



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2015-23

Date: June 23, 2015

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# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

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Date: June 23, 2015

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# **CITY OF POMPANO BEACH, FLORIDA**

## **REGULAR CITY COMMISSION MINUTES**

Agenda No. 2015-22

Date: June 23, 2015

Commission Meeting Room

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

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**ROLL CALL:**

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

**Present:**

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

and

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

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

**INVOCATION BY:**

*Minister Henry McCleod*  
*Mt. Zion Missionary Baptist Church*

**PLEDGE OF ALLEGIANCE LED BY:** *Asceletha Hammond, City Clerk*



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>JUNE 23, 2015</b>				
<b>PAGE 1</b>				
<b><u>APPROVAL OF MINUTES</u></b>				
<b>MOTION:</b> To approve the Regular City Commission Meeting Minutes of June 9, 2015, as submitted.				
<b><u>VOICE VOTE</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
 There were no revisions to the minutes.				
<b><u>APPROVAL OF THE AGENDA</u></b>				
<b>MOTION:</b> To approve the City Commission Meeting Agenda of June 23, 2015, as submitted.				
<b><u>VOICE VOTE</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
<b><u>CONSENT AGENDA DISCUSSION</u></b>				
Mayor Fisher stated the City Commission would pull Consent Agenda Items 4 and 10 for discussion. Therefore, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.				
<b><u>SPECIAL RECOGNITION</u></b>				
Mayor Fisher recognized Commissioner Rex Hardin who will celebrate his birthday on June 25, 2015, and Commissioner Barry Moss who will celebrate his birthday on June 29, 2015. Both commissioners were wished Happy Birthday.				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES                      JUNE 23, 2015**

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**SPECIAL PRESENTATION**

**2015 Blanche Ely Scholarship Winners – Two-Year Scholarships**

Mayor Lamar Fisher and Miriam Carrillo, Office of Housing & Urban Improvement Director, as well as Mark Korman, Program Compliance Manager, presented Two-Year Scholarships and Gold Level Cash Awards to the following students:

Kendianna Lavaud    Florida Agricultural & Mechanical  
Blanche Ely High School    (FAMU)

Shandrica Boyd    Valencia College  
Blanche Ely High School

Za'Sheria Favors    Florida Agricultural & Mechanical  
Blanche Ely High School    (FAMU)

***\$1,800 GOLD LEVEL CASH AWARDS***

Sherwanteline Nicolas    Valencia College  
Blanche Ely High School

Tatiana Smith    Florida State University  
Pompano Beach High School

**AUDIENCE TO BE HEARD**

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

Names of Commrs.	M	S	Y	V

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Consent Agenda Items 8 and 9** – Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL 33064, stated that the resolutions for Consent Items 8 and 9 are asking for an approximate total of \$250,000, payable to Shiff Construction and Development, Inc. In addition, he understands that these are for an extension of prior years’ contracts, but in the backup there is no rating, no notice of solicitation or no competitive bidding for any of the work from any other contractors. He questioned if the Commission is doing the right thing to award almost a quarter of a million dollars contract construction work without solicitation or asking for a competitive bid. Therefore, he requested that the commission direct staff to have all bids in excess of a few thousand dollars should be put out for bid so that the taxpayers can get the best job for the least amount of money.

Comr. Hardin pointed out that Shiff Construction and Development, Inc. were part of an extensive competitive bid process.

**Waste Management Pick Up** – Paul Livingway, 812 N. Ocean Boulevard, Pompano Beach, FL 33062, stated that during the season they require two waste pick-ups per week. However, during the offseason, they only require one. Although Waste Management is an excellent company, they have informed him that he could not get one pickup per week. They have indicated to him that the City requires two pickups for the week.

Finally, Mr. Livingway indicated that during the wintertime, there are two pickups and during the summertime, they have always had one pick up, but most recently, the residents were told they must have two pickups. Therefore, it equates to paying for four pickups per month which they have no use for two of those pickups. Consequently, he appealed to the commission to see if they need to have two versus one pickup per week, which does not benefit the residents and urged the Commission to give this matter some consideration.

Mayor Fisher directed City Manager Beach to meet with Mr. Livingway, along with Public Works Director McCaughan to work out this issue.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Shiff Construction and Development, Inc.** – Vicente Thrower, 1890 Northwest 6<sup>th</sup> Avenue, Pompano Beach, FL, indicated that since the last discussion with the Commission regarding Shiff Construction utilizing local participants, they have worked diligently to ensure local participants are involved in the construction process. Therefore, staff’s recommendation to use Shiff Construction is on point.

**Flakka (Drug) Issue** – Mr. Thrower reported that last weekend they had a huge prayer walk to address the issue of the drug, Flakka. He said the group in charge of the walk appreciates the City’s support. Nevertheless, a serious debate needs to take place among the City Commission regarding the Flakka issue, as this is a very serious condition in the northwest neighborhood. While he appreciates the efforts of the Broward Sheriff’s Office (BSO), other options should be pursued and more must be done to eradicate this problem from the neighborhood.

Mayor Fisher agreed that Flakka is a major concern for the City as well as other cities and the commission is making efforts to stay on top of it. He mentioned that two months ago BSO put on a seminar at the E. Pat Larkins Center, which was very informative. He is aware that the BSO is working diligently against this drug, which is running rampant in Broward County.

**Inspector General (IG) Report** – Mr. Thrower inquired about the status on the City’s Inspector General report.

Mayor Fisher indicated that the City Manager and his staff made a response to the IG report, which is currently under review. Nevertheless, Mr. Thrower could obtain a copy of that report upon request.

**Green Children’s House** – Dominique Louis, CEO and Co-Founder of Green Children’s House, 400 Northeast 2<sup>nd</sup> Street, Pompano Beach, FL, stated that the Green Children’s House School is located at 307 Northeast 1<sup>st</sup> Street, Pompano Beach, FL 33060.

Mr. Louis stated that on January 2008, he found out that there was a need for better education in the City of Pompano Beach. Since then, he and his wife started an endeavor to meet that need by creating better educational qualities starting with pre-schools.



Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Green Children’s House** – Nathan Klutznick, 210 Southeast 3<sup>rd</sup> Avenue, Pompano Beach, FL 33060, stated that he has a three and half year old daughter that attends this school. He indicated that not only is it a good school, but the economic impact it will have on the community is of concern to him. Therefore, he hopes that by allowing this school to operate and offer another school option in Pompano Beach will attract young professional families with children to remain in the City of Pompano Beach.

**CONSENT ITEMS**

**RES. NO. 2015-334                      TIME 00:27:11                      ITEM 1**

A RESOLUTION OF THE CITY OF POMPANO BEACH AMENDING POMPANO BEACH RESOLUTION NO. 98-141 BY AMENDING SECTION 4 TO PROVIDE FOR AN ADDITIONAL ALTERNATE MEMBER OF THE CULTURAL ARTS COMMITTEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2015-335                      TIME 00:27:11                      ITEM 2**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **NANCY GRANT** TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS FOR A TERM OF OFFICE TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

**TIME 00:27:11                      ITEM 3**

Approval of a request by Mary C. Mickler, Elizabeth Johnson and Novice M. Balays to transfer ownership of various plots located in the Municipal Cemetery’s South Lawn to others. (No fiscal impact)

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

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**CONSENT ITEMS – CONTINUED**

**RES. NO. 2015-336**

**TIME 00:27:29**

**ITEM 4**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 6 IN THE AMOUNT OF \$79,500 PURSUANT TO THE CONTRACT FOR CONSULTING/ PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WALTERS ZACKRIA ASSOCIATES, PLLC, FOR DESIGN SERVICES RELATED TO CONSTRUCTION OF A NEW CONCESSION/RESTROOM BUILDING AT KESTER PARK; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2015-336 on reading.

Comr. Phillips indicated that he pulled the item to be supportive, as well as to ask for the status on a similar approval of the Mitchell Moore and McNair Parks. In addition, there were queries in terms of the commission desiring to see the design work, and not just the cost.

Robert A. McCaughan, Public Works Director, stated that for this particular project there is a conceptual design of the elevations and floor plans layout, which staff can share with the commission.

Further, Mr. McCaughan stated that with regard to Mitchell Moore and McNair facilities, they are on two different tracks. First, staff must do a design for the Mitchell Moore facility versus McNair where there will be a design construction by a job order contract. The scope is to renovate that facility versus Mitchell Moore.

Names of Comms.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**CONSENT ITEMS – CONTINUED**

Additionally, Mr. McCaughan indicated that at a previous commission meeting they had awarded the contract to one of the designers; however, he will provide an update for the commission. He confirmed that there would be community input.

Comr. Hardin stated that he supports this project. He is also aware of the conceptual designs, but asked if those designs have gone before the Architectural Appearance Committee (AAC) in any form or fashion.

Mr. McCaughan replied no and explained how the process works.

Comr. Hardin noted that the estimated completion of the project is 1.75 years. This includes, “Site plan review scheduled for twelve weeks, site civil engineering permit submittal for eight weeks, building permit submittal for eight weeks,” but while he is aware that those are all functions that need to happen, often times projects similar to this one work their way through the system. The design gets to the Parks and Recreation Board or whatever Board and they approve it and then when it goes to the AAC it is completely changed. Therefore, he questioned whether there is some way administration or staff could improve the system by getting the Boards involved with the designers earlier in the process to save some steps later on in the process.

Finally, Comr. Hardin stated that such a small project ought not to take such a long time to be completed. Therefore, perhaps staff could review the process to see if the timelines could be reduced.

Mr. McCaughan concurred with Comr. Hardin that they could improve on the timelines. Therefore, he committed to review the process to determine reduction in the timelines, which ultimately will reduce the cost.

Comr. Phillips also concurred with Comr. Hardin’s comments.





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

**CITY COMMISSION MEETING MINUTES                      JUNE 23, 2015**

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**CONSENT ITEMS – CONTINUED**

**MOTION:** To strike the item from the agenda.

Comr. Moss stated that he had some questions regarding the numbers provided in the Plan, which some were quite surprising to him. Thereafter, he requested clarification on the following information in the Plan. On Page 6 it states, “The City of Pompano Beach’s total homeless population consists of 4,067 individuals...;” therefore, he asked if this is an accurate number.

Mark Korman, Program Compliance Manager, Office of Housing and Urban Improvement (OHUI), introduced Mike Langton, the consultant, who prepared the Plan for the City, and who will be assisting with providing the answers to the commission’s questions.

Mike Langton, Langton and Associates, 4830 Atlantic Boulevard, Jacksonville, FL 32207, answered that they received information from the County’s annual count of the number of homeless people in the City. Therefore, to the best of his knowledge, the number is correct. He indicated that he did not have plenty of hard data on homeless for the City. Consequently, most of the data did not get broken down at the micro level of the City, but is obtained from the County.

Comr. Moss stated that on Page 13 it states, “According to the latest data available, provided by the 2005-2007 ACS PUMS Data, there are approximately 143,631 persons with disabilities in the City of Pompano Beach;” however, there are less than 143,000 people residing in Pompano Beach, so clearly this is an error.

Names of Commrs.	M	S	Y	N

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**CONSENT ITEMS – CONTINUED**

Mr. Langton replied yes that is an error. He explained that the document under discussion is a “living, breathing work in progress. In fact, the document provided today was published on the ninth that is two weeks ago. We have made tremendous amount of improvements to it.” Notwithstanding, he is happy that so many members of the commission have read the document. Although it is a threshold requirement by the Housing and Urban Development (HUD), it is an important document, which will allow the city to continue to receive CDBG funds of approximately \$900,000 and in HOME funds of \$300,000 approximately.

Moreover, Mr. Langton indicated that a pre-populated process by HUD drives most of the data. In addition, it is a new system on the website and he fully admits that there are some errors in the document, but they are continuing to improve on it.

Furthermore, the deadline to submit the plan is August 15, 2015, and the availability of the document is required to be published in the newspaper, as well as it will be available in the library, on the City’s website and other public places. Thereafter, the public will have thirty (30) days to submit comments. Upon receipt of those comments, they have to incorporate their comments in the document or provide an explanation as to why a particular issue or comment was not understandable prior to going to HUD. Therefore, the commission must review it tonight so it can continue on the timeline.

Mr. Langton concluded that he would be able to provide an amended version of the plan at some point of the evolution of the document. Nevertheless, approximately 99% of the information within the document is accurate and substantively, as well as it will not change between now and August 15, 2015.

Mayor Fisher indicated that it is obvious that the errors pointed out by Comr. Moss earlier will be amended. However, he noted that if Mr. Langton prepared the document, then he should have done a better job of proofing it.

Mr. Langton explained that due to the tight deadline to get the document before the Commission by June 9, 2015, he may have not proofed it properly and took full responsibility for it.



# City of Pompano Beach, Florida

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**CONSENT ITEMS – CONTINUED**

Comr. Moss continued as follows:

On Page 34 it states, “There is an estimated 738 families with children currently homeless in the City of Pompano Beach,” which is an astounding number?

On Page 45 the table states, “All residential properties by number of units, 30,000 out of 57,000 residents live in multi-family environment.” This would equate to approximately 60% of the City’s people are living in a multi-family building, which he finds that number to be surprising.

Mr. Langton reiterated that the source of the information came from HUD and the Census Bureau.

Comr. Moss concluded that the numbers in the Plan tells a story about the City of Pompano Beach and when they are not accurate then the story becomes inaccurate. Therefore, it is important to see a finished document with the corrected information.

Mr. Langton agreed that the only inaccurate number he presented was the 143,631 disabilities in the City. Nevertheless, the numbers for the report is constantly changing as they are being provided by HUD.

Comr. Phillips indicated that he pulled the item for discussion, as this is a very important document. It lays the groundwork for arguments he may need to use in the future. Therefore, he is concerned that the information provided in the document has some inaccuracies.

For example, on Page 14 it states, “The most common housing problems affecting the City of Pompano Beach households are substandard housing (lack of complete plumbing, kitchen facilities), overcrowding and cost burdens. According to the data in the Housing Needs Summary Table presented in the backup, there are an estimated 425 substandard households.” He finds this number concerning; on the other hand, the OHUI department in various capacities and programs handles approximately \$25 million annually.



# City of Pompano Beach, Florida

Names of Comms.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 14</b></p> <p><b><u>CONSENT ITEMS – CONTINUED</u></b></p> <p>Additionally, Comr. Phillips indicated that he had some discussion with the department on Neighborhood Stabilization Funds, and these kinds of documents should substantiate the need for more opportunities to have repairs in his neighborhoods. So, based on the numbers currently presented he has some concerns. In fact, in some places the numbers utilized date back from 2005 to 2009. Therefore, he is unhappy to see those years being used in the document, because quite a lot of things have happened in the City since 2010.</p> <p>Comr. Phillips asked how long the consultant received the request to produce this plan.</p> <p>Mr. Langton replied approximately sixty (60) days ago, which is not a long time to put a document of this magnitude together.</p> <p>Comr. Phillips indicated that he is hesitant to approve the document as is, because after reviewing the numbers, they do not match up to the real numbers that the commission knows about. Therefore, he suggested that in the future, when compiling information of this nature, a three (3) to six (6) months period be dedicated to compile the data accurately.</p> <p>Finally, he inquired if the commission is obligated to approve the document as is tonight.</p> <p>Mayor Fisher opined that due to the timelines, perhaps the commission will need to approve as required by law to receive the funding.</p> <p>Mr. Langton commended the Commission for spending time to review the document in depth. However, he explained they are using a new system, which HUD has used for the first time and explained in detail some of the challenges they, as well as cities statewide, have been experiencing in producing accurate information.</p>				

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**CITY COMMISSION MEETING MINUTES**

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**CONSENT ITEMS – CONTINUED**

Comr. Dockswell stated that it appears not many people had read the document prior to it being presented to the commission. Although each commission member could go through the document with Mr. Langton and staff as required, he opined that the document has several inaccurate or misleading data and cited information that states, "...white people have a greater cost burden or disproportionately greater need in the City as opposed to minorities."

Furthermore, it also states, "It is not known if there are concentrations of minorities in any particular parts of town," which is absurd. Notwithstanding, he noted that he could continue to provide several examples of inaccuracies; however, the commission is being placed in a precarious position to pass an item tonight, which is incomplete, inaccurate and misleading, in order not to get off schedule to preserve the City's HUD funding.

Comr. Dockswell concluded there is a fundamental problem that needs to be addressed seriously and urgently.

Mayor Fisher indicated that first, Mr. Langton should realize that staff would need more time to prepare such an important document. Second, staff should note that they need a consultant that would check his own work to ensure accuracies; instead of waiting to appear before the commission to indicate, he would have to change information in the document, which does not "sit well with the commission."

Comr. Hardin asked since the document will change after tonight, would it mean that the document the commission approves tonight would not be the one ultimately published.

Mr. Langton replied, "Yes sir."

Comr. Dockswell indicated that the document requested to be approved tonight should be the one that is published.

Names of Comms.	M	S	Y	N

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**CONSENT ITEMS – CONTINUED**

Comr. Hardin asked for a clarification on Mr. Langton’s comments made earlier stating, “the document is still a living, breathing document,” because the proposed resolution requires the commission’s approval of the current presentation.

Miriam Carrillo, OHUI Director, agreed to strike the item and request an extension of time to bring back an accurate document for approval.

Comr. Dockswell asked if it would mean putting the City’s HUD funding in jeopardy.

Ms. Carrillo replied that she is 100% confident that she can apply for an extension without jeopardizing the City’s funding.

**TIME 00:27:11**

**ITEM 11**

Approval of the FY 2015-2016 Annual Action Plan in the amount of \$908,600 of CDBG Funds and \$284,923 of HOME Funds for a total of \$1,193,523.

**RES. NO. 2015-342**

**TIME 00:27:11**

**ITEM 12**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY’S 2015 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE ANALYSIS; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2015-343**

**TIME 00:27:11**

**ITEM 13**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE AMENDED LOCAL HOUSING ASSISTANCE PLAN PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE



# City of Pompano Beach, Florida

Names of Commrs.	M	S	V Y	V N
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>JUNE 23, 2015</b>				
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<b><u>CONSENT ITEMS – CONTINUED</u></b>				
<p>CODE: AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ANY NECESSARY CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE AMENDED LOCAL HOUSING ASSISTANCE PLAN FOR REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING AN EFFECTIVE DATE.</p> <p><b>MOTION:</b> To approve Items 1-3, 5-9 and 11-13.</p> <p>There was no discussion on Consent Items 1-3, 5-9 and 11-13.</p>				
<b><u>ROLL CALL</u></b>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
<b><u>REGULAR ITEMS</u></b>				
<b>P.H. 2015-80; ORD. NO. 2015-... TIME 00:51:29 ITEM 14</b>				
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED WEST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 336 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1333 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-1 (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR CONFORMANCE TO AN ADOPTED PLANNED DEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>The Ordinance was read by title only.</p>				

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<b>CITY COMMISSION MEETING MINUTES</b>				
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<b><u>REGULAR ITEMS – CONTINUED</u></b>				
<b>MOTION:</b> To amend the Ordinance upon first reading.				
<b><u>ROLL CALL</u></b>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
Gordon B. Linn, City Attorney, advised this item is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.				
Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.				
Mayor Fisher declared that he had ex-parte communications with the applicant in considering the lowering of square footage on the west side, which is listed in this item, along with whether the access on the east side should be public or private.				
Comr. Dockswell made a similar disclosure of ex-parte communications and indicated that he had numerous conversations with the developer, the attorney and lobbyist, as well as the residents of the Claridge and Renaissance Condominiums. The subjects were looking for ways that the neighbors could feel good about what the project is designed to be and the property owner to feel good about it being a profitable endeavor.				
Vice Mayor Burrie made a similar disclosure of having ex-parte communications.				
Comr. Phillips disclosed that he had ex-parte communications primarily regarding the concerns of the residents.				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

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**REGULAR ITEMS – CONTINUED**

Comr. Hardin disclosed that he had ex-parte communications about the project and has received numerous emails from residents in the community, which have been submitted for the records.

Comr. Moss disclosed that he also had ex-parte communications.

Robin M. Bird, Development Services Director, stated that this property has been known as 1333 South Ocean, which is approximately 4.1 acres in size. The rezoning has been approved by the Planning & Zoning Board by a vote of 6-1 with conditions. All the conditions of approval have been addressed to date. The Unified Control Agreement was submitted for staff's review to be approved by the City Commission via a Resolution.

Additionally, the City Commission, at its October 14, 2014 meeting, approved the Land Use designation of the west parcel from Commercial (C) to a High Residential 25-46 dwelling units/acre (H). This submission is very substantial in compliance with the prior proposal, because staff was requiring retaining it as commercial. However, they decided to keep a portion and chose a mixed-use environment, which resulted in a PD-I (Planned Development – Infill).

Mr. Bird then provided the detail of the intent for the Planned Development. He indicated that one of the advantages of the PD-I, is that it would eliminate the uncertainty with the general zoning request with the applicant, which generally indicates where things will go and is proposed.

Moreover, included in the proposed ordinance is an Exhibit B labeled Regulating Plans and Permitted Use Tables, proposed uses such as multi-family 46 units per acre sets a max of 211 units, offices, personal services, specialty eating or drinking establishments, marina docking facilities and other retail establishments. Surrounding zoning and uses are, time-share resorts to the north zoned as General Business (B-3), High-Rise (H-R) condominiums is also zoned B-3, which is to the east. Then, there is the single-family residential across the canal to the west, which is zoned RS-2, and High-Rise condominiums to the south and east also zoned at RM-45 H-R.

Names of Commrs.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 20</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Robert Lochrie, Esq., Lochrie &amp; Chakas, P.A., 1401 East Broward Boulevard, Suite 303, Ft. Lauderdale, FL, 33301, on behalf of the applicant W.H. Pompano, indicated that Dev Motwani, as well as members of the team are in attendance.</p> <p>Additionally, Mr. Lochrie noted that this is a rezoning from the City’s current General Business (B-3) zoning district to the Planned Development In-Fill (PD-I) zoning district, which applies to the property. It accompanies a Land Use Planned Amendment, which the commission approved last October on first reading to change the underlying land use from commercial to residential.</p> <p>Notwithstanding, the PD-I provides its own levels of restrictions and design criteria that anyone developing this property would have to meet. The new regulations go with the zoning of the property. In fact, a number of those exceeds the current city’s zoning code requirements, the B-3 which goes beyond what would be permitted under a traditional residential zoning category such as open space, landscaping, as well as the distance between the separations which far exceeds what the RM-45 zoning district would do. In addition to the 211 residential units that can be developed on the site, the project is being developed as a mixed use component.</p> <p>The neighbors had several complaints, which the developer attempted to address accordingly. One of the primary concerns was the possibility of doing a hotel use. Hotel use is permitted under residential land use and under a traditional residential zoning district. However, they have eliminated that from the list of permitted uses so hotel use is not permitted on the site.</p> <p>Further, they are retaining general commercial uses; however, in discussions with the surrounding neighborhoods and the condominium associations they have attached and added supplemental regulations, which will restrict those uses to a very small number and further restrict the size of any of those uses. Specifically, the current proposal, which restricts any one single use to 5,000 square feet and any multitude of uses meaning two uses within a building to 10,000 square feet and the overall site to 20,000 square feet.</p>				

Names of Commrs.	M	S	Y	V N

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**REGULAR ITEMS – CONTINUED**

Mr. Lochrie stated that they would not object to any further reduction of the commercial use that the City would consider as appropriate and will support it as long as they can retain some commercial activity in each of the two buildings to maintain the mixed-use status, which is required for the PD-I.

Sonja Yefsky, 1360 South Ocean Boulevard, Apt. 1605, Pompano Beach, FL 33062, Renaissance I Condominium, requested that the Commission consider decreasing the commercial space to no more than 5,000 square feet for the development at 1333 South Ocean Boulevard. She then provided her reasons for the request. Notwithstanding, she thanked Mr. Motwani for working with the neighboring community, but urged the commission to consider decreasing the square footage.

Jeffery Rembaum, Esq., Kaye Bender Rembaum, representing Claridge of Condominium Association, 1340 South Ocean Boulevard, Pompano Beach, FL, stated that the piece of property being discussed is surrounded by residential properties, yet, it was zoned commercial. Nevertheless, the Developer and Claridge have worked hard to reach an understanding with a give and take on both sides, and an agreement reached between both parties. This was with the understanding that the west side property does not exceed 5,000 square feet per building, and 10,000 square feet for the total aggregate for the west side.

Additionally, Mr. Rembaum provided a copy of Cecelia Ward's resume for the record and requested, since she has several years working as a Planner and she can provide more detail for the planning justifications, that the commission allow her to speak after he has concluded his comments.

Mayor Fisher pointed out that Ms. Ward also served on the City of Pompano Beach Planning and Zoning Board for many years.

Cecelia Ward, AICP, President, JC Consulting Inc., 18081 Southeast Country Club Drive, Tequesta, FL 33469, spoke on behalf of the Claridge of Pompano Condominium Association as their planning expert. She indicated that from a planning standpoint she reviewed the City's code and Comprehensive Plan, as well as the application to provide the planning justification for the reduction in square footage.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 22</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Subsequently, she reviewed the general specification regarding plan developments, listed in Section 155.3602 of the City’s zoning code. It specifically states that first and foremost in Subsection (B) consistency with the comprehensive plan is required. The City’s comprehensive plan provides a policy, 1311 that states, “The City is to consider the compatibility of adjacent land uses and all land use plans, amendments and rezonings.”</p> <p>Additionally, Ms. Ward indicated that as mentioned earlier, even though the land use applied to the surrounding property was commercial, the zoning applied to the property for forty years have been multi-family residential buildings. Subsection (C) of that code section also requires compatibility with the surrounding area. According to the City’s code, compatibility is achieved by providing either for a transition area on the edge of the planned development proposed at that site or by providing a complementary character of uses at a scale and intensity that is compatible with the surrounding areas.</p> <p>Ms. Ward stated that first and foremost the general provisions under the Planned Development Regulations require compatibility when looking at both uses as well as scale and intensity. In addition, with the planned development districts specific, the PD-I, Section 155.3607 of the code states that the intent of the district is to allow for flexibility; however, the design, which is for both uses and standards demonstrates that the in-fill development is compatible with the existing surrounding development.</p> <p>Ms. Ward reiterated that the PD-I is very specific of being consistent with the compatibility of the surrounding development. Therefore, in her professional opinion based on the reviewing of the application, reviewing the comprehensive plan and the codes, the amount of commercial that has been proposed may produce a commercial that is much larger in scale and intensity that could be deemed compatible with the neighborhood. Therefore, they have requested a reduction in the amount of 5,000 square feet per building not to exceed 10,000 square feet total on the site. This would ensure that the intensity of the type of commercial that could occur on the west site would be appropriate to the neighborhood type of commercial uses.</p>				

Names of Comms.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 23</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Finally, Ms. Ward indicated that to comport with the City’s definition of mixed-use as stated in Article 9 of the Code, which does not require a total amount, does not require a maximum or minimum, it basically states, “when you have one or more uses”; therefore, they will be in compliance with that as well.</p> <p>John Bracale, President, Board of Directors, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, Pompano Beach, FL, stated that some of the previous speakers have made a convincing argument to reduce the commercial size of the property being planned for the west side of A1A. There is no minimum requirement, therefore, he would argue that they had very good discussions with the developer, who supports their request to the commission to limit the size of the commercial area as much as possible. Perhaps, to a total of 5,000 square feet for the entire property, which was consistent with what the developer agreed to on the east side? In addition, it was agreed upon to split the building on the east side into two small parcels, one on the beach and the other on A1A, which is Item 15 on the agenda.</p> <p>Craig Finnefrock, 1360 South Ocean Boulevard, #1105, Renaissance 1, Pompano Beach, FL, recalled that the last time this matter was discussed, they were to have all the neighbors come together in agreement. Therefore, he agrees with limiting the site to 5,000 square feet on both sides. The mixed use should be at the very minimum because of the problem with noise and vehicle traffic. While they appreciate everything being done, they would like to maintain the residential character on this project of the neighborhood.</p> <p>Mayor Fisher reiterated that the PD-I zoning requires a small portion to be mixed use.</p> <p>Gloria Severeign, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, #2005, Pompano Beach, FL 33062, stated that a real estate agent sent an ad to all the residents in her building, which she read in its entirety. She indicated that it was nice to take with Mr. Motwani.</p> <p>In sum, Ms. Severeign agreed that the commission should agree to limit this project to 5,000 square feet.</p>				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 24</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>John Tavalin, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, #1905, Pompano Beach, FL 33062, has similar concerns that prior speakers spoke about. However, his concern is primarily congestion caused by traffic, which commercial space will generate. If that commercial space could be reduced to the minimum, it would be greatly appreciated.</p> <p>Ralph Hernandez, Treasurer of Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, Pompano Beach, FL, stated that they have discussed with the developer what would be the ideal solution to address both sides concerns. The city will be building a very competitive facility less than one mile away. This in itself would be adding tremendous traffic to the area.</p> <p>In sum, Mr. Hernandez indicated that the residents are requesting that the city look at this situation in a subjective manner for the commission to allow a far less commercial space to be used. It would make sense in terms of the City’s future goals for development and to protect the traffic it will bring to the area, as well to leave the road clear for the Emergency vehicle that will travel on that road.</p> <p>Sherry Johnson, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, #2706, Pompano Beach, FL, stated that she moved into the neighborhood a few years ago with an investment plan and decided on this area because of the views, buildings and the people. Currently, she is disappointed that there are huge buildings being built next door to her property, which will cause increased traffic. While she appreciates they will not build a hotel, the property investment and the value is not going to be the same.</p> <p>Ms. Johnson urged the commission to think about their views, their value and investment and limit the space to a maximum of 5,000 square feet as well as consider the traffic that will be travelling on A1A.</p> <p>Margarita Bracale, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, #904, Pompano Beach, FL, does not understand why the city would allow commercial in the middle of a residential neighborhood. Therefore, the commercial property should be limited to 5,000 square feet.</p>				



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**REGULAR ITEMS – CONTINUED**

Mayor Fisher thanked everyone for coming out to speak on this item.

Gordon B. Linn, City Attorney stated that this is a quasi-judicial matter; therefore, the first duty on the commission is to determine whether or not the zoning application is in agreement with the Comprehensive Plan and the Zoning Ordinance. It is not the duty of the commission to determine how the zoning application should be amended to make it meet those qualities. So, however the applicant wishes to make the rezoning request that is how the City Commission has to determine it.

Mayor Fisher questioned whether the commission can make any amendments to this particular ordinance.

Mr. Linn replied only if the applicant agrees that he wants to change the request.

Mayor Fisher clarified that this is a quasi-judicial item and that this body cannot amend it but the applicant would have to make that amendment.

Comr. Dockswell congratulated the residents and the Board at Claridge, and the residents and the Board at Renaissance I of Pompano Beach, for being engaged with the Developer. They have gone from a 600 room hotel to many more residential, and 175 room hotel and 50,000 square feet of commercial and currently they are down to a much more appropriate scale. Therefore, considering where we are currently in regards to looking at the last 5,000 square feet give or take it is a testimony to the efforts of everyone.

Also, Comr. Dockswell congratulated the developer. He did bend over backwards to do whatever he could do to make sense financially for him, but on the other hand have tried to accommodate the residents as well. Therefore, the path for the commission is to declare that they would support and appreciate an amendment by the developer. Therefore, he would request that the amount decrease from 20,000 square feet on the west side to 10,000 square feet. While he understands the Renaissance I desiring to get it to 5,000 square feet, he does not see a good comparison between the east side and the west side. Therefore, he believes 5,000 square feet per building is perhaps a better way to look at it and there are two buildings on the west side and just one building on the east side.

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<b>CITY COMMISSION MEETING MINUTES</b>				
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<b><u>REGULAR ITEMS – CONTINUED</u></b>				
Mayor Fisher asked how much square feet in retail will there be on the east side. He understands it will be 5,000 square feet with 92 units. Therefore, there will be a much greater density on the west side. Subsequently, Comr. Dockswell suggested that it should be 10,000 versus 5,000 square feet.				
Comr. Moss indicated that he being the Vice President of a 382 unit condominium, he wanted to congratulate the two condominiums and the developer for coming together on this and wished his side of town had developers such as Mr. Motwani.				
Comr. Phillips commended the residents for standing up for themselves, and it even works better when there is a developer who is willing to listen.				
Mayor Fisher asked if the applicant wished to make any amendments to the ordinance.				
Mr. Lochrie, on behalf of the applicant, requested to amend their applications, currently pending, to reduce the amount of commercial retail activity on the west side to 10,000 square feet, and no more than 5,000 being a single building.				
<b>MOTION:</b> To amend the applications as per the applicant's request.				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	
<b>P.H. 2015-81; ORD. NO. 2015-...</b>				
<b>TIME 01:33:31</b>				
<b>ITEM 15</b>				
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING A PARCEL OF PROPERTY LOCATED BOTH EAST OF SOUTH OCEAN BOULEVARD AND APPROXIMATELY 436 FEET SOUTH OF SE 13TH STREET AND COMMONLY KNOWN AS 1350 SOUTH OCEAN BOULEVARD FROM B-3 (GENERAL BUSINESS) TO PD-I				





# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 28</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Additionally, Mr. Bird indicated that the City Commission approved the land use designation at the October 14, 2014 meeting for the west parcel from Commercial (C) to High Residential (H) and for the east parcel from Commercial (C) to High Residential 25 to 46 units per acre (H). The intent of the Planned Development is to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development to advance City goals and planning objectives. This development includes preservation of view corridors, increase setback for the tower, providing access to the beach, allowing limited mixed uses of 5,000 square feet, exceeding minimum landscaping requirements by 50%, and encouraging a variety of transportation alternatives.</p> <p>In addition, a PD-I zoning designation provides for an avenue for developers to request flex building in compliance with zoning codes to allow for more innovative designs, a limited number of commercial uses, and increase building height, which is currently at a maximum of 273 feet.</p> <p>Moreover, one advantage of the planning development is that it virtually eliminates the uncertainty with the general rezoning requests where the applicant generally shows what is proposed. In Exhibit B of the ordinance labeled Regulation Plans and Permitted Use Table proposed uses such as multi-family 46 units per acre at a maximum of 92 units, retail and restaurant. To the north it is zoned B-3 but it is a high-rise condominium. To the south, it is RM-45 HR, which is also high rise condominium to the east, is the Atlantic Ocean and to the west is A1A and associated high rise condominiums.</p> <p>All the commission declared having ex-parte communication regarding this item.</p> <p>Robert Lochrie, Esq., Lochrie &amp; Chakas, P.A., 1401 East Broward Boulevard, Suite 303, Ft. Lauderdale, FL, 33301, on behalf of the applicant W.H. Pompano, indicated that similar to the request from the previous item before the commission, this is a rezoning from the City’s B-3 (General Business) to PD-I (Planned Development In-fill). It is also a Land Use Planned Amendment that is going through the process at the same time to change the underlying Land Use Designation from C (Commercial) to H (High Residential 25-46 dwelling units/acre).</p>				

Names of Comms.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 29</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Moreover, the PD-I guidelines have a number of restrictions on the property and allow for a different configuration of their podium, which allows for a lower podium moving the tower structure on the property all the way back to the east. It preserves the majority of use for the neighbors to the north and south.</p> <p>Additionally, Mr. Lochrie indicated that they have restricted the uses of this property similar to the way they did on the last project for 5,000 square feet within this building. They have added additional restrictions at the request of the neighbors, which copies of those restrictions are available as well as they will provide it to the City Clerk’s office. This will restrict the hours of uses for the Café on the beach and the Real Estate office or similar office use on the west side of the site.</p> <p>Mr. Bird clarified that there were options in the rezoning when the City adopted the multi-family to get a RM-45 HR and RPUD. Therefore, in order for the developer to meet the view criteria, the corridors they are planning to raise the building, limiting the RPUD. Therefore, the height which would lower the box and the RM-45 they would be building a tall building and bulk, which is why they came down to the current proposed size. Furthermore, in the agreement of the commercial uses on both parcels, it was also the intent to have neighborhood retail commercial, not necessarily to generate traffic. Staff did consider approximately 2,000 units in the location within the quarter mile walking distance.</p> <p>Sonja Yefsky, Board of Directors, Renaissance I of Pompano Beach, 1360 South Ocean Boulevard, #1605, Pompano Beach, FL, stated that the developer of the property, Dev. Motwani spoke with residents of her Condominium many times and they appreciate the many concessions that he has made to them as a residential condominium. However, she requested that the commission consider the following comments on the eastern development:</p>				

Names of Comms.	M	S	V Y	V N

**CITY COMMISSION MEETING MINUTES                      JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

- 1) To the north and the eastern side, a 36-foot pool deck will be built above the garages and around the pool deck, they plan to build either a concrete or a glass wall. Therefore, to reduce impediment of the Renaissance residents' view, she requested that a glass wall be considered instead of a concrete wall. If possible, tonight, the developer could commit to this request.
  
- 2) There will be a large number of cabanas on the beach in front of 1350 South Ocean Boulevard, as well as five cabanas on the pool deck, which would impede the views of residents of the Renaissance I on the lower floors. Adding trees to beautify the property is wonderful, but again, it would also impede views. Therefore, she requested that some sort of amelioration of this situation be considered.

Ms. Yefsky indicated that while she welcomes a high-end condominium, she is mindful of the negative impacts to the residents, especially those located on the seventh and lower floors of the Renaissance I.

Jeffery Rembaum, Esq., Kaye Bender Rembaum, representing Claridge of Condominium Association, 1340 South Ocean Boulevard, Pompano Beach, FL, indicated that the Claridge has no objections to the proposed ordinance before the commission. In fact, they greatly favor the residential component of the building. He commended Attorney Lochrie and Developer Motwani for their cooperation in this matter.

**RES. NO. 2015-344                      TIME 01:43:11                      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 HASEY CENTER PLAT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.



# City of Pompano Beach, Florida

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

**CITY COMMISSION MEETING MINUTES                      JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

**MOTION:** To adopt Resolution No. 2015-344 upon reading.

Gordon B. Linn, City Attorney, advised this item is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Linn outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission’s discussion.

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

Robin M. Bird, Development Services Director, stated that the property owner, Costco Wholesale Corp., is planning to add 15,146 square feet of commercial use for Parcel A, which is currently restricted to 134,854 square feet. He said this addition would bring the total commercial use to 150,000 square feet for Parcel A. Furthermore, the plat was amended in 2003. Lastly, Mr. Bird indicated that there was an extra instrument included in the commission packet reflecting the old amendment.

**P.H. 2015-75; ORD. NO. 2015-62    TIME 01:44:22    ITEM 17**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$1,848,600.00 PURSUANT TO THE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND OHL BUILDING, INC. FOR THE LIBRARY, CULTURAL CENTER AND CIVIC CAMPUS PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

The Ordinance was read by title only.

**MOTION:** To adopt Ordinance No. 2015-62 upon second and final reading.

Robert A. McCaughan, Public Works Director, indicated the second reading of the ordinance is to request approval of a change order for \$1,848,600. Even though the project is just starting, this change order is due to changes in its scope. Design changes were resultant to the Architectural Appearance Committee (AAC) enhancements to the project to include a performance system for the Cultural Center and a full kitchen that they did not consider in the initial project. As well as, there were structural design changes. Additionally, they had some Value Engineering in the project, which they were able to do some cost, which has resulted in a change order total cost of \$1.8 million.

Finally, Mr. McCaughan informed that the project is currently under construction.

Vice Mayor Burrie stated that part of this change is by the AAC, and she reiterated that prior to the project reaching this point in its development it should have been submitted to the AAC.

Comr. Moss asked if any of the items included on the current list were included in the initial proposal, removed as a result of the Value Engineering, and then reinserted in this change order.

Mr. McCaughan replied that some of those items were in the category that were removed and then added back.

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

Comr. Moss questioned what if the AAC had come forward with \$22 million worth of changes. In essence, does the City have to accept everything that the AAC requests?

Gordon B. Linn, City Attorney explained the process of the AAC. He said the board is similar to other boards that make decisions, which can have a monetary effect. Nevertheless, their decision can be appealed if someone, perhaps the commission, should desire to do so.

Comr. Moss asked if there are certain advisory boards that can only make a decision versus those that make a recommendation.

Mr. Linn replied yes.

Comr. Hardin noted that he has not been “bashing the AAC.” In fact, the committee has made our city look better. There have been some angst from time to time with some of their recommendations or insertions, but the AAC overall have made the community look better and he appreciated their efforts. However, if they made recommendations previously and the City Commission did not want to pay for those, then they could have sent the project back to change the design and to scale back. Overall, the AAC have done a good job.

Comr. Phillips indicated that he is “nervous” about the process and explained that he is concerned that there will be other future requests similar to the one before the commission; however, he hopes his fears are not realized.

Additionally, Comr. Phillips stated that there is another component to include the residents in this area as it relates to work. He hopes that everyone in the community will benefit from this endeavor. Nevertheless, with some reservation he will move forward with this request.

Comr. Dockswell stated that he will support the item. However, he believes it is important that the City, under the City Manager’s leadership, gets better at contract management negotiations and understanding the more modern techniques that the City appears to be dealing with in recent years, to include the GMP’s and the construction managing of projects.



# City of Pompano Beach, Florida

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

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**REGULAR ITEMS – CONTINUED**

**P.H. 2015-77; ORD. NO. 2015-...    TIME 01:50:55    ITEM 18**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE COMMUNITY BUS SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$16,640)

The Ordinance was read by title only.

**MOTION:** To adopt Ordinance upon first reading.

Ernesto Reyes, Assistant to the City Manager, stated that the ordinance calls for an agreement with Limousines of South Florida, Inc. for the operation of the City's community bus program.

Comr. Phillips asked who is responsible in establishing the bus routes.

Mayor Fisher replied that the routes are established by the City's needs and the ridership. Therefore, the routes are changed to meet the demands of the ridership from the community. However, Broward County funds the program.

Comr. Phillips asked what would be the process if the City needed to adjust the possibility of a particular route.

Mayor Fisher replied it would go through the usual process.

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

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

Mr. Reyes replied that is correct. He explained that from time to time the city has residents requesting modification to the routes, which the city coordinates with the County, and to consider the monetary aspect as well. Nevertheless, the routes can be modified, but requests can be coordinated through the City Manager’s office.

**P.H. 2015-76; ORD. NO. 2015-... TIME 01:52:39 ITEM 19**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR UTILITY BILL PRINTING AND MAILING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MUNICIPAL CODE CORPORATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: approximately \$30,000)

The Ordinance was read by title only.

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

Suzette Sible, Finance Director, stated that the proposed ordinance is to recommend extending the City’s current agreement with Municipal Code Corporation through August 2016. For approximately one year and half they have been providing bill printing and mailing services for the City’s utility customers. Ms. Sible then provided a brief background on the services currently being provided, which is a great customer service initiative that did not effect an increase in the utility rates.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

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**REGULAR ITEMS – CONTINUED**

Comr. Phillips asked, other than the cost of the bill, could the billing be used to accommodate additional information to include upcoming events.

Ms. Sibble replied yes. This could be coordinated with her department with the joint efforts of the Public Communications Office.

Comr. Dockswell asked if there was a particular reason why this agreement was being renewed for only one year.

Ms. Sibble replied that the City is currently piggybacking with the City of Sarasota’s contract, which was originally for three (3) years; however, it was extended for an additional one (1) year. Nevertheless, the City of Pompano Beach plans to explore its options after that one year has expired.

Comr. Moss indicated that he is quite familiar with “My Pay Their Bills.”

**P.H. 2015-79; ORD. NO. 2015-... TIME 02:06:50 ITEM 20**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR IMPOSITION OF A MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS RELATING TO HEALTH CARE USES, CHECK CASHING STORES, CONVENIENCE STORES, LIQUOR OR PACKAGE STORES, PAWN SHOPS, THRIFT SHOPS AND DORMITORIES WITHIN THE CITY; PROVIDING FOR VESTED RIGHTS; APPEALS; AND EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING FOR A SIX (6) MONTH TERM TO BE EXTENDED IF NECESSARY BY THE CITY COMMISSION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

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

Robin M. Bird, Development Services Director stated that at the June 9, 2015 commission meeting staff had a consideration item for discussion relative to certain uses in the city’s code to determine the adequacy of the code, and the effects it was having. Subsequently, the commission directed staff to consider a moratorium, which is being proposed for consideration.

Furthermore, Mr. Bird indicated that the moratorium would allow staff the time to study the various uses, how to administer them, and the effects they would have when they are in place on development and redevelopment in existing businesses, as well as on surrounding residential neighborhoods. The uses included the following:

- Health Care – Intensive health care uses to include regionally focused facilities/facilities that offer 24-hour treatment. These are considered intense institutional uses with similar impacts as hospitals. Neighborhood health care uses include sole practitioner, medical or dental offices. Except for hospitals, the city’s zoning code makes little distinction between intensive health care uses and neighborhood health care uses. Therefore, the same standards exist for sole practitioner, and dental practices as they do for group medical practices with a multitude of staff, as well as 24 hour in-patient detox facilities.
- In addition, while there have been a 27% reduction in the number of Business Tax Receipts (BTR) for health care related uses between 2005 and 2015, there has been a similar increase throughout the City in intensive health care related uses. Although these areas may not be compatible for intensive institutional uses and or the code standards, the code is not adequately addressing the impacts of these uses.

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

- Check Cashing Stores – While these facilities provide an important service to individuals who do not qualify or wish to use mainstream financial services, there are well-documented deleterious effects on these individuals that use them and the communities that surround them. In sum, the standards of the City’s code do not adequately address the impacts of these uses.
  
- Convenience Stores – As with other neighboring municipalities, to include Fort Lauderdale and Hollywood, the City of Pompano Beach has experienced a noted correlation between the location of convenience stores and crime and blight. Mr. Bird then provided a brief history on the steps taken by the cities of Hollywood and Fort Lauderdale to correct the issue regarding convenience stores and liquor stores.
  
- Liquor Stores – Mr. Bird indicated that after several discussions on the subject matter staff was directed to research the proliferation of liquor stores and report back to the commission.

Subsequently, staff presented the initial findings regarding the number of liquor stores within the city, as well as the findings and subsequent recommendations on the cap for the total amount of liquor stores citywide, which was 24. As well as split the city into three liquor store districts based on population and density and cap the total number of liquor stores in each district. In fact, the Planning and Zoning Board voted 3-3 in support of the recommendation and request staff to undertake additional research.

- Pawn Shops – A study is to be undertaken to determine the appropriate amount of pawn shops. It has also been proven that there is a correlation to pawn shops and surrounding crime spot opportunities in surrounding neighborhoods. Distance requirements are to be determined or should there be any additional regulations.

Names of Comms.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

- Thrift Shops – There is a long struggle with the difference between thrift shops and consignment shops. There is a need to regulate thrift shops and appropriately define a thrift shop versus a consignment shop. Therefore, the zoning code definitions need to be revised to make clear distinction between Thrift Shop and Consignment Shop.
  
- Dormitories – The Florida Department of Children and Families (DCF) has two licensure types for substance abuse treatment facilities and alcohol treatment facilities which require the licenses to be provided for treatment counseling at one location, housing and separation licensure types are residential treatment level 5, day and night treatment center with community housing. In recent years, staff has noticed a trend whereby drug and alcohol treatment facilities are increasingly obtaining licenses for residential treatment level 5, and or day and night treatment with community housing.

There were several trends determined regarding these types of facilities. Since the housing which is owned and operated by drug and alcohol community facilities has not been addressed in the zoning codes, staff has not been able to regulate it effectively. Staff is also looking at the location of boarding houses, which fall into the same category.

Gloria Frankel on behalf of Banyan Treatment and Recovery Center, 950 Federal Highway, Pompano Beach, FL, in reference to a statement made earlier, stated that they are planning to have a “Flakka” (drug) awareness day in the next month and are pursuing permit to accomplish this.

Notwithstanding, she does not understand the city’s policy. On one hand, there is a report on over 4,000 homeless, with 143 disabilities, at the same time the city is awarding a scholarship for health care and yet there is a moratorium to be placed on health care, whereby it would not be possible for someone to work or open a business in this field.



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**JUNE 23, 2015**

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**REGULAR ITEMS – CONTINUED**

Additionally, Ms. Frankel informed that they have 125 residents, owns 12 properties and pays \$85,000 a year in taxes on the CFO. As well as they provide jobs in the City of Pompano Beach, and they utilize the various facilities in the City such as the restaurants. Besides, they are very strict and work closely with the Development Services and Building Departments of the City to stay in compliance, and have upgraded their properties. Recently, they bought a ten-unit property and learned they could not utilize it for the purpose they had intended. Alternatively, they are looking to do a detox center.

Ms. Frankel concluded that they are located here in the City of Pompano Beach and they follow the rules.

Agustine “Gus” Crocco, 3980 Long Pine Road, Delray Beach, FL, stated that he is concerned with the moratorium that associates behavioral health care with the same category as pawnshops and liquor stores, as well as massages. He is confused as to why the City would not want to have doctors in Pompano Beach.

Mr. Crocco explained that he has verification for a zoning that Robin Bird approved in November 2014, which grants him permission to open up a Detox Center and a 5,000 bed clinical office on Federal Highway located away from the residents. They plan to upgrade the building by approximately \$700,000 worth of improvements, which is a very large vested interest for him. Currently, they are five days away from getting everything completed and has now received a moratorium notice to put things on hold.

Additionally, Mr. Crocco explained his background in the health care business and his subsequent success, as well as indicated they average approximately \$4,000 in scholarships per year. Also, at their facility everyone gets at least one week free living and if there are indigents they will keep them until they get well.

Finally, Mr. Crocco stated that they have established material and substantial steps to obtain the appropriate zoning certificate, they have a vested interest due to purchasing a building and have gone through the process. However, he felt this is an unjust action to stop them one week prior to completing their process with the City.

Names of Commrs.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 41</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Notwithstanding, he understands the effect of the overabundance of treatment centers in South Florida, but they are not in the same category as the Pain Management Clinics. In fact, they work to stop drug and alcohol abuse. Besides, they are an asset to the community.</p> <p>Benjamin Hefflinger, Weiner, Lynne &amp; Thompson, 10 Southeast 1<sup>st</sup> Avenue, Suite C, Delray Beach, FL, stated he is representing several clients. He indicated that he is not opposing the substance of the moratorium; however, he opposes the application of it. He indicated that his firm sent a letter to the City that outlined all the legal issues. However, he wanted to discuss very plainly about schoolyard fairness, about equity and frankly about the situation that the previous speaker spoke.</p> <p>Mr. Hefflinger pointed out that this meeting is one of two meetings that will put the moratorium in force. Currently, the moratorium is being imposed, and his client, who spoke earlier, referenced stop letters they received, which stops them from proceeding to obtain their business tax receipts. However, the vested rights determination and the moratorium are not in force yet. Before last week no one was on notice that they existed, people were engaging in business efforts of great magnitude in purchasing buildings and signing long-term leases. There is a hard line being drawn by the city and those in the health care business are falling on the opposite side of the line that is equitable.</p> <p>In sum, he requested that the Commission use a fairness determination to direct city staff to allow, those who have played by the rules, who have submitted zoning application letters, and who have paid the fees to get those confirmations, to continue with their process of seeking business licenses.</p> <p>Tara Patton, Land Planner with business located at 10805 Gleneagles Road, Boynton Beach, FL, spoke on behalf of the Festival Flea Market. She indicated that they have been put on alert regarding the moratorium. They also understand and respect the City’s concern about the proximity of some of the uses stipulated within the moratorium as it pertains to residential uses and their proximity to residential. However, the Flea Market is located near the Turnpike next to a landfill and the power plant and next to uses that are not transitional; instead, they are static in nature.</p>				



# City of Pompano Beach, Florida

Names of Commrs.	M	S	Y	V	V
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>JUNE 23, 2015</b></p> <p><b>PAGE 42</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>All the uses under the moratorium are not exactly the uses being contemplated at the Festival Flea market, but they could be uses that could potentially hurt their abilities to do something on the out parcels or they could be construed as an inappropriate fit for a zoning category. Therefore, one of the listed categories may be needed, if the moratorium should go beyond six months, which would impact potential vendors and people seeking tax licenses into the Festival Flea Market.</p> <p>Ms. Patton indicated that she has had great working relationship with city staff, as well as she appreciates the new zoning code, but she respectfully requested that the City Commission consider making exception to certain areas. The Flea Market is an indoor mall and perhaps they could be exempted from the moratorium because they are not adjacent to residential, or within neither the CRA nor the Atlantic Overlay District.</p> <p>Lee Yaffe, 2701 East Atlantic Boulevard, Pompano Beach, FL, stated that he has various health care companies that he has vested millions of dollars in real estate in 2013. He indicated that prior to his investments he looked at the City’s zoning codes and made his investment decisions based on that. Further, he has outside investors who have put up a lot of money and he has SPA loans. Therefore, he has concerns with the moratorium and exactly what will happen. He did not receive much notice, and his understanding of the process is that a proposed ordinance is presented to the Commission for discussion and then a moratorium goes in to effect, but it appears to be a little bit backward in this case.</p> <p>Mr. Yaffe stated that he wants to get a rationale as to what is going on, why it is so and what are his rights as an established operator, who has made major decisions, and employs approximately 75 people in Pompano Beach. He loves the city and has seen numerous changes, but he is concerned with the moratorium.</p> <p>Mayor Fisher asked for clarification regarding those existing facilities to continue operating.</p> <p>Mr. Bird replied that existing facilities would continue if there was an expansion, but they would need to apply for the vested rights provisions in the appeal within the moratorium.</p>					

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

**CITY COMMISSION MEETING MINUTES**

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**REGULAR ITEMS – CONTINUED**

**RES. NO. 2015-345**

**TIME 02:31:42**

**ITEM 21**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DECLARING SURPLUS AND EXPRESSING THE DESIRE OF THE CITY OF POMPANO BEACH TO SELL FOUR PARCELS OF REAL PROPERTY LYING WEST OF NW 27TH AVENUE AND BETWEEN NW 6TH STREET AND NW 6TH COURT AND COMMONLY REFERRED TO AS 607 NW 27TH AVENUE, POMPANO BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2015-345 upon reading.

Robin M. Bird, Development Services Director, indicated that there are parcels on Northwest 27<sup>th</sup> Avenue within the Community Redevelopment Agency (CRA) that the City acquired several years ago and has been maintaining for some time. Several individuals have approached the City, however, these parcels will be deed restricted for low-income single family residential.

Comr. Moss asked if there are potential purchasers that are solid.

Mr. Bird replied that there are some interested individuals but it will be a seal bid process.

In response to Comr. Phillips question regarding the CRA building on the parcels, Mr. Bird replied that these parcels are titled to the City, so it would not be up to the CRA to dispose of the property.



Names of Comms.	M	S	V Y	V N
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<b><u>REGULAR ITEMS – CONTINUED</u></b>				
<b>MOTION:</b> To adopt Resolution No. 2015-347 upon reading.				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin		X	X	
Moss			X	
Phillips			X	
Burrie	X		X	
Fisher			X	
There was no discussion on this item.				
<b>RES. NO. 2015-348</b>				
<b>TIME 02:36:07</b>				
<b>ITEM 24</b>				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <b><u>THOMAS D. DENNIS</u></b> TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 26, 2018; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				
<b>MOTION:</b> To adopt Resolution No. 2015-348 upon reading.				
<b><u>ROLL CALL</u></b>				
Dockswell	X		X	
Hardin		X	X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
There was no discussion on this item.				
<b><u>REPORTS</u></b>				
<b><u>City Manager</u></b> – No Report.				
<b><u>City Attorney</u></b> – No Report.				
<b><u>City Clerk</u></b> – No Report.				

Names of Commrs.	M	S	Y	N
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**REPORTS – CONTINUED**

**Commissioner Barry J. Dockswell – Consulting Services by Gordon Linn**

– Comr. Dockswell stated that he had spoken with both Mark Berman and Gordon Linn and both agreed and thought it a good idea if Mr. Linn was available for consultation for a period of time after the appointment of Mr. Berman takes effect. Therefore, he would be in favor of both persons working out some arrangement and propose it to the Commission as to how many hours, what period of time, and things of that nature.

Mayor Fisher indicated that the reason the commission selected Mr. Berman was because he had spent nineteen years with the City so he needed to take over the role of City Attorney. Therefore, he does not know if there is a need for some sort of consultation arrangement.

Comr. Phillips stated that he has confidence that Mr. Berman can do the job but in terms of a period of adjustment, he may need guidance and he would be in agreement for such arrangement.

Comr. Hardin stated that some type of service contract could be worked out at staff level between Mr. Berman and Mr. Linn. He does not see anything wrong with that arrangement. Oftentimes in the past, the City has had outside counsels that helped on special matters. In fact, when former City Manager William Hargett retired, a service contract was established with him, even though there was a City Manager in place at the time.

It was the consensus of the commission to have Mr. Linn work out some type of arrangement.

**Happy Fourth of July Wishes** – Comr. Dockswell wished everyone a Happy July Fourth and encouraged everyone to come out to see the Fireworks show at the pier.

**Ground Breaking of Parking Garage** – Comr. Dockswell announced that a ground breaking ceremony will take place at 10:00 a.m. for the Pier Garage at the current pier parking lot.

Names of Commrs.	M	S	Y	N
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**REPORTS – CONTINUED**

**Commissioner Rex Hardin – Display Monitors installed on Dais** – Comr. Hardin stated that Vice Mayor Burrie had introduced the idea of getting the display monitors and potential I-Pads for the commission. However, he said he does not like the current monitors installed on the dais because he cannot see the audience sitting in the chambers. He understands the action to solve a commission requested item, but he believes staff went in the wrong direction to place those monitors on the dais, and he wished that another alternative could be explored.

Vice Mayor Burrie agreed that she had mentioned the idea of getting display monitors and staff was really accommodating, which is similar to what is being used at the Metropolitan Planning Organization (MPO) meetings. However, their desktop is a lot different from the City's. Therefore, to take it away would not hurt her feelings. However, it is difficult for her to see the larger screens off to the sides of the chamber. She thanked staff for their efforts but the set up at the MPO is a bit different from the City's.

Comr. Hardin agrees that the commission needs a different system than the one currently in place to ensure visibility of the items as they are being displayed on the existing screens.

Dennis W. Beach, City Manager indicated that staff would look at other alternatives.

Comr. Dockswell indicated that if the same process staff uses for public streaming could be available out on the public Wi-Fi they could access it from I-Pads or anyone in the audience could do the same thing. He thanked staff for reacting so quickly, but they need to get to the next step as soon as possible.

**Commissioner Barry Moss – Community Appearance Committee Function** – Comr. Moss stated that under Agenda Item 2 the commission appointed Nancy Grant from his district to be on the Community Appearance Committee. However, in anticipation to attend her first meeting, she visited the meeting as an observer and found out that there was no meeting due to lack of a quorum. Someone told her there has never been a quorum to hold a meeting. In fact, the previous appointee had told him the same thing.

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**REPORTS – CONTINUED**

Therefore, it appears to be an advisory board that is not functioning as it should.

Mayor Fisher indicated that perhaps each commissioner needed to decide if there are appointees and to ensure that they attend the meetings. Also, if they do not attend then someone else would be appointed. He urged the Commission to take a look at their Board appointments and to get someone appointed that will attend the respective meetings.

**Ground Breaking Ceremony** – Comr. Moss asked where he would go for the Ground Breaking Ceremony and was told that he would be guided when he gets to the pier parking lot.

**Commissioner Ed Phillips – Bounce Houses Allowed in the Parks** – Comr. Phillips stated that a resident contacted him stating that as a commissioner he is not allowing the use of bounce houses or kiddie trains any more in the parks for kids. This is the first time he is hearing of this and does not think City staff would point out a specific commissioner for something like this. Nevertheless, he asked if there is such a policy in place regarding the non-use of bounce houses and kiddie trains.

Mayor Fisher replied that there is a policy.

Robin A. Bird, Development Services Director, indicated that this subject is not necessarily a zoning issue. Typically, rental of a facility is done at the park, but there are liability issues with those bounce houses.

**Appreciation of Appointment** – Mark Berman, City Attorney, thanked the commission for appointing him as City Attorney.

**Bounce House Devices Allowed** – Mr. Berman stated that in the provisions of Chapter 98, the subject can be discussed and reconsidered to make changes with the Parks and Recreation Board or Mark Beaudreau, Recreation Programs Administrator, or staff. Most of these rules are for safety reasons, especially since we are aware of what recently happened in the City of Fort Lauderdale with the bounce house issue.

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**REPORTS – CONTINUED**

Comr. Phillips noted that people have been setting up these devices for years in the parks.

Mr. Berman stated that the code has not changed in years, and any further discussion will need to be handled by the Parks and Recreation Advisory Board, Risk Manager and all the other persons who make that decision.

Comr. Phillips requested that the City Manager look into this matter.

**Graffiti Issue** – Comr. Phillips commended the Parks and Recreation Department for taking care of removing the graffiti art on one of the Andrews Avenue Overpass.

**Flakka Drug Issue** – Comr. Phillips stated that earlier a statement was made about “flakka” (drug), and it appears people are feeling helpless in the control of this situation. However, he declared that the City is actively responding to this situation. In fact, if people are found selling this drug, they will be going to jail. The other component to that, if there is a house with people selling drugs, once BSO goes in and arrest folks and find that a house is being utilized for this purpose, the next procedure for them is to send a letter to the owner. Therefore, he asked if BSO and Code Enforcement could ensure that a copy of that letter goes to the City Attorney.

Notwithstanding, Comr. Phillips indicated that the residents in his community will not tolerate drug houses any longer; therefore, he informed the public that both BSO and the City is actively working on eradicating the drug problems in the City.

**Young Groups Participation in the Community** – Comr. Phillips commended many of the young people in his community that are wanting to get involved and do things to show that they do care.

**Vice Mayor Charlotte J. Burrie – Birthday Wishes** – Vice Mayor Burrie wished her fellow commissioners a happy birthday.



# City of Pompano Beach, Florida

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**REPORTS – CONTINUED**

**Flakka Issue** – Vice Mayor Burrie stated that she also attended the meeting on flakka. Additionally, she reported an incident she recently encountered with a gentleman on flakka, when she stopped to purchase something at a store. In fact, the person on flakka was disruptive in the store and when she asked the owner to call BSO he indicated he did not want to do that because they are conducting their activities behind his store and he was afraid of any break-ins at his store.

Vice Mayor Burrie is hoping that people will not protect those people on flakka, because this is a very awful and dangerous drug.

**Time Out of the City** – Vice Mayor Burrie indicated that she would not be able to attend the Fourth of July Fireworks Display because she will be out of town during that time and expected to be back on July 10, 2015.

**Mayor Lamar P. Fisher** – No Report.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:53 p.m.

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**LAMAR FISHER, MAYOR**

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**ASCELETA HAMMOND, CITY CLERK**