



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2015-10

Date: February 10, 2015

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<p><u>CONSENT AGENDA</u></p>			
<p>Request approval for emergency repair of a broken wastewater collection system located at 930 N.E. 27th Avenue at a total cost of \$29,550.</p>			6



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<p><u>CONSENT AGENDA- CONTINUED</u></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 DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO NORTH ANDREWS AVENUE EXTENSION; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>		2015-165	6
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>SUSAN ROME</u> TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.</p>		2015-166	6
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>JEROLD MILLS</u> TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.</p>		2015-167	7
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>ELAINE F. FITZGERALD</u> TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.</p>		2015-168	7



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<p><u>CONSENT AGENDA- CONTINUED</u></p>			
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>VINCE JOHNSON</u> TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.</p>		2015-169	7
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>M. DWIGHT EVANS</u> TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>		2015-170	8
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>FRED STACER</u> TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.</p>		2015-171	8
<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 SHIFF CONSTRUCTION AND DEVELOPMENT, INC. TO CONVERT PRACTICE BALL FIELDS TO A SOCCER FIELD; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$138,831.56)</p>		2015-172	8-9
<p>Approval to purchase hydrofluosilicic acid (fluoride), as needed, for the Water Treatment Plant, per the City of Fort Lauderdale Cooperative Bid #432-11261, from Harcros Chemicals, Inc. at the annual expenditure of \$56,250 and a total estimated expenditure of \$168,750.</p>			10



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<p><u>CONSENT AGENDA – CONTINUED</u></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 CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WALTERS ZACKRIA ASSOCIATES, PLLC FOR PROFESSIONAL DESIGN SERVICES FOR THE BEACH COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$297,500)</p>		2015-173	10-11
<p><u>REGULAR AGENDA</u></p>			
<p>A presentation by Tom DiGiorgio, Jr. and Dr. Bob Leeworthy pertaining to the public benefits of an artificial reef.</p>			11-21
<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 REGARDING ESTABLISHMENT OF AN ARTIFICIAL REEF BETWEEN THE CITY OF POMPANO BEACH AND PPI, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$312,500 revenue to the City from PPI, Inc.)</p>		2015-174	21-28
<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 REGARDING ESTABLISHMENT OF AN ARTIFICIAL REEF BETWEEN THE CITY OF POMPANO BEACH AND KEARNS CONSTRUCTION COMPANY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$257,500 – City’s portion)</p>		2015-175	28-30
<p>Consideration of the creation of a foundation or other corporate entity to further develop, manage and market the Project, including, but not limited to, to raise and receive additional funding for the Project and to seek additional community, educational and/or other governmental partners to participate in, and benefit, the Project. The CITY agrees that the ISLE, at ISLE’s sole discretion, shall have the right to appoint fifty percent (50%) of the directors or board members of any such foundation or corporate entity. (No fiscal impact)</p>			30-31



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<p><u>REGULAR AGENDA - CONTINUED</u></p>			
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO ISLES – SECTION B PLAT; PROVIDING AN EFFECTIVE DATE.</p>		2015-176	31-32
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO BEACH RESIDENCES PLAT; PROVIDING AN EFFECTIVE DATE.</p>		2015-177	32-33
<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 BETWEEN THE CITY OF POMPANO BEACH AND MICHAEL FARRELL, M.D. FOR MEDICAL CONSULTING AND ADVISORY SERVICES TO THE FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$65,004.16 annually)</p>	2015-25		34
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN, TEXT AMENDMENT TO AMEND THE POTABLE WATER SUB-ELEMENT, THE FUTURE LAND USE ELEMENT, AND THE CONSERVATION ELEMENT; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON OCTOBER 22, 2014; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.</p>			35
<p>AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.21, "PERMITS; FEES," TO SPECIFY PERMIT REQUIREMENTS AND EXPIRATION FOR IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	2015-26		35-36



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<p><u>REGULAR AGENDA- CONTINUED</u></p>			
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO PROVIDE FOR LIMITATION ON THE NUMBER AND DURATION OF PUBLIC EVENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</p>	2015-27		36-37
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEMS BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$227,019.63)</p>			37-39
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 131.23, "UNSOLICITED PUBLICATIONS," TO PROVIDE FOR DEFINITIONS; DUTIES AND OBLIGATIONS OF PUBLISHERS AND DISTRIBUTORS OF UNSOLICITED PUBLICATIONS; TO PROVIDE REMOVAL REQUIREMENTS FOR PUBLICATIONS DELIVERED IN VIOLATION OF THIS ORDINANCE AND FOR PENALTIES AND ENFORCEMENT; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>			39-43



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<p><u>REGULAR AGENDA- CONTINUED</u></p>			
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION TO BROWARD COUNTY FOR THE TOURIST DEVELOPMENT TAX CAPITAL CHALLENGE GRANT PROGRAM FOR THE PURPOSE OF OBTAINING FUNDS IN THE AMOUNT OF \$500,000.00 FOR THE POMPANO BEACH CULTURAL CENTER; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS; PROVIDING AN EFFECTIVE DATE.</p>			44
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>LEE A. CORSON</u> TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JANUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.</p>		2015-178	44-45
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>MATTHEW CHESHIRE</u> TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2018; PROVIDING AN EFFECTIVE DATE.</p>		2015-179	45-46
<p>Discussion item regarding the separation requirements for liquor stores; the state and city definitions of restaurants with accessory bars; and the lack of separation requirements for restaurants with accessory bars in the AOD and DPOD Districts.</p>			46-52
<p><u>REPORTS</u></p>			
<p><u>City Manager</u> – No Report.</p>			52
<p><u>City Attorney</u> – No Report.</p>			52
<p><u>Deputy City Clerk</u> – No Report.</p>			52



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<u>Commissioner Barry J. Dockswell</u> – No Report.			52
<u>Commissioner Rex Hardin</u> – Surplus Property - 1220 Northeast 9th Court			52-53
Update on the Burrie Civic Center			53-54
<u>Commissioner Barry Moss</u> – McNair Park Plans for Improvement			54
Flag Pole Eagles			54
<u>Commissioner Edward Phillips</u> - Commended New Game Group			54
Greyhound Bus Terminal			55
Increase of Contingency Fund			55
“Real Talk” with Law Enforcement Officials			55
<u>Vice Mayor Charlotte Burrie</u> – No Report.			55
<u>Mayor Lamar P. Fisher</u> – Unity in the Community			55-56
ADJOURNMENT			56

CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2015-10

Date: February 10, 2015

Commission Meeting Room

The Mayor called the meeting to order at 6:00 p.m. and presided as the chairman.

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:

Mayor Lamar Fisher

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



City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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APPROVAL OF MINUTES

MOTION: To approve the Regular City Commission Meeting Minutes of January 27, 2015.

VOICE VOTE

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

There were no revisions to the minutes.

APPROVAL OF THE AGENDA

MOTION: To approve the City Commission Meeting Agenda of February 10, 2015, as amended.

VOICE VOTE

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

Mayor Fisher indicated that there was a request to table Item 19 to the March 24, 2015 City Commission meeting, and to strike Item 24 from the Regular Agenda.

CONSENT AGENDA DISCUSSION

Mayor Fisher stated the City Commission would pull Items 9 and 11 from the Consent Agenda. Therefore, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.

PROCLAMATIONS

Elsie Charlton 100th Birthday

Mayor Fisher, on behalf of the Pompano Beach City Commission and its residents, read a proclamation to recognize the contribution of our senior citizens to our community and the important role they serve in our society. Therefore, he acknowledged and recognized one such senior citizen, Elsie Charlton's life, her accomplishments, contributions, and her zest for life. Ms. Charlton was born on February 20, 1915; therefore, she will be celebrating her 100th birthday.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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PROCLAMATIONS – CONTINUED

Ms. Elsie Charlton said she feels wonderful, thanked everyone, and wished everyone would have a happy birthday such as hers.

The audience sang Happy Birthday to Ms. Charlton.

Black History Month 2015

Mayor Lamar Fisher, on behalf of the City Commission and residents of the City of Pompano Beach, invited Hazel Armbrister, President of Rock Road Restoration Historical Group, Commissioner Ed Phillips and anyone else present who would like to join him as he read a proclamation proclaiming February 2015, as Black History Month.

Additionally, Mayor Fisher stated that Ms. Armbrister has always accepted the Proclamation every year. Her dedication to the City of Pompano Beach is outstanding and especially to Black History. In fact, in the near future at the Ali Building, there will be a Black History Museum, which Ms. Armbrister and her organization will be spearheading the effort.

Black History month is observed and celebrated in our community. This observation increases our awareness and knowledge of Black History and honors the many leaders and their contributions to our nation.

Additionally, this month-long celebration provides us with an opportunity to promote a spirit of unity and embrace the diversity that has strengthened our nation. The National Theme for the celebration of Black History Month in the year 2015 is "A Century of Black Life, History and Culture."

Finally, the theme for Black History Month 2015 chronicles the important contributions by African-Americans to art, literature, sports, and pop culture. Therefore, on the 86th anniversary of Dr. Martin Luther King, Jr.' s birth, let us reflect on his words and vision, and consider what each of us can do today to help keep his dream alive.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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PROCLAMATIONS – CONTINUED

Hazel Armbrister, President of Rock Road Restoration Historical Group, said that blacks have a devout and deep history in the City of Pompano Beach. During World War I, many black males were called for army duty, and one such person, was Solomon Britton Armbrister, who served in World War 1 from Pompano Beach, upon completion of his duties, he returned to Pompano Beach. Since that time, many black males and a few females from Pompano Beach have served in the military. Therefore, Pompano Beach is a good place.

SPECIAL RECOGNITION

Mayor Fisher on behalf of the City Commission and Citizens of Pompano Beach, acknowledged City Manager Dennis W. Beach's birthday on February 19, 2015 and wished him a "Happy Birthday."

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.

City Commission Meeting Time – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, indicated that he hopes in the future, the Commission would return to starting its meeting at 7:00 p.m.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Ethics – Mr. Terwilliger stated that the Commission appears to lack ethics, and is one of three cities in Broward County that does not abide by the Broward County strict Code of Ethics. He alleged that the commission, as well as former incumbents, took campaign monies from businesses to which they have or will give millions of dollars of City taxpayers' contracts. As well as, incumbents have taken donations from developers who have been before the commission and will return to ask for special exemptions that could save these developers millions of dollars.

Mr. Terwilliger noted that last week the commission approved the credentials of someone on the advisory board even though he had requested them not to, which he had explained his reasons for it. He concluded that the commission should not appear to serve those who ask for something, but represent the taxpayers and not the developers or the people who contributed to their campaigns. Therefore, he urged the commission to serve and protect the citizens of the City.

Mayor Fisher commented on behalf of the commission that it is not appropriate to state on the record that the Commission does not abide by the Broward County Ethics, which the current Commission does. Notwithstanding, they have always abided by not only State ethics, but also Broward County' code of ethics. In fact, if the commission does not do so, there are those who would report to them and they would have to go through the proper channel to do that.

Vice Mayor Burrie reported that the only thing the City Commission does not do is to put its income tax information online for everyone to see, which this was discussed publicly. In addition, it involves income taxes not from monies they receive as City Commissioners but from their individual private practices.

Vice Mayor Burrie reiterated that she would not put that kind of information out for the public to access, because she has attorney-client privilege with her clients, which is not for everyone to peruse. This is the only thing that this commission and a few other cities did as they are considered part-time not full-time workers with the City.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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AUDIENCE TO BE HEARD – CONTINUED

Additionally, Vice Mayor Burrie stated that as it relates to campaign contributions, anyone could go out and get the same campaign contributions, as anyone else would have.

Mayor Fisher added that the citizens of the City of Pompano Beach had voted to excerpt that information from the Broward County Code of Ethics for its commission members.

Mr. Terwilliger insisted that only three cities in the county were exempted from the rule.

Selection of Local Firms – Vicente Thrower, 1890 Northwest 6th Street, Pompano Beach, FL 33060, complained that last meeting the City Commission selected a firm that was not locally based but rather they were from the Dade County area. The company that was not selected was a minority-owned transportation company located locally in Pompano Beach. Furthermore, he indicated that the company is based in Pompano Beach, and due to the loss of that contract, which was approximately \$35 million, it would have a ripple effect in the community.

Finally, he noted that it is an embarrassment when a Dade County firm can take over a \$35 million contract from a Pompano Beach firm and he is concerned for that company that has been paying substantial taxes on Blount road. This commission ought to be aware of it as an action such as this impact both directly and indirectly all the citizens of the City. Moreover, he indicated that the commission should consider the city's lobbyists, and explained his reasons for his comments on this.

Thanks for Unity in the Community Event – Ron Boehl, 29 Havenwood Drive, Pompano Beach, FL 33064, thanked everyone for the Unity in the Community event. In addition, he said they all did a great job and thanked the commission for stopping by to participate in the event. He also thanked the Parks and Recreation Department, the City and everyone that was involved in the event.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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CONSENT ITEMS – CONTINUED

RES. NO. 2015-167: TAPE 1 – 498 ITEM 4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JEROLD MILLS** TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-168: TAPE 1 – 498 ITEM 5

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ELAINE F. FITZGERALD** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-169: TAPE 1 – 498 ITEM 6

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **VINCE JOHNSON** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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CONSENT ITEMS – CONTINUED

RES. NO. 2015-170: TAPE 1 – 498 ITEM 7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **M. DWIGHT EVANS** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER EDWARD PHILLIPS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-171: TAPE 1 – 498 ITEM 8

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **FRED STACER** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY DOCKSWELL, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2015-172: TAPE 1 – 523 ITEM 9

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 SHIFF CONSTRUCTION AND DEVELOPMENT, INC. TO CONVERT PRACTICE BALL FIELDS TO A SOCCER FIELD; PROVIDING AN EFFECTIVE DATE.

(Fiscal impact: \$138,831.56)

The Resolution was read by title only.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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CONSENT ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-172 upon reading.

ROLL CALL

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

Comr. Phillips asked, "How many soccer fields does the City currently have and where are they located?"

Robert A. McCaughan, Public Works Director, replied that the primary soccer field is at the Community Park, and one is at the North Pompano Park.

Mark Beaudreau, Recreation Programs Administrator, added there is a football field, and soccer field at the Mitchell Moore and McNair Parks, as well as they have a number of green spaces that they provide soccer services.

Comr. Phillips explained his reasons for asking about the soccer fields. Because, there has been some need for a while for a T-Ball in the northwest area. In addition, this item is to request approval of \$138,000, for conversion of a soccer field, but his constituents constantly badger him to get the concession stand done at the Mitchell Moore Park. Therefore, as the commission proceeds with this item, he requested that some consideration be given to provide concession stand at the Mitchell Moore Park.

Comr. Hardin is curious to know, "Is there anything Shiff Construction does not do?"

Mr. McCaughan replied that Shiff Construction is the City's Job Order contractor; however, the City uses other contractors. Nevertheless, he could provide a summary of all the work they have done versus what other contractors have done.



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Names of Commrs.	M	S	V Y	V N
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CONSENT ITEMS – CONTINUED

TAPE 1 – 498

ITEM 10

Approval to purchase hydrofluosilicic acid (fluoride), as needed, for the Water Treatment Plant, per the City of Fort Lauderdale Cooperative Bid #432-11261, from Harcos Chemicals, Inc. at the annual expenditure of \$56,250 and a total estimated expenditure of \$168,750.

MOTION: To approve Items 1-8, and 10.

ROLL CALL

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

There was no discussion on Consent Items 1-8, and 10.

RES. NO. 2015-173:

TAPE 1 – 594

ITEM 11

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 WALTERS ZACKRIA ASSOCIATES, PLLC FOR PROFESSIONAL DESIGN SERVICES FOR THE BEACH COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$297,500)

The Resolution was read by title only.



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CONSENT ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-173 upon reading.

ROLL CALL

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

Comr. Moss indicated that any contract with an amount of approximately \$300,000 should not be presented on the Consent Agenda without some level of explanation. In addition, he asked if Walter Zackria has done work for the City before.

Robert A. McCaughan, Public Works Director replied, yes they have done quite a bit of work, before, for the City. Moreover, a summary table was put out last fiscal year that quantified all the work that the City's thirty-four different consultants have received, which he would re-distribute that report to the commission.

In response to Comr. Moss' question, Mr. McCaughan replied it was put out for a competitive bid, but because the total construction cost was greater than \$2 million, it required a competitive bid, which was short-listed to three firms. Furthermore, at a previous meeting, the rankings were presented and the commission approved the first ranking firm.

REGULAR ITEMS

TAPE 1 – 652

ITEM 12

A presentation by Tom DiGiorgio, Jr. and Dr. Bob Leeworthy pertaining to the public benefits of an artificial reef.



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			Y	N

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REGULAR ITEMS – CONTINUED

Greg Harrison, Assistant City Manager, indicated that he has been the staff contact with various persons who have been working on this project. The Pompano Beach Economic Development Council (EDC) unanimously approved this project, which was spearheaded by the City of Pompano Beach Tourism Committee.

Tom DiGiorgio, Jr., Chair of Pompano Beach Economic Development Council, 24 Northeast 24th Avenue, Pompano Beach, FL, provided a background on the project and introduced Dr. Vernon R. (Bob) Leeworthy, Chief Economist for National Oceanic and Atmospheric Association (NOAA).

Additionally, Mr. DiGiorgio stated that in 2008, he was impressed with Dr. Leeworthy's report on how to stimulate the economy. At the same time Jeff Torode, was already working with Joe Weatherby since 2005, on how to bring something special to Broward County by way of an artificial reef. Discussions commenced regarding the subject matter and he recruited Dick Neibling, to get involved since he knew Jeff from the Marina and he got involved to spearhead the project. Roy Rogers was also brought in, and so they started to look at ships from various places to include San Francisco, Philadelphia and Virginia, which were very expensive at that time. In the meantime, there was some legislation moving through the State and the counties were talking about funding artificial reef projects. However, unfortunately, this was taking place in the middle of the great recession, so it did not get to the floor to get support, as reported in Dr. Leeworthy's findings.

Currently, this is an idea to stimulate the economy since the Mayor's Stimulus Task Force discussed the matter. At the last EDC retreat in November 2013, they talked about the things that the tourism committee is taking up and the "wreck" came back up. Therefore, they started looking at it and immediately engaged into discussions



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REGULAR ITEMS – CONTINUED

with Mr. Weatherby. They then had this great idea for a destination themed ship, to put things like art on it and so forth. And, the ship that was considered was located in Virginia, which was a large ferry that would cost approximately \$600,000-700,000 just to transport it to Pompano Beach, another \$600,000-700,000 to clean it up and another \$600,000, so, by the end of the day it would cost approximately \$2.5 million. Nevertheless, they started to explore possibilities for funding it, which was not going too well because there were not much funding for this type of project. Subsequently, it was placed on hold since last June.

In August 2, 2014, Kenneth Banks from Broward County, who was aware of the project, called Jeff Torode to say he had found a ship and that the price tag was right. This was a 330 feet vessel, docked on the Miami River, which is clean and has very little environmental work. This could be put at the bottom of the ocean for approximately \$600,000.00. However, they were looking for a deposit on the ship. Actually, they sought several private public entities to get involved with this project. Finally, the Isle Casino became the major sponsor for this and they have committed over \$300,000.00 to this venture.

Information is included in the backup regarding the economic viability of this venture, written by the foremost authority on artificial reefs and the economic impact to the country's artificial reefs, Dr. Bob Leeworthy, who is attending the meeting tonight. He came in from Washington to speak specifically with the Commission about what the City has as a gem, and jewel with potential right off our coast. This venture will benefit the City of Pompano Beach economy as well as Broward County, the hotels in Deerfield Beach and Lauderdale-By-The-Sea areas.

Mr. DiGiorgio stated that already they have had meetings with several county commissioners requesting their support, which they have pledged to do. Therefore, he hopes that matching funds will be realized from them of approximately \$300,000.00 to continue this with the Foundation.



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REGULAR ITEMS – CONTINUED

Mr. DiGiorgio then recognized the following individuals, who have worked tirelessly on this venture. The Tourism Committee; Sandra King, Lidia Gorzelany, Mark Beaudreau, Robin Bird, Kim Briesmiester all representing the City, Alyona Ushe coordinator between the City and the EDC for the contract. The private sector; Rob Wyre, of the Isle Casino, Tom DiGiorgio, Jr., Elaine Fitzgerald, Ric Green, and members of the EDC that supports the project.

Finally, Mr. DiGiorgio thanked everyone for their efforts and support of the tourism committee and Jeff Torode and Kenneth Banks from the county that is providing the permitting, which is offered as in-kind service.

Mr. DiGiorgio introduced Dr. Leeworthy, who is currently the Chief Economist of the Office of National Marine Sanctuaries within the National Oceanic and Atmospheric Administration (NOAA). He is located in Silver Springs Maryland, and joined NOAA in 1985 from Florida State University and leader of NOS Coastal and Ocean Resource Economics Program from 1986 to 2007. He designed and has been overseeing the implementation of the socio economic research as well as monitoring the program for the Florida Keys National Marine Sanctuaries since 1998. He is currently working on expanding the social science capacity of the National Marine Sanctuaries system. Therefore, it is an honor to have Dr. Leeworthy to travel to the City of Pompano Beach to speak on the benefits of this project.

Dr. Bob Leeworthy, stated that they got started on this project by looking first at the Spiegel Grove, which is the Florida Keys National Marine Sanctuary that was sunk off Key Largo. When the sanctuary issued permits they required that the people sinking the ship would have to do a pre and post monitoring, which he explained in details how this was done and the impact it would have on the economy.



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REGULAR ITEMS – CONTINUED

Additionally, they took the efforts further with the Vandenberg that was a much bigger investment. In fact, in the Spiegel Grove there were no local government investments. However, in the case of the Vandenberg there was investment by the state, and local governments. The net increases were in sales tax revenue to the state and to the local government, and as shown in summary, by the presentation fact sheet, there was a net return on investment to both the state and local governments. In the Vandenberg case, the hurricanes had trashed a lot of the natural reefs, which caused a lot of the dive business to close up in Key West. Therefore, when the Vandenberg was sunk, there was just a massive increase for use. Therefore, it gave a shot in the arm in the life of the diving industry in that location, as well as, the entire local tourist economy benefitted from it.

Joe Ryan, 427 Northeast 24th Avenue, Pompano Beach, hopes the commission would listen to this proposal, but to put it on hold and not to take action now, as there is just not enough funding to undertake this venture, due to the several other major spending that has taken place specifically, in the Parks and Recreation Department. Notwithstanding, there is a large sum owing for the Pension Fund for the Police and Firefighters' Retirement System.

Comr. Dockswell indicated that assuming the City moves forward with this proposal, would they need a permit from Dr. Leeworthy's organization.

Dr. Leeworthy replied no, because the City is not in the national marine sanctuary. Instead, the permitting would come from Broward County.

Mr. DiGiorgio confirmed with Kenneth Banks from Broward County that the permits are all in place for this activity.



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REGULAR ITEMS – CONTINUED

Dr. Leeworthy explained that his prior description was for the Florida Keys National Marine Sanctuary that has its own permit process. However, part of the permitting process was to do the studies that were written into the permit, so they could learn in the future how to approach these situations. In fact, the studies would be used to guide others in their decision-making in the sanctuaries.

Comr. Dockswell asked how many vessels have been sunken to make for artificial reefs on the east coast of Florida.

Kenneth Banks, Broward County Environmental, Planning, and Community Resilience Division, stated that he has been with the County for twenty-five years and managed the artificial reef program for about twenty years. He indicated that they have quite a few artificial reefs, about twenty to thirty ships throughout the county. However, there is nothing in the class/size being proposed today. Many of the current ships are much older, have weathered several hurricanes, and are not in as prime shape as a newer vessel would be. In addition, this vessel is larger than any other is in the county, and would provide some diversities to the divers.

In response to Comr. Dockswell's questions, Mr. Banks provided information regarding the use of vessels in Broward, Palm Beach and Dade Counties. However, he is unaware that there are many vessels in the same size and class that Pompano Beach is pursuing. In sum, there are quite a number of public/private partnerships throughout the county.

Comr. Hardin noted that if the economic benefits are so apparent, why is not there a greater public investment in this process.

Dr. Leeworthy explained that when they did the Vandenberg study, Mr. Weatherby had been communicating with the economic development office at the state level in Tallahassee. They indicated that they never thought of artificial reefs as being an economic develop-



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ment strategy. However, when they read the results they wrote a drafted legislation to divert some of the current sales tax revenues into a fund to help counties with their economic development of artificial reefs. However, politics changed and he is unaware of where that ended up.

Furthermore, Dr. Leeworthy indicated that he had done a study on Northwest Florida on the value of artificial reefs for the local counties and they wanted to invest in an aircraft carrier, the Oriskany that they sunk as an artificial reef. Well, it exceeded more than they had expected. Moreover, it is forty miles off shore in very deep water. They had not anticipated such a high demand for deep water diving. In fact, their bed tax revenues have literally sky rocketed in the Pensacola area.

Mr. DiGiorgio, to answer Comr. Hardin's question why it is not done more often, indicated that the ships are hard to come by and they are very expensive. In fact, in the Vandenberg case it cost \$8.5 million. However, in this case, to get a ship of this size at the proposed cost is an unbelievable deal, and he explained the original process involved to acquire the ship.

Dr. Leeworthy indicated that in their two case studies, the Spiegel Grove cost a couple million dollars and the Vandenberg was over \$8.5 million; however, both have return on their investment. The Oriskany has had tremendous return on their investment there. In fact, the study shows every place has had tremendous return on the investment.

Additionally, Dr. Leeworthy indicated he had done a study in 2000-2001 of Monroe, Miami-Dade, Broward and Palm Beach Counties on the value of both natural and artificial reefs in use. From the result of that study, some people were talking about competition between the counties. However, he advised that is not the way to look at it, because Broward has the opportunity to market it, as a dive destination



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in South Florida, where there is rich opportunity for people to come here. There is a synergistic effect in demand, so Broward County would not draw away more business from the Florida Keys or Miami Dade. In fact, every county would increase, because once people come to the destination there are more opportunities all along the coast that they would have easy access to the highways, so they will stay longer.

Moreover, as a diver, when you go deep diving on a ship, there are technological issues with the human body, which he explained in detail. Therefore, a person cannot be in deep water for too long as there is a limitation, so you will need a diverse recreation tourism industry, as there is a limit on how much you can be diving deep. In essence, you cannot get on a flight right after you have gone scuba diving; you need to wait 24 hours before flying. In sum, it would not be a competition among the counties.

Comr. Phillips asked about the permitting process.

Mr. Banks indicated that they have a large area of Army Corps of Engineers permit and they have just received a state permit for the site chosen for this ship. Those are the only two permits required. Once a vessel is acquired, it has to be cleaned, and inspected by the coast guard. He then explained the process involved in the cleaning of the ship prior to sinking it.

Comr. Phillips wanted to know what would happen if the locked down ship moves out of place during a hurricane season.

Mr. Banks replied that they have not had any such ship move out of position since the program began in the early 1980's to include experiencing hurricane Andrew. Some have stood upright that were previously leaning over. As well as there has been some degradation



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of some of the wrecks over time, corrosion happens, and with storm surges, you can get break down of the vessel, but there has not been any movement of any vessel. If movement occurs, it would be very slight. The weight of the vessel anchors it down and it will be in enough deep water where it should not be impacted greatly by the worst possible hurricane.

Mr. Banks indicated that the vessel would be located approximately 120-130 feet of water, about one mile off shore and about two miles from the Hillsboro Inlet.

In response to Comr. Phillips' question regarding a one-time fee, Mayor Fisher explained that the purpose is to create a Foundation to allow fund raising to occur. Therefore, they would remove the cost from the City and place it on the Foundation.

Mr. DiGiorgio confirmed that the request to the City is for a one-time fee of approximately \$312,500.00, to get this project off the ground, and then the Foundation would take over to do the fund raising. Therefore, the Foundation would create an underwater park. In addition, the Isle Casino has committed \$312,500 towards this project as well.

Mayor Fisher stated this is one of the most exciting program the City has had in a long time. To create a shipwreck underwater park is such a venue to realize tax dollars and increase tourism, which is incredible. Therefore, Pompano Beach has the opportunity to flourish. Moreover, to have a public/private partnership is even greater, so that the City would not have that financial burden; instead, the Foundation would be responsible. Notwithstanding, the Isle Casino has been gracious to create a fifty percent partnership here. In sum, this is a great opportunity for the city.

Vice Mayor Burrie stated that another exciting thing is that the Isle Casino wants to fit the ship with something underneath the water, where the divers can go down and have their pictures taken with the wreck.



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Mr. Giorgio indicated that what makes for a destination ship is not just its size, but also the uniqueness of it, which he explained in detail, to include doing a mockup of a casino, placing public art and so forth. In fact, Mr. Weatherby will be responsible for dressing the ship and his public art has won international awards for what they have done with under water art. In fact, people will be able to see the ship live as it is sunken, which will be the first time this will ever happen in the world.

Comr. Hardin agrees that the idea will put Pompano Beach on the international map and this is a great thing for the residents and citizens of the City.

Comr. Dockswell asked if there is such a thing as a fair market value for a ship of this kind.

Dr. Leeworthy replied that in his study, the way economist look at this is like the asset value of anything. In the example of purchasing a house, you expect to get services from the house over a long period. However, it has a purchase price. In his handouts, he has taken the income streams, or those sales tax streams, and taken them out to so many years and use various interest rates to discount them for that present value for what that is valued at today. Therefore, this could be interpreted as the fair market value of that reef. He has compared the cost with the benefits and the present value of the stream of benefits and then subtracting the cost to get the net return.

Comr. Dockswell indicated that the information provided is interesting, but if you were to take the line items of the project, is there an actual cost for purchasing the ship itself before it is moved, cleaned, and sunken.

Mr. Giorgio replied that the actual purchase price of the ship is \$250,000.00. The City has a contract with Kearns Construction, who will be responsible to purchase the ship, and to clean the vessel. He then explained the good shape the ship is in and its location, which has caused the cost to be much less in comparison to others.



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REGULAR ITEMS – CONTINUED

Joe Weatherby, owner of Artificial Reefs International based in Key West, Florida, stated he has been in the business for over twenty-five years and has been all over the world. He pioneered the \$8.5 million Vandenberg project in Key West. He then explained the variables involved in this project, which was a massive undertaking. He indicated the variables of a ship are due to its age and use.

Mr. Weatherby added that they had deployed a war ship, in Leed County, two summers ago at a cost of \$1.25 million. However, he cannot get them to put this in writing, but they had reported to him that they made their money back in ninety days.

No action was taken as this item was for informational purposes.

RES. NO. 2015-174: TAPE 1 – 2,060 ITEM 13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT REGARDING ESTABLISHMENT OF AN ARTIFICIAL REEF BETWEEN THE CITY OF POMPANO BEACH AND PPI, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$312,500 revenue to the City from PPI, Inc.)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-174 as amended upon reading.

ROLL CALL

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



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REGULAR ITEMS – CONTINUED

Greg Harrison, Assistant City Manager, stated that this is an agreement with PPI, Incorporated, which is the current company of the Isle. During the process of putting the project together, as Mr. Giorgio alluded to earlier, Mr. Wyre, who is on the Tourism Committee and the Economic Development Council, graciously offered to be a fifty-fifty partner with the City on this project.

The total budget for this project is \$625,000.00 and this agreement consummates the details between the City and the Isle, on the City receiving the \$312,000 from the Isle.

Mr. Harrison thanked City Manager Beach for allowing him to coordinate this project, because he got to meet a lot of great people and to familiarize himself with a subject that he was unfamiliar. However, with the assistance of people such as Jeff Torode, Joe Weatherby and Mr. Sterns and his group this would not appear before the commission tonight. He then outlined the evolving of circumstances, since January 27, 2015, that caused the item to be on the agenda tonight.

Additionally, he received an email from the owner of the ship informing him that he had accepted a deposit on the ship, which the City was unable to come up with that amount. However, the individuals have thirty days in which to come up with the remaining portion of the money that he was asking for the vessel. Those thirty days will expire on February 21, 2015. Therefore, this exercise will not be for naught, if the City does not get this particular vessel. The next vessel that becomes available they would have everything in place to act upon it.

Mr. Harrison thanked City Attorney Linn and his staff, particularly Fawn Powers for the work and effort in putting this together, when there was no template in place to guide us. There were a few amendments to be made, which he had emailed the Commission on Friday, that on this particular agreement on Page 13, a termination clause was added.



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He then explained what was meant by interactive casino space on the ship as mentioned in the agreement. Therefore, to clear up any misunderstandings he requested Rob Wyre of the Isle to comment on that section of the agreement.

Rob Wyre, 1800 Southwest 3rd Avenue, Pompano Beach, FL, assured the commission that there would be no live gaming on that vessel. He would not jeopardize their license for doing something as irresponsible as that. However, he reserve the right, that if the opportunity presents itself to do a charitable poker event, which is legal then the doors are not shut on doing it. In the interest to create excitement on what is happening there, a charitable event would be the extent of it.

MOTION: To amend the agreement to include the new Page 13.

VOICE VOTE

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

Mr. Ryan asked why the City is getting involved with this project since it will be in Federal waters. He is wary of other glitches to the deal and encouraged the commission to put it on hold.

Ric Green, President, CEO, Greater Pompano Beach Chamber of Commerce, stated that the Chamber Board of Directors voted unanimously to support this partnership and encourage the Commission to do so. In fact, the Chamber of Commerce paid for the travelling expenses of Dr. Leeworthy's visit to Florida, to provide the commission first class information on this venture. He then shared certain statistics regarding divers utilizing this proposed park and the numerous advantages having this vessel located in Pompano Beach would have on the community. He concluded that this would be a great opportunity for the City of Pompano Beach.



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Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, thinks this is a terrific idea for good tourism and enhancing the beach. However, when you look at the scope of the entire city, finding partners to do projects such as this one is great, but there needs to be more partnerships like these for other sections of the city as well, especially those that concerns the children.

He concluded that partnerships entered into with places like the Isle Casino should be to get things done throughout the City of Pompano Beach and not just for certain programs, and should be done so equally and throughout the City. While this is a good project and he is expecting more to come out of it, the Isle should not be allowed to be picking and choosing what projects they want to collaborate with the City.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, challenged the comment made that all of the citizens of Pompano Beach want to support this issue. He said most of the citizens of the community wants better police protection, streetlights, working and better sewers. Therefore, for the Commission to spend \$300,000.00 on a project that may benefit one tenth of the population of the City, would mean ninety nine point nine percent of the population does not get a benefit yet they pay the taxes. Therefore, he asked the commission to spend that kind of money on the majority of the population and not just a few.

Elaine Fitzgerald, Beach Vacation Rentals, 112 South Federal Highway, Pompano Beach, FL, stated that the beautiful thing about the project is "it is the gift that keeps on giving." If you spend this once and the ship is under water, people will continue to come. When there are more tourists it does not benefit only one percent of the community, it benefits the entire community. It brings new money in, publicity, and the money helps the entire City with more jobs, tax base, and more money to do other things for the entire city. Therefore, she thinks this is an excellent project and well worth the money, and hopes the Commission will move forward with it.



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George Bellinger, Key West Florida, stated that he is involved with the Eco Tour business and they take people kayaking. However, a lot of his business comes from people who have dove on the Vandenberg wreck. He has seen firsthand, as a businessperson in Key West, jobs tax revenues and business increased. In fact, for Pompano Beach to be in the forefront of the artificial reef it will assist everybody in South Florida not just Pompano Beach. In sum, this is a great opportunity and Pompano Beach will enjoy the benefits for years to come.

Skip Commagere, Force E. Scuba, Federal Highway, Pompano Beach, stated that he has been in Pompano Beach for 35 of the 40 years he has been in business. This project will, “put butts on boats, but it is going to put a lot more heads on beds, and a lot more plates on tables, and it is going to fill up gas tanks locally. It is going to put people in shops and malls. It is going to make Pompano Beach not only more exposed to the public but it is going to make it more vibrant.” In sum, this will be a win-win situation.

Comr. Phillips commended the Chamber and the Economic Development Council for such a vibrant collaboration. Furthermore, he is happy to see the Isle Casino involved with this venture. Nevertheless, as a previous speaker commented on partnerships in various neighborhoods, he would like to see the Isle’s participation in other areas of the community to include his district.

Comr. Dockswell asked why the City is not waiting until February 21, 2015 to proceed with this action. While he understands the permitting process, he wanted to know why the Commission is required to approve the signing of two contracts eleven days prior to knowing whether the ship is available.

Mr. Harrison replied that if the contracts were approved tonight, the vessel owner would know that the City has the ability to provide him the entire asking price within a short time provided. This is contingent on the owner providing the City with a clear title; Kearns could then go in and get an inspection report to ensure that there is no asbestos, as indicated by the owner. The hope is that the owner will change his mind and make the vessel available to the City.

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Additionally, Mr. Harrison indicated that the only information he has received regarding another buyer is an email he had received stating that a deposit was made on the ship by someone else and that he had 30 days from January 27, to close on this venture.

Comr. Dockswell is excited on the prospect of the City having a ship sunken off the coast of Pompano to become an artificial reef, which is a great idea he supported for some time now. However, the way this project is put together, that is to acquire the ship and the partnership the City would have with the Isle Casino as a public/private partnership.

Additionally, this has many positive characteristics, and the Isle, perhaps would do a better job of marketing, than the City would do if it were to do so on its own. However, as a “controlled enthusiast” he feels “skittish” about certain terms of the agreement between the City and the Isle Casino. On Page 6, Section g., it states, “The ISLE shall have the exclusive right to re-name the M/V Santé Manna.” However, since the City will be taking on fifty percent of not only purchasing the ship but all the other expenses involved getting it ready for public use, the City should have at least some approval right to naming of the ship.

Therefore, Comr. Dockswell made the motion to amend the contract to include the following language:

MOTION: To include language on Page 6, Section g., to state, “subject to the City Commission’s approval and such approval is not to be reasonably withheld.”

VOICE VOTE

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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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

Mr. Wyre indicated that the project was always envisioned to have some type of attraction attached to it. Therefore, they are equally participating in the total project costs and part of the project happens to be a small casino space. Mr. Wyre stated that they would not embarrass the City with any names and the two names under consideration is something to do with the Isle and the other is Lady Luck, and may end up saying casino, which would be the extent of it. Finally, Mr. Wyre said he respects Comr. Dockswell's comments but must disagree with it.

Vice Mayor Burrie does not think there is a problem with the Isle naming the vessel. As Mr. Wyre indicated, they would not put a distasteful name that would embarrass the City; therefore, she would agree to let the Isle rename the ship.

Comr. Phillips indicated that there is a concern as to the principle, which he would not communicate at this time.

Comr. Dockswell clarified he is not asking that the City have the right to name the ship, but rather, that the Isle could select the name but the Commission would have an approval right.

Comr. Hardin pointed out that the first part of Section g., states, "Unless and until any proposed non-profit foundation is established for the project," which means once that happen then the non-profit foundation would name the ship, so it would no longer be the Isle. Therefore, generations later and the Isle changes hand then the foundation would be naming the ship. He understands the Isle's position in wanting to name the ship.

Comr. Moss agrees with Vice Mayor Burrie that at this point, the people have done tremendous amount of work in a short period, and he commends the Isle for putting this amount of money up, so at this point the City should do everything to facilitate moving forward as quickly as possible.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

Mayor Fisher noted that the Isle is a national corporation, which they would not do anything to embarrass themselves, much less the City of Pompano Beach. They continue to show good faith here and have worked for over three years on this project and to put your money up, they should have the right to name it.

Comr. Hardin stated that the City Attorney's office has done a lot of groundbreaking work throughout the years, to include the Water issues, the CRA issues and so forth.

Additionally, Comr. Hardin asked if they could currently provide a base line of the economic activity from diving for future comparisons. In other words, if there were a benchmark today, to compare it to two years from now, it would confirm the increase in economics and by how much.

Mr. Harrison replied yes. This point was discussed with Dr. Leeworthy at an introductory meeting with members of the Tourism and EDC Committees and the Chamber of Commerce and he suggested that we find an intern. Subsequently, Dr. Avis Proctor from Broward County College indicated that she would provide interns for projects like this. There are three entities, YMCA, NAUI and PADI that provide certification for scuba diving, so now a database can be started with that, share it with the businesses, and then keep up with it on a regular basis.

RES. NO. 2015-175: TAPE 1 – 3,272 ITEM 14

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT REGARDING ESTABLISHMENT OF AN ARTIFICIAL REEF BETWEEN THE CITY OF POMPANO BEACH AND KEARNS CONSTRUCTION COMPANY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$257,500 – City's portion)



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-175 upon reading, as amended.

ROLL CALL

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

Greg Harrison, Assistant City Manager, stated that now that the City has the economic basis, as well as funding from the Isle to carry out this project, this proposed contract with Kearns Construction is to have them purchase the vessel for the City, to scuttle it and to sink it at the appropriate place as permitted.

Furthermore, Mr. Harrison thanked Kenneth Banks, from Broward County, for all the work he has put into working with the Army Corps of Engineers and the state environmental department. The permits are in place and once this agreement is approved, and hopefully the vessel is obtainable the project will be on its way. However, there are a few amendments to the contract, which include; on Pages 11 and 13, January 27, 2015 date has been changed to March 10, 2015, and on Page 21, a termination clause was added. In addition, they will strike the word "Propeller" from Exhibit 6.

MOTION: To amend Pages 11, 13, and 21 and to eliminate the word "Propeller" in Exhibit 6.

VOICE VOTE

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

Mr. Harrison indicated that as mentioned earlier this is being done providing the vessel is available after February 21, 2015.



City of Pompano Beach, Florida

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

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, noted that since this is a conditional contract, would there be any clause to specify no cost to the City should the contract get cancelled, if the ship was not made available.

Gordon Linn, City Attorney replied that there is no cost to the City if the ship is not available.

Comr. Phillips asked about the process to sink the ship.

John Kearns, Kearns Construction, 4101 Braganza Avenue, Coconut Grove, FL 33170, replied that they would not blow up the ship; rather they will cut holes on the water line and remove them then pump some water and let it go down. They have done this before.

Mayor Fisher stated that they are looking to Mr. Kearns to secure the ship.

TAPE 1 – 3,459

ITEM 15

Consideration of the creation of a foundation or other corporate entity to further develop, manage and market the Project, including, but not limited to, to raise and receive additional funding for the Project and to seek additional community, educational and/or other governmental partners to participate in, and benefit, the Project. The CITY agrees that the ISLE, at ISLE's sole discretion, shall have the right to appoint fifty percent (50%) of the directors or board members of any such foundation or corporate entity. (No fiscal impact)

MOTION: Directed staff to submit a proposal or work with the private entities involved in creating a Foundation.

ROLL CALL

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



City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

Greg Harrison, Assistant City Manager, stated that this time was included in Article 2 (1)(d) and 2(1)(j) of Agenda Item 13 of the Agreement between the City and PPI, Inc. This was desired to be treated as a separate agenda item to get the commission's support of the tax exempted foundation for accepting contributions going forward. In addition, those persons who spoke on the project tonight are the ones that would be involved with this Foundation.

Mayor Fisher indicated that actually, this item should have been ahead of the other items.

RES. NO. 2015-176: TAPE 1 – 3,598 ITEM 16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO ISLES – SECTION B PLAT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2015-176 upon 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.



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Names of Commrs.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

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 amendment is to change the plat note, which was left as a parking lot and to change it to restricted 102 hotel rooms. This project has gone through site plan approval and is awaiting approval of this amendment.

Comr. Dockswell asked since there is a building on the site, why is the plat referring to the parcel as parking.

Mr. Bird replied yes, there is a partial building that they had started to demolish some time ago. However, he is unaware of why the current plat refers to it as parking. Nevertheless this is zoned B3.

Mayor Fisher stated that the City did a corridor study and Federal Highway in Pompano Beach has really improved.

RES. NO. 2015-177: TAPE 1 – 3,671 ITEM 17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF’S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE POMPANO BEACH RESIDENCES PLAT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-177 upon 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.

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 property is in the RM-45 HR zoning district located approximately at 730 North Ocean Boulevard. The plat previously was restricted to 50 high-rise units on Parcel A, so the request is to change this to 73 high-rise units on Parcel A and 9 townhouse units on Parcel B.



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

P.H. 2015-34; ORD. NO. 2015-25 TAPE 1 – 3,722 ITEM 18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MICHAEL FARRELL, M.D. FOR MEDICAL CONSULTING AND ADVISORY SERVICES TO THE FIRE DEPARTMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$65,004.16 annually)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2015-25 upon second and final reading.

ROLL CALL

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

John Jurgle, Fire Chief, stated this is a second reading of an ordinance that would allow approving an agreement with Dr. Michael Farrell to allow him to continue his functions as medical director for the Fire Department. The City is required by State Statutes to have a medical director who oversees the EMS portion of the services.



City of Pompano Beach, Florida

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

P.H. 2015-36; ORD. NO. 2015-... TAPE 1 – 81 ITEM 19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ADOPTING A COMPREHENSIVE PLAN, TEXT AMENDMENT TO AMEND THE POTABLE WATER SUB-ELEMENT, THE FUTURE LAND USE ELEMENT, AND THE CONSERVATION ELEMENT; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON OCTOBER 22, 2014; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To table the item until March 24, 2015 City Commission meeting.

ROLL CALL

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

P.H. 2015-33; ORD. NO. 2015-26 TAPE 1 – 3,743 ITEM 20

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.21, "PERMITS; FEES," TO SPECIFY PERMIT REQUIREMENTS AND EXPIRATION FOR IMPROVEMENTS CONSTRUCTED ON PUBLIC PROPERTY; 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
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Ordinance No. 2015-26 upon second and final reading.

ROLL CALL

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

Robert A. McCaughan, Public Works Director, stated currently the code of ordinances do not allow for expiration for permits for work done in the right-of-way. Therefore, this amendment would allow the establishment of time limitations of 180 days if the project has not started. Therefore, if the project is abandoned or suspended for ninety days, the permit will be cancelled. This is an additional tool to assist with getting the duplicate poles in the right-of-way removed.

P.H. 2015-35; ORD. NO. 2015-27 TAPE 1 – 3,785 ITEM 21

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO PROVIDE FOR LIMITATION ON THE NUMBER AND DURATION OF PUBLIC EVENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2015-26 upon second and final reading.

ROLL CALL

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



City of Pompano Beach, Florida

Names of Commrs.	M	S	V	V
			Y	N

CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

Mark Beaudreau, Recreation Programs Administrator, stated that by amending this ordinance it would provide for a fair distribution and equal opportunity for organizations and individuals to provide services at the City's recreational facilities.

**P.H. 2015-37; ORD. NO. 2015-... TAPE 1 – 3,816 ITEM 22
816**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, WAIVING FURTHER COMPETITIVE BIDS FOR PROCUREMENT OF CONSTRUCTION SERVICES FOR INSTALLATION OF FIRE SUPPRESSION SYSTEMS BY SHIFF CONSTRUCTION DEVELOPMENT, INC.; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$227,019.63)

The Ordinance was read by title only.

MOTION: To approve the Ordinance upon First 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 this amendment to the ordinance requires that the City waive the procurement and to go direct to Shiff Construction. This will be the third time that staff has been trying to get this awarded to put a sprinkler system inside the Public Safety facility. He then explained the process of placing this out for bidding and the difficulty in getting a company to bid on both the fire alarm and sprinkler system together.



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Names of Comms.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

Subsequently, as a third alternative, Shiff Construction was able to provide sub-contractors thus supplying the services through this contract. Therefore, based on life safety, staff is recommending waiving the procurement. Furthermore, Mr. Shiff will be able to provide a list of the many local sub-contractors, that they have used to work on various City projects. This list will be provided in the future to the commission.

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, stated that he is happy with staff's comments regarding this project and he hopes to get a copy of the list of local sub-contractors that staff spoke about earlier. Mr. Thrower reiterated his request that work be awarded evenly and fairly and not just become a monopoly.

Comr. Phillips stated that based on staff's report earlier, he is pleased with the way Shiff Construction is working with the local sub-contractors in the City.

Comr. Dockswell understands the bidding process; however, he questioned the reason why no responses were received when the job went out to bid the first time. Also, is there any way to gauge whether the price is considered reasonable.

Mr. McCaughan replied that they think the price is reasonable, because using this job order contract they are pre-priced items. Therefore, with competition it is more likely to get better prices. It is important to note that staff did not put a full design packet to go with this because this is an expedient method of getting the job done.

However, as it relates to not getting many bids, perhaps it is due to the improvement in the economy with many new construction taking place, and the opportunity to work on a new building versus remodeling an old one, which is a much better prospect for the contractor.

Comr. Moss expressed surprise that this went out to bid and no bids were received on it. He asked if in the past it was difficult to get people to bid on a sprinkler system.



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

Mr. McCaughan replied that he is unaware of recent retrofitting of another building. But, he would say that other bids that are not for fire sprinkler systems, they are getting a minimum number of bids. Mr. McCaughan reiterated this could mean a lot more work is out there, and contractors are busy. During the recession, many people lost their work force and some people had to give up the business. Now that the country is recovering, the City is feeling the effects of that.

Comr. Moss indicated that he was told that for the sprinkler system the permitting process and the regulations is extremely difficult in the City of Pompano Beach and contractors are not happy.

P.H. 2015-38; ORD. NO. 2015-... TAPE 1 – 4,088 ITEM 23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 131.23, "UNSOLICITED PUBLICATIONS," TO PROVIDE FOR DEFINITIONS; DUTIES AND OBLIGATIONS OF PUBLISHERS AND DISTRIBUTORS OF UNSOLICITED PUBLICATIONS; TO PROVIDE REMOVAL REQUIREMENTS FOR PUBLICATIONS DELIVERED IN VIOLATION OF THIS ORDINANCE AND FOR PENALTIES AND ENFORCEMENT; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve the Ordinance upon First Reading, as amended.

ROLL CALL

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



City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

Gordon B. Linn, City Attorney stated that on various occasions the commission has expressed that it has received complaints from residents regarding aesthetics, safety, privacy, and concerns regarding the delivery of unwanted and unsolicited publications. This proposed ordinance prohibits publishers and distributors from delivering unsolicited publications after receiving notice from the public that they no longer wish to receive this publication.

The ordinance further requires that publishers provide reasonable means for citizens to contact and advise them that they do not want the publication and requires the publishers to include that means of contact in their publications. If an undesired publication after notice is delivered, upon notice the deliverer is required to try to locate that publication, pick it up and remove it from the premises.

Finally, the penalties will be the maximum allowed provided for by state law as per §10.99 of the City's Code of Ordinances, which is up to sixty (60) days imprisonment and \$500 per violation.

Vice Mayor Burrie noted that by passing this ordinance the City is not infringing on any constitutional rights of any newspaper or publication company. They will be put on notice and if someone requests not to deliver publication then they should not deliver.

Comr. Moss asked if the proposed amendments would apply to multi-family homes such as condominiums and co-op residential apartment buildings.

Mr. Linn replied yes.

Comr. Moss explained that in the Palm Aire district, there are one hundred units buildings, and in those buildings, there are lobby areas where several different publications are left to be distributed, such as the Jewish Journal, the Pompano Times, and so forth. This is a service to the community and people are happy to receive them. However, he wanted to know what would happen if someone decides that he/she does not want the Jewish Journal in the building, and reports that to the City.



City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N
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CITY COMMISSION MEETING MINUTES FEBRUARY 10, 2015

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REGULAR ITEMS – CONTINUED

Mr. Linn replied that the property would be considered common property and the notice would have to be given by the owner of the common property, which would be the association.

Comr. Moss indicated that this would create another level of work for condominium boards. In fact, this proposal has too many questions. For instance, how does one define a publication? He provided an example of a Mom and Pop Pizza business newly opened in a community and wanted to advertise their business through publication left at the lobby area, and asked if they would be considered breaking the law.

Mr. Linn replied that this only affects publications, which are those things that are put out with some regularity, such as weekly or otherwise. Therefore, someone from time to time doing an announcement of a grand opening or some other event would not be covered.

In sum, Comr. Moss opined this is a little bit of an “over-reach” and not very well defined. There are numerous gray areas and will only provide one more reason to make people even more disgruntled with the City. In fact, it appears the City is over regulating everything.

Mr. Linn stated that it was acknowledged, and he had addressed a memo to the commission regarding the difficulty of the enforcement of this ordinance. So, there is nothing he could do about the enforcement issues.

Comr. Dockswell tried to clarify the difference between the frequencies of a food store advertisement versus someone calling up to say they do not wish to have the advertisement because they are away a lot. The store will have to remember not to put it at that person’s residence making the request.

Comr. Moss indicated that he understands the issue with a residential single-family neighborhood, but for the multi-family residential this will pose some challenges.



City of Pompano Beach, Florida

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

Subsequently, a long discussion ensued between the commission regarding the pros and cons of how this would impact the different neighborhoods, whether they are multi or single family neighborhoods.

Comr. Dockswell suggested that Section 3 be modified to read, “The Ordinance shall become effective ninety (90) days after passage.”

MOTION: To amend Section 3 of the Ordinance.

VOICE VOTE

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

Comr. Hardin indicated that the City Attorney had mentioned in his memo to the commission that this could be challenged in all likelihood by the newspaper and such.

Mr. Linn replied that it could be challenged and that the guarantees of the protection of the first amendment apply, and there is a four-pronged test, which he explained.

In sum, Mr. Linn indicated that this is the least intrusive method that he could find to regulate the practice and would perhaps have a good chance of surviving the four-pronged test.

Comr. Hardin indicated he will support the effort, but prior to the City getting into any kind of expensive First Amendment lawsuit, he would want some advice to come back to the commission before embarking on any kind of defense of this ordinance.

Vice Mayor Burrie stated that after hearing Comr. Moss’ comments she thought the ordinance would only address periodicals that are thrown on a person’s lawn. She did not think it would be so far reaching to impact a Pizza parlor and those persons in the multi-family buildings. She suggested that if possible, they should consider stopping the trouble prior to starting it.



City of Pompano Beach, Florida

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

Comr. Moss referred to Page 4 (C) *Removal*, which states, "...shall remove any publication delivered in violation of Section (B)(2)(b)..." and expressed concerns regarding how this would affect the mom and pop businesses, neighborhood newspapers and periodicals, which could potentially spiral out of control.

Comr. Phillips agreed that this could be a bit "heavy handed or over-reached", and is concerned on the impact this will have on small businesses who are trying to make ends meet.

Comr. Dockswell stated that if this item would gain more support from the commission, he would not have a problem in restricting the applicability of the ordinance to single-family homes that are opened.

Mr. Linn stated that he could make some minor amendments; however, he needed to know if he should make it only applicable to single-family zoning districts.

Mayor Fisher indicated that the commission's intended goal is to stop publications being placed in bags and just thrown on people's lawn or driveway, but the ordinance could be tailored to single-family type environment. Therefore, Mr. Linn can return for second reading with recommended amendments as discussed.

Dennis W. Beach, City Manager indicated that one of the primary sources generating the issue was a condominium complex, where people were throwing plastic wrapped publications everywhere, which were ending up in the drainage systems and things of that nature.



City of Pompano Beach, Florida

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<u>REGULAR ITEMS – CONTINUED</u>				
RES. NO. 2015-... TAPE 1 – 81 ITEM 24				
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT AN APPLICATION TO BROWARD COUNTY FOR THE TOURIST DEVELOPMENT TAX CAPITAL CHALLENGE GRANT PROGRAM FOR THE PURPOSE OF OBTAINING FUNDS IN THE AMOUNT OF \$500,000.00 FOR THE POMPANO BEACH CULTURAL CENTER; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS; PROVIDING AN EFFECTIVE DATE.</p>				
MOTION: To strike the item from the agenda.				
<u>ROLL CALL</u>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
RES. NO. 2015-178: TAPE 1 – 4,710 ITEM 25				
<p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>LEE A. CORSON</u> TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JANUARY 10, 2018; PROVIDING AN EFFECTIVE DATE.</p>				
The Resolution was read by title only.				



City of Pompano Beach, Florida

Names of Comms.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-178 upon reading.

ROLL CALL

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

Mayor Fisher noted that Mr. Lee Corson, resides in District 5 and not 3.

Comr. Phillips stated that as he reviewed the various boards especially the Marine Advisory Board, he has a number of people with boats in his community, to include those who go fishing. Perhaps in the future, they could find someone residing in District 4 to serve.

Comr. Moss concurs with Comr. Phillips in getting a diversity of persons serving on the various boards.

Vice Mayor Burrie explained that although she did not have anyone appointed from her district, she appointed Gwyn Leys, who resides in District 3, because she was more knowledgeable on marine affairs.

RES. NO. 2015-179: TAPE 1 – 4,800 ITEM 26

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MATTHEW CHESHIRE** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2018; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.



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Names of Comms.	M	S	V	V
			Y	N

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REGULAR ITEMS – CONTINUED

MOTION: To adopt Resolution No. 2015-179 upon reading.

ROLL CALL

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

TAPE 1 – 4,820

ITEM 27

Discussion item regarding the separation requirements for liquor stores; the state and city definitions of restaurants with accessory bars; and the lack of separation requirements for restaurants with accessory bars in the AOD and DPOD Districts.

MOTION: To direct staff to conduct a feasibility study on capping liquor stores citywide and to proceed with revising City Standards for the 4COP SRX License to be the same as the State's Standards.

ROLL CALL

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

Robin M. Bird, Development Services Director, indicated that Karen Friedman, Planner, did a lot of research on this item, and at the commission's request, they are returning for additional direction, as well as providing information on the research conducted.

One of the issues that they have to be clear and concise about, is the distance requirements, which they have to establish a reasonable nexus, if and when the City goes to changing any of those. Currently, the City has thirteen liquor stores establishments ranging in size from 2,500 square feet to over 10,000 square feet. Of these, four are located west of I-95 and the remainder is located east of I-95.



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Names of Comms.	M	S	V	V
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REGULAR ITEMS – CONTINUED

Additionally, staff estimates that approximately seventeen to twenty five new liquor stores could be established based on the existing separation standards. Liquor stores are required to comply with the following separation standards:

- 1,000 feet from another alcoholic beverage establishment
- 1,000 feet from a sexually oriented business
- 500 feet from a child care facility, school, and or place of worship
- 300 feet from a child care facility and or place of worship

Staff researched the distance requirements utilized by other cities such as Coconut Creek, Coral Springs, Deerfield Beach, Fort Lauderdale, Hollywood, Lauderdale by the Sea, Lauderhill, Margate, Miami Beach, Oakland Park, and discovered that Pompano Beach separation standards were more restrictive than all the cities reviewed.

Furthermore, he did find that Orange County, Florida requires 5,000 feet between packaged stores; however, Costco Wholesale challenged this regulation. In 2002, the Florida Supreme Court upheld the distance requirement, so larger distance requirements, if chosen, can be upheld.

Comr. Hardin requested clarification on standalone liquor stores, and questioned whether stores such as CVS, Walgreens or Publix were considered liquor stores.

Mr. Bird responded those are considered liquor stores.

In response to Comr. Hardin's question on the amount of liquor stores identified east of I-95, Ms. Freidman replied that there are several different licenses that are issued by the state that would allow a business to function as a liquor store.

However, the one under discussion is the standalone liquor store. There is also another class of liquor store, which is a bar that can also be a packaged store. Most bars are also able to function as a package store, but the City does not treat them as liquor stores. But the numbers provided earlier are accurate.



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

Comr. Moss asked if the City differentiates between a business that sells hard liquor, wine and beer, and what about a business like Publix that only sells wine and beer.

Mr. Bird responded that the city has never had a limit on the distance requirements for a 2APS, which are beer and wine sales. He then provided detailed information on the various categories of liquor stores and explained the differences between wine and liquor and their required standards.

Comr. Phillips said he is astonished to learn that the distance of a liquor store from a childcare facility is only 300 feet and 500 feet, to include schools and a place of worship, while 1,000 feet distance is allowed from one liquor store to another. So, from a moral standpoint there is something not right with these standards.

Mr. Bird explained that the City must be clear and concise on distance requirements when it comes to this. He said the city has already had a little bit of experience on that when a number is thrown out arbitrarily. Therefore, you need to have a reason and be able to prove that those stores are a detriment to the neighboring and surrounding areas, and explained the process in ensuring the City is not being biased. Therefore, if the commission desires to limit the number then that would be handled differently.

A very lengthy discussion followed among the Commission and Mr. Bird regarding establishing the distance standards for liquor stores from the various establishments and organizations, such as schools, worship centers, another liquor store, bars, and so forth.

Mr. Bird concluded staff did not provide a straight recommendation on this item. However, they would like to return to the commission with some information and wondered if perhaps the commission would prefer staff to undertake a study to determine the additional distance requirements further limiting them.



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REGULAR ITEMS – CONTINUED

Notwithstanding, Mr. Bird said it should be taken into consideration that the 17 to 25 new liquor stores that could be established based on the existing standards. However, a number of factors have to happen to get to the maximum. For example, the stores would have to be in the right location, be certain distances apart, was a school, church or bar added. All these factors must determine the maximum number. There must be a conclusion to justify an increase in the numbers.

Mr. Bird indicated that some cities had an absolute cap on a number, which is another possibility, so they could gear a study in that direction to put a cap on the number. Therefore, in the interim, he asked, "Do we want to remain with the current distance requirements, do further study, just be satisfied with the City's current distance requirements, or put a hold on them for a while and possibly not approve any more in a short term while the proper study is conducted."

After much discussion among the commission and Mr. Bird regarding the current standards in place, which seems disjointed when it comes to which establishments should be further away from a liquor store, the commission wanted to know what was the reason behind bringing this item under discussion.

Comr. Phillips explained that in his District it appears that liquor stores are growing steadily in the area, which is causing some concerns. While consumption of liquor is not a bad thing but the more liquor stores there are, the more possibilities that some crime will ensue. Therefore, he and his constituents would like to see a cap on the number of liquor stores within the City.

Mr. Bird indicated that this should be handled as a big picture item. Again, he asked if the commission would prefer staff to come back with finite numbers on how the City would do certain things and the numbers allowed. While they may not be able to go up on the numbers, if a cap is done, how that would be instituted. Therefore, staff would have to do a study, which will take some time and effort.



City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
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According to Comr. Hardin, the City does not have a problem with this. While he understands some people do not like liquor stores, nevertheless, but based on the presentation of the concentration of these stores, he does not see a “burning issue.”

Comr. Phillips indicated that based on complaints he has received from residents in his district there appears to be a problem, and he listed all the liquor stores that are in the neighborhoods. Therefore, he would support a study to determine if there is a viability of a cap.

Comr. Dockswell questioned whether it would be permissible to pass an ordinance that capped a number of liquor stores in a sub-section of the City as opposed to the City as a whole.

Mr. Linn replied that there may be some challenges there because the City would have to prove that there is a problem in that area only and not in other areas. Therefore, it should be applicable throughout the city.

In sum, Mayor Fisher noted that it appears that some members are saying it is okay as is, more competition would be better and a few is saying to perform a study to determine if a cap is available and under what parameters would one be utilized.

Mr. Bird indicated that staff could bring it back through the Planning and Zoning Board and get a recommendation, should staff come back with a positive finding. Because a cap is required and not necessarily changing the distance requirements, staff could accomplish the study within a three to a six month period. The cost would be staff’s time to do the study.

Mr. Bird explained that all the liquor stores identified on the map he presented to the commission are 3PS, which are all packaged stores. However, the ones that Comr. Phillips listed earlier are included except for one that is under construction. Also, one that is missing from the map is the Costco, which may have a different license criteria for their liquor store.



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Mr. Bird then addressed the second part of the item regarding restaurants bars. He said that the City's definition on restaurant bar, is a restaurant that has 3,000 square feet of customer service area and 200 seats. It has always been slightly more restrictive than the state's requirement. Under the state, prior to September 2014, there is a 4,000 square feet of service area, which has been enforced, as 4,000 square feet of floor area. Because of the City's ordinance, certain restaurants had to enclose their outdoor area to get to the 3,000 square feet of customer area, which has positive effects. Over time, some of these were known as "blue laws" which has changed. However, the State and Broward County has lowered it to 2,500 square feet of service area and 150 seats.

Subsequently, staff is recommending that the City lower its 3,000 to 2,500 square feet but keep the customer service area as is.

Mr. Bird stated that except in the AOD there are no distance requirements between regular bars and for a small portion over by Flagler. Therefore, staff is not recommending any changes to the districts requirements. To relax it the City does not have to prove anything, but it would have to prove itself if it is going to make it more restrictive. So, if staff must move in that direction, they will have to take it back to the Planning and Zoning Board and then bring it back before the commission. This could happen within one month.

Vice Mayor Burrie would go along with that and she realizes that the AOD and the DPOD are where these businesses can do all kinds of different things, but there are other businesses in town. She is unaware of any other districts, but she does not think there is a problem with restaurants that have bars added to them. The problem is really with the liquor stores, but the real problem is that people purchase the liquor and go outside to drink it on the streets. Therefore, she would agree to lower from 3,000 square feet to 2,500 square feet to give the others a chance and not just in the AOD.



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Comr. Hardin agrees to lower the size requirements as well. After discussion with Mr. Bird, in the AOD you can have a bar next to another bar, next to another bar and it does not matter whether they serve food or not.

Mr. Bird replied yes that is correct.

Comr. Hardin understands that outside the AOD you cannot have a restaurant with bar next to a restaurant with a bar.

Mr. Bird replied that is not exactly correct, and he explained how it works. In sum, service with food can be side by side anywhere in the City providing they meet the 2,500 square feet.

Mayor Fisher indicated that it was the consensus of the commission to reduce the amount to 2,500 square feet and directed staff to work on that component as well.

REPORTS

City Manager – No Report.

City Attorney – No Report.

Deputy City Clerk – No Report.

Internal Auditor – No Report.

Commissioner Barry J. Dockswell – No Report.

Commissioner Rex Hardin – Surplus Property - 1220 Northeast 9th Court – Comr. Hardin stated that there is a piece of property located at 1220 Northeast 9th Court that abut Northeast 10th Street, as well as against the Maintenance Shack, which the City had abandoned the road in that area because it was a dead-end street. However, one of the residents next to the property expected to put landscaping on the



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north side of the street, but in reality, the City owns half of the property and the resident owns the other half. Therefore, Comr. Hardin recommended that the commission direct staff to declare the City's portion surplus property to get it out for a bid.

Mayor Fisher directed City Attorney Linn to handle this matter.

Gordon B. Linn, City Attorney requested that the appropriate staff member meet with him regarding this matter.

Comr. Hardin indicated that Robin Bird, Development Services Director is aware of the property.

Update on the Burrie Civic Center – Comr. Hardin requested an update on the Barrie's Civic Center. He recalled that there was some discussion at the last Parks and Recreation Advisory meeting about this center and about the design moving forward on the limited site available on Federal Highway. He asked if any progress has been made as it relates to trying to do a swap with Pompano Ford, otherwise, the Center will not have access from the neighborhood and it would only be ingress/egress on Federal Highway. This was a concern for the members of the Parks and Recreation advisory board.

Dennis W. Beach, City Manager reported that the City has made some contacts and had several meetings with the property owners in an effort to work through the issues. Therefore, it is still underway, and the intentions are to make this happen at some point. Nevertheless, the City is proceeding with the design based on the property in hand, with the objective of making that connection to the residential neighborhood, when possible.

Comr. Hardin understands the City Commission wants this to happen, however, he is concerned that it has not happened yet, and it appears that the building will be constructed without any access. In sum, he is concerned that this is a bad design, and if access is not granted, and the City cannot find another place to buy to do a land swap, perhaps, the City will be stuck with a Civic Center on Federal Highway that has no access to the neighborhood. Therefore, he asked if staff has exhausted every other possibility.



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REPORTS – CONTINUED

Mr. Beach clarified that about two years ago the commission made the decision to move forward with this project, designing it on the subject property, due to the problems in acquiring additional property. There are no assurances that the City will get the additional property to build the connection to the residential area. The intent is there, but many negotiations are taking place, as well as consideration of the various options available.

Vice Mayor Burrie stated that there are variables that she has spoken with Assistant City Manager Greg Harrison about, which he is working on and it is a matter of ingress and egress through the neighborhood. Although people are not even allowed to drive through, they are speeding through the neighborhood. Therefore, all the City need is right-of-way from Northeast 16th to get in. The property is large enough for the building and a parking lot.

Commissioner Barry Moss – McNair Park Plans for Improvement

- Comr. Moss reported that he continues to be educated, as last week he spent a couple hours with Mark Beaudreau, at the Parks and Recreation department and he was particularly interested in knowing about the McNair Park. In fact, in the Parks and Recreation Capital Improvement budget, the McNair Park is due for a renovation and expansion in 2016, which is very badly needed by that community. He understands some negotiations have to be done with the School Board and the acquisition of more land, so he will be working hard to make sure it happens.

Flag Pole Eagles – Comr. Moss asked if there is any symbolic reason why the eagles on the flag poles have their backs to the audience, and suggested that they be turned around.

Commissioner Edward Phillips – Commended New Game Group -

Comr. Phillips recognized a group of African American young men, named the “New Game” who has responded to negative connotations in the community. These men have determined how best they can help to provide positive images in the community. Therefore, he wanted to commend them for doing a good thing.

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REPORTS – CONTINUED

Greyhound Bus Terminal – Comr. Phillips asked if the commission could look at the feasibility or possibility of having some type of partnership with the Greyhound Bus company to use the City’s current bus terminal as a pick-up point. Currently, most people in Pompano Beach have to go to Fort Lauderdale, if they want to catch the Greyhound bus.

Mayor Fisher indicated that the bus terminal is a County facility and that perhaps City Manager Beach could explore the opportunity to have the County make an offer toward that end.

Increase of Contingency Fund – Comr. Phillips requested that staff look at the feasibility or possibility of increasing the current Contingency Fund.

Mayor Fisher indicated that the commission could always find alternative ways to get funds if necessary.

“Real Talk” with Law Enforcement Officials – Comr. Phillips announced that there will be an event taking place on February 14, 2015, at AME Bethel Church, 405 Northwest 3rd Avenue, Pompano Beach, FL, where Broward Sheriff, Scott Israel and Public Defender, Michael Sachs, will be discussing under their “Real Talk” forum, the effects of the widespread drug Flakka. He said he will be attending, and invited everyone to attend. Currently, there is very heated discussion in the neighborhood about this drug and the residents are very concerned of the effects it will have on the community. This is a law enforcement issue, so people can openly discuss the issue and be educated.

Vice Mayor Charlotte J. Burrie – No Report.

Mayor Lamar P. Fisher – Unity in the Community Event – Mayor Fisher thanked Carol Mann and her committee, as well as City staff, for their efforts with the Unity in the Community event, which was a great event. In fact, it was bigger and better than previous years. He also thanked everyone for their participation, to include the vendors.



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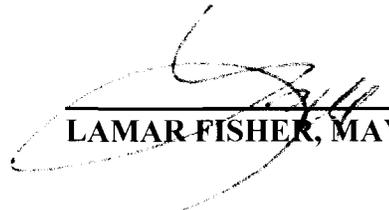
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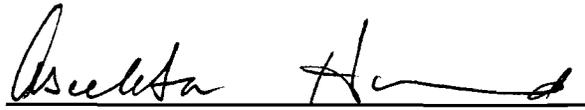
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ADJOURNMENT

There being no further business, the meeting adjourned at 9:33 P.M.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, ACTING CITY CLERK