



# City of Pompano Beach, Florida

## Special City Commission Meeting Minutes

Agenda No. 2013-34

Date: September 17, 2013

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

## **SPECIAL CITY COMMISSION MEETING MINUTES**

Agenda No. 2013-34

Date: September 17, 2013

Commission Meeting Room

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The Mayor called the meeting to order at 6:30 p.m. and presided as the chairman.

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**ROLL CALL:**

**Present:**

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

*Lamar Fisher*  
*George Brummer*  
*Charlotte Burrie*  
*Barry Dockswell*  
*Rex Hardin*  
*Woodrow Poitier*

and

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

*Dennis W. Beach*  
*Gordon B. Linn*  
*Mary L. Chambers*

**INVOCATION BY:**

*Mayor Lamar Fisher*

**PLEDGE OF ALLEGIANCE LED BY:** *Mary L. Chambers, City Clerk*

| Names of Commrs. | M | S | Y | N |
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| <b>ROLL CALL</b> |   |   |   |   |
| Burrie           |   | x |   | x |
| Dockswell        |   |   |   | x |
| Hardin           | x |   |   | x |
| Poitier          |   |   |   | x |
| Brummer          |   |   |   | x |
| Fisher           |   |   |   | x |
| <b>ROLL CALL</b> |   |   |   |   |
| Burrie           |   |   | x | x |
| Dockswell        |   |   |   | x |
| Hardin           | x |   |   | x |
| Poitier          |   |   |   | x |
| Brummer          |   |   |   | x |
| Fisher           |   |   |   | x |

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**APPROVAL OF AGENDA**

**MOTION:** To approve the Special City Commission Meeting Agenda of September 17, 2013 as submitted.

**REGULAR ITEM**

**RES. NO. 2013-363**

**TIME 00:04:10**

**ITEM 1**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING AND APPROVING THE PROPER CITY OFFICIALS TO INITIATE CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES, THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, REGARDING A CONFLICT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2013-363 on reading.

Kim Briesemeister, Co-Executive Director, Community Redevelopment Agency (CRA) stated that she would briefly frame the item and place it into context. She stated that they drafted two strategic finance plans, one for the east and one for the northwest a few years prior. As part of the northwest strategic finance plan they contemplated major infrastructure and streetscape improvements as well as incentive programs and private developments in the northwest area, and more particularly the downtown corridor.

| Names of Commrs. | M | S | Y | N |
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**REGULAR ITEM - CONTINUED**

Furthermore, having those initiatives would frame the downtown area, which was a follow up from the connectivity plan that was approved one year ago. Also, the City has already gone through the process of the Land Use amendment and has created the transit oriented corridor and regulatory approvals. However, they will be going through the zoning process to support all of those initiatives and development activities.

Continuing, she noted that one of the major parts of the finance plan was funding the infrastructure and streetscape improvements. Therefore, the finance plan that they have drafted from this current year moving forward is a bond, and the bond is intended to continue and finish the infrastructure that was contemplated mainly for the Martin Luther King Jr. corridor. The cost of the construction was first estimated approximately 3-4 years ago.

Ms. Briesemeister stated that they are currently in the design and construction phase, and those costs are becoming more defined. Moreover, the strategic finance plan does not have enough ongoing annual tax increment to fund phase two of the streetscape project mainly between 6<sup>th</sup> Avenue and Interstate 95 (I-95). Generally, the CRA would issue a second bond or additional funding to pay for those improvements. Currently, they have included that into the strategic finance plan. Therefore, the item addresses the fact that the northwest CRA's initial term can exist for 30 years. Also, in 2010, the CRA plan was revised to extend the term of the plan. Nonetheless, the County has interpreted City's right to extend that plan as requiring their approval.

In addition, it stems back to a 1999 resolution that the City of Pompano Beach approved regarding extension of term and extending the boundary if there was a stadium to be contemplated. The 1999 resolution has since been rescinded, which does not change the County's opinion as to whether or not they believe they have the authority to approve the extension of the term; however, the extension of the term would be required to issue the bond. It provides a mechanism to address the conflicts between the legal opinions and the understanding of the City versus that of the County. So, it is a procedural conflict resolution of how to move forward in addressing that, which summarizes what the item is about.

| Names of<br>Commrs.  | M | S | Y | V<br>N |
|--|---|---|---|--------|
| <p><b>SPECIAL COMMISSION MEETING MINUTES</b>                      <b>SEPTEMBER 17, 2013</b></p> <p><b>PAGE 3</b></p> <p><b><u>REGULAR ITEM - CONTINUED</u></b></p> <p>Vincente Thrower, 1890 NW 6<sup>th</sup> Ave, Pompano Beach, asked if this is the portion regarding the expansion of the \$9 million bond that has been requested.</p> <p>Mayor Fisher responded this is the extension of the Northwest CRA.</p> <p>Mr. Thrower indicated that as the City Commission prepares to meet with the County Commission about the extension, it should not forget that there are other unresolved issues. It has always been stated that infrastructure improvements should be done by the City, but not out of the Northwest CRA money. In fact, that is what capital improvement is for.</p> <p>Continuing, Mr. Thrower expressed that one of the main reasons why things cannot get done over in Collier City and other areas, there are continuous investments that the City Manager and his administration are putting into the improvements plans. He noted that it may not happen in 5 or 10 years but at least something could be put in place to get it accomplished. Therefore, he urged the commission to examine how they could compromise by informing the residents that moneys are not only being spent on infrastructure.</p> <p>Mayor Fisher stated that they do have a developer that will be discussing those issues.</p> <p>Mr. Thrower indicated that since the commission did not want the affordable tax credit deal, he asked why the City is spending money on infrastructure.</p> <p><b>RES. NO. 2013-364                      TIME 00:10:58                      ITEM 2</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA APPROVING A RESOLUTION OF THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY (THE "AGENCY") PROVIDING FOR THE ISSUANCE BY THE AGENCY OF ITS TAX INCREMENT REVENUE BONDS (NORTHWEST DISTRICT AREA), SERIES 2013 (SUBJECT TO RE-</p> |   |   |   |        |
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| Names of Comms. | M | S | Y | N |
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**REGULAR ITEM - CONTINUED**

Furthermore, she stated that there are some preliminary financing terms outlining the documents for example, an interest rate not to exceed 5% and a financing term of 10 years. Also, they have not negotiated any actual terms with the banks; therefore, these preliminary terms are based on discussion with the CRA financial advisor.

Additionally, the main objective of the presentation is to have the City show serious intent to support the issuance of debt by the CRA relative to financing projects in the Northwest District, whereby necessitating a quick resolve of the outstanding conflict with Broward County. Furthermore, if a debt was issued, the security for repayment of debt would be the tax increments for the Northwest District. However, if the maturity of that debt were to extend beyond 2018, which is the date the County recognizes the official expiration on the life of the Northwest District, no bank would finance that deal.

Ms. Sible reiterated that the item presented was to show serious intent of the City Commission's support, assuming that the conflict with Broward County is resolved in the City's favor. They plan to return with final negotiated terms and final bond documents for official approval.

Finally, Ms. Sible noted that she has included a preliminary debt repayment schedule and an insert from the CRA's Northwest District 2014-2018 Finance Plan to show how the preliminary debt service would fall into that plan over a 5 year term. Staff will also present more documents in the future, assuming a resolution of the conflict with the County has been achieved. Any debt that is issued, the CRA has solely pledged for the repayment and the payments will be from the tax increment of the Northwest District; however, the City would not be pledging its taxing authority nor its credits.

Vice Mayor Brummer asked if anything was said in the presentation that stated that the bond would not be issued until the conflict with the County is resolved.

Ms. Sible answered that was inferred in the discussion.

| Names of<br>Commrs. | M | S | Y | V<br>N |
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**REGULAR ITEM - CONTINUED**

Vice Mayor Brummer inquired if there is any refinancing of prior bonds.

Ms. Sibble replied not at this point. The existing bonds have a significant break penalty, and it would be interest only for the remaining 5 years on the existing debt.

Vice Mayor Brummer stated since this is something that is going to be issued by the CRA, it should have gone before the CRA Board first and then before the Commission. Procedurally, he thinks they are doing it backwards and it should not be done that way. Therefore, he will introduce the resolution to be put on the table for the next meeting. Also, he noted that the Commission cannot act until the CRA Board asked first; however, the Board has not asked so he does not see how they can approve it.

Mayor Fisher asked if they are following correct procedures.

Gordon Linn, City Attorney, clarified that legally it does not prevent anything. Moreover, if the City Commission approves something and the CRA does not approve it, it is a nullity.

Vice Mayor Brummer asked where does it say that?

Mr. Linn explained that both the Commission and the CRA have to approve the item. However, if one approves and the other does not, then it is a nullity.

Vice Mayor Brummer expressed that there is a step one and a step two but he feels like they are taking step two before step one.

Comr. Burrie asked Ms. Sibble to clarify if the main purpose of the presentation is to show the County that the City is serious about the extension of our CRA in order to complete it correctly.

Ms. Sibble replied that is correct, and it is a preliminary approach.

Comr. Burrie asked if the County does not allow it and it goes to court, will the City move forward?

| Names of<br>Comms. | M | S | Y | V | V |
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**REGULAR ITEM - CONTINUED**

Ms. Sibble stated that if the City winds up in court and is unsuccessful, ultimately they would have to rethink scenarios whereby the City would have to provide a backup pledge.

Comr. Burrie commented that it is to show the City's intent and seriousness of moving forward to complete the Northwest CRA as planned.

Ms. Sibble replied "correct."

Vice Mayor Brummer noted that it is a conflict resolution that they passed before to indicate to the County what they wanted. He felt that is a matter of proper procedure. He thinks that the Commission should not approve anything on this matter, especially if the CRA Board is not going to meet until the next 2 months.

Patricia Davis, 2630 NW 13<sup>th</sup> Street, Pompano Beach, stated that she looked at the resolution and there is \$8.9 million that was requested as a loan. She stated that in the July and August meetings, there was \$7 million placed in the drafted budget that they would receive. However, they were not notified exactly what projects were going to be completed with the \$7 million and she does not understand why the City would ask for that much money without any knowledge of disbursement. She then referred to a handout that outlined some of the projects that have already appeared on other budgets. So, she asked where are the current funds, if they are going to request money for something that she thought was already allocated for.

Ms. Briesemeister provided a brief overview of the budget item on the CRA, which has been seen twice in the east. As Staff goes through the bond issue process, the number of the bond issue tends to change. However, as they get closer to issuance, they will have a better understanding of how much they can afford and the debt service. So, as they get closer, the interest would be realized and they would be able to increase the bond amount, which was done in the east.

| Names of Commrs.        | M | S | Y | V |
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|                         |   |   |   |   |
| <b><u>ROLL CALL</u></b> |   |   |   |   |
| Burrie                  |   |   |   |   |
| Dockswell               |   |   |   |   |
| Hardin                  |   |   |   |   |
| Poitier                 |   |   |   |   |
| Brummer                 | x |   |   |   |
| Fisher                  |   |   |   |   |

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**REGULAR ITEM - CONTINUED**

Continuing, Ms. Briesemeister stated that the dollar amount of \$7 million was always contemplated for the Northwest, it was a conservative number, which was estimated before their first meeting with the financial advisor. From the time the Northwest Advisory Board met, that number has increased. Furthermore, with regards to the CRA bond issuance, staff has tried to find the maximum amount of debt service that can be carried and the dollar amount that was determined was plugged in. Therefore, the current amount of \$8.9 million may fluctuate by the time the debt is issued. So, the Northwest Advisory Committee will see changes in the dollar amounts as it moves forward.

Finally, Ms. Briesemeister indicated that staff has been discussing how the bond will be disbursed to include the continuation of Phase 2 Streetscape Project, which has been in the CRA Plan for a few years and was identified as bond funds.

Vice Mayor Brummer stated he had questions and comments that pertains to the bond issuances, however he felt that this meeting was not the proper place to discuss them, rather they should be discussed at a CRA meeting. Therefore, he requested that the item be tabled to the next scheduled meeting.

**MOTION:** To table the item to the next scheduled meeting.

The motion failed for lack of a second.

| Names of<br>Commrs. | M | S | V<br>Y | V<br>N |
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**ADJOURNMENT:**

There being no further business, the workshop adjourned at 6:51 p.m.

  
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**LAMAR FISHER, MAYOR**

  
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**ASCELETA HAMMOND, CITY CLERK**