



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-12

Date: March 22, 2016

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-12

Date: March 22, 2016

Commission Meeting Room

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

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

Lamar Fisher
Charlotte Burrie
Barry Dockswell
Rex Hardin (via telephone)
Barry Moss
Edward Phillips

and

City Manager
City Attorney
City Clerk

Dennis Beach
Mark Berman
Ascelela Hammond

INVOCATION BY:

Elder Whitney Rawls
Christ Fellowship Church of God in Christ

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

Names of Comms.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
March 22, 2016				
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For the record, Mayor Fisher announced that Commissioner Rex Hardin has joined the meeting telephonically, and will remain on the telephone for the duration of the meeting.				
<u>APPROVAL OF MINUTES</u>				
MOTION: To approve the Regular City Commission Meeting Minutes of March 8, 2016, as submitted.				
<u>VOICE VOTE</u>				
Dockswell	x			x
Hardin <i>(by phone)</i>				x
Moss				x
Phillips				x
Burrie		x		x
Fisher				x
There were no revisions to the minutes.				
<u>APPROVAL OF THE AGENDA</u>				
MOTION: To approve the City Commission Meeting Agenda of March 22, 2016, as amended.				
<u>VOICE VOTE</u>				
Dockswell	x			x
Hardin <i>(by phone)</i>				x
Moss				x
Phillips		x		x
Burrie				x
Fisher				x
Mayor Fisher indicated that regarding Item 9 the backup material has been amended and presented to the Commission. In addition, under Consent Agenda, Item 14 would be stricken and Item 15A has been added.				
Additionally, Mayor Fisher announced that as close to 7:30 p.m. as possible, the Commission would be having a closed session, Item 29 on the Agenda, and City Attorney Berman will explain at the appropriate time.				
<u>CONSENT AGENDA DISCUSSION</u>				
Mayor Fisher stated the Commission would pull Items 1 and 2 from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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PROCLAMATIONS

Guardian ad Litem Program Day

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming March 22, 2016, as “Guardian ad Litem Program Day” in the City of Pompano Beach. In addition, Mayor Fisher congratulated and thanked the volunteers for all the work they do for the children.

Steve Thacker, Florida Statewide Guardian ad Litem Office, Program Recruiter in Broward County, 612 S. Andrews Avenue, Suite 1000, Fort Lauderdale, FL 33301, thanked the Mayor, Commissioners, and the City for recognizing the 35 residents in Pompano Beach who are guardians. Also, present were Kasandra L. Phillips, Circuit Director, Linda DHoot, Eldra Cartwright, Judy Smith and Janet Ryder. He urged the public to volunteer as there are over 3,600 children in Broward County that are in the dependency court system who require permanent or forever homes. Most times the children are reunited with their families but, the Guardian ad litem volunteers visit the children monthly, as well as appear in court as their voice.

Pompano Beach Firefighter Appreciation Month

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read and presented a proclamation to Pompano Beach Firefighter Jason Leutzinger, proclaiming the month of March as “The Pompano Beach Firefighter Appreciation Month.” In addition, he commended all of the firefighters of the City of Pompano Beach Firefighters for their efforts on behalf of the Muscular Dystrophy Association.

Jason Leutzinger, Driver Engineer, City of Pompano Beach Firefighters stated that it was a privilege and honor to represent the men and women of the Pompano Beach Fire Rescue. He stated that he was honored to stand up for the people who are unable to do so for themselves. He stated that this is another way to give back, as well as, it is a privilege to be able to support the Muscular Dystrophy Association.

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

March 22, 2016

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PROCLAMATIONS – CONTINUED

Jeanceece Washington, Fundraising Coordinator with the Muscular Dystrophy Association thanked the Mayor and the Commissioners for the opportunity to appreciate the firefighters who have gone out every year to collect for those families that are unable to do for themselves. She stated that they service over 1,600 families in South Florida so all the money collected remains locally.

Frank Galgano, on behalf of the Pompano Beach Fire Rescue department, expressed appreciation to the citizens providing the funding for this endeavor and expressed heartfelt thanks to everyone for their contribution.

Water Conservation Month

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming April 2016, as “Water Conservation Month” in the City of Pompano Beach and urged all residents and businesses to help protect our precious water resources by conserving water.

A. Randolph Brown, Utilities Director for the City of Pompano Beach thanked Mayor Fisher and the Commissioners for their support. He stated that teaching and practicing conservation will provide a sustainable supply for the community in the future, and along with the reuse program, the City is setting trends for South Florida.

SPECIAL RECOGNITION

Pompano Beach Historical Society Plaque

Mayor Fisher announced that Jerry Bowman, Sr. would be presenting a plaque displaying the City’s local history register, along with the names and locations.

Jerry K. Bowman, Sr., on behalf of the Pompano Beach Historical Society, noted that they desired to provide a listing of the fourteen (14) locations of the local history register with the names and locations of the sites by displaying these on a plaque. He stated that there is a City Ordinance that provides for a local register for historic sites. Thereafter, he presented a plaque of the current listing, which will have a place for future listings, and the designations of the addresses and the sites.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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SPECIAL RECOGNITION - CONTINUED

Plaque Presented to State Representative Clarke-Reed

Mayor Fisher stated that the City of Pompano Beach has been extremely fortunate over the years to have excellent representation in the State of Florida at the state house level. However, the City Commission desired to recognize a person who has continued the tradition and have worked every day and fought tirelessly for the City of Pompano Beach. He noted that the parasailing bill is among the many bills and regulations she was able to get passed. Unfortunately, the City will lose State Representative Clarke-Reed due to the completion of her term limits.

Additionally, Mayor Fisher on behalf of the City Commission presented to State Representative Clarke-Reed a plaque, as a token of appreciation for her dedication and outstanding service to the City of Pompano Beach, Florida. Mayor Fisher reiterated sincere thanks to State Representative Clarke-Reed for all she has done for the City.

State Representative Gwyndolen "Gwyn" Clarke-Reed thanked Mayor Fisher, Commissioners and City Manager and other City officials. She indicated that she inherited the office at City Hall when former State Representative Jack Seiler vacated, which made her transition period into her position much smoother, which she certainly appreciated.

Congratulations to Senator Christopher L. Smith

Mayor Fisher congratulated Senator Chris Smith, who was very instrumental in assisting the City of Pompano Beach, and while he was not present to accept the City's token of appreciation, he asked Mario Bailey from Becker & Poliakoff to ensure that it was delivered to him.

SPECIAL PRESENTATION

State Representative Gwyndolen "Gwyn" Clarke-Reed provided a brief update on the FY 2016 State Legislative Session. She indicated that State Senator Chris Smith was unable to attend the meeting.

Names of Commrs.	M	S	Y	V

CITY COMMISSION MEETING MINUTES

March 22, 2016

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SPECIAL PRESENTATION – CONTINUED

In summary, State Representative Clarke-Reed indicated that the bills heard at the legislative level were very interesting. One of the bills that the City was quite concerned about, especially Vice Mayor Burrie, was on the sober homes, which is still an issue. They worked at moving the bill along, but unfortunately, it died. The legislation on the tax package included the back to school tax holidays. The sales tax holidays will begin on August 5 until August 7, 2016. Some items that will not qualify under this year's tax exemptions are computers. She urged everyone to pay attention to the news media to be informed on what items are allowed within the sales tax exemption.

Additionally, State Representative Clarke-Reed reported on the following results of their legislation activities:

- Education – The budget increased by \$71 per student for both public and charter schools.
- Healthcare – They were able to acquire funding for an additional 17,000 children for health insurance – Florida Kid Care – children who were born in the USA but may have had immigrant parents.
- Body Cameras – the state is not mandating these cameras for the Sheriffs or law enforcement departments but they are having legislation around law enforcement offices where those cities already have the body cameras in place.
- Budget for Pompano Beach – Educational Corridor, MLK Streetscape Improvement Phase III funded for \$50,000, and the Cultural facility grant at \$500,000.

Finally, Representative Clarke-Reed indicated that it has been an honor for her to serve in the City of Pompano Beach, interacting with the Mayor, City Managers, and Commissioners on issues of concern. Nevertheless, she is looking to move forward for the State Senate position, which seat runs along the coastline from Deerfield Beach to Hallandale Beach. She thanked everyone for the opportunity to serve. In addition, Representative Clarke-Reed indicated that the City's lobbyists, Becker and Poliakoff, Yolanda Cash Jackson and Mario Bailey worked diligently with her and they have been a great help over the years.

Names of Commrs.	M	S	Y	V

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SPECIAL PRESENTATION – CONTINUED

Mayor Fisher also thanked Ms. Jackson and Mr. Bailey of Becker and Poliakoff for their tremendous efforts in Tallahassee for the City of Pompano Beach.

SPECIAL ACKNOWLEDGEMENT

Mayor Fisher acknowledged a special guest, Commissioner Keith London, from the City of Hallandale, who has become a regular attending member at the Commission meetings.

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.

Beach Lifeguards – Edward Moles, 111 Briny Avenue, Pompano Beach, FL, complained that the people residing south of Atlantic Boulevard were amazed to find the lifeguard stand missing, which has been located there for over sixteen years. He indicated that the City has spent a great deal of money to create a lovely park as the entrance to the very popular beach at Southeast 2nd Street. However, there is concern regarding the removal of the lifeguard stand. Upon his investigation, he found that Fire Chief Jurgle and his team had to make adjustments because of the increased development of the north end of the pier. He understood that there might be a strategic plan to have approximately eight lifeguard stands on the beach. However, in the meantime the little public beaches along the strip where people normally visit really need protection, specifically, at Northeast 2nd Street, known as the surfer beach where dozens of young people are out surfing. Also, there are families who come out to enjoy the beach, as well as for tourists to be warned of the threat of riptides.

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AUDIENCE TO BE HEARD – CONTINUED

Comr. Dockswell indicated that he discussed the item with Mr. Moles, Chief Jurgle, and City Manager Beach and the results of the discussion ended with the understanding that the City cannot just move lifeguard towers around without anticipating it would “stir up some people.” This item along with others would address issues such as, allowable areas for fishing on the beach, as well as where are dogs allowed on the beach.

Additionally, Comr. Dockswell stated there appears to be some confusion regarding the definition of the public beach. However, it is not clear as to whether there is a different definition of a beach protected by lifeguards. In the City Code the beach access points are defined, which include that every two blocks there is a fifty-foot portion of beach used for beach access. These are defined as public beaches but some people are inferring that there is a need for a lifeguard tower every two blocks at the smaller public beaches. Therefore, it is incumbent upon the City to make the process a little less informal. In sum, there is a need to define a public beach, what is the protected beach, where would people swim at their own risk, and so forth.

Finally, Comr. Dockswell requested that City Manager Beach and Chief Jurgle analyze the situation and compare it to other neighboring cities to ensure the City of Pompano Beach is following best practices in which portions of the beach would be protected by lifeguards. Once they have decided upon keeping the lifeguard towers in place, prior to moving them, they should check with the proper people.

Mayor Fisher agreed with Comr. Dockswell’s comments and indicated that the lifeguard stands do need to be replaced.

Expression of Appreciation – Flora Mae Latham, 1516 Northwest 7th Terrace, Pompano Beach, FL 33060, thanked Mayor Fisher, Comr. Phillips and all the other commissioners for placing her husband’s name, Reverend James A. Latham on the sign of Northwest 9th Street. She indicated that she was excited and surprised to see the sign on the day of her birthday.

Names of Commrs.	M	S	Y	N
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CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Building Department Issues – Jean-Marc Deleoze, Owner, Custom Improvements Inc., 6221 Northeast 22nd Avenue, Fort Lauderdale, FL 33308, indicated he is a contractor operating in Pompano Beach. He complained that in order to obtain a permit he has been having issues with the Building Department’s processing of his plan review. He indicated that he found the process exhaustive, especially, if the plan reviewer made a mistake at the initial stage of the plan review, because there is no checklist in place. In sum, the process is not customer or contractor friendly. He then provided an example to illustrate his frustration.

Mayor Fisher indicated that the City switched to an ePlan system; therefore, he directed City Manager Beach to have Robin Bird, Development Services Director or Miguel Nunez, Building Official to meet with Mr. Deleoze to review the various disciplines to inform him of all his requirements to complete his job.

Halfway Houses (Sober) Homes – Bonnye Daise, 131 Northwest 15th Court, Pompano Beach, FL 33060, complained that she has been having issues with Halfway Houses (Sober Homes) being approved to open next to her home. She indicated that she has a young grandchild at her home and desired to save him from the influences from the Halfway house. She stated that she does not understand how these houses are allowed to open in the residential neighborhoods without the residents knowing anything about it. Furthermore, she has attempted to communicate with the Mayor and City Manager but cannot get any resolution to her dilemma.

Mayor Fisher indicated that he did not receive any messages left with staff by Ms. Daise. However, he has since provided her with his cell phone number to get direct contact to him. He explained that the home Ms. Daise is referring to perhaps is considered a “sober home” which has been prolific not only in the City of Pompano Beach but in other cities as well. In fact, the state allows these sober homes under the Americans with Disability Act (ADA) law. Unfortunately, the City does not have much control over these homes. Under the law, as well as under certain conditions with specific licensure, people are allowed to operate. Notwithstanding, the City is allowed to do certain inspection of the property to ensure they are operating as required by the business tax department.

Names of Commrs.	M	S	Y	V

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AUDIENCE TO BE HEARD – CONTINUED

Comr. Phillips and Mayor Fisher encouraged Ms. Daise and others not to lose hope because the Commission is paying attention and doing all it can with regard to the sober homes issues.

Building Department Issues – Joseph Ryan, 427 Northeast 24th Avenue Pompano Beach, FL, sympathized and agreed with the previous speaker regarding the Building Department’s processing of applications for permits. He complained that the City has expanded the Florida Building code into a bureaucracy that nobody can live with.

New Library – Mr. Ryan complained that the library has gone through three engineers during its present construction. He understands it is up to date and on schedule.

Oasis Water Supply – Mr. Ryan alleged that two lots were given away and desired to know how it was done.

Brazilian Business Association – Mr. Ryan requested that the citizens be informed as to how the Brazilian Business Men Association is being set up. He alleged that the City supplies the liquor licenses, the amphitheater, city help and city vehicles and they take the profits.

City Costs/Expenses – Mr. Ryan urged the City to stop spending money it does not have. He cited the Community Redevelopment Agency (CRA) request for bond issue. He indicated that the city could not float any bond or borrow any money until the Firehouse issue is adjudicated. In fact, he is unsure what the legal costs would amount to for this issue.

Muslim Mosque – Mr. Ryan complained about the current “Muslim situation” and stated that perhaps the Jewish population is aware of the Mosque in the City where they have chosen not to become part of the community.

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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AUDIENCE TO BE HEARD – CONTINUED

Charter Amendment Advisory Board Meeting Schedule – Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, stated that the Commission had brought up a number of items they wanted the Charter Amendment Advisory Board to discuss. Therefore, he suggested the Commission consider the time and date when this Board ought to meet similar to other Boards, such as the Parks and Recreation that meets every month. In addition, the Charter Board needs a set time and date of the month on when to meet because there are several major issues that the Commission assigned to them previously, which perhaps some of those items will need to be discussed prior to the next election. However, they have not been meeting because of lack of a quorum. Therefore, he urged the Commission to try to get the City Attorney to come up with a time schedule when these board members should meet.

Mayor Fisher instructed City Attorney Berman to consider the cause when this Board should meet and report to the Commission on it.

Creative City Collaborative Contract (CCC) – Sarahca Peterson, 2051 Northwest 1st Avenue, Pompano Beach, FL 33060, stated that on April 1st, the City has an approaching intent to renew a contract with CCC. Therefore, she wanted to find out where does the commission stand in renewing this contract. She mentioned that should the City decides to renew the contract, what provisions will be put in place to ensure it will be an inclusive programming that will represent the urban black district, which she believes is a contributing factor.

Additionally, Ms. Peterson reported that of the twenty seven (27) concerts that the amphitheater put on as of April 30th only three have targeted the district she mentioned earlier. In fact, she indicated that 29.8% is the representation of that community and there should be a reflection of that in the programming. She reiterated that she would like to attend concerts that she can identify with the performers and the work they are presenting rather than a band that nobody knows anything about.

Names of Commrs.	M	S	Y	V	V

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AUDIENCE TO BE HEARD – CONTINUED

Ms. Peterson suggested that when considering the renewal of the contract the contractor should be held accountable on a month to month basis rather than on an annual basis. It will ensure citizens can go to a place where they can spend their monies, as well as their tax dollars are being put to use to entertain them and to enjoy the amenities of the City of Pompano Beach. Nevertheless, she had spoken with the head of the CCC, as well as she will be meeting with City Manager Beach next week. Therefore, she hopes the contract will not be renewed on a yearly basis without the provisions of inclusiveness in place.

Mayor Fisher asked if Ms. Peterson connected with anyone with the CCC organization.

Ms. Peterson replied yes, she has met with Ms. Stone several times.

Pompano Beach Elementary Children – Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060, indicated that a good way to ruin 5,000 children is to have them attend school in Pompano Beach. He alleged that using other people’s children for private profit is wrong. He declared that with all the F’s in these schools the net result is academic genocide, which he explained what academic genocide involves.

Additionally, Mr. Jovanov indicated that the records would reflect that the Pompano Beach children are failures. Therefore, to deny and deprive the Pompano Beach children of available resources is wrong, “to set up children to fail at Pompano Elementary School is wrong.”

CONSENT ITEMS

RES. NO. 2016-140:

TIME 00:59:32

ITEM 1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING AND APPROVING A PROCEDURE FOR PARTICIPATION IN CITY COMMISSION MEETINGS BY ELECTRONIC MEDIA TECHNOLOGY; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

Names of Comms.	M	S	Y	N
ROLL CALL				
Dockswell	x			x
Hardin (<i>by phone</i>)				x
Moss				x
Phillips				x
Burrie		x		x
Fisher				x

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CONSENT ITEMS - CONTINUED

MOTION: To adopt Resolution No. 2016-140 upon reading.

Mark E. Berman, City Attorney, stated that a situation has arisen where participation by a city commissioner based on physical disability or radical treatment or inability to appear has come up. Notwithstanding, this situation may come up from time to time, with the understanding that this will be done at the current meeting. He came up with a brief policy to ensure that the provisions of Chapter 286 governing law in the meetings in the Sunshine were protected. Therefore, this policy makes it clear that this should only be done for extraordinary circumstances, which should not be done routinely. In addition, there has to be the ability for the party to hear the audience and the audience and the record to reflect what the commissioner is saying.

Additionally, there are provisions for quasi-judicial matter participation and it is clear that the person who is not attending is not counted toward the quorum. These are basic requirements for notice as well by the commissioner if they have that opportunity. Mr. Berman indicated that the electronic means could be expanded the way the resolution is written.

In sum, Mr. Berman reiterated that these are some basic terms to ensure that when this arises in the future the City is protected, and that the sunshine law is met for the situation, which is based on the Florida Statute and the Attorney General Opinions (AGO) in case law.

TIME 01:01:26

ITEM 2

Approval of a budget adjustment appropriating funds from General Fund Working Capital Reserve to the Local Housing Trust Fund account in the amount of \$245,745.00.

Names of Commrs.	M	S	Y	N
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<u>CONSENT ITEMS - CONTINUED</u>				
MOTION: To approve the budget adjustment.				
<u>ROLL CALL</u>				
Dockswell	x		x	
Hardin <i>(by phone)</i>			x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Comr. Phillips questioned why it was taking so long to get this money.

Mark Korman, Program Compliance Manager, Office of Housing and Urban Improvement, responded that this is the final step in the process. It was the first in lieu of fee payment that was worked out by the City. It was the understanding that the fees would be paid and the local trust fund would have use of it.

Comr. Phillips asked if the money is going towards emergency repair.

Mr. Korman replied no, and explained that it would be used for construction of homes and provided a brief background on the program. In addition, Mr. Korman confirmed that it is not restricted to emergency repair. In fact, there are four (4) houses targeted for construction and the plan is to use that money for it.

Mr. Korman explained the process, which is similar to the Neighborhood Stabilization Program (NSP) that is "winding down" and will be closed out. Notwithstanding, they were able to build 64 homes and are getting ready to sell the last one. Therefore, with the local trust funds that are "taken" from in lieu of fees, the intent is to perpetuate the NSP program with a revolving fund similar to that in order to continue to provide affordable housing.

Comr. Phillips stated that he is glad that affordable homes will be provided but he is concerned that there appears to be no structured path, which he is not accustomed to seeing the Community Development use this path. In the past, it was decided to use a path, which is chosen to expend monies. In sum, he is aware that there is a need for both emergency funds and funds to construct affordable housing. However, he would prefer to see more targeted specific in terms of rules and regulations and to see more parameters in how these funds are expended.

Names of Commrs.	M	S	Y	N

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CONSENT ITEMS - CONTINUED

RES. NO. 2016-144: TIME 00:59:12 ITEM 6

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABOLISHING THE BUDGET REVIEW COMMITTEE; PROVIDING AN EFFECTIVE DATE.
(No fiscal impact)

RES. NO. 2016-145: TIME 00:59:12 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 THIRD AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND TLC ENGINEERING FOR ARCHITECTURE, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2016-146: TIME 00:59:12 ITEM 8

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE CONSULTANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLERS ELECTRICAL ENGINEERING, INC. FOR CONTINUING CONTRACT FOR ELECTRICAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE. (No cost at this time)

RES. NO. 2016-147: TIME 00:59:12 ITEM 9

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ADDENDUM TO THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY ENABLING THE CITY OF POMPANO BEACH TO RECEIVE A GRANT FOR THE PURCHASE OF MASS CASUALTY INCIDENT/ACTIVE

Names of Comms.	M	S	Y	N
VOICE VOTE				
Dockswell	x		x	
Hardin <i>(by phone)</i>			x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

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CONSENT ITEMS – CONTINUED

MOTION: To strike item from the agenda.

RES. NO. 2016-151:

TIME 00:59:12

ITEM 15

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AGREEING TO WAIVE IN FULL TWENTY-SIX NUISANCE ABATEMENT LIENS IN THE APPROXIMATE AMOUNT OF \$9,667.66, WHICH REFLECTS THE CITY'S ORIGINAL EXPENDITURE OF \$5,620.56 AND ACCRUING INTEREST OF APPROXIMATELY \$4,047.10 UPON HABITAT FOR HUMANITY OF BROWARD, INC. TAKING TITLE TO THREE VACANT LOTS LOCATED AT 2808 NW 2ND STREET, 2812 NW 2ND STREET, AND 2900 NW 2ND STREET, POMPANO BEACH, FLORIDA, AND PAYMENT IN FULL OF THREE UNSAFE STRUCTURE LIENS TOTALING \$5,469.09; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2016-152:

TIME 00:59:12

ITEM 15A

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR THE ATLANTIC BOULEVARD BRIDGE - PHASE III PROJECT; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$1,194,200—FIND Grant)

Names of Commrs.	M	S	Y	N
ROLL CALL				
Dockswell	x		x	
Hardin <i>(by phone)</i>			x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

CITY COMMISSION MEETING MINUTES

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CONSENT ITEMS – CONTINUED

MOTION: To adopt/approve Consent Items 3-13, and 15-15A.

There was no discussion on Consent Items 3-13, and 15-15A.

REGULAR ITEMS

TIME 01:07:37

ITEM 16

Presentation of the City of Pompano Beach Comprehensive Annual Financial Report, Single Audit Reports and Management Letter for the Fiscal Year ended September 30, 2015 and the results of the annual audit by RSM US LLP, Independent Certified Public Accountants.

Suzette Sible, Finance Director, stated that Florida Statute requires that the City have an annual audit performed of its financial activities by an independent certified public accountant. In order to facilitate that audit, the state statute further requires that the City provide for an accounting of those financial activities in a document referred to as the Comprehensive Annual Financial Report (CAFR). Therefore, as part of the Commission agenda packets the CAFR for the fiscal year ended September 30, 2015, prepared by the City's Finance Department has been included.

Additionally, Ms. Sible indicated that once the CAFR is formally issued it would be available to the public on the City's website under the financial department link. She indicated that the document is very extensive and she would recommend that focus be directed to the management discussion and analysis section of the CAFR, which starts on page 4. It provides a good snapshot of the financial position of the city as at September 30, 2015, as well as the results of its operations.

Names of Commrs.	M	S	Y	N
<p>CITY COMMISSION MEETING MINUTES March 22, 2016</p> <p>PAGE 21</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>Ms. Sibble indicated that she prepared a memorandum provided in the agenda packet, which focuses on certain highlights for the city for the fiscal year particularly on the General Fund, which is the main operating fund for the City.</p> <p>The City is also required to have an annual audit performed of its grant expenditures if it meets certain criteria, since it is a recipient of federal and state grant awards. So, an independent certified public accountant must perform this audit. Therefore, Donovan McGinley and Nathan Oliver with the audit firm of RSM US, LLP, will present the results of their audit and make certain communications to the Commission.</p> <p>Donovan McGinley with RSM US LLP, along with Nathan Oliver, reported that they have completed their fieldwork relating to the auditing and financial statements for the year ended September 30, 2015. He indicated that based on the results of the audit, they anticipate issuing an “unmodified opinion,” which is a clean opinion. This is the highest level of assurance that any auditor may provide. Therefore, he is pleased to report that the City has earned itself another unmodified opinion.</p> <p>Mr. McGinley then highlighted certain items of the financial statement as follows:</p> <ul style="list-style-type: none"> ➤ MD&A (Management’s Discussion and Analysis) which is part of the financial section and a key component of the report that he suggested everyone read which starts on page 4. ➤ Government white statements, which starts on page 21 of the report. In sum, the financial statement encompasses something similar to the private sector full accrual. It has all the assets and most of the liabilities of the City. During the current year as illustrated on page 21 the total net position decreased by \$96.8 million. The decrease was mostly attributed to the adoption of GASB 68 and 71, which is the pension statement requirement this year for the pension liability to be included in the financial statements. The liability was approximately \$127.6 million recorded in the books. 				

Names of Comms.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS – CONTINUED

- Statement Activities, which starts on page 23 – the revenues program as described is approximately \$108 million, general revenues that encompasses property taxes was \$100 million and expenses was \$201 million.
- Fund Financial Statements – start at page 25, the focus is on the General Fund, the main operating fund of the City. The year-end Assets were approximately \$65.7 million and the liabilities were approximately \$3.6 million.
- Fund Balance has different components and was at a total of \$61.9 million. One of the key fund balance number is the unassigned, which is the unrestricted at approximately \$49.8 million.
- Statement of Activities, which for the life represents the P&L (Profit and Loss) for the general fund – revenues were at a total of \$122.9 million – expenditures at \$114.7 million, other financing sources of \$8.2 million represent a fund decrease for the year, which is the net loss of approximately \$200,000.
- Ending Fund Balance totaled \$61.9 million of which \$49.8 million was unassigned, representing 43.4% of expenditures. He indicated it is a good indicator, which means the City could be operated for approximately six (6) months on the fund balance.

Mr. McGinley indicated that during the audit they required to receive information unencumbered. They had full access to management and the records. There were no disagreements with management in the application of any accounting standard or auditing procedure. They are not aware that the City contacted any other auditor to gain or solicit any information as it relates to accounting matters. If so, the commission would have to be informed accordingly.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Additionally, Mr. McGinley indicated they performed auditing procedures for a single audit and the report will be a clean report. In fact, many years they could not say the same for the single audit. However, over the past three consecutive years there have been no findings as it relates to compliance with state and federal programs.

Finally, Mr. McGinley stated that the packet would include a Management Letter that they will issue in accordance with the Auditor General. There were no findings this year and all prior findings in the previous years have all been corrected.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, mentioned that the report, in sum, is indicating that the citizens are paying more taxes, property values increased, and the City raised the millage rate. He indicated that last year the City Commission increased property millage taxes by 6% from the 2011 rate. He concluded that the report shows that in 2015, each person in the city was charged \$1,330, yet it spent over \$1,400 per person. Also, the report shows that the City paid for its losses by creating debt, which increased by 29%, however, at the same time the City's cash, reserves and estimates over the five (5) years plunged downward another 30%. Lastly, Mr. Terwilliger indicated that the General Employees' pension fund are funded at 77%, which means the fund is short approximately \$56 million; and the Police and Firefighters' pension fund is 73% funded. In sum, he indicated that the two pension funds were being underfunded by approximately \$125 million.

Mr. Terwilliger concluded that the City's finances are not fine because it would not have raised taxes last year.

Ms. Sibble clarified that Mr. Terwilliger was referring to the Auditor General's information that was provided in the backup material, where they included financial information for the last five (5) fiscal years for the City of Pompano Beach, thus displaying trend information on performance for select financial indicators. Furthermore, it benchmarked the City against the peer cities for the fifth year for 2015.

Names of Comms.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES March 22, 2016</p> <p>PAGE 24</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>Additionally, Ms. Sibble clarified that the chart Mr. Terwilliger referenced, actually showed that the City is spending more per resident for expenditures than the incoming revenues. However, it is misleading because the City has historically spent down its fund balance reserve funds. Therefore, some of those expenditures are not funded with current revenues, which she explained. Furthermore, she indicated that this is not an indication that the City is in financial distress because it is all planned.</p> <p>In sum, Ms. Sibble mentioned that Mr. Terwilliger's statement was not all together accurate. She said some of the indicators could be misleading; therefore, she would be happy to meet with Mr. Terwilliger to explain how to interpret some of the indicators provided by the Auditor General's tool.</p> <p>Mayor Fisher reiterated that as the auditors compare the City of Pompano Beach to other cities, he requested clarification on how we compare on the chart as it relates to financial stability of the City.</p> <p>Mr. McGinley responded that the trend shows that in most of the narratives in terms of the benchmarks, the City of Pompano Beach is outperforming its peer cities. He concluded that the City's fund balance is healthy compared to everyone else.</p> <p>Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060, stated that he served on the former Budget Review Committee. He requested also to meet with Ms. Sibble for explanation of the finances.</p> <p>Comr. Moss asked how many years has RSM US LLP been conducting the City's audit.</p> <p>Ms. Sibble responded that it has been for approximately ten (10) years. In fact, the City plans to go out for RFP's (Request For Proposals).</p> <p>Comr. Phillips complimented Suzette Sibble, Finance Director and her team for doing a great job year after year. She is always thorough and knowledgeable. In fact, she has been able to get the City to where they are with no findings anywhere, so they have done an extraordinary job.</p>					

Names of Commrs.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
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<u>REGULAR ITEMS - CONTINUED</u>				
Comr. Phillips asked if the retirees would be paid their pension money without any problems.				
Ms. Sibble responded yes and explained the usualness of cities having an unfunded status relating to pension plans. Actually, the funding ratio for both pension plans increased from 2014 to 2015. Over the years the trending down was due to the unfortunate performance of the financial market. Pension plans do recover over time. In fact, as long as the City makes its annual required contribution of approximately \$10 million for both pension plans it will be okay. Moreover, for all the controlled factors the Commission has been vigilant in setting policies and parking procedures in place to control those factors.				
Vice Mayor Burrie indicated that the actuary made a comment earlier stating that the only way that the cities, to include Pompano Beach, would be in trouble is if every city employee retired on the same day at the same time. As long as this does not happen, the employees will get their pensions and when the market goes up then the value of the pensions would go up.				
Ms. Sibble confirmed that is correct.				
Comr. Hardin indicated that staff has done an excellent job. In fact, it is truly a "breath of fresh air" with the Office of Housing and Urban Improvement Department moving from where the City was to where it currently stands. Therefore, hats off to everyone for doing a good job.				
MOTION: To accept the report.				
<u>ROLL CALL</u>				
Dockswell				X
Hardin <i>(by phone)</i>				X
Moss				X
Phillips				X
Burrie		X		X
Fisher				X

Names of Commrs.	M	S	Y	V	V

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REGULAR ITEMS - CONTINUED

P.H. 2016-55; ORD. NO. 2016-...: TIME 01:26:21 ITEM 17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE: (i) A SECOND AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FIRST AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; (iii) A FIRST AMENDMENT TO PARCEL R2 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R2, LLC; (iv) A FIRST AMENDMENT TO PARCEL R3 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R3, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Names of Commrs.	M	S	Y	N
ROLL CALL				
Dockswell			X	
Hardin <i>(by phone)</i>	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

CITY COMMISSION MEETING MINUTES March 22, 2016

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REGULAR ITEMS - CONTINUED

MOTION: To approve Ordinance upon first reading.

Adriane Esteban, CRA Project Manager, stated that the second amendment presents clarifications to various sections, as well as it changes to the beachfront guidelines section, provisions for a new restroom related to Parcel E, and reimbursement process for utility and infrastructure improvements.

Additionally, Ms. Esteban indicated that the major changes to the second amendment are related to the development timeline and the inclusion of the R4 space lease form. The development timeline has been revised to reflect better the actual time it takes to get through the development review process and permitting. The R4 lease is included at this time because the garage is now under construction so it is time to ensure everything is coordinated and they are ready to go.

Further, Ms. Esteban indicated that the amendment to the parcel ground leases are for parcels E, R3, and R2.

Phyllis Franklin, 500 Northeast 6th Street, Pompano Beach, FL, asked about the lease on the eastside of Pompano Beach Boulevard, which issues she desires to see resolved prior to the Commission approval of the second amendment to the lease. She then asked has there been a legal opinion as to what the developer plans to build on the eastside of Pompano Beach Boulevard, given the zoning, the land use, the deed restrictions, and the City Charter. She also asked where in the Charter does it grant the City the right to lease public parkland for fifty (50) years without an approval by the majority of voters in an election called for that purpose. Ms. Franklin clarified that she is referring to Charter Section 253(f). She complained that she has made multiple public records requests seeking records for a legal opinion regarding the underlying county land use and the City's right to lease the property east of Pompano Beach Boulevard. However, to date no such records have been provided to her.

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Robin M. Bird, Development Services Director, stated that it is important to have separation/distance requirements because of competing interest with landowners building unnecessary towers, which gets underutilized. He provided an example with one such situation that occurred on Powerline Road.

In response to Comr. Dockswell's question, Mr. Bird defined a public utility district to be a zoning district where certain things are allowed, which there are only a few throughout the City. Facilities such as the City's water treatment plant, storage for city services or possibly an FPL large substation would be included in the public utility district. Mr. Bird explained that each tower is allowed four (4) to five (5) carriers. In addition, with the telecommunications industry, each one generally has a separate height so they do not compete to build in the same line of sites.

Comr. Dockswell asked what if the City wanted to allow a new cluster that is not in a public utility district, would it be easy enough for the City to create a public utility district for it.

Mr. Bird responded the applicant could apply and the City would allow a utility district.

P.H. 2016-51; ORD. NO. 2016-53: TIME 02:26:46 ITEM 20

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4302, "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,"

Names of Commrs.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
March 22, 2016				
PAGE 32				
<u>REGULAR ITEMS - CONTINUED</u>				
<p>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.</p> <p>The Ordinance was read by title only.</p> <p>MOTION: To adopt Ordinance No. 2016-53 upon second reading.</p>				
<u>ROLL CALL</u>				
Dockswell	x			x
Hardin <i>(by phone)</i>				x
Moss				x
Phillips				x
Burrie		x		x
Fisher				x
<p>Karen Friedman, Principal Planner, stated that the item serves two purposes, which is to clarify how the City measures certain standards for properties abutting the beach and to make those standards as clear as possible. As well as, to make those standards support the City's coastal zone management element that has policies supporting the dune.</p> <p>Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, recalled there has been discussion about the developer to "man" some of the parcels where there are deed restrictions east of the beach, and to place patios in place of serving areas for some of the proposed restaurant areas. Therefore, he questioned how this ordinance would affect any of the patios that potentially could be built as an expansion of some of those restaurants facilities.</p> <p>Ms. Friedman responded that she is unsure of the properties Mr. Terwilliger is referring to in his question. However, she could meet with Mr. Terwilliger after the meeting to identify those properties.</p>				

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Karen Friedman, Principal Planner, stated that the item is concerning the proposed modifications to the parking standards in the Atlantic Overlay District (AOD). As mentioned at the first reading, it will reflect the outcome of the moratorium, which signals that there are certain uses that speak more to the purpose of the district and therefore those uses are being sought by staff to incentivize. In addition, it is addressing the fact that the existing parking incentives which were adopted in 2011, have since lapsed, and the City's intent is to extend certain incentives to reflect the uses sought for the area and in specific circumstances.

Comr. Dockswell stated that he understands and accepts that the City needs to relax the parking requirements for parcel owners to provide off-street parking. This was done five (5) years ago, and he understands the utility that the City has done with the incoming restaurants.

Furthermore, Comr. Dockswell indicated that currently, the City is about to extend the exemptions for providing off-street parking for another five (5) years, which he has no issues with it. However, since the City has had experience for five (5) years in this regard, there are more ways the City can reach and accommodate a parcel owner who wants to open a restaurant in any strip shopping center on Atlantic Boulevard with shared parking among a number of storefronts. If the City does not require them to provide any off-street parking then the City is knowingly creating the possibility of chaos in any of the shared parking situations.

Additionally, Comr. Dockswell suggested that the city consider the real traffic demand rather than subject the residents and visitors to chaos until a resolution of the problem is configured, which could have been anticipated in the first place. Therefore, he suggested amending the ordinance to prevent the imminent chaos the current proposed ordinance would cause. Consequently, he suggested amending the ordinance to require an agreement between the City and the parcel owner for how parking demand would be dealt with since the parcel owner does not have the allocation to provide off-street parking.

Mayor Fisher suggested that the amendment would need to be more specific as to what the agreement would be. In fact, other municipalities do have similar problems with parking, but they are successful.

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES March 22, 2016</p> <p>PAGE 35</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>In sum, Mayor Fisher indicated that the City does have a vision to be implemented quickly, but in the meantime, the City should not discourage the efforts and dollars that were put into place for an infrastructure to get people to come to our City. Therefore, the proposed relaxed parking will allow the City to accomplish that aspect. In the meantime, staff is already on the drawing board trying to come up with resolutions for the imminent parking issues in the future. Notwithstanding, the proposed amendment will restrict what the City is trying to accomplish and will be subjective rather than objective.</p> <p>Comr. Dockswell responded that with all the discussion regarding the subject matter he has given it “a lot of thought” and he does not think it is a wording problem or subjectivity kind of an issue. He thinks there is a split on whether there needs to be an agreement or not, which he provided the various opinions on the matter.</p> <p>Comr. Phillips stated that he was trying to determine why there would be a hindrance in the City putting language together to get parcel owners to identify projected parking.</p> <p>Comr. Hardin indicated for the record, he has not received any complaints regarding parking issues at the Harbor Village area or any of the entertainment areas that the City has tried to foster in the eastern and western parts of the City. That is not to say parking issues do not exist. On the other hand, he has received compliments from people who are happy with the opening of these restaurants.</p> <p>An extensive discussion followed among the commission members on the possible parking issues that may arise in the future from current off-street parking allowances and how to codify subsequent actions versus making it a policy.</p> <p>Mr. Berman advised that it is better to have it in a policy to be followed. However, there could be a review policy done by staff and the Commission could direct staff to make it become part of their review process to look for impending problems. Nevertheless, it does not have to be codified.</p>				

Names of Comms.	M	S	Y	V N
<p>CITY COMMISSION MEETING MINUTES March 22, 2016</p> <p>PAGE 37</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>Furthermore, the membership would consist of six (6) individuals plus two (2) alternates from the cross section of the community. Additional amendments will provide for conformity with Florida Statutes Chapter 893.138 to include criminal activity in and around pain clinics, which may constitute a public nuisance.</p> <p>Finally, Ms. Lyons indicated that the Broward Sheriff's Office (BSO) and the City Attorney's Office would be responsible for presenting the cases before the Board. If the need arises where there is an issue that the Board requires legal guidance or advice, then the legal office would appoint counsel for the Board themselves.</p> <p>Comr. Phillips expressed his satisfaction with the direction the City is going, but would be a little concerned based on history or perception of code enforcement and nuisance abatements. Nevertheless, he wanted to allay everyone's fear that the City needs a nuisance abatement board and he explained some of the reasons for it.</p> <p>Finally, he commended the legal staff, code enforcement, and BSO for their efforts. He reiterated that this is not to punish people but as the City is moving forward, it is to ensure that the neighborhoods are kept safe, and that progress can happen in the neighborhoods in an orderly manner. Therefore, he is encouraged with the enactment of this ordinance that will benefit the entire city.</p> <p>Lastly, Comr. Phillips encouraged BSO and code enforcement to participate in this effort.</p> <p>P.H. 2016-54; ORD. NO. 2016-...: TIME 00:25:44 ITEM 23</p> <p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BLUEWATER MOVEMENTS, INC. FOR THE POMPANO BEACH SALTWATER CIRCUIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,659.63 In-Kind Services 3 events/year (May, June, August))</p>				

Names of Commrs.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
March 22, 2016				
PAGE 38				
<u>REGULAR ITEMS - CONTINUED</u>				
The Ordinance was read by title only.				
MOTION: To approve Ordinance upon first reading.				
<u>ROLL CALL</u>				
Dockswell				X
Hardin(<i>by phone</i>)	X			X
Moss				X
Phillips				X
Burrie		X		X
Fisher				X
Mark Beaudreau, Recreation Programs Administrator, stated that this is not a new event to the City of Pompano Beach; rather it is a new agreement and explained the various agreements that were in place throughout the years. Moreover, this fits with the City's Strategic Plan Initiative.				
Mayor Fisher requested clarification from City Attorney Berman on whether to declare this item an emergency since the second reading will be in April, but their first event is scheduled for May, which will not provide enough time for their planning to meet their May date.				
MOTION: To declare an emergency for second reading.				
<u>VOICE VOTE</u>				
Dockswell				X
Hardin(<i>by phone</i>)		X		X
Moss				X
Phillips				X
Burrie	X			X
Fisher				X
P.H. 2016-54; ORD. NO. 2016-55: TIME 00:00:00 ITEM 23				
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BLUEWATER MOVEMENTS, INC. FOR THE POMPANO BEACH SALTWATER CIRCUIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,659.63 In-Kind Services 3 events/year (May, June, August))				

Names of Commrs.	M	S	Y	N
			V	V
CITY COMMISSION MEETING MINUTES				
March 22, 2016				
PAGE 39				
<u>REGULAR ITEMS - CONTINUED</u>				
The Ordinance was read by title only.				
MOTION: To adopt Ordinance No. 2016-55 upon second reading.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin(<i>by phone</i>) X			X	
Moss			X	
Phillips		X	X	
Burrie			X	
Fisher			X	
Mark Beaudreau, Recreation Programs Administrator did not provide any further comments.				
RES. NO. 2016-153:				
TIME 02:57:20				
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 ROADWAY TRANSFER AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH FOR THE TRANSFER OF SR 814/ATLANTIC BOULEVARD FROM EAST OF NW 6TH AVENUE TO SR A1A (EXCLUDING S.C. FOX MEMORIAL BRIDGE – BRIDGE ID 860157) AND SR 811/DIXIE HIGHWAY FROM NORTHERN LIMIT OF BRIDGE 860032 TO SR834/SAMPLE ROAD; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				
MOTION: To adopt Resolution No. 2016-153 as amended.				
<u>ROLL CALL</u>				
Dockswell			X	
Hardin(<i>by phone</i>)X			X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

March 22, 2016

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REGULAR ITEMS - CONTINUED

Mayor Fisher announced that today, the Commission received some exhibits that were replaced in the backup documents.

Greg Harrison, Assistant City Manager, stated that the Commission authorized the canceling of two (2) Florida Department of Transportation (FDOT) proposed contracts for the resurfacing of Dixie Highway in 2016-2017 and 2017-2018. Further, in December, the Commission authorized staff to negotiate a transfer agreement with FDOT staff, which at the time would realize approximately \$4 million from FDOT to the City. Therefore, after a careful vetting and negotiation process a mutually agreed upon agreement has been reached. The City will be receiving \$4.5 million approximately in January 2017. In addition, the City will be receiving deeds to 10 acres of properties that are contiguous with the roadways with a value of \$1.2 million.

Mr. Harrison explained the reason for the City and the Community Redevelopment Agency (CRA) interest in the transfer agreement. There are intersection changes that must be made for the "new downtown area" which these intersections include from the new cultural center city hall area at Atlantic Boulevard and Southeast 1st Avenue. Also, the intersections of Martin Luther King, Jr. (MLK) Boulevard and Dixie Highway, the intersection at Atlantic Boulevard and Dixie Highway, and at Northeast 6th Avenue and Atlantic Boulevard.

Additionally, Mr. Harrison explained that the regulations that FDOT is under would not allow the City's desire to accomplish its plans at these intersections, which is to make the intersections pedestrian/bicycle-friendly, landscape them, and illuminate them with lighting that would enhance the beautification of the area. Therefore, the City must accept responsibility and ownership of the roadways to include the areas between I-95 and Dixie Highway and between Atlantic Boulevard and MLK Boulevard. Furthermore, the City will have the opportunity to design projects and perform a total transportation of the downtown area of Pompano Beach.

Finally, Mr. Harrison indicated that this is a once in a lifetime opportunity that the local governing body will have to make into a reality. He mentioned that he has over thirty years' experience in transforming old dilapidated areas into modern facilities, so for the surrounding properties, this would be a very good investment venture.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Mr. Harrison stated that it took a great team effort to make this happen and recognized members of the team. Members of the team were Roy Rogers, Consultant with transportation projects who was instrumental in assisting with the work particularly with FDOT, Steve Braun and Min-Tang Li from FDOT, as well as Kim Briesemeister, Chris Brown and Vince Wooten from the CRA, City staff to include Phyllis Korab, Brian Donovan, Jennifer Gomez, Carrie Sarver who assisted with the Agreement, John Sfiropoulos, Robert McCaughan, Horacio Danovich who assisted with information on the structure, and Robin Bird who assisted with the right-of-ways and extra land the City would receive.

Doug Matthes, 500 Northeast 6th Street, Pompano Beach, FL, complained that there is complete traffic gridlock on the eastern one and one half miles on Atlantic Boulevard, 11th Avenue and A1A, which has become significantly worse since the roadway was narrowed. There is more gridlock on Atlantic Boulevard between Cypress Road and Andrews Avenue. Both problems need to be addressed by credible, qualified, and certified traffic engineers.

Additionally, Mr. Matthes indicated that in the targeted areas there is rarely any pedestrian use, which may change. Therefore, narrowing the roadways only works after there is a significant reduction in traffic volume. Moreover, traffic gridlock is already impacting the surrounding neighborhoods to include the one he is living in at Old Pompano. He then provided in detail reasons why this project is not worth it. Therefore, he concluded that the management of the state roads should remain with FDOT who has established guidelines. In sum, he encouraged the Commission to vote no for the transfer agreement.

Phyllis Franklin, 500 Northeast 6th Street, Pompano Beach, FL, referred to an article published by the Pelican newspaper on the narrowing of Atlantic Boulevard and Dixie Highway, as well as a summary of purpose and why. In sum, she questioned the Metropolitan Planning Organization (MPO) input in the regional impact of creating a bottleneck choke point on a major east-west artery that is State Road 814 (Atlantic Boulevard). Therefore, Ms. Franklin encouraged the Commission to table this item for further study after providing details on all the unintended consequences, and potential repercussions this will have on the neighborhoods and the city.

Names of Commrs.	M	S	Y	V	V
<p>CITY COMMISSION MEETING MINUTES March 22, 2016</p> <p>PAGE 42</p> <p><u>REGULAR ITEMS - CONTINUED</u></p> <p>M. Ross Shul mister, 560 Southeast 12th Street, Pompano Beach, FL, stated that there are some traffic problems to be addressed, but so far, he has not seen any good results in reducing the traffic congestion, to include Atlantic Boulevard, Cypress Creek Road, and Dixie Highway. He stated that he is not opposing the City taking over the proposed roadways; however, he urged the Commission to do right by the citizens by fixing the problems once the city takes over those roadways.</p> <p>Comr. Phillips stated that he supports progress and has listened to the pros and cons of entering into this agreement, but he feels it comes down to a matter of trust and he explained his reasons. In sum, to narrow the roads would only add to the already problematic traffic congestion.</p> <p>In response to Comr. Phillips' question on additional staffing for the Public Works department, City Manager Beach responded that it would not be at this time. Furthermore, Mr. Beach indicated that the discussion taking place about the width of roads and the amount of traffic they carry needs to be changed to discuss what the City is trying to accomplish and build. He stated that big wide roads and intersections are great for getting traffic through the city at 50 miles an hour, but do not do anything for the redevelopment or the improvement of the communities. Therefore, the point of this effort is to try to make the downtown area a better place.</p> <p>Comr. Phillips indicated that while he will support the item, he is concerned about the "nightmare" that would evolve out of the "vision" as it relates to the narrowing of the intersections.</p> <p>Mayor Fisher indicated that the issue under discussion is for the City to gain control of the roadways, rather than having FDOT dictating to the City what to do. In addition, in narrowing the roads, he would support just bringing in the roadway a bit for sidewalks and compatibility to have service streets and landscaping, but not to take a full lane away.</p> <p>Mr. Harrison clarified the points regarding narrowing of certain roadways. He stated that they were proposing how to funnel traffic into the intersections, which at some point will require some narrowing.</p>					

Names of Commrs.	M	S	Y	N
ROLL CALL				
Dockswell				X
Hardin <i>(by phone)</i>	X			
Moss			X	
Phillips			X	
Burrie		X		X
Fisher			X	

CITY COMMISSION MEETING MINUTES

March 22, 2016

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REGULAR ITEMS - CONTINUED

TIME 03:19:30 ITEM 25

Consideration of a budget transfer of \$142,000 from Working Capital Reserve to fund two (2) additional Landscape Inspectors and purchase two (2) vehicles. (Fiscal impact: \$142,000 for the remainder of the current fiscal year. Cost for FY 2017 will be approximately \$185,600)

MOTION: To approve the budget transfer for this item.

Jennifer Gomez, Development Services Assistant Director, stated that the item is requesting approval to hire two (2) additional landscape inspector positions in order to provide better landscape support and provide staffing needed to keep up with the current workload. Over the last five (5) years, the workload has increased and she provided statistics on the increase regarding landscape permits. In addition, the City and CRA have embarked on numerous and extensive construction projects that have increased the demand on staff to provide customer support. Notwithstanding, inspectors provide support to private development by conducting midway inspections as opposed to the final inspections, which she explained the process. In sum, the additional staffing would allow the Department to continue to provide great customer service, whereby complaints have been decreased, and to improve on the services.

Comr. Dockswell asked how many landscape inspectors are currently in place.

Ms. Gomez responded three (3).

Comr. Dockswell indicated that he thinks this is an ideal example of when it is wise to do sub-contracting and provided details on his reasons for it. In sum, he cited the success of subcontracting the police services and the code enforcement aspects of city services, which are very important. From a cost standpoint, he would prefer to see this segment subcontracted rather than adding additional staffing.

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

March 22, 2016

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REGULAR ITEMS - CONTINUED

Vice Mayor Burrie agreed with Comr. Dockswell's suggestion, however, she wanted to know how the two additional inspectors would be utilized during the low periods after the boom is over.

Mayor Fisher agreed to a large extent with Comr. Dockswell about contracting certain services and the concept that if the job is not done satisfactorily they could be terminated but in the case of an employee, it is harder to terminate a person not performing to standard. Also, there is the benefits package that is provided for the employee. Therefore, there is that flexibility of getting rid of a contracted service if it is not working out. In sum, Mayor Fisher indicated that he supports the concept to get more employees to help, but the independent contractor makes more sense than bringing on full time employees to deal with the burdens of benefits and so forth.

An extensive discussion ensued among staff and the commission on the pros and cons of hiring additional staff to perform the work versus contracting out the entire landscaping division. In sum, staff feels that overall the best course of action is to hire the staffing where there would be better control versus contracting the services. Also, longevity and turnover is a big factor and the issues that are associated with contractors. Moreover, redevelopment has just started; therefore, the workload has not peaked.

Dennis W. Beach, City Manager indicated that the reasons that staff has outlined for having full time employees are valid. This will provide a higher quality of service and a more consistent service versus utilizing contracted service. Notwithstanding, staff can make it work with contracted employees, but the issues of turnover and control are real issues.

Comr. Moss is concerned with the City making sure that the quality of the employees is high. He understood both sides of the debate but would be inclined to support full time city employees.

In response to Comr. Moss's question in reducing staff when the workload decreases, City Manager Beach explained that the staff had quantified the work to the extent within that department where they can monitor that. So, when the workload changes they would be expected to make those staffing adjustments as needed.

Names of Commrs.	M	S	Y	V	V
CITY COMMISSION MEETING MINUTES					
March 22, 2016					
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<u>REGULAR ITEMS - CONTINUED</u>					
The Resolution was read by title only.					
MOTION: To adopt Resolution No. 2016-155 upon reading.					
<u>ROLL CALL</u>					
Dockswell		X		X	
Hardin <i>(by phone)</i> X				X	
Moss				X	
Phillips				X	
Burrie				X	
Fisher				X	
TIME 03:40:16 ITEM 28					
Consideration for choosing a director, alternate and second alternate to attend and vote at any Board of Directors or General Membership meeting of the Broward League of Cities meetings where he/she represents his/her municipality.					
MOTION: To appoint Commissioner Ed Phillips as Director, Mayor Lamar Fisher as alternate and Vice Mayor Charlotte Burrie as second alternate.					
<u>VOICE VOTE</u>					
Dockswell		X		X	
Hardin <i>(by phone)</i>				X	
Moss				X	
Phillips				X	
Burrie	X			X	
Fisher				X	
Vice Mayor Burrie explained that at the time when the current members were appointed to include her, it was both to go for the Metropolitan Planning Organization (MPO) and the Broward League of Cities and she was selected as the director. However, both Broward League of Cities and the MPO meets the same day. Currently, she serves on two subcommittees for the Broward League of Cities as well, hence she has a conflict with timing to attend all the meetings. Therefore, she can do one but not the other.					
Comr. Phillips expressed interest to serve as the director.					

Names of Commrs.	M	S	Y	V N

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

TIME 01:34:05 ITEM 29

Advice concerning litigation in relation to settlement matters and/or strategy sessions.

Rocket Outdoor Advertising, LLC v. City of Pompano Beach, Florida; United States District Court Case No. 15-CV-62292-Huck/Otazo-Reyes

Those in attendance were the City Commission members; Dennis W. Beach, the City Manager, Mark E. Berman, Esquire, the City Attorney; and Michael T. Burke, Esquire, of Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.

Mayor Fisher recessed the regular meeting at 7:40 p.m. to commence discussion on the item.

The regular meeting was reconvened at 8:35 p.m.

REPORTS

City Manager – No Report.

City Attorney – Speedy Recovery for Comr. Hardin – Mark E. Berman, City Attorney wished Comr. Hardin a speedy recovery. As well as he thanked Sandra King and Gene Zamoski for doing a great job in setting up the communications to accommodate Comr. Hardin’s participation in the meeting telephonically.

City Clerk – Visitors Log for Elected Officials – Asceleta Hammond, City Clerk announced that a Visitors’ Log system has been established for the Commission, which will take effect on April 1, 2016. In addition, the lobbyists will be guided to access and complete a contact log form on the City’s website for submittal to the City Clerk for processing.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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REPORTS - CONTINUED

Commissioner Barry J. Dockswell – Special Meeting of East CRA Advisory Committee

– Comr. Dockswell reported that they had an important and significant meeting on March 16, 2016. This was for the purpose of the first public exposure of land use plan changes and zoning changes that would govern the Atlantic Boulevard corridor from A1A to beyond Dixie Highway. It fixes some long-standing land use and zoning problems, and it encourages the mixed-use type of developments. It was very well received given that it was the first public hearing. So, all parties are very close to a consensus and he wanted to thank and commend the City and CRA staff, as well as some contractors brought in to do a great job of studying every parcel and who provided good proposals. Therefore, he is confident that the City will get an excellent road map out of this effort.

Lastly, he said this would not come before the City until another two months because it has to go through other committees. Overall, it was a great meeting.

Termination Announcement – Comr. Dockswell stated that his primary reason for running for office in 2008 was to get the right size redevelopment in the City on track. Therefore, on the barrier island and on the beach the City is well on its way, which can be seen with projects such as the library, pier, and so forth. His goal has been realized so he announced that he has decided not to stand for re-election for November 2016, as the District 1 commissioner for the City of Pompano Beach. He declared he has had eight (8) productive and rewarding years on the City Commission and four (4) years on the East CRA Advisory Board prior to those eight years. So, he is looking forward to catching up with other personal matters. His early announcement is geared to allow those persons, who are residing in District 1, enough time to evaluate, decide, and plan for a campaign.

Notwithstanding, Comr. Dockswell stated that he is confident that the City will get the land use plan amendment and the associated zoning changes in place and will have a great road map for the future of the Atlantic Boulevard corridor. He is hoping a great candidate will come forth so he can pass the torch to in the future.

Names of Commrs.	M	S	Y	V

CITY COMMISSION MEETING MINUTES

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Holiday Wishes – Comr. Phillips wished everyone a Happy Easter.

Vice Mayor Charlotte J. Burrie – Best Wishes – Vice Mayor Burrie wished Comr. Hardin a speedy recovery. She also thanked Sandra King for getting the telephonic system in place for Comr. Hardin to join the meeting, and wished she had this when she was “laid up on her back” and could only watch the meeting and not participate.

Holiday Wishes – Vice Mayor Burrie wished everyone a Happy Easter.

Best Wishes – Vice Mayor Burrie wished Comr. Dockswell all the best and indicated that she is also half retired but not quite ready to retire just yet.

Mayor Lamar P. Fisher – Demise of Bill Clancy Jaycox – Mayor Fisher announced that Bill Clancy Jaycox was laid to rest on Thursday, March 17, 2016 on St. Patrick’s Day. Mr. Jaycox was a great jolly man, who wrote the City’s song. He was “Santa Claus himself and he did a lot for the children.” He will be missed, therefore, Mayor Fisher invited everyone to keep his family in their prayers.

Dilapidated Shopping Center – Mayor Fisher asked about the Shopping Center that is located at the corner of US 1 and Southeast 2nd Street, at the south west corner that is in a deplorable looking shape. He indicated that as the City continues to work to beautify the US 1 corridor, there may be some landscaping code that may need to be strictly enforced to get that location cleaned up.

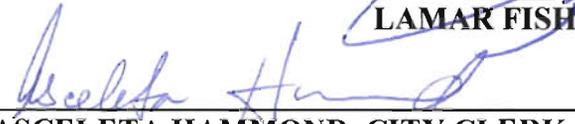
Holiday Wishes – Mayor Fisher wished everyone a Happy Easter.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:53 p.m.



LAMAR FISHER, MAYOR



ASCELETA HAMMOND, CITY CLERK