City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-11

Date: March 8, 2016

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-11

Date: March 8, 2016

Commission Meeting Room

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

ROLL CALL:	Present:
Mayor	*Lamar Fisher*
Vice Mayor	*Charlotte Burrie*
Commissioner	*Barry Dockswell*
Commissioner	*Rex Hardin*
Commissioner	*Barry Moss*
Commissioner	*Edward Phillips*

and

City Manager	*Dennis Beach*
City Attorney	*Mark Berman*
City Clerk	*Asceleta Hammond*

INVOCATION BY:	Apostle S. Constancia Daley *Rhema Word Ministries International*
PLEDGE OF ALLEGIANCE LED BY:	*Asceleta Hammond, City Clerk*

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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APPROVAL OF MINUTES

MOTION: To approve the Regular City Commission Meeting Minutes of February 23, 2016, as submitted.

VOICE VOTE	M	S	V Y	V N
Dockswell				
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 March 8, 2016, as amended.

VOICE VOTE	M	S	V Y	V N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	

Mayor Fisher stated that Item 13 will be tabled to the May 10, 2016 City Commission meeting, and Item 19 would be stricken from the Agenda.

CONSENT AGENDA DISCUSSION

Mayor Fisher stated the Commission would pull Items 3, 5, 6, 7, 8, 9, and 11 from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.

PROCLAMATIONS

American Cancer Society Relay For Life Day in Pompano Beach

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming the City of Pompano Beach to be an official "Relay for Life City" as well as proclaim April 9, 2016, as American Cancer Society Relay for Life Day in Pompano Beach. In addition, he encouraged everyone to get involved because it is an incredible opportunity to come together as a community. Besides, there will be several teams from the City participating, which include the Broward Sherriff's Office, and the Pompano Beach Fire Rescue, but more important, it is to raise dollars to "whip" cancer.

Names of Commrs.	M	S	V Y	V N

PROCLAMATIONS – CONTINUED

Gwen Leys, Event Chair, on behalf of the Pompano Beach Relay for Life team, expressed thanks to the City of Pompano Beach, the Mayor the Commissioners, the City Managers, and Parks and Recreation for assisting them in making the event so successful year after year.

Additionally, Ms. Leys stated that their event in recognizing the survivors and caregivers who have fought against this terrible disease, will be hosting a dinner on Saturday, April 9, 2016 at the City's Community Park. She invited everyone to go to the Relay for Life Pompano Beach website and sign up for this free family event, which promises to provide great food and entertainment.

Mayor Fisher recognized Vice Mayor Burrie who chaired this event a few years prior.

Florida Bicycle Month

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming March 2016 as Florida Bicycle Month. In addition, Mayor Fisher thanked Mark Beaudreau Recreation Programs Administrator for spearheading the event.

Mark Beaudreau, Recreation Programs Administrator, invited everyone to support the event on March 19, 2016 from 8:00 a.m. to 12:00 p.m., at the Community Park parking lot off Northwest 10th Street. He stated that it is a free event for kids from 8-12 years old.

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	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Proposed RaceTrac Location – Ralph Daniels, 3300 Northeast 10th Terrace, Apt. 20, Pompano Beach, FL 33064, expressed concern about the lack of activity on the property located at Northeast 33rd Street and Federal Highway. He indicated that he had heard that a RaceTrac facility was proposed for the location, but to date not much demolition has taken place. They had taken down the existing store and the rocks were put back in the location, which is allowing parking for the Tire Kingdom facility or some others.

Bulk Pickup and Underground Garbage Cans – Mr. Daniels asked about the situation with the bulk pickup. He complained that the Cresthaven neighborhood is a disaster, because they have not seen a truck since the new carts went out.

Additionally, Mr. Daniels indicated that since the new carts are out for trash pickup, he understood that the City would be filling in the underground garbage cans. He reported that he has sixty four (64) of those containers.

Mayor Fisher indicated that the City would be picking up the underground garbage cans; nevertheless, Vice Mayor Burrie would provide an update on the issue.

Recycling Bins Replacement – Mr. Daniels complained that he noticed when the recycling bins were picked up, they were not being replaced where they were supposed to be.

Russell Ketchem, Solid Waste Manager, indicated that he would provide Mr. Daniels with his business card so he could contact him with any type of complaints about solid waste pickup.

Vice Mayor Burrie in response to Mr. Daniels comments made earlier, agreed that the Cresthaven and the Highland areas are a disaster. In fact, she had contacted Mr. Ketchem, who had promised to report to her today.

AUDIENCE TO BE HEARD – CONTINUED

Vice Mayor Burrie pointed out that everyone in the City had his or her pickup days changed. For instance, in their area, bulk pickup was planned for last Friday, but people were putting everything out on the Tuesday as well as the Monday, although no pickup was done on Friday. In fact, for more than a week now garbage has been piling up. Due to the many rentals in the Cresthaven/Highland areas, furniture and other bulky items are all over the streets. She stated that while the new carts look great there are piles of garbage around them that need to be removed.

Finally, Vice Mayor Burrie indicated that the City will be filling in the underground cans to be removed at no cost to the resident. Nevertheless, Mr. Ketchem can provide an update on the bulk pickup issue.

Mayor Fisher understood that at Northeast 33rd Street and Federal Highway, on the north end where the former dance studio was located will become a RaceTrac facility, and south of the Club Cinema, there is discussion to locate a Walmart Grocery Store. Therefore, they are in the demolition phase at this time but staff and City Attorney Berman have been working closely on this item.

Mark E. Berman, City Attorney, responded that the permit has been approved and they are moving ahead. However, there have been some delays in order to get some things cleared up, but they will be working on the south end, the north end and up to where the club is located. Currently, the club remains but when they get to that point, there will be future negotiations with the club owners. In sum, the project is progressing with a temporary parking lot being built for the club, as required by zoning.

Comr. Phillips requested Mr. Ketchem address the concerns for the entire City regarding the bulk pickup issue.

Russell Ketchem, Solid Waste Manager, indicated that the new system has rolled out and it has been "less than stellar." However, he informed that he has a list of the in-ground containers and their locations. They are planning a strategy to fill those in and will be contacting the property owners to do a one on one prior to performing any activity in this regard. In the meantime, the owners can still use the in-ground containers.

AUDIENCE TO BE HEARD – CONTINUED

Additionally, Mr. Ketchem stated that the new system started last Monday but apparently, things were not going as planned. Waste Management has been partnering with the City since 1974, but for some reason "things got derailed." Representatives from Waste Management are available for any questions and provide a brief update on the issue.

Mr. Ketchem indicated that he had a series of meetings, including one with the Regional President of Waste Management and the Director of Operations. In the meantime, Waste Management will be bringing in additional assets to get the neighborhoods cleaned up. In fact, Mr. Ketchem indicated that he has also brought in the City's assets to assist with cleaning up the areas. There is some difficulty in completing the routes, which they are still trying to get to the reasons. He indicated that staff is expecting more assets tomorrow as far as "clam trucks" and so forth. The goal is to bring everything up to par and clean up the entire City this week.

Tony Spadaccio, Waste Management, indicated that it is obvious there has been a "rocky start" on this project. He explained it was a major undertaking across the board in implementing an entirely new system. In addition, it was a project that was trying and taxing to both Waste Management and the citizens of the City of Pompano Beach. He noted that days were changed and there was confusion on which days were to be the scheduled pickup for residents.

Additionally, Mr. Spadaccio acknowledged that they had a breakdown and failure in communication, which is outside the norm for their operations. Nevertheless, they are working on getting back on track with the services. In fact, they have committed assets and personnel to clean up the entire City to get it back on track by the end of the week.

Finally, Mr. Spadaccio apologized for the inconveniences that the residents have been experiencing and promised to do a good job to get back on course.

Comr. Phillips indicated that during the many years that the Waste Management has been operating in the City, the past week was the first time he has received several complaints. The streets are not only embarrassing, but dangerous; therefore, he is relieved to hear that they are working with additional assets to resolve the issue. Perhaps additional mailing could be sent out on the schedules. Finally, he suggested that the same communication with the City's water bill could be utilized for the solid waste services.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Mayor Fisher indicated that stickers for the new days were placed on the carts and he wondered why the bulk pickup information was not included.

Mr. Spadaccio indicated that they had informed all the residents as to the schedule of the bulk pickup, and maps were provided regarding the days of collection as well. Therefore, he encouraged everyone to revisit the map and their collection days without assuming everything is the same as it was prior to the new collection schedules.

Comr. Phillips reiterated that a notice be sent with the water bills on the days of bulk pickup since this appears to be the problem area.

Mayor Fisher noted that there will be one bulk pickup per week, and the pickup will be scheduled on non-recycling days as it relates to the different routes.

Mr. Ketchem replied yes. In fact, he stated that it will be picked up on the opposite of the recycling day. Therefore, on the blue recycling container, if it says Monday and your other service day is Thursday, then the bulk pickup will be on Thursday.

Vice Mayor Burrie indicated that within her district they do not get City water, rather, they are utilizing County water so they do not receive a water bill from the City. In sum, everyone who receives City water will receive a notice except those residents who receive their water from the County.

Mr. Spadaccio explained that there will be trucks up and down the streets throughout the City that will not be on regular collection day, but it is an effort to comb the City thoroughly. Therefore, he urged everyone not to look at it as missed pickup, but to adhere to the scheduled day to put their bulk out for pickup.

Mayor Fisher indicated that until late this evening his regular collection had not yet been picked up, which was on schedule for pickup. Notwithstanding, there is some frustration regarding the current issue.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Comr. Moss indicated that when days were changed for the Palm Aire residents of approximately 7,000 units no one was notified of the change.

Comr. Hardin indicated that he has also received phone calls from angry residents. He is unsure how or who dropped the ball; however, this matter should be resolved by the end of the week as promised.

Black History Program on February 26, 2016 – Hazel K. Armbrister, President, Rock Road Restoration Historical Group, Inc., 1808 Northwest 6th Avenue, Pompano Beach, FL 33060, stated that on Sunday, February 28, 2016 at 4:00 p.m. the group had their Black History program at the E. Pat Larkins' Center. She indicated that the US Post Office had joined in with the celebration. In addition, she mentioned that the Post Office issues a special stamp each year during Black History month. However, this year, the daughter of Mr. and Mrs. Carte Willie and Lou Lou Clarke, who works for the Post Office, solicited them to agree to give this accolade to the City of Pompano Beach. The stamp was unveiled at the service, and they presented a copy of the stamp to the three recipients of the Frank and Florence Ali Entrepreneurial award. They were Deacon Edgar Goodrum, Deacon Eugene Peterson, former owner of the Ali Building, and Derrick Phillips.

Ms. Armbrister displayed at the meeting, the larger version of the stamp presented to the Rock Road Restoration Historical Group. She indicated that Mayor Fisher enjoyed it at the program so he encouraged her to share it with the rest of the City. She explained that the stamp is a depiction of Richard Allen who was an Episcopal priest that organized the first African Methodist Episcopal Church in the City of Pompano Beach, which is the current Bethel AME on Northwest 3rd Avenue, originally named Church Street.

Finally, Ms. Armbrister indicated that the stamp will be framed and made to reside at the Ali Building in Office number four (4).

AUDIENCE TO BE HEARD – CONTINUED

Community Redevelopment Agency (CRA) Trespassing Notice – Delvin M. King, Owner/Director, King's School of the Arts Inc., 2601 Northwest 12th Street, Kings Academy, 2600 MLK Boulevard, Suite 10, Pompano Beach, FL 33069, complained about a few incidents he and his school have been having with the Community Redevelopment Agency (CRA). He indicated that it is difficult to do things with the CRA because of a couple of run-ins he had with them. He said he has been given the run around, such as emails not being responded to and so forth, when it is time to do something with the CRA.

Mr. King outlined a particular incident last Wednesday, when he tried to find out why the children could not perform and do certain things with the CRA. In sum, the CRA called the police because they felt he and his children were acting ignorant. However, he and the children had already left the building of City Hall. Nevertheless, the police caught up with the bus of children and pulled them over which he did not understand this action.

Additionally, Mr. King indicated that the next day he returned to the CRA office in City Hall to find out why the police were involved and what the issue was. At that point, he stated that Ms. Gallagher had indicated to the City Manager that they did not call the police, yet she told him that she did call the Police. Notwithstanding, on his questioning why the police were called, Ms. Gallagher got up and "pushed me out of her office" and from that point he called the Sheriff's Office (BSO) as he already felt unsafe around the CRA and the BSO. He alleged that they have their eyes on him as they continue to watch him at every event.

In sum, Mr. King stated that he is unable to visit City Hall as they issued a "Trespassing Order," which will stop him from paying his water bill at the building or doing any other transaction with any other department with the City. Therefore, he wanted to know what he needed to do from this point in order to resolve the matter.

Mayor Fisher indicated that there appears to be two issues, one with the CRA. However, the CRA Board/Commission meets on next Tuesday, at which time, Mr. King could return regarding the CRA incident. In the meantime, there were several accusations received regarding Mr. King. Therefore, the Commission will request City Manager Beach along with the CRA staff to provide a report of what incidents have occurred, after which, City Manager Beach will make his recommendations regarding the matter.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Mr. King indicated that he had already spoken with the City Manager, who indicated to him that he was wrong.

Dennis W. Beach, City Manager explained that Mr. King spoke with him specifically about the trespass order that had been applied. However, he asked him to submit a letter describing his version of the events, at which time he would review and respond to him.

Mayor Fisher reiterated that Mr. King provide the City Manager with his complaints in writing with the hope of resolving his issues.

Agenda Items for Community Benefit – Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, indicated there are several items on the agenda that he hopes some consideration can be given to suggestions from the Mayor's Stimulus Task Force about the community benefit program. Notwithstanding, currently, on the agenda are very high dollar amounts to be approved, which he hopes, as these items are discussed, the Commission would consider the monitoring of some of these projects.

Rooming House – Bonnye Daise, 131 Northwest 15th Court, Pompano Beach, FL 33060, stated that she lived at this address for over forty years and it has been zoned for single-family homes. However, someone purchased the house next door to her house, and is currently operating it as a rooming house. She mentioned they installed an air conditioning unit, which should be at least three feet from the property line but it is approximately one foot. Ms. Daise indicated that she is unable to get anyone to come out to investigate the matter.

Mayor Fisher indicated that City Manager Beach will meet with the City's Code Compliance Manager, Mario Sotolongo regarding the matter. Additionally, Mayor Fisher recommended that Ms. Daise meet with Mr. Sotolongo and provide him with the proper address of the property, where the violations have occurred.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Comr. Phillips indicated that they tried to get a response from the Code Compliance Manager, but Ms. Daise's problem is indicative of what is being experienced in the Northwest neighborhoods. People are quietly converting single family homes to rooming/boarding houses. He commended Ms. Daise for bringing this information forward. In addition, Comr. Phillips indicated that he has received several complaints, so perhaps code compliance may need some help in this regard.

Dennis W. Beach, City Manager encouraged anyone with similar issues to call his office directly if there is no response after they have contacted any other respective department.

Mr. Beach explained that one of the biggest issues the City has is the same issue under discussion. Therefore, he urged residents to contact his office if after trying to contact departments such as Building, Zoning, Code Enforcement and so forth.

Comr. Phillips encouraged Ms. Daise to call the Broward Sheriff's office as well.

Ali Cultural Events – Shanna Benson, Marketing Manager, Pompano Beach CRA, 100 West Atlantic Boulevard, Pompano Beach, FL 33069, introduced Keila Rodriquez, CRA Cultural Arts Marketing Coordinator, who invited everyone out to attend certain events on Friday, March 11, 2016.

Keila Rodriquez, Pompano Beach CRA Cultural Arts Marketing Coordinator, 100 West Atlantic Boulevard, Pompano Beach, FL, invited everyone to the following events:

- On Friday, March 11, 2016, at 7:00 p.m., to a performance by Matthew Whitaker, a widely acclaimed 14-year-old blind piano organ prodigy. Tickets are available at the Ali Building.

- On Sunday, March 13, 2016 at 6:00 p.m. to the Soulful Sundays, an ongoing free event especially for families.

AUDIENCE TO BE HEARD – CONTINUED

- On Sunday, March 13, 2016 a performance of the Steel Brothers Band, which is an event, that takes place the second Sunday of each month.

Comr. Hardin indicated that he read the Sun Sentinel article and commended Ms. Rodriquez and the team on doing a good job with it.

Mayor Fisher also thanked Anne Siren from the Pelican newspaper for the article on the event.

Parking Tickets – Rick Massimi, 261, Southeast 12th Street, Pompano Beach, FL 33060, indicated that over the weekend he received his fourth (4th) parking ticket that was issued in error. He explained that after spending $16.00 in parking, at the end of day, he was issued a $35 parking ticket after he returned from diving.

Mr. Massimi indicated that he is aware the matter will be resolved, but he had to take time to get Denison Parking to resolve the issue. Notwithstanding, he believes the parking issue needs to be fixed. Therefore, he suggested the Commission might want to consider allowing a homestead parking pass.

Canal Waste – Mr. Massimi complained that for the past few weeks he has seen petroleum products going back and forth from the dock. There is oil and petroleum in the City's Canal. He has subsequently contacted city staff, who reacted rather quickly. However, a BSO marine officer informed him that there was a strong east wind and the canal was moving. Shortly after, he received a call from the zoning department informing him that they will be getting to the bottom of it. The next day the water was calm and he took a video of the petroleum and tried to call all the persons that had previously contacted him with no success.

Mr. Massimi indicated that the video will show the petroleum that is in front of his dock as well as other neighbors further down the canal. He said he just wants to see the canal cleaned up. In fact, he says there are over fifty dive sites in the City, where people from all over the world come to dive. Therefore, to have oil making its way to the ocean where these sites are is not good. These canals need to be maintained.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Mr. Massimi provided a copy of his parking ticket as well as a flash drive with the videos to the City Clerk.

Comr. Dockswell asked about the four parking tickets Mr. Massimi received, after he mentioned one was a bogus one where it is debatable as to where exactly he was parked.

Mr. Massimi responded that the other three tickets he received were for parking overtime when he was using Passport Parking App, which is advertised on all the kiosks. He paid for the ticket but it was not being detected through this app. He noticed that they have been using the license plate instead of the spot number. Therefore, it is obvious the system needs to be tweaked, but he opined that they should hold writing parking tickets because people may be using the app and they may not be from the local area.

Parking Lot – Delores Bullard, Owner, Cals For Hair, 212 North Flagler Avenue, Pompano Beach, FL, thanked the Commission for ensuring the parking lot gets completed, which it is almost done. However, there is a concern where the apartment building across the street from her is utilizing their parking lot to park vehicles. As well as, there is no lighting in the parking lot. Finally, she reported that there are people sleeping in the meter rooms behind her business.

Planting of Shrubbery – Ms. Bullard indicated that the CRA made sure that the tree stump next to her air condition was dug up prior to planting the shrubbery; however, the weeds were left in place, which needs to be corrected.

Liquor Stores – Ms. Bullard indicated that quite a number of liquor stores are allowed on the west side of town. However, Mayor Fisher indicated that item is on the agenda so perhaps Ms. Bullard could address her concerns at that time.

Paper and Trash – Ms. Bullard indicated that paper and trash is strewn along where the shrubberies were planted. She is currently paying someone to pick up the trash along the building she manages, but the other store owners are not cooperating. Therefore, there is a need to have the entire area cleaned up.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

Security Checks – Ms. Bullard requested that more security checks be conducted in the area for those clients that leave late at night.

Senior Housing – Ms. Bullard asked if anything could be planned through the CRA to assist the Housing Authority to build a nice facility for the seniors. She also volunteered to work with the committee responsible for setting it up.

Mayor Fisher indicated that it is in the works. In addition, for the other issues that Ms. Bullard brought up earlier, BSO, CRA and the City will be getting involved.

Policing in Pompano Beach – Ms. Bullard wondered if the City could work on getting back its own police because BSO is too big of an agency.

Comr. Phillips agreed that lighting is necessary for the area that Ms. Bullard referred to earlier.

Horacio Danovich, CIP Manager, reported that four solar power lights have been ordered and staff is awaiting their delivery.

Comr. Phillips indicated that he is assimilating a team for an exploratory committee regarding the senior housing issue and he will be including Ms. Bullard to sit on the committee.

City Projects – Joseph Ryan, 427 Northeast 24th Avenue, Pompano Beach, FL, complained about an established dynasty during the long years of the Commission being in office, with the exception of Comr. Moss.

Mr. Ryan commented on the following major city projects:

- Ortanique is a multi-million dollar project where funds were appropriated to find out what happened in this situation. However, it went away with no investigation.

- Oasis had a nice dedication, however, qualified people were "dumped under the bus" in favor of keeping the City Manager.

Names of Commrs.	M	S	V Y	V N

AUDIENCE TO BE HEARD – CONTINUED

- Golf Course – The City spent millions of dollars on this project but there are still problems with dredging the ponds.
- West CRA – Millions have been squandered on land purchases.
- Fire station – A Certificate of Occupancy (CO) was done, and one million dollars was spent on a bond. Notwithstanding, there are lawsuits forthcoming with construction disasters.
- Traffic Light Permit – was inadvertently left out.
- Beach Parking Meters – Mr. Ryan inquired who paid for the renewal.

CONSENT ITEMS

TIME 01:03:10 ITEM 1

Approval of various individuals requesting to transfer ownership of several plots to others, in the North and West Lawns Burial Right Agreements 1175 and 4306. (No fiscal impact)

TIME 01:03:10 ITEM 2

Approval to award Bid L-17-16, Safety Shoes, to all responsive bidders: Gold Nugget Uniform d/b/a Argo Uniform Co., Red Wing Brands of America, Inc., Ritz Safety LLC, Safety Shoe Distributors L.L.P., Sole Brothers, Inc. d/b/a Red Wing Shoes for annual open-end contracts, to be paid for from budgeted funds in various department budgets; total anticipated annual expenditure - $59,454.

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CONSENT ITEMS - CONTINUED

RES. NO. 2016-130: **TIME 01:03:26** **ITEM 3**

A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SATISFACTION OF MORTGAGE PERTAINING TO A FIRST TIME HOMEBUYER LOAN GIVEN BY THE CITY OF POMPANO BEACH TO TAMMY L. CHINELLY, A SINGLE WOMAN; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: SHIP Funds in the amount of $20,000)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-130 upon reading.

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

Comr. Phillips requested a brief explanation on the item. He thought the First Time Homebuyers programs were for single-family homes and not condominiums.

Mark Korman, Program Compliance Manager, Office of Housing and Urban Improvement, responded yes, First Time Homebuyers program is available for condominiums.

Mayor Fisher explained that this is a short sale where the property became upside down through the mortgage process. The main lenders are taking a deep discount, which the City must do also to move the property forward.

Names of Commrs.	M	S	V Y	V N

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CONSENT ITEMS - CONTINUED

RES. NO. 2016-131: **TIME 01:03:10** **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. 1 IN THE AMOUNT OF $38,665.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC. FOR CONTINUING ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2016-...: **TIME 01:05:17** **ITEM 5**

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. 2 IN THE AMOUNT OF $25,180.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC. FOR CONTINUING ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To strike the item from the Agenda.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	

Comr. Dockswell indicated that in order to remove the well housing out of the way of the runway extension, he would prefer to see the funds taken from the air park budget rather than from the City's general fund and utility budgets.

Names of Commrs.	M	S	V Y	V N

CONSENT ITEMS - CONTINUED

A. Randolph Brown, Utilities Director, indicated that they have been discussing the project with the Air Park and they were notified that the well house would have to be moved by the year 2020. Therefore, the study was initiated to find out the construction costs to put it in the Capital Improvement Plan (CIP) for the future.

Comr. Dockswell inquired why were the City's General and Utility funds being utilized to accomplish this move for the Air Park extension rather than the Air Park fund. He would prefer to see the funds coming from the Air Park fund rather than to utilize funds from the general fund that could be used otherwise to improve the City's water and reuse services.

Dennis W. Beach, City Manager indicated that the project that Mr. Brown is referring to is the extension of the Taxi-way, which is four years away. He indicated that if this was going to become part of the extension project Mr. Brown would need to wait until that funding in that project was underway to get this done. Therefore, he asked if there was a reason to bring this forward at this time.

Mr. Brown responded that he was being proactive to make sure they had the plans in place, the timing right, and funds set aside to accomplish it in that time period.

Mr. Beach indicated that if Comr. Dockswell is successful in getting the project for the extension paid for through the Air Park fund, then staff would bring this back at that time.

Mayor Fisher indicated that at least it would allow the planning for 2020 and at that time the funding could be addressed. Therefore, if necessary and the study are paid for, he asked if the fund could be reimbursed.

Mr. Brown indicated that he would have to check with the Finance Director to see if there is a way to do that.

Comr. Hardin noted that Comr. Dockswell's comments are valid, suggested tabling the item, and have staff provide the pros and cons.

Names of Commrs.	M	S	V Y	V N

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CONSENT ITEMS - CONTINUED

Mr. Beach agreed to table the item.

Mayor Fisher suggested striking the item rather than tabling it.

MOTION: To strike the item from the Agenda.

ROLL CALL	M	S	Y	N
Dockswell		x	x	
Hardin			x	
Moss			x	
Phillips			x	
Burrie	x		x	
Fisher			x	

RES. NO. 2016-132: **TIME 01:09:58** **ITEM 6**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HOME FUNDING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CAPTIVA COVE II ASSOCIATES, LTD. PROVIDING FOR NEW CONSTRUCTION OF CAPTIVA COVE II, AN 88 UNIT MULTI-FAMILY RENTAL DEVELOPMENT; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: $100,327 – HOME Funds)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-132 upon reading.

ROLL CALL	M	S	Y	N
Dockswell				x
Hardin	x		x	
Moss			x	
Phillips				x
Burrie		x	x	
Fisher				

CONSENT ITEMS - CONTINUED

Mayor Fisher read the following statement into the record and then turned the Gavel over to Vice Mayor Burrie:

> *"In the abundance of caution, please know that I will abstain from voting on Agenda Item 6 on tonight 's agenda, under the provisions of Section 286.012 of the Florida Statutes and Section 112.3143 of the Florida Statutes. I will also file the appropriate memorandum disclosing the nature of the possible voting conflict, as required by law.*
>
> *Fisher Auction Co., Inc. has engaged from time to time, although not currently for the last seven (7) years to assist with the auction sales of properties owned and controlled by Cornerstone and its Affiliates. Therefore, I am abstaining from voting. "*

Comr. Dockswell referred to Article 4 – Term of Agreement, which states, "the Agreement shall end on December 31, 2016." He asked if that is correct.

Mark Korman, Program Compliance Manager, Office of Housing and Urban Improvement, responded that it is a Home Fund Agreement, which has other agreements associated with it such as the mortgage, the note, and a declaration of restrictive covenants.

Comr. Dockswell questioned what had to be done by December 31, 2016.

Mr. Korman responded that the City will provide Captiva with $100,000 so they can continue to perform as provided for by the Home Funding Agreement. In addition, they are almost complete with Phase II, so that would be completed by the end of the year.

Comr. Dockswell questioned whether the construction is underway so this is to get the City's portion of funding.

Mr. Korman replied that an additional request for funding came in and this will allow them to finish on schedule. Mr. Korman explained that the Commission approved $186,000 in November 2015 and this is an additional $100,000.

CONSENT ITEMS - CONTINUED

Comr. Dockswell asked why the City would provide an additional $100,000 to accelerate Captiva's schedule.

Miriam Carrillo, Director, explained that the fund were requested by Captiva Cove II Associates, Ltd, to cover a shortfall of approximately $500,000 that they have from additional costs they acquired.

In response to Comr. Dockswell's question, Ms. Carrillo stated that this is a tax credit project for the City of Pompano Beach, and Captiva Cove requested additional funding in order for them to complete the Phase II. Therefore, since the City had $100,000 available it was offered to them to finish the project. Notwithstanding, the developer will be absorbing the larger portion of the funding.

Comr. Dockswell stated he finds it strange that the City would offer $100,000 because that is what is in the account.

Ms. Carrillo replied that they made a request for any assistance that the City could provide at this time. Since this was recaptured from previous project funds, and it is a small amount, it was feasible to do. She indicated it is not home funds. In fact, there is $122,000 in the account that must be spent as soon as possible.

Comr. Dockswell asked if the Commission does not approve the funds what would be the consequences.

Ms. Carrillo replied that it would be incumbent on the developer on how they would complete the project and the remaining fund would be returned to the Housing and Urban Development (HUD).

Comr. Dockswell requested an explanation on the backup Section 3.4 and 3.5 that states, "...within six (6) months of project completion, ...or eighteen (18) months after project completion..." the things that could happen and what the consequences would be. Finally, he asked whose job would it be to monitor it.

CONSENT ITEMS - CONTINUED

Mr. Korman indicated that City staff monitors it. In fact, he said, last week he was out conducting a monitoring visit. He found them to be in full compliance based on the monitoring.

Mr. Korman explained that they have a waiting list to occupy Phase II, but currently, they cannot occupy Phase II units.

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, asked to date, what is the total amount that the City has given to the project.

Mr. Kormna replied that Phase I received $950,000 and Phase II so far has received $186,000 so this will be an additional $100,000, which will equal the developer's original request of Neighborhood Stabilization Program (NSP) funds of $1.2 million, although the request was not approved.

Mr. Thrower asked if the City has been monitoring the economics of the project because in the past when money was given, it was done through the HUD process of NSP funding.

Mr. Korman replied there is no NSP funding but rather it is Home funding. Home funding has become and continues to become more restrictive. It requires underwriting analysis, and requires ongoing monitoring.

Mr. Beach reiterated that the question was regarding job creation and if this is part of the project.

Meryl Wolfe, 2100 Hollywood Boulevard, Hollywood, FL, was available to answer questions on the issue.

Mr. Thrower requested that staff provide the economic benefits of this project, as well as how this would be monitored should it get approved.

Comr. Phillips inquired if the City has only contributed approximately $1.2 million, which does not include the Community Housing Development Organization (CHODO) that $1 million was funneled through.

Mr. Korman replied that the Federal Home Loan Bank of Atlanta funded it.

CONSENT ITEMS - CONTINUED

Comr. Phillips indicated that it appears this project is ongoing and he is unhappy with the way the funds are assigned, when this money could be used for people purchasing homes. The City is assisting an entity that possibly has enough money to pay for it themselves. He clarified that this is not a bad project. There are a number of residents that find it restrictive and strict, but there needs to be some rules. Nevertheless, there is the need to lighten up a bit.

Additionally, Comr. Phillips expressed concerns in terms of the priorities of how the City is trying to assist its residents, so, staff could prioritize this a little better. In sum, he will be voting against the item and he explained his reasons. Finally, if the City has until September to assist other residents who could utilize the money in other areas of the city, then staff should come up with a plan.

Mr. Korman explained that the cost of Phase I was $40 million. The primary burden of the costs has been borne by Florida Housing Finance Corporation and Broward County using its own funds. The low income housing tax credits were the primary vehicle for financing the bulk of the transaction, together with the developer contributions.

In addition, Phase II cost $15 million, and structured the same way as the $40 million. In fact, the City is the most junior lienholder. Although these are important funds to the City, they are being used exactly how they are supposed to be used, that is the creation of affordable housing. This will now become an affordable housing development of approximately 350 units.

Comr. Dockswell asked how much the other revenue sources are contributing to this latest round.

Mr. Korman replied that the latest round would be $286,000 and since it cost $15 million everything comes from the remaining sources.

In response to Comr. Dockswell's question, Mr. Korman responded that he is unaware of any of the senior lienholders who have to "pony up" additional funding, which was not of interest to staff.

CONSENT ITEMS - CONTINUED

Mr. Beach explained that the builder is responsible for the difference between the $500,000 requested and the current requested amount. Therefore, the City does not know what the source is for the remainder of the $500,000.

Comr. Dockswell indicated that he would be voting against the item, as the City should be better stewards of the US taxpayers' money.

Comr. Hardin indicated that he supports the project as it furthers the goals the City has had for a long time, which have been espoused by the current commission. He mentioned this is an affordable housing community with a tremendous reputation from a developer, which has done other affordable housing communities in the City of Pompano Beach and has done a great job. Currently, they are nearing the finishing line on this project that has transformed that area. He thanked Ms. Carrillo for finding other funding to get this project underway. He also thanked Cornerstone for transforming an area that was unattractive to what it is today.

Finally, Comr. Hardin indicated this is an example of the City investing home funds and he is supportive of the effort.

Comr. Moss stated that the amount of money the City has invested in the project in comparison to the value of the project in its entirety and the contribution to the betterment of the community is "chump change." As a result, he plans to support it.

Vice Mayor Burrie commented that the project started some time ago and one of the areas where Captiva wanted to take the money from was the NSP, which she fought against as it is definitely for single-family homes. Thereafter, Captiva redid their work resulting in not utilizing the NSP funds. She agreed with Comr. Hardin that this is a small investment in comparison to what the developer has put into it and it is affordable housing.

Comr. Dockswell clarified that none of his comments are based on the quality of the project and what it has done for the neighborhood. However, if the City chose not to allocate the $100,000, then the project would still be completed. Nevertheless, it would allow another six (6) months for staff to determine how this amount could be utilized in the neighborhoods. Therefore, to allow use of the fund without getting the chance to see what else could be done with it is a demonstration of poor stewardship of taxpayers' money.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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CONSENT ITEMS - CONTINUED

Vice Mayor Burrie questioned what else the City could do with the money.

Mr. Korman responded that perhaps this amount could go towards first time homebuyer funding, but there would not be "much bang for the buck." In fact, it would be able to assist approximately three (3) families. Therefore, the current request is a better use of the money.

An extensive discussion followed between members of the Commission on the proper use of the available funding.

RES. NO. 2016-133: **TIME 01:32:08** **ITEM 7**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION MANAGER-AT-RISK CONTRACT NOT TO EXCEED THE AMOUNT OF $67,946.44 BETWEEN THE CITY OF POMPANO BEACH AND BURKHARDT CONSTRUCTION, INC. FOR THE INLET DOCK ADDITION AND CABLE RAILING; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-133 upon reading.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	

Comr. Hardin inquired about the total cost of the project.

Robert A. McCaughan, Public Works Director, responded that it is a total cost of $67,946.44 that include costs such as Construction, Management and General Conditions, which a detail of the costs is provided in the backup material.

CONSENT ITEMS - CONTINUED

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, stated that there are several other items in this contract. However, he wanted to know the economic benefits for contracts similar to the subject matter. He opined that one company appears to be getting most of the work and there needs to be some monitoring to ask for reports as to the economic benefits to the City.

Comr. Hardin understood that reports were going to be provided to the City Commission from the contractors to include a list of people hired and so forth. Historically, they would be providing reports as it relates to the economic impact in the City. He asked if that has started yet.

Mr. McCaughan responded that he will follow-up and get a summary report to the Commission as they have requested. Nevertheless, he indicated that it is in the details of the extensive pages of backup material so it may have been overlooked. He provided a breakdown of the two things involved with the project, and the various bids that the company had to solicit to get the job done.

Mayor Fisher thanked Otis Thomas, Purchasing Director, who has done a tremendous job in the summary report showing how many persons in Pompano Beach were contacted and so forth. He also thanked Mr. McCaughan for the update on the committees.

Comr. Phillips indicated that this is a quality company. He also thanked staff for doing an excellent job and for working diligently on the community benefit component. However, he expressed concerns with Burkhardt, as the company name has repeatedly appeared before the Commission. So, with a company benefiting with so many projects in the City, the question becomes, "What is in it for us?" Notwithstanding, the people within the City's neighborhoods need to be involved in the jobs being generated. Therefore, he inquired about the total amount that Burkhardt has made in direct/indirect money from the projects they may have done for the City. He asked if staff can provide those numbers to the Commission.

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CONSENT ITEMS - CONTINUED

Dennis W. Beach, City Manager, confirmed that the numbers that the Commission is asking for would be as it relates to the contract that has been awarded over a period of time to Burkhardt.

Mr. McCaughan confirmed that he would provide all the work that Burkhardt has completed in the City to include those jobs done under the Community Redevelopment Agency projects. This report will include the subcontractors, suppliers and materials, but individual laborers may not be captured.

RES. NO. 2016-134: **TIME 01:39:36** **ITEM 8**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE 2015 UPDATE OF THE "UNIFIED REGIONAL SEA LEVEL RISE PROJECTION FOR SOUTHEAST FLORIDA" AS THE BASIS FOR SEA LEVEL RISE ADAPTATION PLANNING ACTIVITIES; PROVIDING FOR DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-134 upon reading.

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

Comr. Hardin indicated that he pulled the item because it merits mention. He commented that the City is being impacted by sea level rise, such as flooding by the seawater that has destroyed the grass in the area. Therefore, in South Florida this kind of activity affects the lives of the residents in the area. So more attention should be given to it. Consequently, he pulled the item to highlight it.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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CONSENT ITEMS - CONTINUED

RES. NO. 2016-135: **TIME 01:41:12** **ITEM 9**

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 (4) AMENDMENT NUMBER TWELVE (12) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD 834 (SAMPLE ROAD) FROM MILE POST 9.435 TO MILE POST 9.478; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-135 upon reading.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Comr. Hardin stated that it appears the matter is necessitated by a private development being constructed. So, the City is obliging itself to maintain more right-of-way with the State. Therefore, if this is correct, he asked why it is happening.

Robert A. McCaughan, Public Works Director, replied it is correct. He indicated that approximately two meetings ago there was an eleventh amendment that modified A1A for the new parking garage at the pier. Besides, part of the development is to include landscaping in the Florida Department of Transportation (FDOT) right-of-way. Consequently, the City has a maintenance agreement for all landscaping in the FDOT right-of-way. Therefore, it is for a private developer enhancing the right-of-way but the City is responsible for maintaining it, which is thirty three (33)miles of state roads in the City.

Names of Commrs.	M	S	V Y	V N

CONSENT ITEMS - CONTINUED

Comr. Phillips inquired about WaWa as he was not aware of what the word meant.

Mayor Fisher responded that WaWa is a popular fuel station renowned for their submarine sandwiches and food. It is a national chain, which stops in the Orlando area but has now come to Southeast Florida.

RES. NO. 2016-136: TIME 01:03:10 ITEM 10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

RES. NO. 2016-137: TIME 01:43:20 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 FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LANSING MELBOURNE GROUP, LLC FOR OWNER'S REPRESENTATION FOR CONSTRUCTION OF THE PIER GARAGE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: $55,560.95)

The Resolution was read by title only.

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CONSENT ITEMS - CONTINUED

MOTION: To adopt Resolution No. 2016-137 upon reading.

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

Comr. Moss noted that of the existing contract for 3,930 hours when divided by a 40 hour workweek it amounts to 98.25 weeks which is approximately two (2) full years of someone working on the project for the initial amount. Previously, he asked Mr. Danovich if the hours are audited, but there is no way of auditing. Therefore, Comr. Moss stated that he will need to trust the information, which he does, but wanted to verify it. It also addresses the increase in the scope of the work but it is not described in the backup. Therefore, he felt this is one more change order that has not been justified.

Horacio Danovich, CIP Manager indicated he is available to answer any questions and elaborate if the commission desires.

MOTION: To adopt Consent Items 1-2, 4 and 10.

VOICE VOTE				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

There was no discussion on Consent Items 1-2, 4 and 10.

Names of Commrs.	M	S	V Y	V N

REGULAR ITEMS

TIME 01:45:12 ITEM 12

Presentation of the Actuarial Valuation Report for the City of Pompano Beach General Employees' Retirement System as of October 1, 2015 by Board Actuary, Mr. Jose Fernandez of Cavanaugh Macdonald Consulting , LLC.

The two presenters of the Actuarial Valuation Report were:

- Todd Green, ASA, FCA, MAA, Principal and Consulting Actuary with Cavanaugh Macdonald Consulting, LLC, Atlanta, Georgia.
- Jose Fernandez, ASA, EA, FCA, MAAA with Cavanaugh Macdonald Consulting, LLC

Todd Green indicated this is their annual presentation of the results of the Actuarial Valuation of the Pompano Beach General Employees' Pension Fund. Mr. Green explained their role as the actuary. Since it is a defined benefit pension plan, they estimated the benefit payments that will be paid for all the members of the System that are currently working. In addition, they determine the liability and a contribution sufficient to fund the plan. He said approximately 60%-70% of what is paid out of the Plan actually comes from investment income and not contributions. Therefore, it is an efficient way to save for retirement for the employees in the General Employees' Retirement System. Thereafter, Mr. Green provided details to the Commission from the attached presentation.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, cited their assumptions for the actuarial growth rate and asked what they are calculating as the annual projected growth rate for the numbers to work functionally. As well as to have the fund retired over a period of time and get back to a solvent position.

Mr. Green asked if he meant the assumed rate of return, which Mr. Terwilliger replied yes.

Mr. Green replied that it would be eight percent (8%).

REGULAR ITEMS - CONTINUED

Mr. Terwilliger asked how they are accounting for the strong likelihood to the market place, which will take a correction because of the derivative market within the relatively short future.

Mr. Green responded that they anticipate the volatility in the financial markets and their assumption is a long-term one. There will be times when the assumption is not met but there are going to be times when the assumption is exceeded, and over time, they should balance each other out.

In response to Mr. Terwilliger's question, Mr. Green indicated that they could not predict the future nor asset. But the assumed rate of return is based on the asset allocation of the fund, as well as the capital market assumptions used by the investment consultant that guides the boards in assisting with setting the assumption. Therefore, they do not take into account anticipated events that they cannot take to actually occurring.

Comr. Dockswell asked for clarification on what the return was in the most recent fiscal year for which there is data supplied. It appears that they are saying that the Plan did better than forecasted.

Mr. Green replied it did. He explained that the market return for the year was a negative .2% but since they utilized the smoothing method that recognizes gains and losses over a five (5) year period, they had some unrecognized asset gains to help offset that loss. So, on an actuarial basis the return was 8.7% although next year it is not likely to be that unless there is an offsetting higher than 8% rate of return.

Comr. Dockswell cited page 17 of the Actuarial Valuation Report as of October 1, 2015, provided as backup material, where it indicated that in the fiscal year 2014-2015 the retirement fund lost $12 million, and asked for an explanation how this happened.

Mr. Green confirmed that it had a negative investment return of $12 million. He explained that it reflects the volatility of the market. In addition, Mr. Green indicated that they do not invest the money they only measure it.

REGULAR ITEMS - CONTINUED

Jose Fernandez, Cavanaugh Macdonald Consulting, LLC, explained that on page 8 of the presentation made earlier by Mr. Green, there are other years when the return has exceeded the 8%.

Comr. Dockswell debated with Messrs. Fernandez and Green the losses and the performance, which he felt was below par. In sum, Comr. Dockswell noted there is a need to understand the risk profile being taken in the investment portfolio.

Finally, Mr. Fernandez referred to page 19 of the Report under the line "Investment Income," the investment income was a negative $235,039, so this is why it was stated as being "flat." Therefore, because they expected the investment income to be 8%, but the actual investment income was zero (0), then the difference reflected is the $12 million.

Comr. Phillips asked who handles the investment of the money, and learnt that the General Employees' Pension Board is responsible.

MOTION: To accept the report.

ROLL CALL	M	S	V Y	V N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

P.H. 2016-37; ORD. NO. 2016-...: TIME 00:04:38 ITEM 13

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTHEAST OF THE I-95 NORTH-BOUND COPANS ROAD EXIT RAMP AND NORTH OF NW 21ST COURT, ADJACENT TO AND PART OF WHAT IS COMMONLY KNOWN AS 350 WEST COPANS ROAD FROM RS-4 (SINGLE-FAMILY RESIDENCE) AND B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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REGULAR ITEMS - CONTINUED

MOTION: To table the item to May 10, 2016 City Commission meeting.

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

P.H. 2016-39; ORD. NO. 2016-46: TIME 02:04:17 ITEM 14

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP, AND TO PROVIDE ADDITIONAL STANDARDS FOR THRIFT SHOPS: BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND THE CHART TO REFLECT SAID CHANGES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-46 upon second reading.

ROLL CALL				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Names of Commrs.	M	S	V Y	V N

REGULAR ITEMS - CONTINUED

Karen Friedman, Principal Planner, indicated the item for the Commission's consideration is the second reading of the ordinance that is an outcome of the moratorium. It addresses Thrift Shops and Consignment Shops. She indicated that since the first reading, there has been no change to the ordinance.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, asked about the proposed changes to the ordinance for thrift stores and consignment shops. She inquired if all would be located on Dixie Highway or would the City disallow them in any other area in the City.

Mayor Fisher explained that there are certain Text Amendments that provides certain areas and opportunities that they can go, but they would have to have certain square feet and so forth.

Ms. Bullard asked if the Flagler zoning area will be changed.

Ms. Friedman explained that the area known as DPOD (Downtown Pompano Overlay District), the consignment shops will be renamed consignment boutiques, they will be allowed in the DPOD but they will be prohibited within the historic areas, which is located on Flagler between 1st and 2nd Streets.

Ms. Bullard expressed concern specifically on 2nd Street to 3rd Street and wanted to know if consignment shops would be allowed in that area.

Ms. Friedman responded that area would be prohibited from having consignment stores and boutiques.

P.H. 2016-40; ORD. NO. 2016-47: TIME 02:07:52 ITEM 15

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW

REGULAR ITEMS - CONTINUED

DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-47 upon second reading.

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

Karen Friedman, Principal Planner, stated that the item for the Commission's consideration is the second reading of the ordinance related to the temporary moratorium. This ordinance specifically addresses cash checking facilities, payday loan providers, and pawnshops. Since the first reading, there has been no change to the ordinance.

REGULAR ITEMS - CONTINUED

Marcie Nolan, Esq., Becker & Poliakoff, PA, 1 Broward Boulevard, Fort Lauderdale, FL 33301, stated she is representing G.C. Pawn and with her are Adam and Josh Davis who are existing pawnshop owners in the City of Pompano Beach. She indicated that Messrs. Adam and Josh Adams are the owners of Golden Pond located on Dixie Highway, but are desirous to move their pawnshop from being a tenant in a building to one day owning their own property. However, the current proposed zoning allows check cashing and alternative payday businesses to be located in four zoning districts. Pawnshops remain in the category that they have always been allowed in, which is the B-4 zoning district only. The new regulations will take the pawnshop and keep it limited to the B-4, in the meantime, the check cashing stores have more zoning districts, as well as there is language about distance separation. Therefore, she presented the attached PowerPoint document highlighting their proposal to the Commission.

In sum, they are requesting that the City eliminate the restrictions between pawnshops and check cashing stores for the distance separation requirements.

Ms. Friedman explained the items in the study that included the uses titled alternative financial uses. This term was not created for the study, rather it is an accepted term nationally that includes an umbrella of uses that operate outside of the traditional banking or financial institutions. In the case of the study, staff focused its research on check cashing stores, payday loan providers and pawnshops. In sum, staff is proposing a solution that reflects the results of the study, which reflects the clustering seen in the community. Also, it reflects the location of these uses particularly in or adjacent to the northwest CRA. Therefore, to address them as separate uses completely disregards the concept of the umbrella of uses called alternative financing uses. Finally, staff does not support treating them as separate uses but instead does support the idea that they have secondary effects that are only enhanced when they are co-located.

Mark E. Berman, City Attorney, inquired if the Federal Reserve Board Study that Ms. Friedman referenced was part of her backup material.

Mrs. Friedman responded that not only was it part of the backup but the references for the study are included as well.

REGULAR ITEMS - CONTINUED

Mr. Berman inquired if the map showing the clustered areas was included in the backup for this item.

Ms. Friedman replied yes.

Mr. Berman inquired that based upon the secondary effects from the studies and the research that Ms. Friedman has done, is it the Development Services recommendation that these distance requirements be utilized for both of these types of businesses.

Ms. Friedman replied that is the recommendation.

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, stated he supports staff's recommendation as is and urged the Commission to move forward with the item.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated, "We live in a free economy and a free society." He indicated that in many of the industries and the retail businesses in the local neighborhoods they are inclined to be clustered. The idea is for a free market to bring similar businesses to become neighbors with each other so the consumer ends up with a better selection with a competitive price for their selection. Therefore, he suggested that the 1,000 feet differential may in fact harm the consumer. Therefore, if these are close to each other people would have the opportunity for competitive rates and would be able to go from door to door rather than traveling 1,000 feet down the street.

Finally, Mr. Terwilliger recommended that the Commission strike the 1,000 feet separation language.

Sarahca Peterson, 2051 Northwest 1st Avenue, Pompano Beach, FL 33060, stated that she does not want to see more pawnshops and more check cashing stores where people are getting in debt and not being able to progress. She believes that it is perhaps predatorial to have pawnshops or check cashing stores to overload in the northwest district. Therefore, she suggested that the City allow banks rather than check cashing facilities, which can only hurt those people who are trying to get out of debt. In addition, she urged the Commission to consider disallowing more check cashing facilities in the neighborhoods.

REGULAR ITEMS - CONTINUED

Ms. Nolan pointed out that they do not have a problem with the code and the proposed distance separations. In fact, it would limit rather than increase the pawnshops. In sum, Ms. Nolan indicated that they felt the proposed ordinance, based on the data analysis they had collected, is over-broad and over-reaching as it relates to the interrelationship with the check cashing stores and the pawnshops. Therefore, their request is to strike those six words from the ordinance, so that the B-4 zoning district, which is the only district allowed to have pawnshops, allows existing pawnshops within that district the ability to move from one location to another.

P.H. 2016-41; ORD. NO. 2016-48: TIME 02:24:25 ITEM 16

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE STANDARDS FOR GROCERY AND CONVENIENCE STORES; TO MODIFY THE PERMITTED LOCATIONS FOR, THE DEFINITION OF, AND STANDARDS FOR LOCAL LIQUOR OR PACKAGE STORES, REGIONAL LIQUOR OR PACKAGE STORES AND BEER OR WINE STORES; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES" TO AMEND THE DEFINITION OF FOOD AND OR BEVERAGE PRODUCTS MANUFACTURING; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO AMEND THE DEFINITION OF ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY AND PROVIDE FOR DISTRICTS WHERE PERMITTED; AMENDING THE DEFINITION OF PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE AND PROVIDING FOR DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND THE USES THAT ARE EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND

REGULAR ITEMS - CONTINUED

LOADING" TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR VARIOUS ALCOHOL BEVERAGE ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-48 upon second reading.

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

Karen Friedman, Principal Planner, stated that the item for the Commission's consideration is the second reading of the ordinance related to the temporary moratorium. The ordinance specifically addresses regulations for liquor stores, convenience stores, beer/wine stores, the accessory sales of alcohol related to breweries, etc. There have not been any changes since the first reading.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, indicated that most of her clients have been asking about the proposed ordinance as it relates to the excessive clustering of liquor stores in the northwest section of the City. In fact, there are even drive-thru liquor stores allowed, as well as strip clubs throughout the area.

Mayor Fisher indicated that the facilities mentioned by Ms. Bullard were existing prior to the Commission getting to the moratorium and consequently the proposed ordinance was now being considered. In sum, Mayor Fisher indicated that the City is now trying to curb what has been allowed in the past.

Names of Commrs.	M	S	V Y	V N

REGULAR ITEMS - CONTINUED

Ms. Friedman indicated that the study, which is available online, provided the recommendations regarding the liquor stores. A mapping was done of all the liquor stores in the City, they analyzed the number of liquor stores to compare with other cities throughout the County, and looked at other issues with the location, and studied the secondary effects of liquor stores.

Additionally, Ms. Friedman indicated that the City will be regulating more stringently, stores that sell beer/wine as a result of the moratorium, and explained the various regulations that will apply to the special category for the beer or wine stores. With regard to the drive-thru liquor store, one of the recommendations is to prohibit drive-thru for beer/wine store and both of the liquor stores categories.

Finally, Ms. Friedman stated that in all of the City's business districts staff is recommending special exception approval for a "local liquor store" which is a smaller liquor store. The larger liquor stores will be more permissive, but will require special exception in two of the business districts.

Ms. Bullard indicated that Ms. Friedman does not have to go through all the recommendations, but requested a copy of the list. She was more concerned with curbing the liquor stores allowed on the west side of the City.

Comr. Dockswell requested that staff explain about the non-conforming use and how it would play out over time.

Ms. Friedman explained that when they were making zoning code changes they respected the existing uses. Those uses to include the drive-thrus will be able to remain, but no new drive-thrus would be permitted. There will be restrictions in existing facilities to expand.

Comr. Phillips indicated that he assisted in sounding the alarm when so many liquor stores were being allowed in the area.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

P.H. 2016-42; ORD. NO. 2016-49: TIME 02:32:35 ITEM 17

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-49 upon second reading.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

REGULAR ITEMS - CONTINUED

Karen Friedman, Principal Planner, stated that the item for the Commission's consideration is the second reading of the ordinance related to the temporary moratorium. The ordinance recommends revisions to the zoning code regarding health care uses. No changes have been done since the first reading.

P.H. 2016-44; ORD. NO. 2016-50: TIME 02:34:13 ITEM 18

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PERMITTED PRINCIPAL USES, PROHIBITED USES, STANDARDS SPECIFIC TO COMMERCIAL/ RESIDENTIAL MIXED-USE DEVELOPMENTS AND SEPARATION REQUIREMENT FOR SALES OF ALCOHOLIC BEVERAGES AND EXEMPTIONS; BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DP)," TO AMEND CHART TO REFLECT SAID CHANGES AND AMEND THE MODIFIED USE STANDARDS FOR THE DPOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-50 upon second reading.

ROLL CALL	M	S	V Y	V N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Karen Friedman, Principal Planner, stated that the item for the Commission's consideration is the second reading of the ordinance related to the temporary moratorium. The ordinance includes the recommendations related to the two overlay districts, Atlantic Overlay District (AOD) and Pompano Downtown Overlay District (PDOD). There were no changes since the first reading.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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REGULAR ITEMS - CONTINUED

Mark E. Berman, City Attorney, indicated that since this item involves distance separation requirements and alcoholic beverages, for clarity of the records, asked if there were studies that staff utilized for the recommendations provided showing the negative secondary effects of said alcoholic beverage uses and sales.

Ms. Friedman replied that is correct.

Mr. Berman asked if they were included in the backup material.

Ms. Friedman replied that is correct.

Mr. Berman asked if they comprised the reasoning for staff's distance separation recommendations.

Ms. Friedman replied that is correct.

P.H. 2016-48; ORD. NO. 2016-...: TIME 00:04:44 ITEM 19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDED AND RESTATED SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CRS MAX CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

MOTION: To strike the item from the Agenda.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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REGULAR ITEMS - CONTINUED

P.H. 2016-49; ORD. NO. 2016-...: TIME 02:36:19 ITEM 20

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2305, "PUBLIC HEARING SCHEDULING AND NOTICE," TO EXPAND THE TIME PERIOD FOR REQUIRED PUBLIC NOTICE OF PUBLIC HEARINGS ON ZONING RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

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

Karen Friedman, Principal Planner, stated that the Text Amendment is a result of directives from the Commission to staff at its October 27, 2015 City Commission hearing. During the hearing, it became known that because of the changes in the US postal service, the existing standard for public mailing of five (5) calendar days was not satisfying the public noticing requirements. Therefore, staff was directed to change the noticing from five (5) calendar days to six (6) business days. The change was made immediately, so, this code change would codify the new standard operating procedure.

REGULAR ITEMS - CONTINUED

P.H. 2016-50; ORD. NO. 2016-...: TIME 02:37:40 ITEM 21

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4204., "INSTITUTIONAL: COMMUNICATION USES," TO MODIFY SEPARATION AND SCREENING REQUIREMENTS FOR FREESTANDING TELECOMMUNICATION TOWERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

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

Karen Friedman, Principal Planner, stated the item is of a housekeeping nature and provided a historical background regarding an adopted ordinance that exempted telecommunication towers located in the city's utility district from having to be separated from other towers. During the time of the zoning code rewrite the standard was adopted inversely. The rewrite had the towers that were located in the utility district required to be separated and those outside of the district not be separated, which is the first component of the amendment to the ordinance to correct that error. The second request is to prohibit the use of chain link fences if they will be visible from the adjacent right-of-way, as well as disallow installation as part of the required landscape offer.

Victor Beninate, Regional Director, AT&T Florida, 2001 Northwest 64th Street, Fort Lauderdale, FL, 33309, indicated that he did not have a chance to study the proposed ordinance; therefore, he contacted city staff who has agreed to work with them prior to second reading.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

P.H. 2016-51; ORD. NO. 2016-...: TIME 02:40:12 ITEM 22

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4302, "GENERAL," TO PROVIDE RESTRICTIONS FOR LOCATION OF ACCESSORY USES AND STRUCTURES NEAR DUNE VEGETATION LINES; BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE STANDARDS FOR UNCOVERED PORCHES, DECKS, PATIOS, TERRACES AND WALKWAYS ON PROPERTIES WHICH INCLUDE AREA SEAWARD OF DUNE VEGETATION LINES; BY CREATING SECTION 155.9301., "REAR PROPERTY LINE AS RELATED TO MEASUREMENTS," TO PROVIDE MEASUREMENT AND BOUNDARY STANDARDS FOR PROPERTIES ABUTTING THE BEACH; BY AMENDING SECTION 155.9401., "MEASUREMENT," TO MODIFY REQUIREMENTS FOR MEASUREMENT OF LOT AREA AND LOT COVERAGE FOR PROPERTIES ABUTTING THE BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

ROLL CALL	M	S	Y	N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Karen Friedman, Principal Planner, stated the item is specifically addressing the proposed standards for beachfront properties to ensure the dunes are protected. Therefore, the recommendations will outline how the rear property line would be treated for the beachfront properties. Ms. Friedman indicated that for those beachfront property lines that are east of the historic dune, the

REGULAR ITEMS - CONTINUED

City would use the dune to measure most of their development standards to include their building setback, where they could place accessory structures, and so forth. In terms of the residential and density entitlements, if they are located up to the Erosion Control Line the measurements would end at that line, which would be for density only. These changes would be consistent with the City's comprehensive plans, coastal zone, management element that protects the dunes and at the same time protect the private property rights.

Comr. Hardin asked what prompted this change.

Ms. Friedman responded that the difference between the Erosion Control Line, which was recently extended down to the southern portion of the City and the Dune Vegetation Line in terms of how it affects private property rights. The City had a long standing standard where everything was measured from the Erosion Control Line up until the zoning code was revised. At that time, the City extended residential entitlements to the Erosion Control Line, which is the most seaward line. Therefore, when the change was made it erroneously changed how the city was going to determine setbacks. Staff is desirous to ensure the language is specific and clear.

P.H. 2016-52; ORD. NO. 2016-...: TIME 02:44:36 ITEM 23

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY STANDARDS FOR OFF-STREET PARKING IN THE ATLANTIC BOULEVARD OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

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

REGULAR ITEMS - CONTINUED

Karen Friedman, Principal Planner, stated that in 2011, in an effort to incentivize redevelopment of the Atlantic Boulevard Overlay District (AOD), Ordinance 2011-31 revised the parking standards for the AOD. It did not require parking for five (5) years within the district. The purpose of the ordinance is two-fold that is, to continue to relax the off-street parking requirement, which is an important redevelopment tool. Also, to amend the requirements to reflect the outcome of the moratorium, as well as the fact that there are uses that speak more to the purpose of the AOD. Therefore, the Text Amendments include parking modifications, except they are tailored to the specific uses, and in working with the Community Redevelopment Agency (CRA) staff, they desire to see incentivize redevelopment coming to the area.

Bruce Volkel, 2700 Southeast 2nd Street, Pompano Beach, FL, stated that he is aware that there are parking issues on Atlantic Boulevard and especially at the back of Harbor Village. However, on the east side there are no sidewalks; therefore, if off-street parking will be allowed, people are already walking on the side of the road to visit any of the restaurants in the neighborhood. So, for the safety of the residents he is interested in the off-street parking, and requested more information on the matter.

Ms. Friedman noted that she will take Mr. Volkel's information and email him a copy of the backup. Also, she stated that the CRA is focused on parking and the need for it. So, she will ensure that his contact information is provided to the east CRA staff, if they do not have it.

Comr. Dockswell stated that the relaxation of parking requirements have been something he was never comfortable about, and was planning to advocate forcefully against this ordinance. However, he has discussed with a number of people and can now see the utility of it. Therefore, he would like to propose an amendment to the ordinance on second reading. He then provided details on the idea behind it.

In sum, Comr. Dockswell noted that he desired to see it codified so that if certain qualifications are met for reduced parking requirements, a plan is in place on the accommodation of the parking demand. Also, he is hoping that some solution either in hand or that the City would be developing the solution in support of the use desired. Subsequently, Comr. Dockswell recommended that the item be passed on first reading but provide amendments on the second reading.

REGULAR ITEMS - CONTINUED

Mayor Fisher commented that it could be considered, but desired to quantify it, because he would not want to have a place such as the Foundry to be unable to do what they are currently doing. Therefore, Mayor Fisher is requesting that caution be exercised as to what should be done in that area.

Comr. Hardin agreed with Mayor Fisher's comments, even though he empathized with Comr. Dockswell's situation. He said one of the good things about the ordinance is that it has a sunset provision in it, which is unique. So, he agreed with looking at something else, but cautioned the Commission to be careful for what it is asking for. Moreover, if a mechanism is put in place to get relaxed parking requirements, there will be the need to develop a plan with staff. Thereafter, it will take away relaxed parking and create an additional hurdle over what the City has been offering.

Mayor Fisher indicated that the goal was to provide parking facilities in those concentrated areas. There is a vision for the parking, but he would not want to put regulations in and not have the relaxed opportunity for some development to take place.

Comr. Phillips stated that he understands the relaxed criteria for parking, but agreed with Comr. Dockswell that at some point there should be some criteria to ensure there will be available parking.

Ms. Friedman indicated that she had a conversation with Comr. Dockswell and wanted to reassure him that the City has been operating without parking standards or required parking in the AOD for some time now. However, when applicants come in with a new project, staff does not disregard parking. Normally, the applicant comes in with a demand for parking spaces. In sum staff does engage the applicant in a conversation to determine their plan and needs.

Comr. Dockswell is aware of those restaurants that need to have the relaxed parking standards in order to open. In sum, the City has been in reaction mode when an establishment such as the Foundry opened and the City had to designate some parking spaces on the side for their valet operation. Therefore, he desired to see some of these things be thought through upfront. The same requirements can be in place for relaxed parking, but he does not agree that if a process is in place then it would mean it is no longer a relaxed parking standard.

Names of Commrs.	M	S	V Y	V N

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REGULAR ITEMS - CONTINUED

RES. NO. 2016-138: **TIME 02:58:33** **ITEM 24**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION MANAGER-AT-RISK CONTRACT NOT TO EXCEED THE AMOUNT OF $4,998,932.47 BETWEEN THE CITY OF POMPANO BEACH AND BURKHARDT CONSTRUCTION, INC., FOR THE BRINY AVENUE UNDERGROUNDING AND STREETSCAPE IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-138 upon reading.

ROLL CALL				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

John Sfiropoulos, City Engineer, stated that this is a proposed contract with Burkhardt, which includes undergrounding overhead utilities, to include electric and telephone cables for aesthetics and hurricane hardening. Also, streetscape improvements, which include landscape, irrigation, lighting, drainage, brick paver roadway along Briny, pavement resurfacing, new beach access and amenities.

Additionally, Burkhardt was the highest ranked firm who previously completed the preconstruction services for Briny and has intimate knowledge of the project. The project is in the City's strategic plan and they have conducted several public presentations on the project.

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, stated that the project is great and he looks forward to seeing it move forward, but asked if staff would be monitoring and providing the Commission with updates on the economics of the project.

REGULAR ITEMS - CONTINUED

Mayor Fisher responded that the Commission has requested the updates from staff.

Mayor Fisher asked Horacio Danovich, CIP Manager if all the easements from the property owners have been completed.

Mr. Danovich replied that they are all completed.

Comr. Phillips commented that as these things are done he would like to include his stand of "me too."

Comr. Moss asked for an explanation on a Manager-at-Risk contract.

Mr. Danovich responded that there are different ways of managing a project. Therefore, a construction manager-at-risk is retained for the purposes of being an extension of the City. So, the manager-at-risk would be responsible to do the purchasing, bidding and finding of the contractors instead of the City. In sum, they do the research to find the best prices and products for the City as it relates to suppliers, subcontractors, electrical, irrigation, landscape, and so forth. Thereafter, he/she would present these to the City for final decisions.

Comr. Moss asked how many contractors bid on this contract.

Mr. Sfiropoulos replied that there were seven (7) which were shortlisted to three (3) and Burkhardt ranked the highest.

TIME 03:04:38 ITEM 25

Approval to award Bid L-14-16, School Crossing Guard Service, to the lowest responsive and responsible bidder, The Butler Group of South Florida LLC d/b/a Nextaff, for an annual contract, at an estimated cost of $571,725.00 per year.

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REGULAR ITEMS - CONTINUED

MOTION: To award Bid L-14-16 to the lowest responsive and responsible bidder, The Butler Group of South Florida LLC d/b/a Nextaff

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

Mark Beaudreau, Recreation Programs Administrator, indicated that staff is seeking Commission's approval of the Bid with the Butler Group of South Florida LLC, who is the current provider of the service.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, is aware that in the past the City has paid for the school crossing guards. However, at some time the City needs to decide to separate the expenses of the School Board versus the expenses of the citizens of Pompano Beach. Therefore, he wondered if this would be the time to "draw the line in the sand" and get the school board to pay for the school crossing guards.

Mayor Fisher noted that the school board is not going to pay for it. Therefore, at this particular time the City has decided to protect its children from crossing the dangerous roads.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, thinks the City should be responsible for the children who have to cross the streets and it is a wonderful thing that the City is doing.

Comr. Dockswell indicated that if the City ever wanted to "draw a line in the sand" it should not be on the school crossing guards because they are outside of the school building and are on the City streets.

Mayor Fisher thanked Ms. Butler for utilizing 87% of Pompano Beach residents as employees of her organization.

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REGULAR ITEMS - CONTINUED

TIME 03:09:18 **ITEM 26**

Approval to award Bid E-04-16, Alsdorf Park Phase 2 Parking Improvements, to the second low bidder, Roadway Construction LLC, in the amount of $899,852.00.

MOTION: To award Bid E-04-16, to the second low bidder, Roadway Construction LLC.

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

Horacio Danovich, CIP Manager seeks the Commission approval to award a contract to the lowest bidder, Roadway Construction LLC. This is for improvements to Alsdorf Park including additional storm sewers, grading and sodding of swales, asphalt pavement and replacement, resurfacing, striping, signage, sidewalks, landscaping, irrigation, lighting and minor utility relocations. He indicated that they received nine (9) responses to this advertisement. The first bidder submitted a proposal and upon further review found some inconsistencies, so the bidder withdrew their proposal, therefore, the number one firm that remains is Roadway Construction LLC.

Comr. Phillips asked if there is still a Marine Advisory Board in place, to which the answer was yes. Therefore, he asked if they had a chance to review the bid.

Mr. Danovich responded that all projects related to the marine facilities do go to the Marine Advisory Board. Particularly, this one is located in the FIND (Florida Inland Navigation District) area.

Comr. Phillips indicated that he loves to go fishing at Alsdorf Park, but there appears to be a slow intrusion into the fishing spots that non-boaters go to fish. Therefore, as the future improvements take effect, he urged staff to slow down in removal of those fishing spots, because there are residents who do not own boats but enjoy fishing at the park.

Names of Commrs.	M	S	V Y	V N

CITY COMMISSION MEETING MINUTES **March 8, 2016**

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REGULAR ITEMS - CONTINUED

In response to Comr. Moss' question, Mr. Danovich responded that Burkhardt did not bid on this project.

RES. NO. 2016-139: **TIME 03:13:33** **ITEM 27**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JULIE R. NEWTON** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ELIZABETH A. ADAMS; SAID TERM TO EXPIRE ON APRIL 26, 2017; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-139 upon reading.

ROLL CALL				
Dockswell		x	x	
Hardin			x	
Moss			x	
Phillips			x	
Burrie	x		x	
Fisher			x	

Vice Mayor Burrie noted that sometimes it happens when a person does not live in the appointing Commissioner district such as in this case, where Julie Newton does not live in District 2, but she has appointed her.

REPORTS

City Manager – No Report.

City Attorney – Executive Session – Mark E. Berman, City Attorney requested, pursuant to Section 286.011(8)(A) Florida Statute, a meeting in private with the Commission and with the City's counsel to discuss litigation in the matter of Rocket Outdoor Advertising, LLC v. City of Pompano Beach, Florida.

Names of Commrs.	M	S	V Y	V N

REPORTS - CONTINUED

Mr. Berman indicated, as discussed previously, this is a lawsuit challenging the City's sign code. The discussions will be out of the Sunshine per statute. They are limited to settlement negotiations or strategy sessions related to litigation expenditures. Therefore, staff is requesting a date of March 22, 2016 and will be working to make a convenient time certain for everybody.

City Clerk – No Report.

Commissioner Barry J. Dockswell – No Report.

Commissioner Rex Hardin – Waste Management Garbage Issues – Comr. Hardin requested City Manager Beach to be sure to point out to Public Works Director Rob McCaughan, and Solid Waste Manager Russ Ketchem the discussions that the Commission had with Waste Management at this meeting.

Commissioner Barry Moss – Vandalized Car – Comr. Moss reported that last week his car was broken into and his briefcase stolen. However, he thanked Major Hale and his team for showing up quickly and checking for fingerprints. Hopefully, they will be able to find the culprits. Unfortunately, all his documents relating to the Commission were stolen. Therefore, he will be requesting people to generate new documents. For example, business cards with email address and phone numbers are all gone, so he will be requesting those again from employees.

Removal of Advisory Board Members – Comr. Moss indicated that there was a Memo from the Parks and Recreation Advisory Board asking the Commission to remove two (2) of the people from that Board. They established their own rules about attendance and two of the members namely; Mr. Bechert and Ms. Almonord who are alternates are requested to be removed. Therefore, he suggested that City Manager Beach comes up with a process whereby people who are not showing up for meetings can be removed. He is unsure what the city code allows, but this is a big inconvenience for those people who show up and there is no work.

REPORTS - CONTINUED

Additionally, Comr. Moss noted that again, the Budget Review Committee has failed to meet for lack of a quorum, which is another Board that he has a problem with their lack of meetings. These members are either going to participate, get off the Board, or the board should be terminated.

Mayor Fisher indicated that he has had extensive discussions with City Attorney Berman and City Clerk Hammond and unfortunately, there is no mechanism to remove physically those two members. However, the City Clerk could ask the Commissioner who appointed them to ask for their resignation, which would be the best way to resolve their attendance issue.

Mark E. Berman, City Attorney confirmed that would be the best way. Mr. Berman added that there are sections in the Code for various boards for removal but not a general section. Therefore, the most fair and reasonable way is to contact them to determine their interest to serve on the board.

Comr. Hardin said that he thought the Memo under discussion was interesting because the Parks and Recreation Advisory Board on their own decided that their alternate members are required to attend all the meetings. While he does not have a problem with that; however, that is not how it is spelled out in the ordinance.

Thereafter, a discussion followed among the Commission and the City Attorney on how alternate members are perceived in attending the meetings and the process involved.

Comr. Hardin indicated that the process where a Board decides that alternates must attend all meetings and if not, they should be taken off the board is not a fair process.

Mr. Berman indicated that he questioned the process for alternate members because normally those members are not held to the same requirements of attendance as the regular board members.

Comr. Moss suggested that this information is communicated to the Boards so that they have a better understanding of it.

REPORTS - CONTINUED

Mayor Fisher requested Ms. Hammond to provide the Commission minutes to the Boards.

Comr. Dockswell recalled having a discussion with the previous City Attorney regarding this issue. He thought since the Commission appoints people to the Boards they should be able to remove them from the Boards with a motion.

Mr. Berman responded that there should be a reason for removal. Usually, most Board appointments are, unless there is maleficence or they have done something wrong there is no reason to remove them from the board. Currently, there is no process in place. Therefore, a general process needs to be considered that will apply to all boards, potentially for failure to attend or failure to be available if a person is an alternate over a period of time, in essence something that is fair. It should not dissuade volunteers that the City relies upon from participating on these boards.

Comr. Dockswell desires a clear process that the Commission should either be able to remove someone by motion or by what other means that is in place.

Mr. Berman explained that the concern at this time is what the City has or does not have in place. To remove someone, discuss someone or undermine a Commissioners' appointment and letting them know that this person appointed has been a problem, and can it be looked into. At this point, there is no mandate for removal, but it warrants investigation, communication and a determination of a desire to serve and then staff could look into fine tuning it, which he agrees needs to be done.

Comr. Dockswell indicated that he had intentionally not appointed someone for quite some time since the previous person he had appointed resigned. Actually, when he became commissioner, the Budget Review Committee was terminated and he advocated to get it reinstated, which it was. However, his experience is that it has become a hotbed of non-productive dissention. People who had a more positive intention over time have since resigned.

Additionally, Comr. Dockswell indicated that he would be open to disbanding it again, as twice it has not worked.

REPORTS - CONTINUED

MOTION: To direct the City Attorney to prepare a Resolution to disband the Budget Review Advisory Committee.

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

Vice Mayor Burrie indicated that she is unable to get anyone to serve on this board. Therefore, she agrees to disband the Board.

Comr. Phillips commented that the prior Budget Review Committee got some components of the criteria for fund balance.

Comr. Phillips stated the he found out that the City Clerk's Office has a system that if members are not serving correctly on boards they can be asked to acquiesce their will, which has happened to him. His understanding is that alternates are called if the current membership is not present. However, if an alternate is absent for a meeting because there is already a full quorum of members, then that person should not be penalized for not attending the meeting. Therefore, he is pleased that this matter will be explored to come up with a process.

Commissioner Edward Phillips – Posters on Flag Poles – Comr. Phillips indicated that he and his community are very frustrated with posters on all the City and County's flagpoles, and other areas being used for these posters. He does not believe the Public Works or Parks and Recreation Departments should be "charged" repeatedly to remove those posters, while the persons putting them up are not penalized. Therefore, there should be a process to ensure the offenders are penalized.

Mayor Fisher indicated that the Broward Sheriff's Office, as well as the City Manager have been working with code compliance on how to get to these promoters to have them penalized.

REPORTS - CONTINUED

Dennis W. Beach, City Manager, responded that this has not yet been worked out, as there are a number of legal impediments to hold the violators accountable and to prosecute them for this. The City Attorney's office has provided communication that they would continue to ponder how the City can access these people, and how to get to them to penalize them for this type of activity.

Mr. Berman explained that when they send threatening letters to the clubs, they disclaim the activity and indicate the promoters, whom nobody knows, is responsible for the act. Apparently, these promoters are hiring kids to go out there. However, the law is in place to catch them in the act, which is difficult. Notwithstanding, some offenders have been caught, prosecuted, and incarcerated; but, they will continue to pursue innovative ways to dissuade this activity.

Thereafter, there was an extensive discussion among the Commission and the City Attorney on the hurdles involved in trying to get this matter resolved.

Railroad Tracks – Comr. Phillips appealed for legislators help with the railroad tracks. He indicated that in the past outreach has been made to the County and Public Works department, but the problem persists. Therefore, he requested that the City Commission provide the ability for someone to contact all the congressional representatives and senators who represent the City of Pompano Beach to provide them with all the prior accumulated data regarding this issue. Finally, Comr. Phillips indicated that as this is an election year, perhaps the City would be more successful in getting a response regarding this very long outstanding matter.

Chicken Issues – Comr. Phillips indicated that the "chicks and the biddies" are continuing to be a source of nuisance on the streets. It is now one year and three months and this issue has not been resolved.

Ali and BaCa Building – Comr. Phillips reported that he has attended several activities and events at both buildings and have been impressed with the activities. However, there needs to be some tweaking, but the organizers at the centers are doing their best to respond to the City, as well as the people in the Northwest community.

Names of Commrs.	M	S	V Y	V N

REPORTS - CONTINUED

In-Reach Situation – Comr. Phillips stated that there appears to be a situation with "in-reach" to ensure that people are made aware of some activities and events in the City. Therefore, he has asked some people to look into seeing if the City could do mailing through the Little League Football and Basketball Coaches, as well as the Masonic Lodge and Eastern Stars. He desires to see more people in the neighborhood more informed about the activities and events taking place, in addition to whatever current mechanism the City may use for media attention and information.

Finally, Comr. Phillips commended those individuals for doing what they have been doing and indicated that he agrees with those people who think that more can be done. Nevertheless, a "starting ground has been launched."

Community Relations Personnel – Comr. Phillips reported that Creative City Collaborative (CCC) has hired Sharon Walkerstone as community relations. Overall, the City is getting into the spirit of inclusion.

Recognition of Dorothy Jones – Comr. Phillips indicated that he would like to find a way to honor Dorothy Jones who has always been active and participative in the activities and government of the City of Pompano Beach. Therefore, he recognized Ms. Jones for all the dedicated work she has done over the years for the City, and he hopes to find other ways to appreciate and recognize her work.

Vice Mayor Charlotte J. Burrie – No Report.

Mayor Lamar P. Fisher – Welcome Brian Donovan – Mayor Fisher welcomed back Brian Donovan, Deputy City Manager and stated that it was good to see him back in the Chambers.

Funeral Services of Captain Richard Sandell – Mayor Fisher requested that we keep Captain Richard Sandell's wife, children and family in our prayers. He announced that the late Captain Sandell will be laid to rest on Wednesday, March 9, 2016 at 10:00 a.m. at the First Baptist Church of Pompano Beach.

Blanche Ely High School Basketball Team - Mayor Fisher ended with "Go Tigers" number five.

Names of Commrs.	M	S	V Y	V N

ADJOURNMENT

There being no further business, the meeting adjourned at 9:41 p.m.

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK

Cavanaugh Macdonald
CONSULTING, LLC

Pompano Beach General Employees' Retirement System
October 1, 2015 Actuarial Valuation Results
City Contributions for Fiscal Year 2016

Jose Fernandez, ASA, EA, FCA, MAAA
Todd Green, ASA, FCA, MAAA
March 8, 2016

March 8, 2016 Meeting - Agenda Item #12

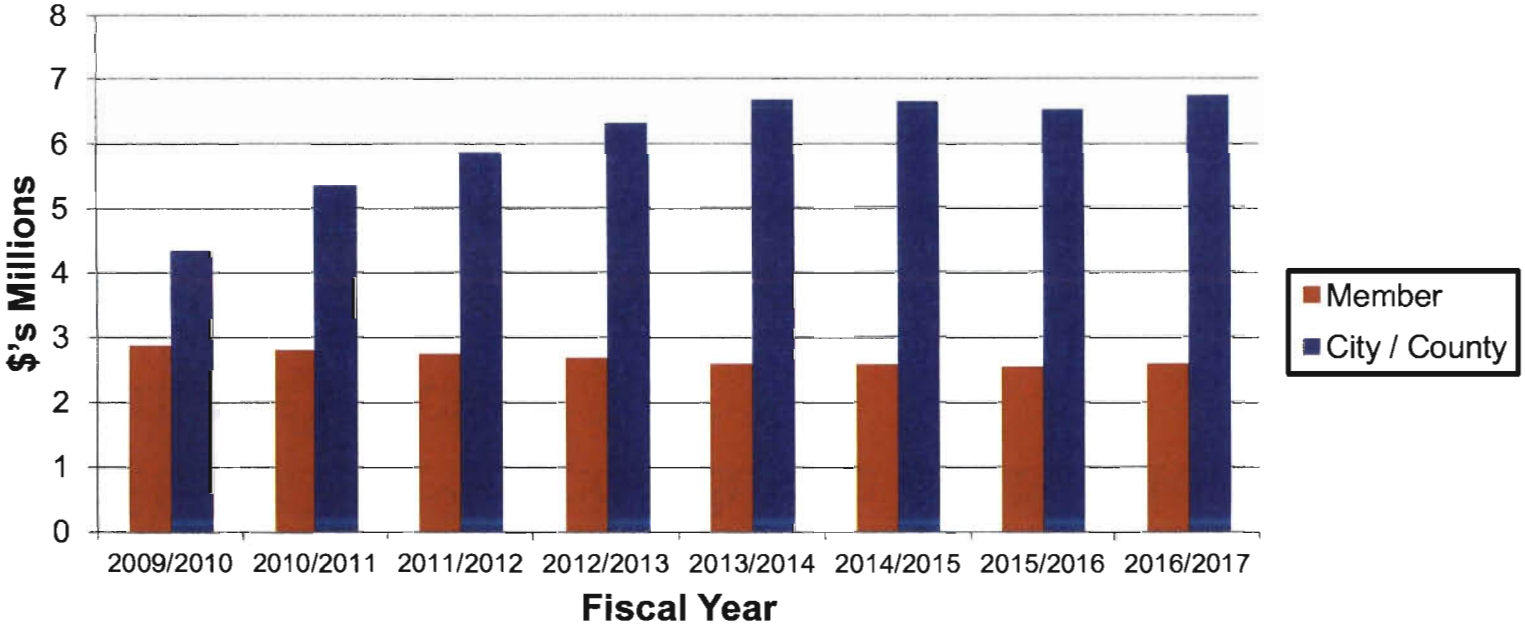
Benefit Financing

- Basic Retirement Funding Equation

$$C + I = B + E$$

C = Contributions
I = Investment Income
B = Benefits Paid
E = Expenses (administration)

Employer & Member Contributions

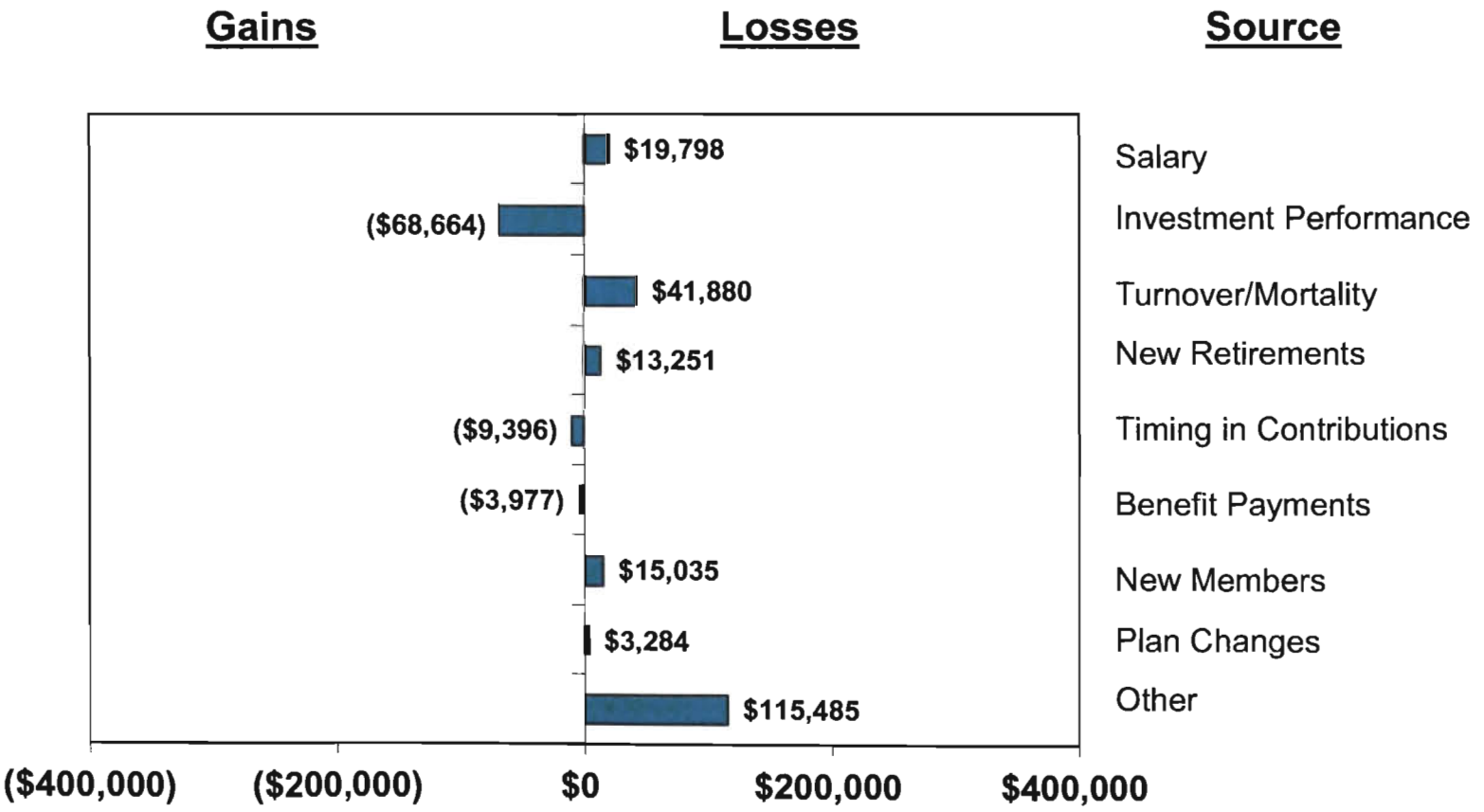


Fiscal Year	Member	Employer
2009/2010	$2,868,571	$4,338,870
2010/2011	$2,791,090	$5,349,396
2011/2012	$2,739,443	$5,860,914
2012/2013	$2,678,752	$6,310,886
2013/2014	$2,592,441	$6,674,256
2014/2015	$2,574,851	$6,645,323
2015/2016	$2,539,324	$6,524,606
2016/2017	$2,592,122	$6,741,990

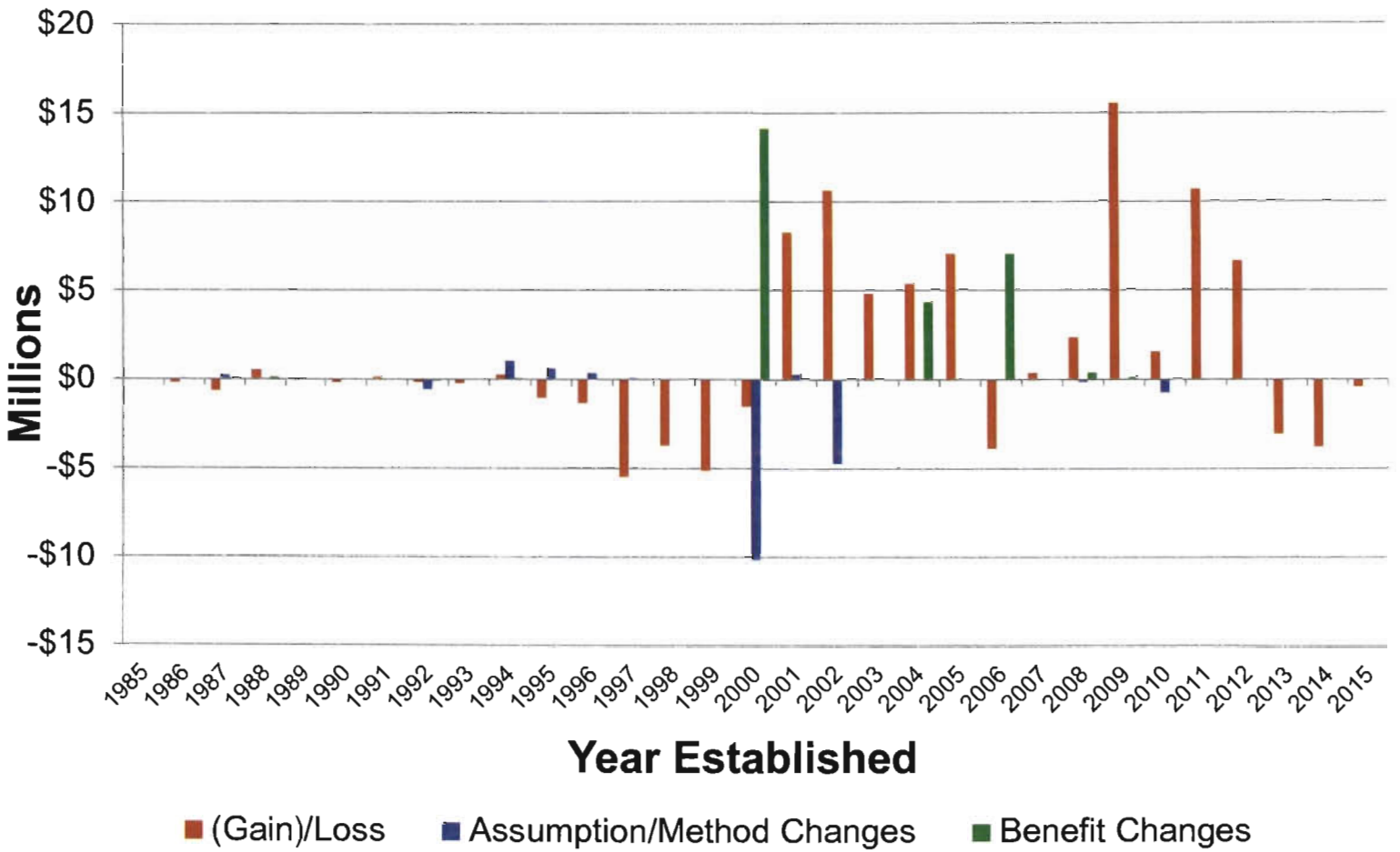
Comments on Valuation

- $217,384 (~ 3.3%) Employer contribution increase from fiscal year 2016 to 2017
  - $69,000 reduction due to asset return more than expected
  - $20,000 increase in contribution due to higher than expected pay increases
  - $115,000 increase in contribution due to other effects

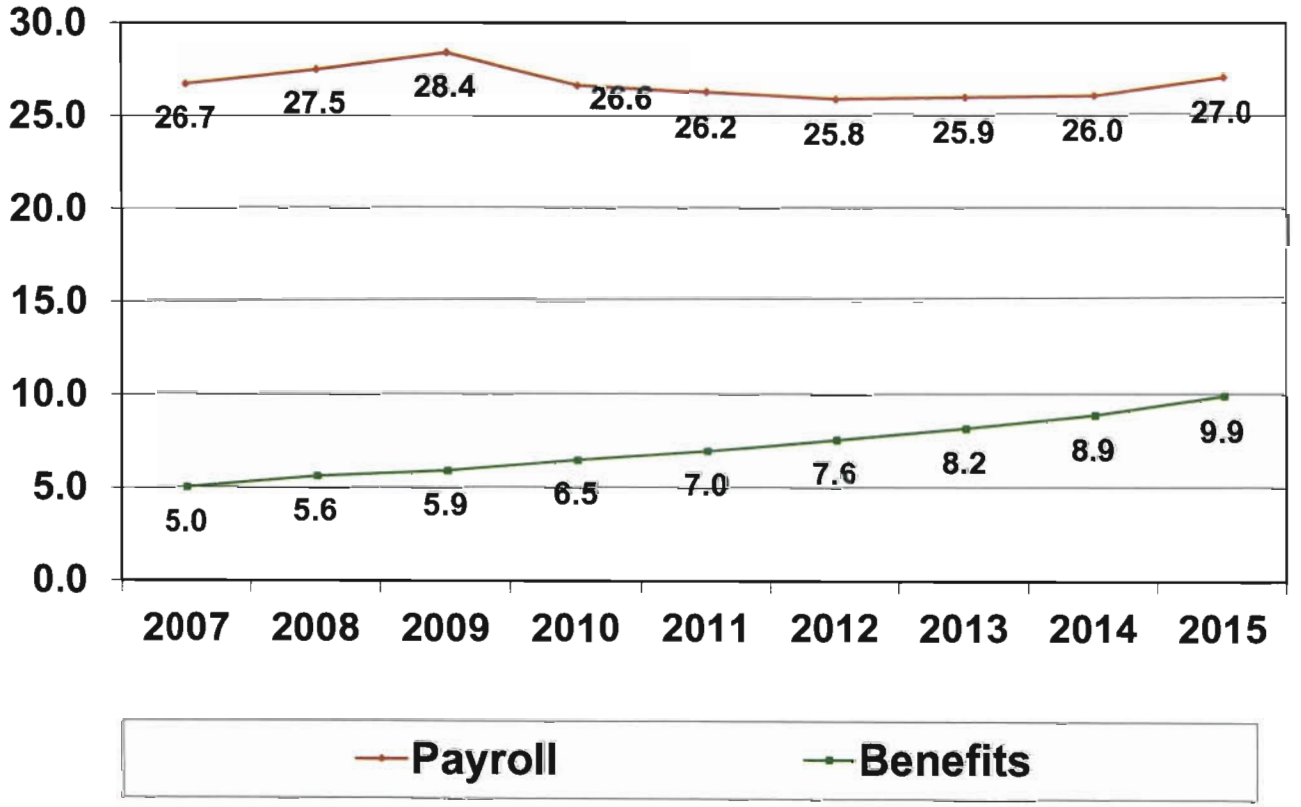
Changes In Unfunded Contribution from Prior Year



Unfunded Liability Amortization Bases as of October 1, 2015

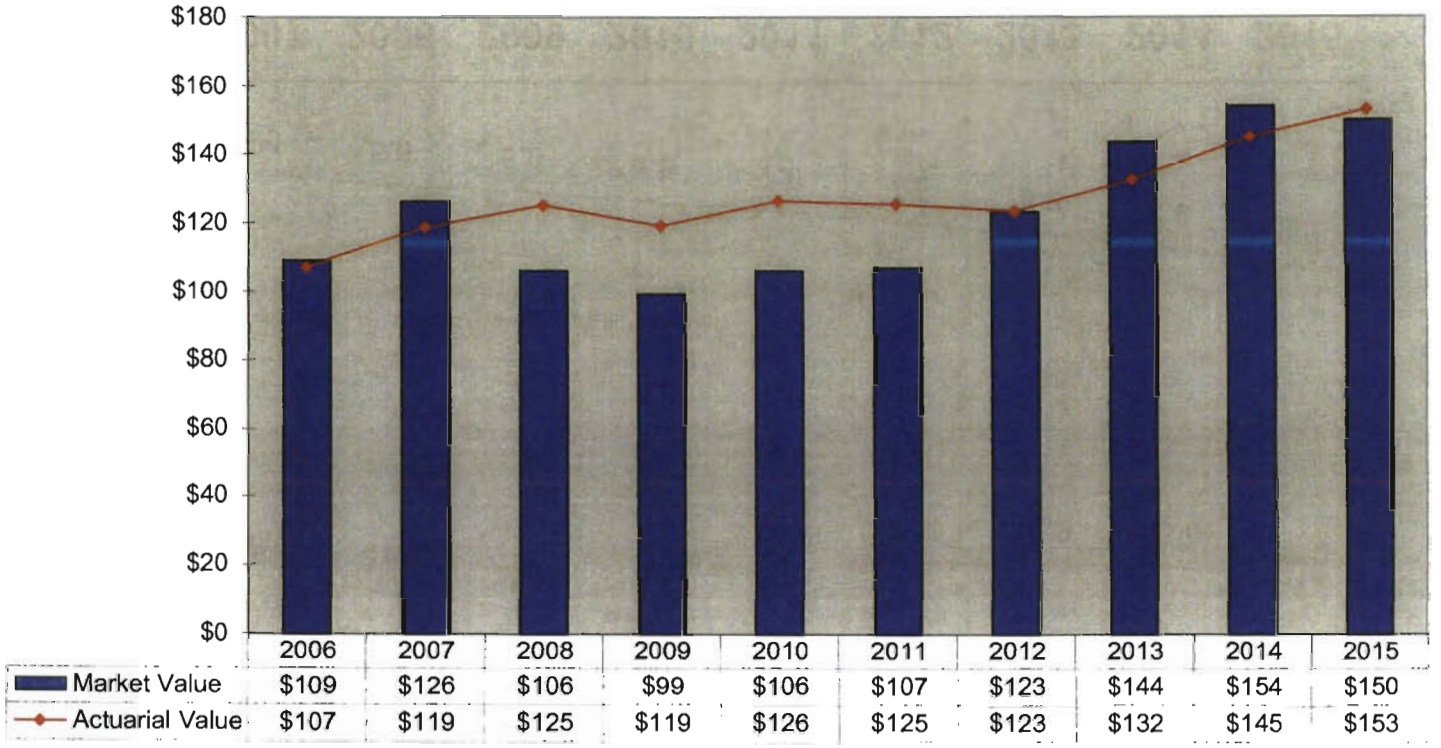


Payroll & Benefits
($ Millions)



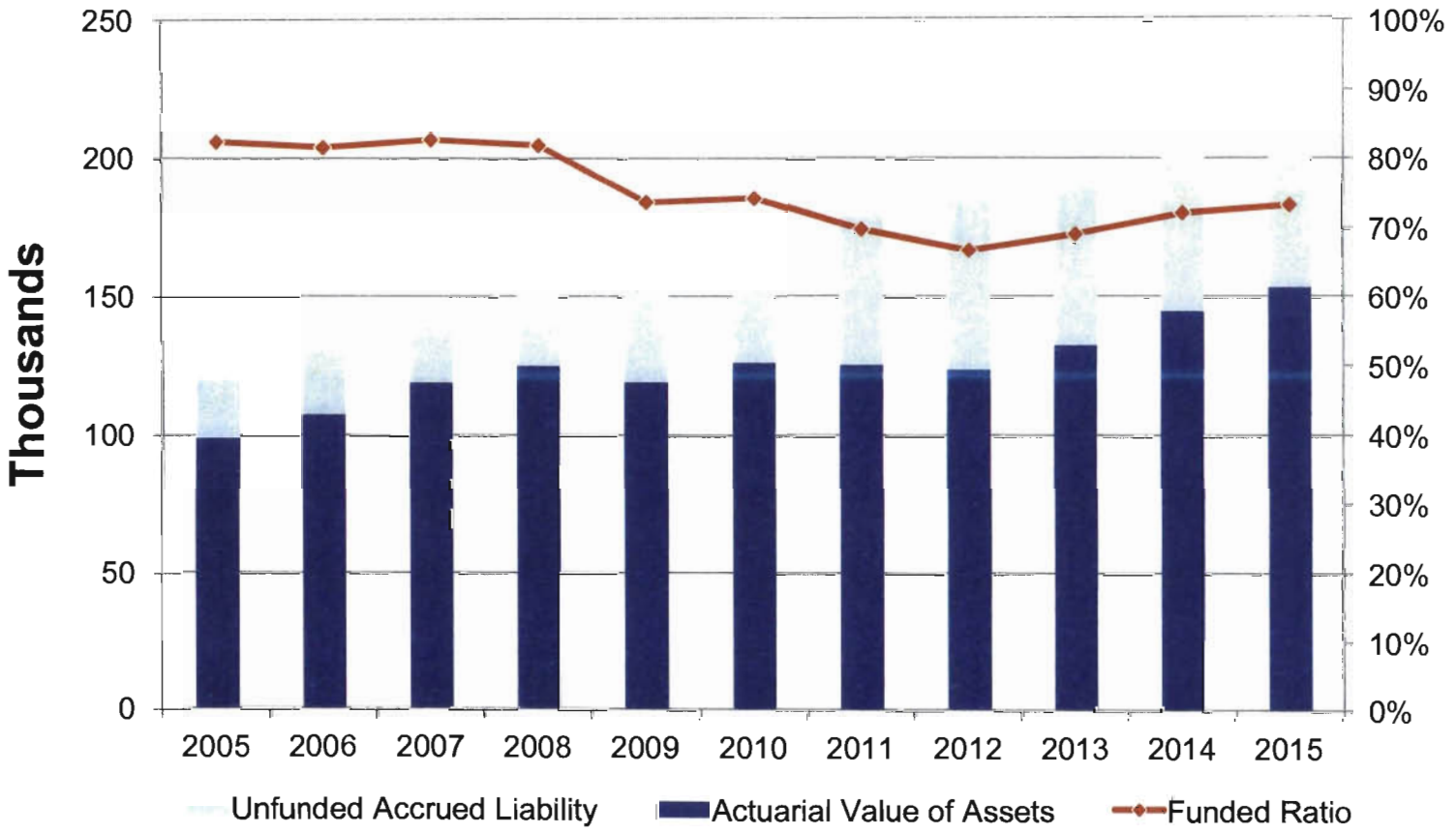
Total benefits do not include DROP members

Assets ($ Millions)



	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Market Return	**8.9%**	**15.1%**	**(15.7)%**	**(6.4)%**	**7.5%**	**0.8%**	**16.9%**	**16.9%**	**8.8%**	**(0.2)%**
Actuarial Return	**8.8%**	**10.3%**	**5.3%**	**(4.6)%**	**6.4%**	**(0.5)%**	**(0.2)%**	**7.5%**	**10.7%**	**8.7%**

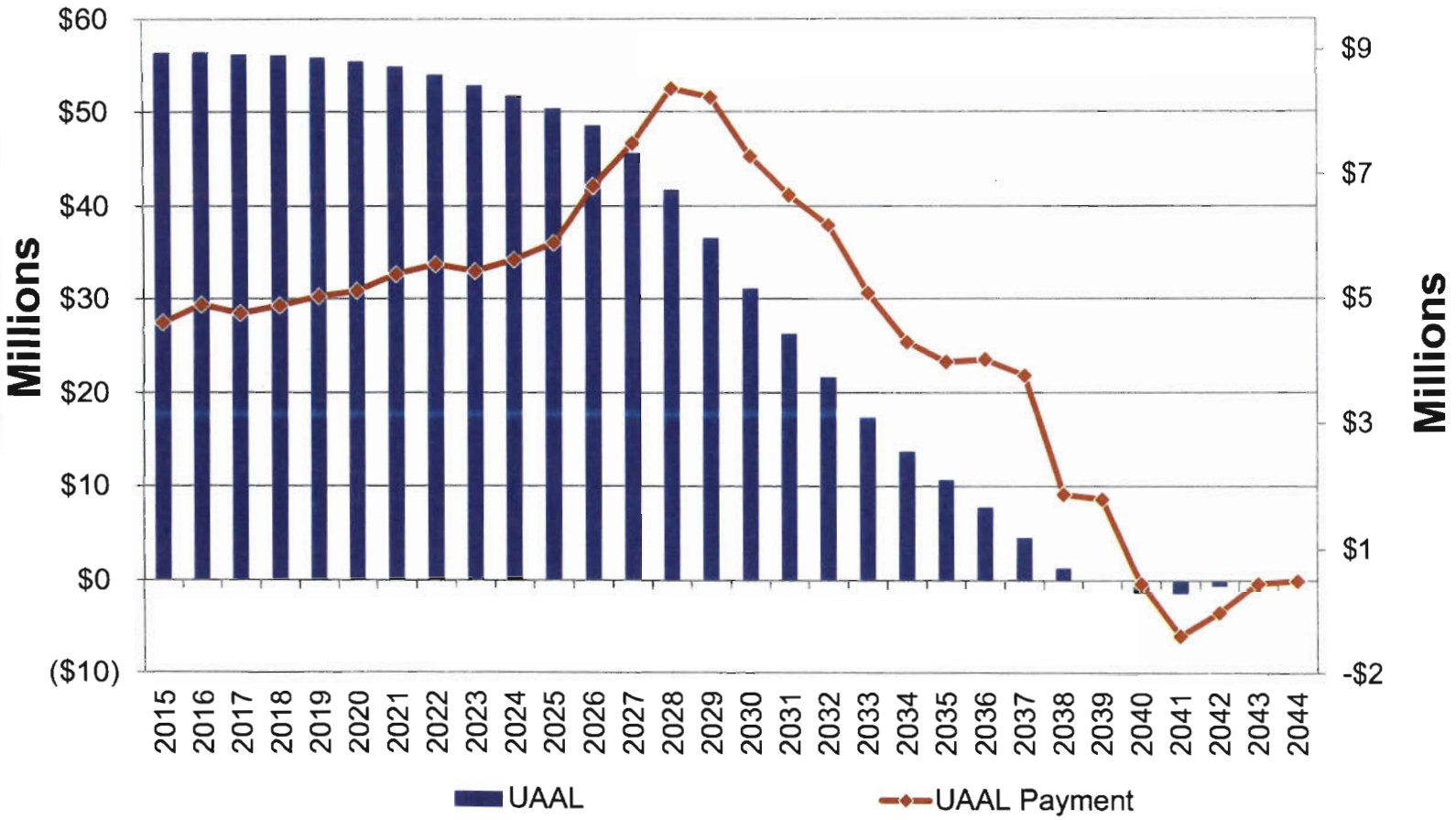
Historical Accrued Liability and Funded Ratio



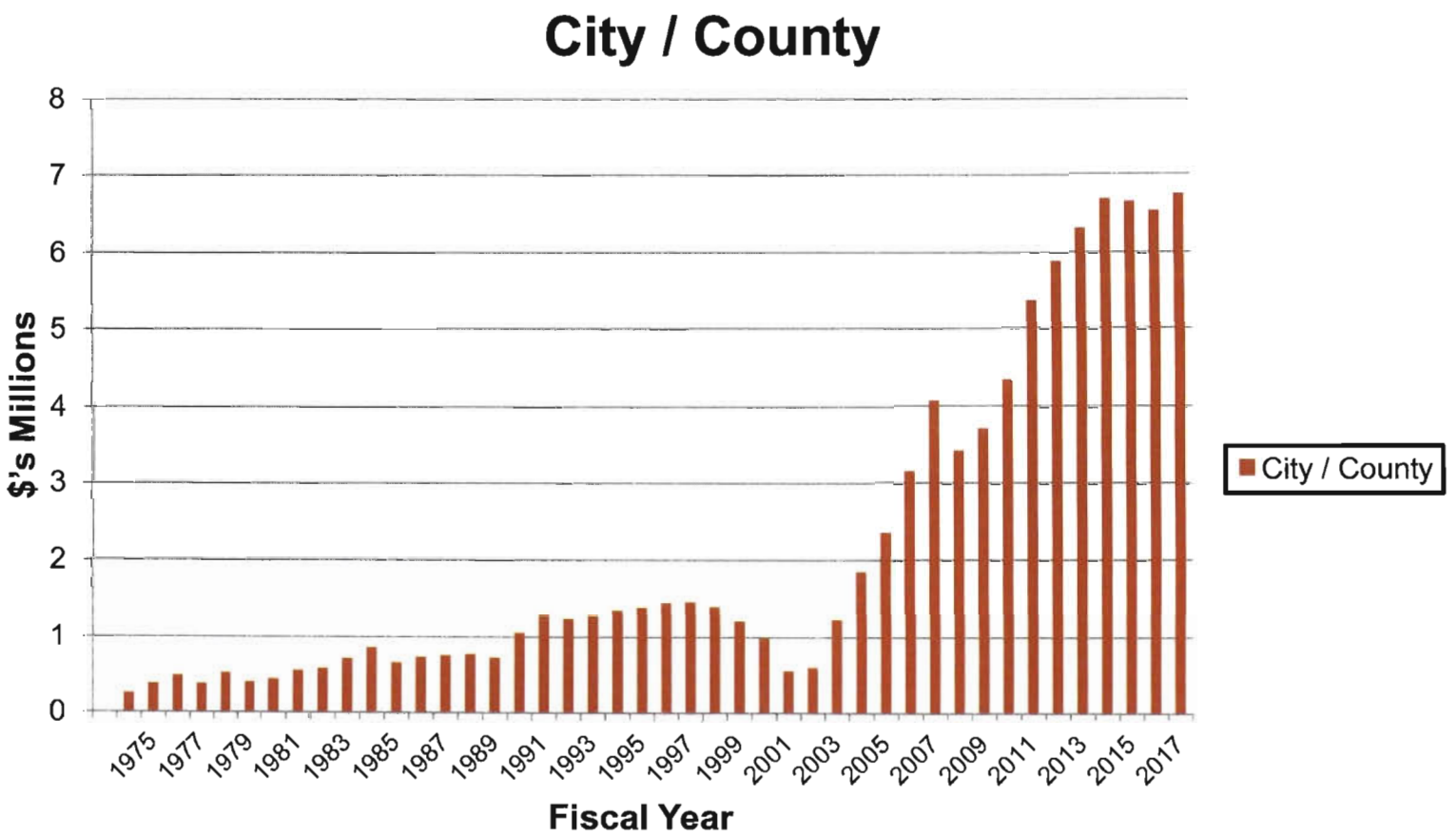
Future Outlook

- $5 million in unrecognized asset gains from fiscal years ended 2013 and 2014 offset by an unrecognized asset loss of $10 million in 2015
  - Market gains and losses will fully recognized over next 4 years
  - City contribution may increase due to unrecognized losses absent other factors
  - Unfunded liability payment is anticipated to increase 2.4% per year

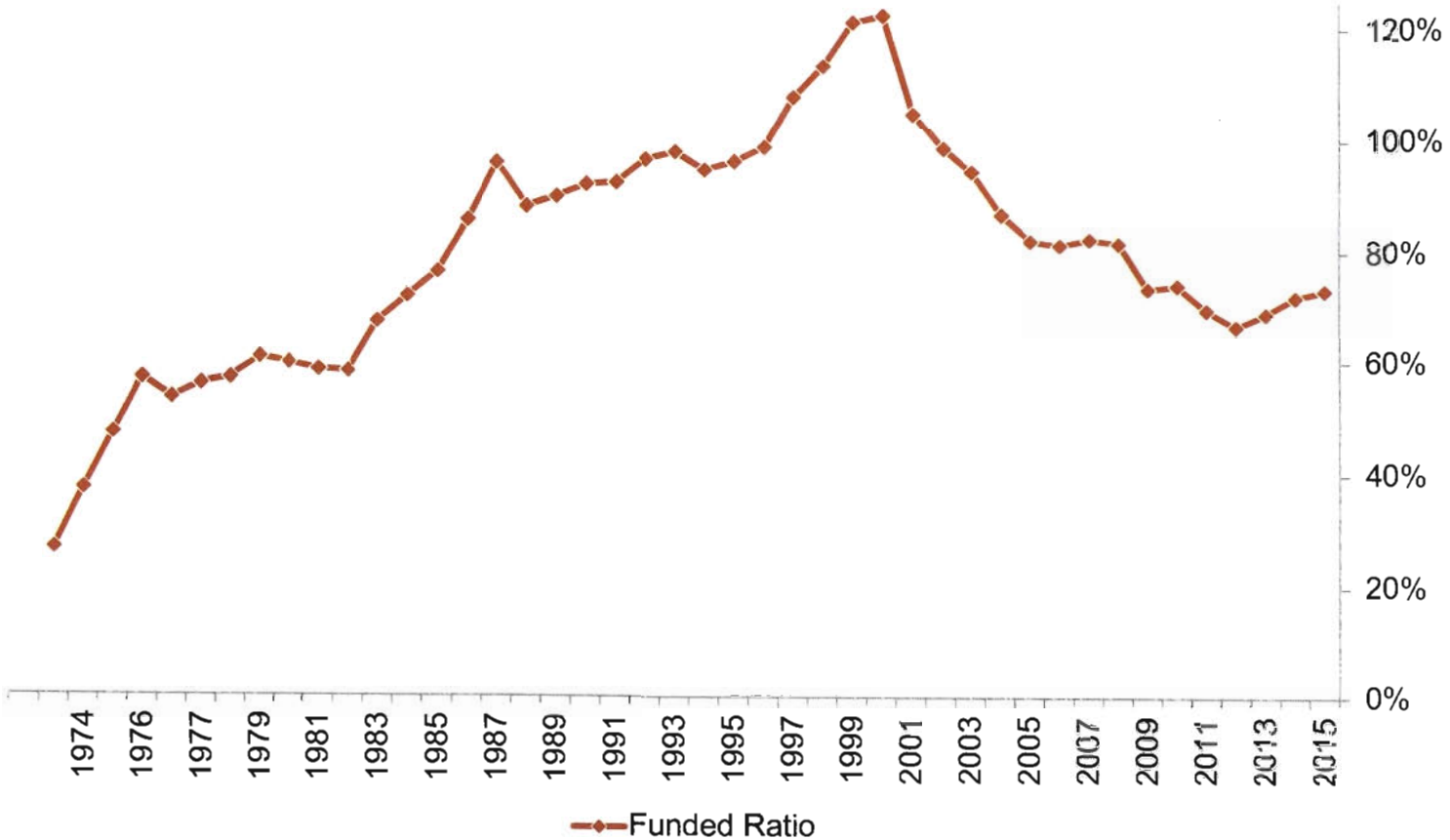
Projected UAAL and UAAL Amortization Payments



Historical Employer Contributions



Historical Funded Ratio



City of Pompano Beach

City Commission meeting

Agenda Item #15

MARCH 9, 2016

March 8, 2016 Meeting - Agenda Item #15

2. Definition

A check cashing or payday loan store is an establishment subject to regulation by FL SS Chapter 560, Money Services Businesses, and that provides check cashing and/or deferred presentment transactions.

3. Standards

A check cashing or payday loan store shall be located at least 1,000 feet from another check cashing or payday loan store ~~or from a pawn shop.~~

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
												S	S	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
													P		P	

L. PAWN SHOP

. . .

3. Standards

A pawn shop shall be located at least 1,000 feet from another pawn shop or from a check cashing or payday loan store.

A pawn shop shall be located at least 1,000 fee from another pawn shop. ~~or from a check cashing or payday loan store.~~

L. Pawn Shop

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
															P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-I
						P							P	P	P	P

Existing B-4 Zoning District
This area is approximately
8,000 lineal feet X 1,000 lineal feet
Scattered B-4 parcels
throughout the City

Currently one pawn shop located
In this area

EXISTING CHECK CASHING STORES WITHIN 1,000 FEET

PAWN SHOP CODE SECTIONS WITHIN BROWARD COUNTY		
	EXISTING CODE	DISTANCE
COCONUT CREEK	Allowed in B-3	N/A
DANIA BEACH	allowed in C-3/SE in C-4	pawnshop - 2,500 from pawnshop; check cashing - 2,500 feet from check cashing; thrift shop - 2,500 from thiftshop
DAVIE	After April 1, 2013, no pawnshop shall be established except within a freestanding building (a building which does not share common walls or a roof with another building or establishment),	where such freestanding building is at least twenty-five hundred (2,500) feet from an existing pawnshop business, educational use or public assembly use, as measured in a straight line from the property line of the pawnshop parcel to the nearest property line of a parcel encompassing another pawnshop, an educational use or a public assembly use.
DEERFIELD	Conditional use in the B-2 and B-3	No pawnshop shall be permitted within 1,500 feet (airline measurement from school property line to pawnshop structure) of any public or private elementary, middle, or private school or church or other pawn shop
FORT LAUDERDALE		N/A
HOLLYWOOD	allowed C-4/C-5 and Industrial	1,000 feet from existing pawn shop
MARGATE	allowed in B3	N/A
MIRAMAR	allowed in B3	N/A
OAKLAND PARK	allowed in B2/B3	N/A
PEMBROPKE PARK	allowed in B1	No pawnship shall be permitted to operate within two thousand five hundred (2,500) feet of another pawnship. This measurement shall include pawnshops operating within and outside of the Town's municipal boundaries and shall be measured by an air line measurement from the closest point of the parcels of land upon which the structures are located.
PLANTATION	no new pawnshops permitted	
POMPANO BEACH	allowed in B-4	must be seperated 1,000 from another pawn shop, check cashing store, or payday loan store
WEST PARK	SE in B-3/C-1 TOC	1,000 feet from other pawnshop or secondhand dealer
WILTON MANORS	B-3 conditional use	1,500 feet from other pawnshop

National Regulations (page 2 of 2)

City	Definitions/ terminology	Dispersal, setback, and density requirements
Cleveland, Ohio[131]	Check cashing business	1,000 feet between uses; 1 per 20,000 population
Clinton, Mississippi[132]	Alternative financial services provider, pawn shops, check cashing businesses, cash for title stores, tax refund anticipation loan offices	500 feet between uses; 500 feet from residential areas; 500 feet from places of worship, schools, hospitals, parks, and playgrounds
Clive, Iowa[133]	Pawnbrokers, delayed deposit services	1,000 feet between uses; 1,000 feet from residential areas; 1,000 feet from day cares, schools, places of worship, and parks; 1,000 feet from adult businesses
Columbia, South Carolina[134]	Non-depository personal credit institutions	3,000 feet between uses
Overland Park, Kansas[162]	Payday loan business, title loan business	5,280 feet between uses; 200 feet from residential areas
Pima County, Arizona[163]	Non-chartered financial institution	1,320 feet between uses; 500 feet from residential areas

City	Definitions/ terminology	Dispersal, setback, and density requirements
Madison, Wisconsin[147]	Auto title loan, payday loan	5,000 feet between uses
Manassas, Virginia[148]	Short-term loan establishment, high impact business	750 feet from residential areas; 750 feet from adult businesses; 750 feet from places of worship, schools, parks, libraries, and ball fields
Mesa, Arizona[149]	Pawn shops, non-chartered financial institutions	1,200 feet between uses; 1,200 feet from schools
Mesquite, TX[150]	Non-depository institutions, alternative financial establishments, car title loan business, check cashing business, money transfer business, payday advance or loan business	1,000 feet between uses; 200 feet from residential areas; 500 feet from major highways
American Fork, Utah[124]	Check cashing business, payday loan business, title loan business, deferred deposit lender	5,280 feet between uses; 1 per 10,000 population
Avondale, Arizona[125]	Non-chartered financial services, pawnshops	1,320 feet between uses; 1,320 feet from adult business, bars, and night clubs

M. CHECK CASHING OR PAYDAY LOAN STORES

2. Definition

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3. Standards

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L. PAWN SHOP

3. Standards

A pawn shop shall be a least 1,000 feet from another pawn shop ~~or from a check cashing or payday loan~~ store.

Thank you

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Fisher, Lamar	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission
MAILING ADDRESS 290 S.E. 5th Terrace	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Pompano Beach 33060 COUNTY Broward	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED March 8, 2016	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lamar Fisher, hereby disclose that on March 8, 20 16:

(a) A measure came or will come before my agency which (check one)

☑ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on March 8, 2016, I abstained from voting on the following Agenda Item:

- Item 6 - A Resolution of the City Commission of the City of Pompano Beach, Florida, approving and authorizing the proper city officials to execute a home Funding Agreement between the City of Pompano Beach and Captiva Cove II Associates, Ltd. providing for new construction of Captiva Cove II, an 88 Unit Multi-Family Rental Development.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that my firm, Fisher Auction Co., Inc. has been engaged from time to time, although not currently for the past 7 years, to assist in the auction sales of properties owned or controlled by Cornerstone or its affiliates.

March 10, 2016
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.