was read by title only.				
<b>MOTION:</b> To adopt Ordinance No. 2015-22 upon second and final reading.	<b><u>ROLL CALL</u></b>			
		x	x	
	x		x	
			x	
			x	
			x	
			x	
			x	
Robin M. Bird, Development Services Director, stated this change creates a consolidated parking meter code and has two substantial changes giving the Public Works Director and the City Manager the authority to establish the Parking Meter locations, which previously was through the Chief of Police. As well as, adding a penalty of placing a hold on a license plate. In addition, other new languages are standard languages in other parking meter codes such as purpose statement and having a list of parking meter locations and fees charged at each location. Finally, on Page 4, there are those changes requested by the Commission at the first reading of the ordinance.				
Comr. Phillips questioned who has the authority to change the locations, to which Mr. Bird replied the Public Works Director and the City Manager.				
Comr. Phillips is concerned that if there were proliferation of parking meters the commission would not have any input.				
Mayor Fisher indicated that if this should happen then the Commission could speak to the City Manager in a public forum. In addition, there were no meters scheduled for the Harbor Village Shoppes.				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**P.H. 2015-29; ORD. NO. 2015-: TAPE 1 – 4,210 ITEM 33**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR PROPERTY LOCATED AT 1400-1600 NW 33RD STREET; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON NOVEMBER 19, 2014; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

**MOTION:** To approve the Ordinance upon first reading.

**ROLL CALL**

Dockswell		x	x		
Hardin	x			x	
Moss				x	
Phillips				x	
Burrie				x	
Fisher					x

Mr. Robin Bird, Development Services Director, provided a brief history of the property, which has had a lot of confusion in the past. Therefore, this request is to amend the future Land Use designation from industrial to medium residential. The subject property is 2.431 gross acres and is located south of NW 33rd Street approximately half a mile west of North Andrews Avenue extension.

The site has been used as a Trailer Park for over 50 years and is zoned MH-12 (mobile homes-12). The applicant's request is to restore the appropriate land use destination that would be compatible with the zoning criteria as well as use of the property. The surrounding land uses are to the north with low medium residential mobile homes, and to the south is industrial, with industrial buildings to the east, and medium residential mobile homes, and to the west is low medium residential and has mobile homes.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mr. Bird summarized the impact analysis by stating that the proposed amendment will have the following effects on the public facilities and services, since maximum density could result in an additional 86 residences. Increase in sewer output demand of 9,287 gallons; increase in power water demand of 11,237 gallons per day; decrease in solid waste demand by 135.9 pounds per day; increase of traffic impact by 257.1 trips per day; and increase in demand for the relatively close existing massive transit. Transit facilities increase in demand for parks and recreation due to increase in population.

The City is adequate to compensate in all these services to handle the additional growth. Furthermore, the applicant intends to retain the existing mobile home park development on the subject property, which means there would be no increase in the existing rendered service.

Additionally, the request is consistent with two (2) goals and certain policies in the Comprehensive Plan. Therefore, the Planning and Zoning Board unanimously recommended approval. Second reading of this ordinance will be held after the county hearings.

Mr. Bird confirmed that this is a cleanup issue.

Thomas Johnston, Esq., Johnston & Metevia, P.A., 2335 East Atlantic Boulevard, Pompano Beach, FL, welcomed the two new commissioners, Comr. Phillips and Comr. Moss to the dais.

Mr. Johnston said he took on the assignment two (2) years ago when his clients recognized they own a number of the subject parcels. With this 60-year-old mobile home park, they learned that two of the zoning parcels had been changed from residential to industrial. Subsequently, this particular parcel Land Use zoning was fine, but the Land Use unfortunately, had been changed.



# City of Pompano Beach, Florida

Names of Commsr.	M	S	V Y	V N
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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Additionally, Mr. Johnston stated that a few months ago he appeared before the commission on the zoning issue, which was corrected. However, once again, he is requesting the commission's support to get the land use issue corrected. He stated that there would be no change in the mobile home park. Nevertheless, every now and then some fluke happen. He has investigated this matter very thoroughly with the authorities at Broward County and they claimed they had nothing to do with the change that occurred.

Mr. Johnston stated that a few years ago Mr. Bird and he went through the archives of the city to see how this could have happened and did not find how it happened. All of the other parcels have the same underlying land use except this one, which is near the middle. If approved by the commission they will go to the Planning Council of Broward County, Broward County Commission, and then they would return to Pompano Beach to get the final approval.

Comr. Hardin stated he does not have a problem with them concerning the cleanup issue, but he would like to know who instigated this matter, because rarely does something like this come to light just because it needs to be cleaned up.

Mr. Johnston replied that he spoke with a senior person in the County's Planning Department, Marty Berger, who wrote him a letter, a copy of which has been included as part of the backup. Apparently, he said they went back in the archives' of the county and found a couple of transmittals between the city and the county where the county brought this issue up and was waiting from a response from the city. Since this happened in the 1980's, this does not reflect on current city staff, as they would not have been employed by the City at the time of this occurrence.

Consequently, the County went ahead and acted without getting a response from the City and changed the 2.5-acre parcel but did not touch the other six parcels, which he is unsure of the reason this was done. Therefore, Broward County did change the land use but they never got a response from Pompano Beach, nor did his client ever file an application for land use change, nor did anyone else.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Mr. Bird stated this issue came up because Mr. Johnston's client took back the property and wanted to replace the mobile homes, but have discovered they had incompatible land use. He agrees with Mr. Johnston's comments, however, at his staff meeting they could not find a reason to grant these approvals, because this was prior to the 1984 annexation.

Mr. Bird then provided details on how he thought the confusion occurred during a survey and conversion of the parcels.

Comr. Hardin asked if the applicant could put mobile homes on the property now.

Mr. Bird replied because he has a parcel listed as industrial land use, that is a problem.

Mr. Johnston explained that the industrial land use is on one (1) parcel, and all the rest have residential, as well as mobile home zoning now. Mr. Johnston said Mr. Bird has been very cooperative and understanding regarding this issue. Thereafter, he provided detailed information about his clients' sale of the property and the transitioning from mobile home business to industrial, as well as some of the economic hardships experienced during the time of the housing dilemma.

In sum, Mr. Johnston stated that his clients inherited almost 300 trailer lots with trailers that had been altered and this was done without getting building permits. Therefore, he has been working with code enforcement, the building official, and the inspectors who do a very good job for the City. He has solicited their understanding as he goes about training some of the residents about the changes and explaining that they have to cooperate with the zoning codes of the city, and they would need to tear down the illegal structures. Therefore, over the last two and one half years there has been a reformation there, where the place is cleaned up. Overall, there have been tremendous responses from the city to the needs of his clients, the owners, who had this business befall on them, and the people who are living there.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**REGULAR ITEMS – CONTINUED**

Mayor Fisher thanked Mr. Johnston for his explanation.

Comr. Phillips stated he does know the area and he has been by there on several occasion and it does require some work. He stated he is very glad that Mr. Johnston explained the rational because he did not understand how this issue came about. However, he inquired of Mr. Johnston whether the current owners have intent to keep the property for a long term.

Mr. Johnston replied they are going to keep it in the near term, however, they are over eighty years of age.

**MOTION:** To remove Item 34 from the table.

**ROLL CALL**

Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

**P.H. 2015-28; ORD. NO. 2015-: TAPE 1 – 4,780 ITEM 34**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PARKING MANAGEMENT SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$396,785.16)

The Ordinance was read by title only.

Robert A. McCaughan, Public Works Director recognized Mr. Jeff Lance, representative from Denison Parking, Inc., who is available to answer any further questions.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

Additionally, Mr. McCaughan requested that the record state the Agreement in the Commission Agenda Books was incorrect and has been revised since the last time the item was tabled. Therefore, Attachment A reflects the amended version of the Agreement, which was reviewed by the corporate level of Denison Parking, Inc. as there were minor changes to include, the third whereas statement, which eliminates the management of the parking garage, and the Attachment A is strengthening the language in the document. There are no substantive changes to the Terms and Conditions.

**MOTION:** To approve the Ordinance upon first reading as amended.

### ROLL CALL

Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Mr. McCaughan indicated that currently the management of the parking is carried out by several City Departments and Agencies, to include the Finance Department, which manages the collection of the receipts and revenues, Broward Sheriff's Office (BSO) has the citation management, parking enforcement and meter maintenance, as well as the Public Works Department provides meter support. Therefore, with the anticipated increase in parking at the new garage, staff recommends that all these activities come under one umbrella.

Subsequently, a Request for Proposal (RFP) was sent out and the top ranked firm selected was Denison Parking, Inc. The contract will be for three years, and there is one two-year term for a total potential of five years, at a total cost of \$397,000. Parking enforcement will be four full time/part time personnel. The contract allows for a ninety (90) day period for them to mobilize and get in place and upon approval of the contract on second reading, ninety days out would be approximately May 1, 2015, when they would commence providing this service.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N
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**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

Comr. Hardin noted that since the proposed company will take over all functions of the parking management, he asked what would happen to those personnel who currently perform those services.

Mr. McCaughan clarified that this is just for the metered parking enforcement. Throughout the city there are more parking enforcement needs to include handicap parking, which BSO will still be responsible for those parking enforcement operations.

Dennis W. Beach, City Manager confirmed that four individuals would be impacted, two would go to another job and the other two will be retained for the parking enforcement operations.

Mr. McCaughan stated that the City would still pay two BSO officers to perform other non-metered parking enforcement. Also, there is no other impact to Public Works employees or the Finance Department.

Comr. Phillips asked about the cost savings involved with this item.

Mr. McCaughan replied that the \$396,000 is currently reserved in the BSO contract and that is where the funding will come from. A Parking Enterprise Fund has been established so future funding will come from that fund, with assisted support from the parking revenues that will be realized to fund that.

Comr. Phillips asked what would be the projected revenue amount for next year's Enterprise Fund.

Mr. McCaughan replied that there are projected revenues in the backup on current projections.

Mr. Beach indicated that it would be \$1.2 million.

Comr. Dockswell stated he would support the item, and believes that once the City gets the right people focusing on getting a parking system, a parking enterprise fund as well as the things contemplated by the agreement, Denison and city staff must work together to come up with a more sophisticated pricing model than the existing one.



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Names of Comms.	M	S	V Y	V N
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**REGULAR ITEMS – CONTINUED**

Comr. Dockswell concluded that once this foundation is in place, he would request that staff look at a more sophisticated pricing model for parking and a rethink of the residents' permit parking, which there is no program in place for that.

Comr. Hardin stated that City residents with children oftentimes fill up the premium parking spaces along Pompano Beach Boulevard; therefore, he would not want to see the City priced out of the residents' market.

**RES. NO. 2015-144:                      TAPE 1 – 5,169                      ITEM 35**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/ PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BRIDGE DESIGN ASSOCIATES, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$647,575.50)

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2015-144 upon reading.

**ROLL CALL**

Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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**REGULAR ITEMS – CONTINUED**

Robert A. McCaughan, Public Works Director, indicated this is a contract for the design, complete demolition and replacement of the City's Municipal Fishing Pier. There have been two public meetings, and a City Commission Workshop to discuss the Pier, resulting in the current concept, which the City wants to move forward with the design. The cost will be a total of \$647,575, with approximately twelve months to complete the designing and permitting process. The design should be completed in three months; however, the other nine months will be to acquire permitting and to get it through the Federal agencies, specifically, the Army Corps of Engineers.

Additionally, Mr. McCaughan stated that there are breakout construction costs for the pier itself and the tower, so, the City is designing the entire project together, which the commission would decide on its construction. After discussions with the State and Permitting, they recommended that the City minimize the impact to the sand dunes by keeping the current width of the pier until we get out past the sand dunes. Subsequently, the plan is to widen the pier to thirty feet all the way to the existing length and at the end of the pier, there will be the fish head of the Pompano logo, which was well received by the residents attending the public meetings.

Comr. Moss asked to how many advisory boards was this plan taken.

Mr. McCaughan replied the East Community Redevelopment Agency (CRA) and the Parks and Recreation Advisory Boards conducted the two public meetings and both concurred with the plans.

Comr. Moss noted that at one of the Parks and Recreation Board meetings there was discussion to have an elongated side on one side of the pier. He asked what happened to that thought.

Mr. McCaughan replied that with the widening of the pier it would allow for the fishermen to be able to cast without any impact on pedestrians walking on the pier, therefore, they kept it all vertical.



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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REGULAR ITEMS – CONTINUED

In response to Comr. Moss's question on the cost for the design of the fish at the end of the pier, Mr. McCaughan replied that there is not too much of a cost difference between the two and provided a detailed explanation on it.

**RES. NO. 2015-145:                      TAPE 1 – 5,343                      ITEM 36**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GARY E. MCLAMORE** TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KEVIN MCDUGAL; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2015; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

Mayor Fisher requested clarification on the process to appoint members to serve on this Board.

Gordon B. Linn, City Attorney advised that the Florida Statute sets forth how appointments are to be made. Therefore, to fill a vacancy the Statutes states, "...a vacancy shall be filled for the unexpired term by an appointment by the mayor with the approval of the governing body."

Mayor Fisher noted that two additional applications were added to the dais, namely, Gary E. McLamore, local pastor and longtime resident, Bridget Jackson.

Subsequently, Mayor Fisher moved to appoint Gary E. McLamore.

**MOTION:** To adopt Resolution No. 2015-145 upon reading.

**ROLL CALL**

Dockswell			X	
Hardin			X	
Moss			X	
Phillips				X
Burrie		X	X	
Fisher	X		X	



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<b>ROLL CALL</b>				
Dockswell		x	x	
Hardin	x		x	
Moss				x
Phillips			x	
Burrie				x
Fisher			x	

**CITY COMMISSION MEETING MINUTES JANUARY 13, 2015**

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**REGULAR ITEMS – CONTINUED**

**TAPE 1 – 5,479**

**ITEM 37**

Consideration and discussion of the selection of a new City Attorney.

**MOTION:** Direct City Attorney to hire the Mercer Group as the search firm.

Mayor Fisher indicated that Gordon B. Linn, City Attorney, after approximately 24 years with the City has officially decided to retire and the Commission will need to make a decision on how they would like to fill these “incredible shoes” of Mr. Linn. Finally, Mr. Linn has provided the Commission with a memorandum, with a listing of search firms.

Vice Mayor Burrie stated that with the City Clerk’s Office, they took the expertise that was in the City Clerk’s office and appointed Asceleta Hammond to be the next City Clerk. Therefore, she suggested that since Mark Berman, Assistant City Attorney has been with the city for a long time, he knows the office, and he is also a trial attorney, consideration should be given to promote Mr. Berman to the position of City Attorney. Thereafter, the City Attorney could search for a replacement for Mr. Berman and let it go up the line.

Comr. Burrie stated that in certain situations, it might be beneficial going outside than taking from inside, but as an attorney, and having had City Attorney and City Clerk’s experiences, she thinks the continuity in the City Attorney’s office is just as important as it is in the City Clerk’s office.



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**REGULAR ITEMS – CONTINUED**

Mayor Fisher noted that it was stated in the memorandum to the commission, the opportunity to use a search firm, “may give the appearance of fairness and openness to the community.” Therefore, while he respects Mr. Berman to the utmost, he also respects Mr. Linn, so he would like to take that opportunity to see “what else is out there.”

Vice Mayor Burrie indicated that she would go along with the majority of the Commission’s rule on the matter.

Comr. Hardin stated that originally, he brought the subject up for review and consideration, and while he has the utmost respect for Mr. Berman, he is not demeaning him. However, in the interest of fairness to the residents of the City, the commission owes it to them to look outside to see what is available.

Comr. Moss asked how long has Mr. Berman been employed with the City of Pompano Beach.

Mr. Linn replied approximately eighteen years.

Comr. Moss noted that it could be assumed that Mr. Berman knows the City’s code very well. In fact, no one from the outside will know it like he does, but he is curious to know if it is fair to go outside the process of the City Attorney’s Office, for this position. Moreover, he questioned why it was not fair to go out for the City Clerk’s position. Since he was not part of the commission at the time, he is looking for the logic behind going out for one and not the other.

Mayor Fisher replied that the commission felt that Ms. Hammond was capable of handling the job, as she had been, because Ms. Chambers was training her.



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**REGULAR ITEMS – CONTINUED**

Finally, Mayor Fisher reiterated that he does not discourage the hiring of Mr. Berman, however, he believes for that particular position of law, the commission needed to check for any possible opportunities on the outside. Actually, Mr. Berman could be the one for the position, and perhaps he should apply for the position. However, he was unsure whether Mr. Berman was interested in the position.

Vice Mayor Burrie indicated that she had received some feedback. Nonetheless, the City Code may have changed, which she is unaware of it, but in the 1980's, part of the qualifications for the City Attorney is that the person should have experience as a City Attorney in another city. Perhaps this should be considered prior to moving forward to exploring outside opportunities.

Mr. Linn confirmed that there is that required qualification in the code.

Comr. Phillips is undecided which way to go on this subject. He indicated that on one hand he likes the internal promotion; however, on the other hand for this particular position he would like to see if there is any diversity on the outside. Therefore, he would support moving forward with a search firm.

Comr. Dockswell stated that he is happy that Asceleta Hammond will be the City Clerk and would be happy if Mark Berman becomes the City Attorney. However, in both cases he would have preferred a search and a more professional look at the professional salary structure in competitive salaries. He agrees with the Mayor that the commission owes it their constituents to find the best candidate and get them in place whether it is internal or external source.

Finally, Comr. Dockswell indicated that he would hope Mr. Berman would put his hat in and perhaps he would have a leg up in the approval process. Nevertheless, the City should go through with the search firm process.



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**REGULAR ITEMS – CONTINUED**

Mayor Fisher concluded that the consensus among the commission appears to be that the City engages an outside search firm. There is a list of companies provided in the back up to include the Mercer Group that was used to obtain the City Manager.

It was determined that it would cost approximately \$30,000 to engage the services of a search firm.

Mr. Linn confirmed the City Commission’s direction to him to contact the Mercer Group to negotiate a contract, which will be brought back to the commission for their consideration.

Comr. Hardin recommended that the City Attorney try to determine other search firms’ cost.

Mayor Fisher, on behalf of the commission thanked Mr. Linn for his graciousness to stay on with the City in this final period to get a replacement for his position.

**REPORTS**

**City Manager – Broward County Metropolitan Planning Organization Workshop** – City Manager Beach stated that the Broward County Metropolitan Planning Organization has asked the City to host a workshop at the E. Pat Larkins’ Community Center, on February 12, 2015 from 5:30 p.m. to 8:00 p.m., regarding a number of projects that they proposed to build from 2021 to 2026.

Furthermore, an invitation to attend the workshop will be mailed to all the abutting property owners, residents, homeowners’ associations, Northwest CRA advisory board members and city commissioners. This will involve about eight or nine different transportation related projects of which they will be seeking public input.

Mayor Fisher stated that Sandra King, Public Communications Director should publicize this workshop everywhere, to include on the City’s web site.



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**REPORTS – CONTINUED**

**City Attorney – Charter Amendment Advisory Board** – City Attorney Linn stated that as a result of the Commission’s adoption of a new resolution, the Charter Amendment Advisory Board has been resurrected. Therefore, the Board’s first meeting is scheduled for February 11, 2015, and at that time, staff will see how the Board will respond to those items of concern to the Commission.

**Deputy City Clerk** – No Report.

**Internal Auditor** – No Report.

**Commissioner Barry J. Dockswell – Monarch Hill Transfer Station Land Fill** – Comr. Dockswell stated that a notice was distributed regarding information on the Monarch Hill Transfer Station, and inquired whether anyone from the City has, or would spearhead the evaluation of this matter.

Mr. Beach stated that they are monitoring the issue. Actually, this matter involves all of the cities that have a contractual relationship with Waste Management that is separate from Pompano Beach’s.

Comr. Dockswell felt that this matter was close enough to impact residents in Pompano Beach, especially if the situation there becomes odoriferous.

Mr. Beach stated they have had communications with the City of Coconut Creek and they have requested that the City gets involved in this issue as well. Therefore, staff is evaluating and keeping up with this matter.

**Concerns On Moving the 4<sup>th</sup> of July Fireworks** – Comr. Dockswell commented that due to the anticipated construction at the pier, it is causing people to consider moving the July 4<sup>th</sup> Fireworks; therefore, he questioned whether this consideration was indeed factual.



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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REPORTS – CONTINUED

Mr. Beach stated that those discussions are actually taking place. In fact, staff believes that during that time, there will be a level of activity at the pier, which may result in the relocation of the firework festivities. Moreover, the Parks and Recreation Department is currently reviewing different areas where it can be made available. Nonetheless, this will be discussed with the City Commission prior to making a decision.

Mayor Fisher said he heard that Mark Beaudreau, Parks and Recreation Program Administrator was looking at having the festivities at the City's Community Park.

Mr. Beach stated that Mr. Beaudreau is looking at different alternatives, to include the Community Park, the Isle and even a third alternative; however, these locations have their drawbacks and benefits.

Comr. Dockswell suggested, if at all possible, that the festivities be kept at the beach venue.

Mr. Beach stated that staff prefers to keep the event at the pier, but it would only be moved if an event requires it.

**Removal of Old Utility Poles** – Comr. Dockswell commented on staff's past attempts of having old utility poles removed by the utility companies, citing that every time this issue is brought up, they immediately get frustrated on how powerless they are on this matter, which has been going on for years. Therefore, he asked if there was any governmental levels the City can petition to have the utility companies comply to have some response criteria or face consequences for not doing their jobs.

Gordon B. Linn, City Attorney, stated that staff has developed some procedures in which he believes the City would be able to regulate it in the future; but, in the meantime, they are having problems getting the utility companies to proceed with removing the old poles as well as getting the other entities to perform the transfer. In fact, one of his assistants has been working diligently on this issue.



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### REPORTS – CONTINUED

Comr. Dockswell stated that this approach is not working and questioned whether there was a level in government that has the authority to pass a law to impose time constraints or consequences upon those entities for not removing the poles. Furthermore, if the City cannot force these utility companies to do their jobs, then perhaps the County, State or whomever can persuade them to cooperate with the City.

City Attorney Linn stated that, although there are few, he would have Fawn Powers, Assistant City Attorney prepare a memo to the Commission, which will outline the different options.

Mr. Beach stated that he would work with the City Attorney and provide a report to the Commission on both the progress and the actions that have been taken by staff over the last three years on this subject. In fact, about a year ago, one of the threats the City made, is that, should there be no progress, it would recommend litigation. Consequently, they were able to have about 20 people in a room, to include representatives from FP&L, the cable company and other entities, which resulted in some progress made, yet the issue still lingers. Therefore, staff will provide further details on this matter as well as a course of action.

Mayor Fisher stated that he would certainly like to see the powers or the options the City has available.

Greg Harrison, Assistant City Manager, stated that a meeting has been scheduled with all the entities on January 27, 2015, when they will attempt to return to the point when this matter was being handled productively. Although, he cannot explain the wanting period, staff will try to get rid of the old poles and get the facilities back to where they need to be.



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### REPORTS – CONTINUED

Comr. Dockswell stated that he is glad that a meeting has been scheduled and if staff can provide a plan, a schedule and obtain commitments to have the entire thing done; then he would perhaps put the matter to rest. However, since the City has been struggling for years and have threaten litigation, he thinks the City needs to take some action.

**Unsolicited Sun Sentinel Newspapers** – Comr. Dockswell stated that on two occasions, he has found unsolicited and unordered newspapers from Sun Sentinel piling up on his driveway while he was away. He called Sun Sentinel and asked why they were delivering papers to his residence as he is not a print subscriber but they said they were offering a free trial and then would later follow-up to see if he would be interested to receive the paper. He eventually told them to stop delivering the paper. Therefore, he questioned whether the City could prohibit unordered deliveries.

City Attorney Linn stated that there are some cities that have ordinances of this manner in place; however, since this may limit their 1<sup>st</sup> Amendment Right, there may be some issues. Most of the time, this problem is usually alleviated by a practical solution of calling the publisher and asking them not to make such deliveries. Nevertheless, staff will review to see what ordinances are available to provide some limited enforcement.

Comr. Dockswell asked if a company such as Sun Sentinel could have an opt-out capability whereby he or a constituent can say they do not want any unsolicited thing to be sent to their residence.

Mayor Fisher stated that over the last three to four months, he has been discussing this matter with Mr. Beach, because this issue not only involves Sun Sentinel, but also the free papers, which are getting people upset as it is causing litter and so forth. Moreover, he agrees it would be a great idea to establish an Opt-Out Program whereby the public would call a system in order to opt-out. Nevertheless, the 1<sup>st</sup> Amendment will make it difficult to stop the publishers.



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### REPORTS – CONTINUED

Comr. Hardin stated that he has also discussed this matter with City Attorney Linn as people are literally hanging flyers on door knobs in the Garden Isle community.

Comr. Dockswell requested Mr. Linn to provide the Commission with a follow-up on this matter.

#### Public Wi-Fi Availability Through the City of Pompano Beach –

Comr. Dockswell announced that the Commission passed an item under the Consent Agenda, which provides free public Wi-Fi at the beach. According to a discussion he had with I.T. Director Gene Zamoski, the City has free public Wi-Fi at all the civic centers, Mitchell Moore Park, the aquatic center and the tennis center. However, he does not think all of these areas have signage indicating Wi-Fi availability. Therefore, he suggested that the City may need to look into installing some signage as well as taking credit for providing this service to its citizens.

Mayor Fisher stated that Mr. Danovich was working with a vendor to provide free Wi-Fi throughout the entire city, which he was hoping it would eventually take place. Therefore, he asked staff to provide an update on that matter.

Horacio Danovich, CRA Engineer stated that he does not have any updates to provide at this time. However, he has been in touch with the I.T. Department and they discussed the possibility of providing WI-FI services in the beach area. In fact, the beach is the pilot area for testing and would ensure that the system works. As a result of that discussion, the I.T. Department explored the possibility of providing services as it is today. In the meantime, staff has discontinued reaching out to Wi-Fi companies until it is determined that this service is operating correctly. Thereafter, they can perhaps look into having a vendor to supplement the service by putting fancy touchscreen facilities that the city would not provide.

Mayor Fisher stated that if somehow this service can be managed throughout the city, it would be fantastic.



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**REPORTS – CONTINUED**

**Inadequate Quality Control with the Agenda Backup** – Comr. Dockswell commented on the quality control with production of the agenda backup books, stating there was a wrong version of backup material on Item 11 as well on the Item regarding parking. He acknowledged Mr. Beach’s effort on getting staff to review the information while it goes through the process of building the agenda book. However, from his perspective, the process is not working well. Therefore, he asked the City Manager to focus on that issue.

**Commissioner Rex Hardin – Concerns On Moving the 4<sup>th</sup> of July Fireworks** – Comr. Hardin echoed Comr. Dockswell’s concerns about the 4th of July Fireworks and urged staff to do all they can to keep this event at the pier.

**Burger and Suds’ Request to Expand** – Comr. Hardin stated the owner of Burger and Suds Restaurant, which is located on McNab Road, has expressed the desire to expand his offerings, but apparently the City has a separation and size requirements for alcohol serving. Although, he has a state issued license, the City’s ordinances and a bar establishment, which is located near the restaurant, are preventing him from expanding his business. Actually, if this business was located in the AOD (Atlantic Boulevard Overlay District), this would not have been an issue. This issue is not only on McNab Road, but also on Sample Road and other areas in the city. Therefore, he requested the Commission’s support to have Mr. Bird review the matter and see whether he can solve this problem.

Vice Mayor Burrie agreed with Comr. Hardin and felt that the situation was absurd.

Mayor Fisher stated that he provided a letter to City Attorney Linn today from Attorney Robert N. Hartsell regarding this matter.

Comr. Hardin stated, although the City should expect unattended consequences, he felt that it is time that the City take steps to really embrace issues of this nature and work on how to make it easier for businesses to expand and create new opportunities.



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## CITY COMMISSION MEETING MINUTES JANUARY 13, 2015

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### REPORTS – CONTINUED

#### Commissioner Barry Moss – Advisory Board Statistical Report –

Comr. Moss distributed to the Commission a Statistical Report that he requested from the City Clerk's Office, which shows each district, and how many people serving on advisory boards. The results from the report are as follows:

- District 1: 26%
- District 2: 10%
- District 3: 28%
- District 4: 19%
- District 5: 16%

In addition, Comr. Moss stated that in a perfect world, every district would have 20% representation. However, he understands the world is not perfect and only those individuals who apply can be appointed and so forth. However, in his review of Item 36 on tonight's agenda, the Housing Authority Board will now be comprised of 67% of people from District 4, which does not look right from his point of view. Therefore, going forward the Commission needs to start giving some thought to where the applicants are coming from, to include their qualifications.

Furthermore, Comr. Moss indicated that in the Minutes of the Parks and Recreation Board, the Board voted at its last meeting to ask the Commission to relief from their board anyone who missed two unexcused meetings in a year. Thereafter, he reviewed the list of members who serves on the Board and noticed that there were two names he never laid eyes on those persons when he served on the Board.

Finally, in regard to reappointments, he expressed concerns with Shelton Pooler's appointment, citing that he missed too many meetings; not to mention there were quite a few other individuals who have missed meetings as well. This problem may not be solved at this moment, but in the meantime, the Commission should consider not only a potential candidate's experience but should try to get a fair representation of people from the different districts, as well as to be mindful of the level of participation that they have on these boards.



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### REPORTS – CONTINUED

#### Commissioner Edward Phillips – Chicken Epidemic in District 4

– Comr. Phillips stated that he has received a significant amount of complaints about roaming chickens. In fact, he has discussed this matter with the Code Compliance Division and they have given the impression that their hands are tied. So, if their hands are tied and the City cannot do anything, then what can be done? In other words, if the City cannot find a solution to resolve this problem, then what can be done? The City cannot say, it has a chicken problem, yet do nothing about it.

Mayor Fisher stated that while his son-in-law was at the McDonalds Restaurant located between Powerline Road and Atlantic Boulevard, he noticed a chicken in the drive thru area. Therefore, he wanted to know if there was something that can be done about this issue.

Gordon B. Linn, City Attorney stated that this appears to be a personnel matter than it is a chicken at large.

Vice Mayor Burrie stated that the City has an ordinance that disallows the possession of chickens. Therefore, if someone has a chicken coop in his or her yard and a neighbor reports it, then the City can step in to address the chicken issue. However, there is a problem when the chickens are at-large, because animal control personnel would attempt to gather these chickens but would later be unable to get anyone to admit to the ownerships of the chickens. Therefore, if a resident would report that he or she sees chickens in their neighbor's backyard, then code compliance or animal control personnel would be able to capture the chickens and fine the property owner.

Comr. Phillips stated that ironically there are wild chickens roaming in the area. In fact, it appears that the population of the chickens is growing.

Comr. Hardin recommended that staff should look into hiring a chicken trapper.



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### REPORTS – CONTINUED

Comr. Phillips stated that the code compliance division indicated that they have gone to animal control and animal control advised them that they are unable to do anything because they are unable to find the owners.

Mayor Fisher stated that the Animal Control Division works on behalf of the Commission and the City Manager. Therefore, the City Manager will get with the Animal Control Division to address this matter.

Mr. Beach stated that many people have moved to the City from other areas, particularly from rural areas, and they are accustomed to keeping chickens and things of that nature. However, he is quite certain that someone in South Florida has solved this problem. Therefore, staff will begin to look for solutions and will provide the Commission with recommendations.

**Calming Traffic in Residential Neighborhoods** – Comr. Phillips stated that it appears the City is growing with more businesses and residential units. However, he felt the City needs to develop ways and means of calming traffic in residential neighborhoods. Additionally, he has received complaints from residents regarding the amount of traffic and speeding in their neighborhoods. Some residents have suggested putting speed bumps, yet they cannot be placed on every street. Therefore, whether it will be through the Broward Sheriff's Office (BSO) or the Commission, he would like to see the development of procedures to place traffic calming devices in residential neighborhoods.

Mayor Fisher suggested that Comr. Phillips discuss this matter with Captain Wayne Adkins of BSO, as he has a complete formula to address this issue.

**Community Development Report** – Comr. Phillips thanked the City Manager for providing him with a report on Community Development. However, he pointed out that his community is not happy with the Community Development Department. In fact, he is not happy with some of the numbers presented in the report in relation to that department. Although, he has not publically advocated replacing any-



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### REPORTS – CONTINUED

one, but if he needs to advocate it publicly from the dais, he will do so. Also, he will not express this directly to any individual, because he does not think he is permitted to do so by law. Therefore, on behalf of his community, he declared that they are not happy with the Community Development Department.

**Housing Authority Appointment** – Comr. Phillips stated that he was disappointed with Mayor Fisher’s appointment to the Housing Authority Board. Since this matter is associated with his district and affects a significant amount of people who reside there. He is befuddled how the district commissioner has no say in these appointments. As the district commissioner, he would like to see certain amount of future structuring of the process. In fact, this is one of the issues the District 4 voters sent him to attempt to accomplish. However, when the Mayor circumvents the process, it raises concerns.

Mayor Fisher stated that he respects Comr. Phillips concerns; nevertheless, he was elected at-large. Therefore, he represents Districts 1, 2, 3, 4 & 5. As a matter of fact, for most of the boards discussed earlier, he is unable to make an appointment. There are times he would like to appoint someone to serve on a committee; and tonight he had the privilege of doing so. Moreover, he felt that Mr. McLamore was a good fit for that appointment.

Comr. Phillips acknowledged that Mr. McLamore is a good man; however, when he receives an applicant just before the Commission meeting and that applicant becomes the appointee, he wonders if this sets precedence or is it a continuous thing. Moreover, like the other commissioners, he is continuously bombarded with last minute information, which he is required to read, digest and discuss the matter as if he knows what is going on. He simply wanted to express that he is not happy.

Mayor Fisher stated that he understands Comr. Phillips’s concerns; however, “it is what it is”.

Comr. Hardin explained that in this particular situation the mayor makes the appointment as required by State Statues.



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<b>CITY COMMISSION MEETING MINUTES JANUARY 13, 2015</b>				
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<b><u>REPORTS – CONTINUED</u></b>				
<p><b><u>Vice Mayor Charlotte J. Burrie – MPO Minutes</u></b> – Vice Mayor Burrie stated that last week, she had the privilege of attending a retreat hosted by the Broward County Metropolitan Planning Organization. In fact, the items they will be discussing at the meeting, which will be held at the E. Pat Larkins Center, will probably be similar to what took place at the retreat. Nevertheless, she made a suggestion to the MPO along with a couple of other individuals, and they have agreed to provide minutes and a short synopsis with bullet points. Therefore, she will make sure to provide the Commission with a copy and should they want to discuss it under Reports, they can do so.</p>				
<p><b><u>Parking on Swales</u></b> – Vice Mayor Burrie commented on parking on swales, citing that at a recent Highlands meeting, it was reported that after the completion of the roads and placement of new grass in the swale areas, the residents are noticing mud holes in front of their houses. Since the City requires people to take care of the swale areas, she questioned whether Code Enforcement could cite them and make them fix the swales if they create all kind of ruts on it.</p>				
<p>Additionally, Vice Mayor Burrie indicated that she drove through the area and noticed within two weeks, some of these residents have taken the new sod, aside from the rain, and literally created mud puddles. Those residents that are happy about the project are upset about it. Therefore, she will contact Mario Sotolongo of the Code Compliance Division concerning this matter.</p>				
<p><b><u>Advisory Board Appointments</u></b> – Vice Mayor Burrie remarked on the Advisory Board Statistical Report, which was distributed earlier by Comr. Moss, stating that her district had the least amount of appointments. In fact, the 10 percentile is partially due to: 1) She is not quick enough to make the motions and, 2) She does not have many people applying from her district. Nevertheless, she hopes it evens out in the future.</p>				
<p>Comr. Moss questioned whether being the quickest should be part of the process. In other words, “He who yells the loudest gets it first”.</p>				



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**REPORTS – CONTINUED**

**Concerns with Items Provided Before Meetings** – Vice Mayor Burrie stated that she does not like to see items on the dais before a meeting; especially after reading all the bulky material over the weekend. Not to mention, it usually involves an amendment and so forth. Therefore, she felt that it is not fair to the Commission to require a decision right before a meeting.

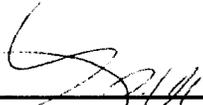
**Mayor Lamar P. Fisher – Placing City Ads on the web site** – Mayor Fisher stated that improvements can always be made when trying to get the word out; whether it involves a rezoning or even a matter that requires city action. He understands the City’s mail distribution process and placement of signage. However, it was brought to his attention that the Ad for the rezoning of the pier parking lot was published two days before Thanksgiving Day, in the back of the Business Section of the newspaper. In fact, it was not really visible for the public to know about it.

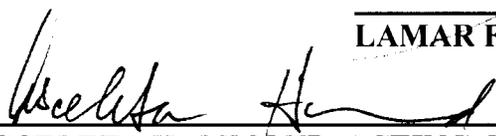
Moreover, after discussing the matter with Sandra King, Public Communications Director, they recognized that not everyone receives the newspaper; instead, they are reading it online. If 20% of the population reads the paper, it is likely that the remaining 80% does not.

Finally, Mayor Fisher stated that these types of ads cannot be placed on social media as social media is for social events. Therefore, he urged staff to try to drive more people to the City’s web site, because it already has all the notices as well as other important information; especially important matters that can be placed on the home page.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 10:50 p.m.

  
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**LAMAR FISHER, MAYOR**

  
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**ASCELETA HAMMOND, ACTING CITY CLERK**