



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-13

Date: April 12, 2016

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<p><b>RES. NO. 2016-170:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO FLORIDA POWER &amp; LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	19
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### REGULAR AGENDA - CONTINUED

BEGINNING JANUARY 1, 2017, AND SHALL CONTINUE UNTIL REPEALED; PROVIDING FOR DISTRIBUTION OF SURTAX REVENUES PURSUANT TO LAW; DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A REFERENDUM ELECTION ON NOVEMBER 8, 2016; PROVIDING BALLOT LANGUAGE AND A BRIEF DESCRIPTION OF INFRASTRUCTURE CAPITAL PROJECTS; PROVIDING FOR ADOPTION OF A RESOLUTION DETAILING PROJECT EXAMPLES; PROVIDING FOR PUBLIC DISTRIBUTION OF THIS RESOLUTION; DIRECTING THE CITY CLERK TO ADVERTISE THE SPECIAL REFERENDUM ELECTION IN ACCORDANCE WITH STATE LAW OR COORDINATE SUCH ADVERTISEMENT IN ACCORDANCE WITH STATE LAW WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

**ORD. NO. 2016-56:** AN ORDINANCE AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," BY CHANGING THE TERMS AND CONDITIONS OF THE MEMBERSHIP OF THE BOARD; BY AUTHORIZING COUNSEL FROM THE CITY ATTORNEY'S OFFICE TO PRESENT ALL CASES BEFORE THE BOARD; BY AUTHORIZING ADDITIONAL MUNICIPAL VIOLATIONS TO BE CONSIDERED AS A PUBLIC NUISANCE; AND TO OTHERWISE CONFORM THE CITY'S ORDINANCE WITH CHANGES IN SECTION 893.138 FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

31-32

**ORD. NO. 2016-57:** 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.

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## Regular City Commission Meeting Minutes

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# ***CITY OF POMPANO BEACH, FLORIDA***

## **REGULAR CITY COMMISSION MINUTES**

Agenda No. 2016-13

Date: April 12, 2016

Commission Meeting Room

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

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**ROLL CALL:**

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

**Present:**

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

and

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

*Dennis Beach*  
*Mark Berman*  
*Ascelela Hammond*

**INVOCATION BY:**

*Mayor Lamar Fisher*  
*City of Pompano Beach*

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

Names of Comms.	M	S	Y	N
<b>VOICE VOTE</b>				
Dockswell				X
Hardin	X			X
Moss				X
Phillips		X		X
Burrie				X
Fisher				X
<b>VOICE VOTE</b>				
Dockswell				X
Hardin	X			X
Moss				X
Phillips				X
Burrie		X		X
Fisher				X

**CITY COMMISSION MEETING MINUTES**                      **April 12, 2016**

**PAGE 1**

**APPROVAL OF MINUTES**

**MOTION:** To approve the Regular City Commission Meeting Minutes of March 22, 2016, as submitted.

There were no revisions to the minutes.

**APPROVAL OF THE AGENDA**

**MOTION:** To approve the City Commission Meeting Agenda of April 12, 2016, as submitted.

**CONSENT AGENDA DISCUSSION**

Mayor Fisher stated the Commission would pull Items 1, 2, 4, 14, 20 and 22 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**

*PowerTalk 21 Day*

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming April 21, 2016, as "PowerTalk 21 Day" in the City of Pompano Beach. He urged all citizens to join in the local and national efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities.

Names of Comms.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**April 12, 2016**

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**PROCLAMATIONS - CONTINUED**

David Ganim on behalf of Mothers Against Drunk Driving thanked the Mayor and the City Commission for proclaiming April 21, 2016 as “PowerTalk 21 Day,” – MADD’s national Day for parents who speak to their children about underage drinking and alcohol poisoning. He introduced Ms. Cathy Fish, guidance counselor at Pompano Beach High School along with her daughter Anna.

Cathy Fish told her story on how she lost her husband and a great father who was stricken down by a drunk driver. She indicated that this very sad incident has left a great awareness in their lives. In fact, she stated that were it not for MADD and their victim support service, she would not be as strong as she is today. She thanked the City Commission and residents for recognizing this preventable act where no one would lose a loved one to someone’s bad decision.

**Water Reuse Week**

Mayor Fisher, on behalf of the Pompano Beach City Commission and residents, read a proclamation proclaiming the week of May 15<sup>th</sup> – 21<sup>st</sup>, 2016 as “Water Reuse Week” in the City of Pompano Beach. In addition, Mayor Fisher called upon each citizen and business to help protect our precious resource by practicing water conservation and promoting the use of reclaimed water.

A. Randolph Brown, Utilities Director, thanked the Mayor for the proclamation and stated that the City leads South Florida in reuse, which will help to sustain the community into the future. In addition, Mr. Brown indicated that since 2009, the City had a per capita of 192 gallons per person, and through conservation and reuse, it has been decreased to 161 gallons per person. The safety of reuse has been tested within 94 different constituents and the City’s reuse has passed 93 of those this year. Therefore, it is safe and he encouraged residents to sign up to use it.

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 3</b></p> <p><b><u>SPECIAL PRESENTATIONS</u></b></p> <p><i><u>DropSavers Water Conservation Poster Winners</u></i></p> <p>Mayor Fisher announced that there were some young wonderful people in the audience to be awarded special awards from the City's DropSavers Water Conservation Poster winners.</p> <p>Susan Stecchi, Reuse Coordinator, stated that the City of Pompano Beach Utilities Department had partnered with the Florida Section of the American Waterworks Association to offer to the City's kindergarten through high school students, a contest called the DropSavers. The following students were the selected winners for the contest.</p> <p><b>Winner Division 1:</b>  Student:        Jada Hamilton  School:        Cypress Elementary  Teacher:        Linda Cristanello</p> <p><b>Winner Division 2:</b>  Student:        Camaija Folkes  School:        Cypress Elementary  Teacher:        Linda Cristanello</p> <p><b>Winner Division 3:</b>  Student:        Jade Mejia  School:        Cypress Elementary  Teacher:        Linda Cristanello</p> <p><b>Winner Division 4:</b>  Student:        Brooke Rokhamm  School:        Crystal Lake Middle  Teacher:        Diane Paillet</p>				

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**April 12, 2016**

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**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.

**Water Reuse** – Joseph Ryan, 427 Northeast 24<sup>th</sup> Avenue, Pompano Beach, FL, stated that he does research everything he says. He complained that for seven years the reuse water situation has been going on. He alleged that there are 1,200 available for hook up but 500 were never hooked up. However, the City has spent over \$100,000 promoting the use. He has concluded that the City does not have an affordable product and people are not willing to use it. Therefore, he recommended that the City stop spending money on it.

**Charter Amendment** – Mr. Ryan alleged that there is a Charter Amendment coming up on the ballot for the zoning and planning, which is a huge project. He complained that other people would decide the City’s faith, which is a code – city situation that will cost millions. He suggested the City put it on hold and get out of it. He indicated that there are all kinds of problems in the City; therefore, we cannot afford it.

**Beach** – Mr. Ryan complained that he is not convinced that the beach will take care of the debt service over there.

**Upcoming Events** – Mary Phillips, Executive Director, Small Biz Community & Economic Development, 164 N. Powerline Road, Pompano Beach, FL 33069, and Alice Chapman, 172 Northwest 15<sup>th</sup> Place, Pompano Beach, FL, provided the following information on upcoming Events, which are cosponsored by the City of Pompano Beach:

Names of Commrs.	M	S	Y	V	V
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 5</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>➤ First Event would take place at the E. Pat Larkins Center on May 21, 2016 from 1:00 p.m. to 4:00 p.m. This is regarding record sealing, expungement, and restoration of rights forms. The state attorney’s office will have a representative and there will be other representatives, who will be talking about the process of how a person could get their rights restored and the right to vote.</p> <p>Additionally, Mrs. Phillips indicated that in the future, she will be lobbying the state attorney’s office to come back and bring their entire staff to Pompano Beach to do the process all at once. This process will be beneficial for the young people in the community, who may get into trouble and would need to know how to get their records sealed to allow them to acquire a job.</p> <p>➤ Second Event to take place at the E. Pat Larkins Center on June 11, 2016 from 6:00 p.m. to 9:00 p.m., which will be candidates’ night for the residents to meet all candidates who will be invited to attend and speak with each person.</p> <p>Mrs. Phillips indicated that she understands that there will be an election in August to elect judges. In addition, she stated of the judges currently sitting only six (6) out of the ninety (90) judges are African Americans. Therefore, it is important to have diversity in judges who are passing judgement on individuals.</p> <p>➤ Third Event will take place on September 11, which will be an education, crime, and employment awards luncheon; however, they are still working on the schedule. This event would also recognize people, specifically, the non-profits who have been working diligently in the communities with care. Besides, they are not credited for what they do, as well as people are not aware of these people.</p>					

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**April 12, 2016**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Blocking of Alleyway** – Pavel and Yvette Montoya, 300 Northwest 16<sup>th</sup> Avenue, Pompano Beach, FL 33069, indicated that they are concerned about the alleyway in the back of their home. She stated that the business that is next door to them maintains the lawn. However, for quite some time a number of cars have been parking in the alleyway. In addition, there are times when people use it as a driveway to get in and out, even though it is not a street.

Ms. Montoya stated that there is a problem with people parking there late at nights. In fact, there was a car a few months ago known to be used in different crimes that was parked in their back yard, which came from the alleyway. During the two (2) times it happened, on the second time the police towed the car. In sum, there is a problem with cars in the alleyway going back and forth conducting different types of activities. It is not an actual exit but people are using it as such. Moreover, there is trash and all types of undesirable items thrown in the area.

Ms. Montoya understands people are using the area for drug dealing. Therefore, she urged the Commission to assist in getting a barrier put up where one was in place when she moved into the area, but the area was cleaned up and they did not put the barrier back.

Mayor Fisher asked for the address, which Ms. Montoya provided. He suggested that Mario Sotolongo, Code Compliance Manager, meet with the Montoya's and discuss the issue of cars being parked, as well as the pile up of trash and so forth. In addition, he asked the City Manager to check to see who owns the alleyway and how the City could return to blocking it to avoid traffic getting through for drug activities. Finally, Mayor Fisher indicated that there is a need to address the drug activities taking place at that location.

Comr. Phillips asked specifically what area it was.

Ms. Montoya described the location at 300 Northwest 16<sup>th</sup> Avenue, and that it is a duplex located at the dead-end street.



Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

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**AUDIENCE TO BE HEARD – CONTINUED**

Furthermore, Mr. Matthes stated that most residents do not know about the changes. The backup material, for the trash contract last year, had indicated that there would be printed materials mailed door to door, information distribution, and so forth. However, the only information he ever received was mailing from the contractor.

Mr. Matthes stated that after the implementation, due to a public records request, he received two more brochures. He said while this was available through the cable, many residents do not have paid TV. There is now an increase in trash rates with no explanation as to why the \$3.6 million in savings did not trigger a rate reduction. He wants to know what happened to the savings talked about previously.

Additionally, Mr. Matthes complained that there is no phone number on the City's website to report illegal dumping, which contributes to the problem. The homepage needs a list of critical phone numbers or a link to it. The same information needs to be in the City's magazine and TV channel. He said it took him 20 days to get a valid number.

**Illegally Parked Vehicles** – Mr. Matthes complained that in the Old Pompano area there are commercial vehicles parked on various properties mainly on weekends, as well as people are parking on the sidewalks, which is a violation of Florida's law; therefore, these issues need attention.

In sum, Mr. Matthes suggested that there is a need for more accurate code compliance, more parking enforcement, and the "no trucks" sign should be put back on 5<sup>th</sup> Avenue.

Comr. Hardin indicated that he had brought up the issue at Kester Park previously and wanted to know if staff had a chance to check into it. He agrees that the park is in bad shape as it has been overused.

Additionally, Comr. Hardin stated that the lights should not be on at midnight. Therefore, he desired to know if it ever happens again, whom Mr. Matthes should call.

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

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**AUDIENCE TO BE HEARD – CONTINUED**

Dennis W. Beach, City Manager indicated that the City has a 24-hour number, so staff will provide it to Mr. Matthes.

Comr. Phillips indicated that the City Commission is unhappy with the trash issues; however, the matter will be discussed under reports.

**Failed Pompano Beach Schools** – Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060 complained that there is a problem with the children again. He distributed to the Commission and the City Clerk his report on the “Failed Pompano Beach Schools and Oppressed Pompano Beach Children.”

Mayor Fisher indicated that Mr. Jovanov has made some serious allegations about poisoning food of the children and so forth.

**Chasity Martin’s Youth Law Enforcement Program** – Chasity Martin, 601 Northwest 20<sup>th</sup> Street, Pompano Beach, FL 33060, introduced herself, as a fourth generation resident of the City of Pompano Beach, as well as spoke about her accomplishments as a former amateur boxer ranked number two nationally and number one in the State of Florida. Currently, she is a professional boxer with a record of two and zero (2-0).

Additionally, Ms. Martin stated that she is seeking support from the City of Pompano Beach with regards to her goals to establish a community program, named “the Chasity Martin Family Youth Law Enforcement Group” to teach kids about the importance of law enforcement, which will consist of young people ranging from ages 8-18 years old.

Finally, Ms. Martin indicated that she has already met with the Chief of Police and the Mayor of Miami, who have both shown interest in her program. Therefore, she is soliciting the assistance of the City Commission with regard to her endeavor to make an impact on people lives.



Names of Comms.	M	S	Y	N
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**CITY COMMISSION MEETING MINUTES**

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**CONSENT ITEMS – CONTINUED**

Comr. Moss indicated that he received a few questions from a concerned citizen regarding the item.

First, Comr. Moss asked if it would be a Guaranteed Maximum Price (GMP) contract.

Horacio Danovich, CIP Manager, responded yes, and explained that it would be done in two Phases. First, they will retain the number one ranked firm for pre-construction services to assist staff with the construction ability, and staff will approve the GMP after, which is the second part of the contract.

Comr. Moss asked if there would be caps on the contractor managers' general conditions and project administration.

Mr. Danovich responded that they do not customarily have a cap rather they negotiate the terms. Therefore, at this time he could not determine whether there would be a cap or not.

Comr. Moss asked if change orders would be added and or deducted to the GMP.

Mr. Danovich replied no, because at this point change orders are not in his vocabulary, and he will try to keep it that way.

Comr. Moss asked if the contract manager would be required to secure bids for all trades.

Mr. Danovich replied yes and stated the construction manager's responsibility is to secure and evaluate bids, as well as vet them thoroughly as per the City's requirements.

Comr. Moss asked if the contract manager is required to submit at least three companies for each major sub-trade.

Mr. Danovich replied yes.

Comr. Moss asked if the owner could include a sub-contractor to the contract manager's list of sub-contractors for any trade.



Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

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**CONSENT ITEMS – CONTINUED**

Mark Beaudreau, Recreation Programs Administrator, noted that on page 13 of the RFP, the starting point is listed from the first year through to the fifth year, with a total amount of approximately \$380,000. The current vendor bid the opening minimum; therefore, staff is recommending the Boucher Brothers, who bid a total of \$410,000. The current agreement is a three (3) year arrangement at \$24,000 a year with a total of \$72,000, an increase of over 560%.

Comr. Moss asked why were the actual RFP's submitted by the bidders not included in the backup material.

Mr. Beaudreau responded that he would have to check with the purchasing department on why it was not included.

Comr. Moss questioned, if Oceanside financials were found to be weak on the RFP, why were they initially awarded the contract a few years ago.

Mayor Fisher responded that they went through the bidding process and were awarded the bid. As well as, Mr. Beaudreau confirmed that staff put the RFP out for bid.

Comr. Moss asked if at the time were they considered to be in a financially weak position.

Mr. Beaudreau replied he did not think it was a weak position and explained his reasons.

Comr. Moss asked how the 15% would be audited, as this is a cash business.

Mr. Beaudreau indicated that they are required to submit the daily receipts so there will be a financial reconciliation of those receipts.

Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL, stated that the City's beach is approximately the same size as the City of Deerfield Beach's and their concession company is currently receiving approximately \$100,000 per year for their beach concession. However, the City of Pompano Beach contract is for \$50,000 and asked for the reason why one City generated twice as much revenue than the other.





# City of Pompano Beach, Florida

Names of Comms.	M	S	Y	V	
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 15</b></p> <p><b><u>CONSENT ITEMS - CONTINUED</u></b></p> <p>Comr. Hardin indicated that this item has to do with a localized flooding the City had in the District 1 area; therefore, a monitor is being installed to keep track of what is going on. However, he wanted it noted that it is a result of rising sea levels. It is an important topic that the Commission, as well as the public need to be aware of and that it is not just affecting one City such as City of Fort Lauderdale. Moreover, it will become more costly over time; therefore, the City will need to plan for it.</p> <p><b>RES. NO. 2016-158:                      TIME 00:37:16                      ITEM 5</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND WESTWIND CONTRACTING, INC. PROVIDING FOR LIME SLUDGE DISPOSAL SERVICES; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$149,760)</p> <p><b>RES. NO. 2016-159:                      TIME 00:37:16                      ITEM 6</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PENN CREDIT CORPORATION RELATING TO SPECIALIZED DEBT COLLECTION SERVICES; PROVIDING AN EFFECTIVE DATE.</p> <p><b>RES. NO. 2016-160:                      TIME 00:37:16                      ITEM 7</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2016 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.</p>					







Names of Comms.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 19</b></p> <p><b><u>CONSENT ITEMS - CONTINUED</u></b></p> <p><b>RES. NO. 2016-168:                      TIME 00:37:16                      ITEM 17</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2016 THROUGH 2020 TO INCLUDE THE 2016 WASTEWATER MASTER PLAN UPDATE; ESTABLISHING THE APPROPRIATE BUDGET FOR FY 2016; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$150,000)</p> <p><b>RES. NO. 2016-169:                      TIME 00:37:16                      ITEM 18</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$139,750.00 PLUS \$10,250.00 CONTINGENCY, PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MATHEWS CONSULTING, INC. FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.</p> <p><b>RES. NO. 2016-170:                      TIME 00:37:16                      ITEM 19</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO FLORIDA POWER &amp; LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>				





Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

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**CONSENT ITEMS – CONTINUED**

Comr. Moss indicated that the current auditors have been conducting the City’s auditing services for the past ten (10) years and asked if the idea to utilize a “fresh set of eyes” has been considered by staff to take a look at the City’s finances.

Ms. Sible stated that historically it has come up, but there is no legal requirement to rotate auditors; however, it is a policy decision by the Commission. Of course, there are the pros and cons on both sides of the argument, which she could provide additional information to the Commission. In addition, Ms. Sible provided a background on some of the options considered by the commission approximately five (5) years ago when they mandated that the key personnel such as the manager and the senior auditor would rotate off after two years, which did take place.

Comr. Moss asked if the current auditing company subcontracts some of the work to other accounting firms.

Ms. Sible responded that the firm presently engaged by the City subcontracts 15% participation. She then explained the process applied in the engagement of the subcontractors.

Comr. Phillips is unsure why other auditors from other cities would be invited to come to the City of Pompano Beach to assist with choosing an auditor firm. In addition, he understands the validity of rotating auditors whether it is for five (5) or ten (10) years.

**TIME 00:37:16**

**ITEM 23**

Consideration of a \$5,000 donation to the Sample-McDougald House Preservation Society for a 100th anniversary “Centennial” Celebration on May 14, 2016.

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

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**CONSENT ITEMS – CONTINUED**

**MOTION:** To adopt/approve Consent Items 3, 5-13, 15-19, 21, and 23.

There was no discussion on Consent Items 3, 5-13, 15-19, 21, and 23.

**REGULAR ITEMS**

**RES. NO. 2016-172:                      TIME 01:04:29                      ITEM 24**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, IMPOSING A ONE CENT PER DOLLAR LOCAL GOVERNMENT INFRASTRUCTURE SURTAX ON ALL AUTHORIZED TAXABLE TRANSACTIONS OCCURRING WITHIN BROWARD COUNTY, FLORIDA, AS AUTHORIZED BY SECTION 212.055(2), FLORIDA STATUTES, PROVIDING THAT THE IMPOSITION OF THE SURTAX SHALL NOT BE EFFECTIVE UNLESS APPROVED AT A REFERENDUM ELECTION; PROVIDING THAT THE IMPOSITION SHALL BE EFFECTIVE BEGINNING JANUARY 1, 2017, AND SHALL CONTINUE UNTIL REPEALED; PROVIDING FOR DISTRIBUTION OF SURTAX REVENUES PURSUANT TO LAW; DIRECTING THE SUPERVISOR OF ELECTIONS TO HOLD A REFERENDUM ELECTION ON NOVEMBER 8, 2016; PROVIDING BALLOT LANGUAGE AND A BRIEF DESCRIPTION OF INFRASTRUCTURE CAPITAL PROJECTS; PROVIDING FOR ADOPTION OF A RESOLUTION DETAILING PROJECT EXAMPLES; PROVIDING FOR PUBLIC DISTRIBUTION OF THIS RESOLUTION; DIRECTING THE CITY CLERK TO ADVERTISE THE SPECIAL REFERENDUM ELECTION IN ACCORDANCE WITH STATE LAW OR COORDINATE SUCH ADVERTISEMENT IN ACCORDANCE WITH STATE LAW WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

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

**CITY COMMISSION MEETING MINUTES                      April 12, 2016**

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**REGULAR ITEMS - CONTINUED**

The Resolution was read by title only.

**MOTION:** To approve Resolution No. 2016-172 as amended.

Dennis W. Beach, City Manager, indicated that he asked Greg Stewart, Executive Director of the Metropolitan Planning Organization (MPO) to provide a five to ten minute background report on how the City arrived at where it is currently. Upon conclusion of his comments, he hopes the Commission would be engaged in discussion on the subject.

Greg Stewart, Executive Director of the Metropolitan Planning Organization (MPO), stated that the subject is a bit complicated. However, he provided the following information:

- In December 2015, the County Administrator along with the Broward Commission asked the MPO to meet with them regarding the surtax. This was to put forward a transportation surtax on the November 2016 ballot.
- It has a local funding history, but Mr. Stewart mentioned that there are two options for the sales tax to move forward. One is a transportation sales tax, which is the County Commission's desire, which would pay for operating and maintenance of all transportation uses within the County. One hundred percent (100%) of it will be collected by Broward County and can be distributed through the municipalities through an interlocal agreement. However, the second tax that is available is the infrastructure tax, which is a full one (1) penny that has different flexibilities, although it cannot be used for operating and maintenance of a bus or transit system. However, it can be used for all other type purposes, roadway, and the entire infrastructure that is underneath the roadways. There are issues to be addressed as it relates to stormwater impacting the roadway system, as well as the water and sewer system.

Names of Comms.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

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**REGULAR ITEMS - CONTINUED**

- The resolution for adoption is actually for a sales tax referendum for infrastructure. However, as of this morning the County Commission met and discussed the different opportunities for splits, which he will provide later.
  
- In January 2016, the MPO established a sub-committee to address the infrastructure/transportation tax. On February 10, 2016, the committee came up with a recommendation to split the sales penny, which raises approximately \$312 million per year into 50% for Broward County government, 25% to the municipalities, and 25% to regional projects (i.e. tri-rail coastal link and things necessary for eastern communities to the west – an express bus system).
  
- The Broward County Commission received the plan and they returned with a different plan where 87% of the penny would go to the County to be used for their bus and transit systems and the balance of 13% may go to the cities through a different process. Majority of the MPO members were not in agreement with this measure.
  
- On March 10, 2016, a second proposal was done and two motions were made. One was to ask the County for a 65%-35% split with 35% going to the cities directly by population and the balance going to the Broward County government to operate its bus and transit systems as well as traffic lights. The second resolution was, if a resolution was not found with the Broward County government, that the City governments move forward with a 60%-40% infrastructure, where 60% goes to the cities and 40% goes to the County.
  
- Mr. Beach led a delegation of City Managers to meet with some elected officials for a discussion as to what is necessary. The statute allows for 50% plus 1% of municipalities representing 50% plus 1% of the population of the county to be able to place an item on the countywide ballot.

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

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**REGULAR ITEMS - CONTINUED**

- As of April 12, 2016, the City of Fort Lauderdale, City of Hollywood, Town of Davie, and City of Deerfield Beach have passed resolutions to bring that total percentage to approximately 29%. Notwithstanding, there are a few more hearings to include City of North Lauderdale, and the City of Sunrise. They are expecting the number of cities to increase and within the following weeks, cities such as Pembroke Pines will be voting, which will take it to approximately 60%.

Mr. Stewart provided a map of Florida and indicated that it is a “yeoman’s lift” to go forward with the transportation penny tax. Currently, there are multiple counties that have either a full penny or a half of a penny sales tax for infrastructure. He indicated that Palm Beach County is moving forward with a full penny on their November 2016 ballot for infrastructure. Only three counties in the State of Florida have half pennies dedicated to transportation, Miami-Dade – Duval County/Jacksonville and Walton County in the Panhandle that had a half penny, which has been rescinded.

Mr. Stewart indicated there is no other county in Florida that has a full penny dedicated to transportation. It is a “big lift” for the public to put this much money in the bus system moving forward. Today, the discussion came up again, and the Broward County Commission came back with 70% for the County and 30% for the cities and offered it to the MPO. Mr. Stewart stated that discussion would take place on Thursday, April 14, 2016, at which time the MPO Board of Directors will make a rule.

Additionally, Mr. Stewart indicated that perhaps they will continue with the parallel track and if so, the infrastructure needs to the municipal governments would be a 40%-60% split. Alternative B in the Commission backup attachment indicates that the City will receive \$120 million over a ten (10) year period, or \$400 million over a twenty-five (25) year period. In Alternative A the transportation taxes of 65%-35% the City of Pompano Beach would receive \$6.4 million in a full year, \$70 million over a ten (10) year period, and \$234 million over a twenty-five (25) year period.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 27</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>Finally, Mr. Stewart stated that the MPO has funds available to educate the public on the uses of these funds. Therefore, he hopes the government agencies can agree to a funding mechanism to move forward. Either way the county or cities would benefit from the ability to put in the infrastructure necessary for the future.</p> <p>Mr. Beach stated that according to the law, if the referendum were placed on the November 8, 2016 election it would only require a fifty percent (50%) plus one, fifty one percent (51%) majority to pass. However, if it goes over to the next election then the requirement to pass would increase to sixty percent (60%). Therefore, it is important at this time to consider getting it on the ballot, contingent upon it being palatable to everyone.</p> <p>Additionally, at a meeting in March 2016, those cities in attendance had indicated that they were going to get the resolution passed by their commission represented over sixty nine percent (69%) of the population of Broward County. Therefore, there appears to be some momentum and movement. This will add a tremendous opportunity to the City of Pompano Beach, because for the past year, there has been discussion of a host of infrastructure needs that exist throughout the community and staff have been exploring different ways of funding them.</p> <p>Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL, stated that the City has increased the millage rate forcing taxpayers to pay more in property taxes. He alleged that every four (4) years the Commission spends \$1 billion. All the same, the Commission is proposing to approve raising the taxes by \$120 million, which would be the portion to be received by the City of Pompano Beach over the next ten (10) years.</p> <p>In sum, Mr. Terwilliger urged the Commission to stop enabling the inefficiencies in waste by raising taxes. Instead, they should find ways to cut waste, lower taxes and find ways not to take more from the citizens' hard-earned money, by potentially raising this new \$120 million tax on the residents. He suggested the Commission considers bringing back the homeowners' free paint and local hazardous waste programs. Therefore, he urged the Commission not to pass this resolution.</p>				

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>April 12, 2016</b></p> <p><b>PAGE 28</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>Mayor Fisher clarified that the City is not increasing taxes. Instead, it would place a tax question on a referendum for the November election, which allows the public to vote to either accept or reject.</p> <p>Vice Mayor Burrie stated that currently she represents the City on the MPO, and works with Greg Stewart of the MPO, as well as serve as a member of the tax committee. Therefore, she clarified it is a gasoline tax that everyone has to pay to include tourists. In addition, it is not coming out of the residents' ad valorem taxes. However, should the City decide not to pass the resolution, the County will put a question on the ballot for it, they will get all the money and the cities will receive nothing.</p> <p>Furthermore, the money will be used for the future of the children, the infrastructure of the cities and for Broward County. As well as it would provide the right and the option to each municipality to use these funds to the best of their abilities for their citizens. If the City does not participate, the County will still pass the tax and the City would not get anything from it.</p> <p>Mr. Beach reminded the Commission that according to the MPO analysis, tourists pay thirty one percent (31%) of these taxes.</p> <p>In response to Mayor Fisher's request, Mr. Stewart indicated that there were several polls done. One was done by the MPO, another was done by the private sector, and they corroborated each other both with an error rate of three and a half percent (3.5%). The majority of the public's issues included signalization – community shuttles – sidewalks – pedestrian projects – bikeways – light and heavy rails, as well as a bus system. Therefore, from a transportation point of view they must deal with these issues holistically.</p> <p>Comr. Phillips stated that he is aware that infrastructure is needed, but he is concerned that in November the City may be looking at a bond issue as well. There are two different scenarios, one being a gas tax and the other would be the City taxing its residents. Therefore, he is unsure if the residents would be able to withstand that "weight" and if he is not feeling it is justified, he may not want to support it.</p> <p>Comr. Hardin asked if it is a gas or sales tax.</p>				

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

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**REGULAR ITEMS - CONTINUED**

Mr. Beach replied that it is a regular sales tax.

Comr. Hardin indicated that there has been some consideration given to do a bond issue to fund a number of things for the City as well as the timing to put it forward. However, he asked if the proposed resolution was adopted and ultimately the electorates in Broward County passed it, would the City still move forward with its own individual bond issue to fund the improvements currently considered.

Mr. Beach indicated that if the infrastructure surtax goes forward and the surtax within the proposed resolution passes, the City would not need a bond issue for any of the other improvements that have been discussed previously, such as the sidewalks, community centers, fire stations, and so forth.

Mr. Beach pointed out if the County did the transportation surtax then that is no longer accurate. The only thing the City could use the transportation surtax for are for roads, bridges and things of that nature.

Mayor Fisher indicated that it would produce approximately \$11 million annually to the City, which would alleviate the City's bond issue to come back to tax its residents. Instead, the surtax would allow the tax to spread across the County, with 31% being paid by tourism as well.

Comr. Phillips requested that as the City proceeds, if the City could be more target specific on where these funds will go prior to concluding the proposed resolution.

Mayor Fisher explained this would be the first step to get on as a referendum to get the electorates to accept. The laundry list that staff had provided to the Commission earlier of approximately \$100 million for the bond issue were for projects, and this would be the target for that infrastructure.

Mr. Beach responded that it would be the basis for the projects to be discussed with the public as this referendum moves forward.

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

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**REGULAR ITEMS - CONTINUED**

Mayor Fisher pointed out that the commission, as well as other participating cities must adopt and have everything in place by May 31, 2016 to get the referendum on the November ballot.

Mark E. Berman, City Attorney pointed out that the ballot language must include a brief description for the voters regarding the types of projects that the money would fund, which information will be made available as mandated by the Florida Statute.

Comr. Moss indicated that infrastructure could include the rehabilitation of the McNair Center as well as a new fire station for District 5.

Mayor Fisher indicated that he hopes this action will make the entire Collier City complex a reality.

Comr. Dockswell indicated that while he does not like the item he will support it and explained his reasons. It included his opinion that sales taxes are regressive in terms of impact on the different socioeconomic levels in the community, as well as once sales tax is increased it is permanent. Nevertheless, he indicated that he is aware of the infrastructure needs of the City. Moreover, there is an urbanization taking place across South Florida and the City will need significant amount of funds for its infrastructure needs.

Finally, Comr. Dockswell indicated that he would prefer to see the City get ahead with this action rather than the County getting ahead to do the transportation surtax and leave the City with many of the same problems currently affecting its residents. Nevertheless, as a County, perhaps it is not ready to present this item attractively to the voters at this time.

In sum, Comr. Dockswell stated that he would support the item provisionally to see how it goes.

Mayor Fisher indicated that the quagmire is that the City does not want to have two (2) cents on the ballot in November. So, the County is still "in play" in the sense that they have met and will be returning to the MPO and so forth. Therefore, he would like to mirror the City of Fort Lauderdale's action, where

Names of Commrs.	M	S	Y	N
<b>CITY COMMISSION MEETING MINUTES</b>				
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<b><u>REGULAR ITEMS - CONTINUED</u></b>				
they wrote their resolution to take effect as of April 15, 2016 and by that time, the cities would know whether the County and the MPO would be doing anything. Secondly, the City has the right to rescind the resolution at its next commission meeting. Therefore, he was requesting support from the Commission to do what the City of Fort Lauderdale did on this effort.				
Mr. Berman pointed out that the statue requires that all municipalities pass resolutions that are uniformed in nature.				
Mayor Fisher understands that Fort Lauderdale made that exception in their resolution.				
Mr. Stewart clarified that it is the effective date of the resolution not the language of the resolution.				
<b>MOTION:</b> To make the resolution effective April 15, 2016.				
<b><u>ROLL CALL</u></b>				
Dockswell				X
Hardin				X
Moss				X
Phillips				X
Burrie	X			X
Fisher		X		X
Comr. Phillips reiterated that the City Commission is not passing a tax but will be moving this forward for the electorates of Broward County to vote on this issue in November. Nevertheless, he still finds increase in sales tax distasteful, due to the current economic conditions.				
<b>P.H. 2016-53; ORD. NO. 2016-56: TIME 01:36:10 ITEM 25</b>				
AN ORDINANCE AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," BY CHANGING THE TERMS AND CONDITIONS OF THE MEMBERSHIP OF THE				

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<p>BOARD; BY AUTHORIZING COUNSEL FROM THE CITY ATTORNEY’S OFFICE TO PRESENT ALL CASES BEFORE THE BOARD; BY AUTHORIZING ADDITIONAL MUNICIPAL VIOLATIONS TO BE CONSIDERED AS A PUBLIC NUISANCE; AND TO OTHERWISE CONFORM THE CITY’S ORDINANCE WITH CHANGES IN SECTION 893.138 FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p> <p>The Ordinance was read by title only.</p> <p><b>MOTION:</b> To adopt Ordinance No. 2016-56 upon second reading.</p>				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Mark E. Berman, City Attorney, stated that this is the second reading of the proposed ordinance. There have been no changes since the last reading when staff provided extensive information. In sum, Mr. Berman indicated that it would bring the City’s ordinance in compliance with the changes made to the state statute to add different types of nuisances, to provide for an independent board, and to set standards for same.

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<b>MOTION:</b> To adopt Ordinance No. 2016-57 upon second reading.				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	

Adriane Esteban, Project Manager, pointed out that they did an update to Exhibit F of the Phase 4 Space Lease, other than that there has not been any further changes from the first reading.

M. Ross Shulmister, 560 Southeast 12<sup>th</sup> Street, Pompano Beach, FL, indicated that in the Charter there are four categories of protected properties to include the Airport, the Pier, the Beach, and perhaps the Pier Parking Lot. He asked if the subject lease covers any of those protected properties.

Mark E. Berman, City Attorney responded that they are protected from disposition without referendum; however, the properties are not being disposed of. In addition, the protected properties are the beach area, and the parking pier area.

Mr. Shulmister stated that even if it was a protected area, the position as set forth in the charter does not prevent the subject property from being leased. Some residents' concern could be that the lease is for fifty (50) years. However, it is not in violation of the charter to lease these out without a referendum. He cited a lawsuit brought against a developer, named Michael Swerdlow in 2001, where there was an effort to give over a piece of the beach side to the developer. However, the Court ruled that the designation of the property could be changed to surplus. Therefore, even if the Commission were trying to sell the property, which they are not, they would be allowed to do so under that provision by the court.

Comr. Moss asked if it is a city-owned property being leased to the developer for further commercial purposes.



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

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**REGULAR ITEMS - CONTINUED**

The Ordinance was read by title only.

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

Robert A. McCaughan, Public Works Director, indicated that the purpose of the ordinance is to revise the lease the City has with the Hillsboro Inlet Fishing Center (Fishing Center). This will allow them to sell live baits at the marina. The financial impact to the City increases the lease by \$400.00 per month or \$4,800.00 per year. The installation of the equipment and the maintenance is the responsibility of the fishing fleet so that will not be any additional cost to the City. All the other terms and conditions will remain same.

Comr. Dockswell stated he does not have a problem with the purpose to amend the lease for the Fishing Center. However, at the same time the performance under the lease relative to keeping the site clean, free of garbage, rodents, and so forth "has been found wanting." In fact, the Public Works Department has had to send crews to clean up the garbage several times.

Mr. McCaughan replied that is correct. He indicated that they found trash being generated from internal of the marina as opposed to coming from outside. Also, trash has been left outside the dumpsters, which is causing a community issue.

Comr. Dockswell indicated that he is reluctant to approve something that is wanted by the Fishing Center without the City getting what it needs fixed at the same time. This would include more responsible policing of the area of the trash and perhaps the fish cleaning stations. Therefore, he desires to see both problems addressed in the amendment to the lease and some solution reached to correct existing problems.

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M. Ross Shulmister, 560 Southeast 12<sup>th</sup> Street, Pompano Beach, FL, Vice President of the Hillsboro Inlet Fishing Center, stated that they have identified the outside party, which has been dumping in their dumpster, and it turns out to be the contractor rebuilding the bridge. He plans to contact them to request they discontinue their activity. Notwithstanding, the fishing tenants are putting in garbage but because of the dumping by the contractor it has caused the dumpster to overflow. He then explained the two different types of tenants involved with the Fishing Center.

In sum, Mr. Shulmister indicated that he has been aware of the problem and he has been working on getting it resolved. In fact, they have asked to get a gate installed to control outsiders from coming in to dump.

Comr. Dockswell indicated that within the lease the City has little leverage as a landlord. Already, the City has financed two cleanups for the trash caused mostly by the people at the marina.

Mr. McCaughan confirmed that it cost the City approximately \$150 to do the cleanup and upon Mr. Shulmister's request, he will be forwarding an invoice to the Fishing Center.

Comr. Hardin asked if the live baits would be sold to just the charter captains and drift boats. Also, is there a way for someone to pull up and purchase baits.

Mr. McCaughan replied it is for sale to others and there is a dock on the northwest corner where other boats can dock temporarily to purchase baits.

**REPORTS**

**City Manager** – No Report.

**City Attorney** – No Report.

**City Clerk** – No Report.

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**REPORTS - CONTINUED**

**Commissioner Barry J. Dockswell – Support Fishing Fleet** – Comr. Dockswell appealed to the community to support the fishing fleet since the bridge dedication is complete, the bridge is opened and is beautiful, and it is easier to get to the location. As well as, the captains at the Fishing Center are open for business.

**Commissioner Rex Hardin – Expression of Gratitude** – Comr. Hardin expressed his thanks to the Commission and staff for accommodating his physical absence at the last Commission meeting. He said that Sandra King, Public Communications Officer, along with the rest of the staff did a great job in making his accommodation happen.

**East Transit Oriented Corridor Meeting** – Comr. Hardin stated that there is an important meeting for residents in the Old Pompano, as well as everyone in the City of Pompano Beach on Saturday, April 16, 2016, at the Emma Lou Olson Center. Staff will be making a presentation on the east Transit Oriented Corridor (TOC). Therefore, he encouraged everyone to attend the meeting where questions and answers will be allowed after the presentation. Finally, he stated that there is information on the website about the east TOC.

**Commissioner Barry Moss – 5th Element Indian Grill Restaurant** – Comr. Moss announced that District 5 is pleased to welcome a new restaurant, the 5<sup>th</sup> Element Indian Grill, located at 1325 South Powerline Road. He indicated that they have a nice lunch buffet and encouraged everyone to try this Indian restaurant.

**Commissioner Edward Phillips – Discontinuation of Scholarship Program** – Comr. Phillips wanted clarification regarding whether the City has discontinued the scholarship program offered to the children of Pompano Beach through the Community Development Office. Consequently, he asked that a status on this subject be provided to the Commission.

Dennis W. Beach, City Manager responded that he was not aware that the program was being discontinued.

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**REPORTS - CONTINUED**

**Sign Issues with Poles and Billboards** – Comr. Phillips commended City staff for attempting to address the sign issues on the poles and billboards. Nevertheless, he would like to appeal to the police, public works, and the city attorney to see what can be done to impede some of this activity, which has defaced neighborhood poles and billboards on a continual basis. He indicated that the City is working to enhance the appearance of the community and this situation detracts from it.

**Ali Building Event** – Comr. Phillips reported that a City event was held at the Ali building on Sunday, April 10, 2016 and he found it to be outstanding. The energy and participation from the area was very good. Therefore, he commended the people who are currently managing these events.

**Congratulations to Blanche Ely Principal of the Year** – Comr. Phillips congratulated Carlton Johnson, Principal of Blanche Ely High School for his outstanding achievement as Principal of the Year. He also commended the Mayor of the City of Pompano Beach for attending the event.

**Sidewalks for the Powerline Road area** – Comr. Phillips requested assistance in the dilemma he is having regarding the absence of sidewalks in the areas close to Powerline Road. He recommended that perhaps staff could explore utilizing capital improvement projects to put in the sidewalks.

**Trash Problems** – Comr. Phillips complained that he is very dissatisfied with the trash pickup and hauling schedule. The City continues to respond and will not tolerate illegal dumping. Nevertheless, trash is all over the City; therefore, Waste Management must understand that the Commission and residents are unhappy with the current trash problems.

Mayor Fisher indicated that Waste Management has been servicing the City for many years, but he is extremely upset over the current situation where there is bulk trash left all around the City, and recycling is not picked up for a month, and so forth. Therefore, if Waste Management does not work to resolve the issues then perhaps the City will look to terminate its contract.

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In sum, Mayor Fisher indicated that it is inconceivable for a company that has been providing trash pickup services for so many years is now bugged down with problems due to the introduction of a new trash container. The City should put Waste Management on notice that if the City is not cleaned up within thirty (30) days it will force us to go out to rebid these services.

Mark E. Berman, City Attorney confirmed a letter has already been sent to Waste Management imposing liquidated damages under the contract. Pursuant to the appropriate clause, within the contract, the City is steps away from finding that they are in default of the contract. In essence, Waste Management has been put on notice.

Mayor Fisher commended Russell Ketchem, Waste Management Manager, for utilizing staff to pick up trash in order to make up the difference, but "enough is enough."

Vice Mayor Burrie indicated that the commission was told that this was going to be a smooth operation. However, when they changed the days of pickup, it created a huge problem. She had received numerous emails and complaints and she actually followed the trucks for three days to observe their operations, which was dissatisfying. Furthermore, the residents were not advised about the times they should place the bulk trash out for pickup, or what constitutes bulk trash. In fact, there are residents in Leisureville that are complaining about every aspect of the garbage pickup process to include non-receipt of trashcans and knowledge of the new dates of pickup. In conclusion, it is a disaster for both trash pickup days and non-trash pickup days.

Additionally, Vice Mayor Burrie addressed the matter regarding sober homes, which she indicated that there are over 150 homes located in the Highlands and Cresthaven neighborhoods. Constantly, mattresses, and similar items would fall off the wagon but are left on the street and nothing is done about the matter.

Comr. Phillips indicated that they would support the Mayor's initiative, as the residents would not allow the Commission to do anything less.

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**Reported Code Enforcement Issues** – Comr. Phillips commended the homeowners’ associations particularly those in his district for taking the initiative to try to maintain the quality of life in their communities. Therefore, when residents are taking these types of steps, to report code violations, they should be supported. Associations such as Sanders Park, Kendal Lakes, and Kendal Green are those who are actively involved.

**Nuisance and Crime** – Comr. Phillips indicated that the Broward Sheriff’s Office is getting a workout in his district, as people are responding to nuisance and crimes in the area. Therefore, he commended the community for getting involved in these matters.

**Vice Mayor Charlotte J. Burrie – Metropolitan Planning Organization Meeting (MPO)** – Vice Mayor Burrie announced that she will be attending a Metropolitan Planning Organization (MPO) meeting Thursday, April 14, 2016, and she will report the outcome of that meeting to the Commission.

**Mayor Lamar P. Fisher – Congratulations to Marie Goodrum-Johnson** – Mayor Fisher commended Marie Goodrum-Johnson, a northwest resident who was selected to be a Broward Senior Hall of Famer, who will be inducted on May 6, 2016. He congratulated her on her outstanding achievements and thanked her for her services to the community at large.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:09 p.m.

  
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**LAMAR FISHER, MAYOR**

  
\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**