



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-20

Date: June 28, 2016

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# **CITY OF POMPANO BEACH, FLORIDA**

## **REGULAR CITY COMMISSION MINUTES**

Agenda No. 2016-20

Date: June 28, 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*  
*Asceleta Hammond*

**INVOCATION BY:**

Pastor Brad Jones  
City Church

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

Names of Comms.	M	S	Y	N	V	V
<b>CITY COMMISSION MEETING MINUTES</b> <b>June 28, 2016</b>						
<b>PAGE 1</b>						
<b><u>SPECIAL RECOGNITION</u></b>						
Mayor Fisher invited everyone to wish Comr. Moss a Happy Birthday on June 29, 2016.						
<b><u>APPROVAL OF MINUTES</u></b>						
<b>MOTION:</b> To approve the Regular City Commission Meeting minutes of June 14, 2016, as submitted.						
<b><u>VOICE VOTE</u></b>						
Dockswell		x			x	
Hardin	x				x	
Moss					x	
Phillips					x	
Burrie					x	
Fisher					x	
There were no revisions to the minutes.						
<b><u>APPROVAL OF THE AGENDA</u></b>						
<b>MOTION:</b> To approve the City Commission Meeting Agenda of June 28, 2016, as amended.						
<b><u>VOICE VOTE</u></b>						
Dockswell						x
Hardin	x					x
Moss						x
Phillips						x
Burrie		x				x
Fisher						x
Mayor Fisher announced that Item 7 would be stricken from the agenda.						
<b><u>CONSENT AGENDA DISCUSSION</u></b>						
Mayor Fisher stated the Commission would pull Item 5 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	N

**CITY COMMISSION MEETING MINUTES**

**June 28, 2016**

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**PROCLAMATIONS**

*Parks and Recreation Month*

Mayor Fisher read and presented a proclamation to Mark Beaudreau, Recreation Programs Administrator, declaring the month of July 2016 as Parks and Recreation month in the City of Pompano Beach, and extended best wishes to all observing the month.

Mark Beaudreau, Recreation Programs Administrator expressed appreciation to the City Commission and thanked them for allowing staff to put on the programs and activities each year. He reminded everyone of the July 4 big event that will take place at the beach.

**SPECIAL PRESENTATIONS**

*Budget Award*

Linda C. Davidson, Government Finance Officers Association (GFOA) Past President and Financial Services Director of the City of Boca Raton, presented a budget service award to the City of Pompano Beach. Ms. Davidson defined the criteria and the demands for municipalities to earn such a prestigious award. Thereafter, she recognized the preparers of the budget documents, namely Brian Donovan, Deputy City Manager, Erjeta Diamanti, Budget Analyst and Christine Kendel, Department Head Secretary, as well as Brenda Joseph.

*Community Placemaking Award*

Jennifer Gomez, Assistant Development Services Director reported that earlier in the month the City was presented with the Community Placemaking award by the Florida Planning and Zoning Association (FPZA) for public art developed over 2014 and 2015 and adopted in 2015. She provided a brief background of the art program in the City after which she presented the FPZA award to the Mayor and City Commission.

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 3</b></p> <p><b><u>AUDIENCE TO BE HEARD</u></b></p> <p>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.</p> <p><b><u>Spending Sales Tax</u></b> – Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL, mentioned that in April the Commission voted to support a one-cent countywide sales tax, which would realize for the City approximately \$150 million over a ten-year period. Mr. Terwilliger complained that the Commission previously approved increased property taxes for the City’s homeowners. In addition, this new effort will cause the citizens to pay more sales taxes. Therefore, he did not support the Commission’s action and explained his reasons. He indicated that the proposed sales tax is a regressive tax, which will “hurt the poor, the seniors living on fixed incomes, and those who are struggling.”</p> <p>Furthermore, he indicated that staff proposed and the Commission approved not only to spend the \$150 million of sales tax revenues but also, to spend an additional \$150 million. Therefore, he indicated that the Commission needed to cease spending money wastefully, use common sense spending, and live within a budget similar to the taxpayers’ families. He alleged that the Commission spends over \$1 billion every four years. He then urged the citizens to vote against the countywide sales tax.</p> <p>Mayor Fisher clarified that the Commission did not raise taxes, rather they voted to place a question on the ballot to get the public to make a decision on this initiative.</p> <p>Comr. Dockswell clarified that the Commission’s second vote is not for an additional tax but a replacement for the first one that was rescinded.</p>				

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**June 28, 2016**

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**AUDIENCE TO BE HEARD – CONTINUED**

Vice Mayor Burrie also clarified that the sales tax question did not start with the City of Pompano Beach, which has been around for some time. In fact, every City in Broward County voted for the same resolution to allow the residents to decide if they wanted the extra penny tax.

Comr. Phillips indicated that the entire Commission did not vote to raise taxes, because he voted against it.

**Trash Issues** – Douglas K. Matthes, 500 Northeast 6<sup>th</sup> Street, Pompano Beach, FL 33060, distributed a document he wrote entitled Trash Issues, which he read into the record. A copy is available in the City Clerk’s office.

Comr. Phillips indicated that he is concerned with the process of the pickup of bulk trash, as well as its rate. Therefore, he supports Mr. Matthes’ position that the City needs to figure out how to do something about the obvious tweaks needed to sort out the new contract for waste management.

Mayor Fisher indicated that fines are being implemented regarding penalties on the contract. Therefore, he concurs and believes it is the consensus of the commission that the continuous problem must be straightened out in the near future.

**Community Participation** – Kate McClellan, Regional Organizing Director, Florida Democratic Party, introduced Aaron Johnson. She provided an update on their efforts regarding voters’ registration. She indicated that they are looking for local assistance for their campaign efforts to ensure their success. In addition, they are looking for volunteers to conduct voters’ registration and phone banking efforts. She urged the public to contact their organization and to get involved in assisting to mobilize people to vote.

Aaron Johnson indicated that he is one of the new organizers for the Florida Democratic Party who is willing to work with the residents of the City on the election process.

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**June 28, 2016**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Cultural Arts Activities Update** – Jody Leshinsky, Vice President of Administration, Cultural Arts Creatives, aka The Creatives, 2001 North Federal Highway, Pompano Beach, FL, explained that they are a team of eight (8) creative individuals dedicated to making Pompano Beach the place to find the arts. They are encouraging artists and art organizations to create and present their art in the City. Currently, they are managing the amphitheater and will be programming as well as managing the upstairs of the cultural arts center.

Furthermore, Ms. Leshinsky announced that on July 1 there will be cuisine and poetry, which is spoken art poetry, on July 15 the midtown gospel café, which is music and comedy, July 22 Joey Gilmore an R&B guitarist and Todd the painter who will be painting Joey Gilmore. The public is invited to come and bring their instruments to “jam” with Joey, which will take place at the CitiCentre. Also, at the CitiCentre on July 29 there is an art walk where visual artists will be competing among themselves, to include music and an exhibit of art galleries. In the fall, they plan to have festival of praise – clash of choirs, at the CitiCentre. Finally, there is a call to artists for organizations to participate in informing the City of what they would like to do at the cultural center, which will involve a vetting process.

**Changes in Commission** – Joseph Ryan, 427 Northeast 24<sup>th</sup> Avenue, Pompano Beach, complained about the political theater put on every week. Therefore, there should be some thought in changing the City’s government.

**Outstanding City Issues** – Mr. Ryan complained that there are several unmentioned problems involving deceit to include the consent agenda, which he believes is a rubber stamped legislation. In addition, he mentioned certain issues such as the Ortanique case, the Oasis, the Firehouse and funding of the pension plan, which is approximately 73%. He complained that the Parks and Recreation provides a place for kids, from failing schools, to play ball and other types of sports on week nights. Finally, he complained that there is a bloated payroll with sketchy credentials in many areas.

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**June 28, 2016**

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**AUDIENCE TO BE HEARD – CONTINUED**

**Support for the Walk of Hearts** – Anthony Jackson, 2312 Wilton Drive, Wilton Manors, FL 33305, stated he represents the Walk of Hearts organization. He announced that Dahnaz Tigner, a native son of Pompano Beach is currently on a walk to Washington, DC to bring awareness and fight against child obesity.

Mr. Jackson provided a background on the Walk of Hearts as to when it started and how, as well as its mission to bring awareness of child obesity. Therefore, he encouraged everyone to look and follow Dahnaz Tigner and his efforts to impact children and homelessness in the community, which the City is proud of his efforts.

Mayor Fisher indicated that the City is proud of Mr. Tigner and he looks forward to his return to the City so that he could be honored in the Commission Chambers

**Support for the Walk of Hearts** – Ernestine Price, 1461 Northwest 3<sup>rd</sup> Way, Pompano Beach, FL 33060, indicated that she is the proud grandmother of Dahnaz Tigner, Jabari Price, Delfrey Otridge, and Bernard Price, Jr., who started the walk on June 18, 2016, walking 30 miles a day. He has dedicated his time to bring awareness to the problem of obesity of children. Therefore, she urged everyone to follow his walk and to fund him on this venture.

**Support for the Walk of Hearts** – US Congressman Ted Deutch’s representative brought greetings from Congressman Deutch and his apologies for not being able to attend this presentation. Nevertheless, he sent a written message to Dahnaz Tigner and Jabari Price, which she read in its entirety:

*“I regret I am unable to be with you today at the Pompano Beach City Commission meeting. I recognize you for your outstanding citizenship with your mission for the Walk of the Hearts. The Walk of the Hearts is bringing awareness to childhood obesity and encouraging our youth to be physically active every day of their lives.*”



Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**                      **June 28, 2016**

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**CONSENT ITEMS**

**TIME 00:43:54**                      **ITEM 1**

Approval to purchase horticultural chemicals, as needed, for Public Works and other city departments, per the Town of Davie Cooperative Bid #B-16-66, from the low bidders per item as awarded by the Town of Davie, at an estimated total cost of \$34,000 per year.

**TIME 00:43:54**                      **ITEM 2**

Approval to purchase three (3) shelters for the Public Works Department from PlayCore Wisconsin, Inc., d/b/a GameTime per the Mecklenburg County/U.S. Communities contract #110179, at a total cost of \$110,757.23.

**TIME 00:43:54**                      **ITEM 3**

Approval to purchase repairs to the poured rubber playground surface at Hunter's Manor Park from PlayCore Wisconsin, Inc., d/b/a GameTime per the Mecklenburg County/U.S. Communities contract #110179, at a total cost of \$48,189.

**RES. NO. 2016-228:**                      **TIME 00:43:54**                      **ITEM 4**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO IMPORTS, INC.; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)



Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 10</b></p> <p><b><u>CONSENT ITEMS – CONTINUED</u></b></p> <p>Mr. Brown indicated that for \$300,000 annually it gets to approximately 200 homes for the year. This is supplemented with any grants received, as well as state revolving fund loans. In fact, it allows the laying of approximately two (2) miles of pipe annually. Therefore, as they continue to fill in heading west it will take some time for that side of the City.</p> <p>Vice Mayor Burrie indicated that the Cresthaven community has the pipes running through Northeast 12 Terrace and the County does not intend to hook up the neighborhood, rather it will go to the Highlands neighborhood. The cost has not yet been realized for that area.</p> <p>Mr. Brown reported he learned that once they have completed the Highlands area they would move back to the Cresthaven neighborhood.</p> <p>Comr. Hardin indicated that it is not just affecting west of Dixie Highway, but there are neighborhoods south of Atlantic Boulevard east of Dixie Highway. There are neighborhoods such as Garden Isles, Norwood and so forth where it will take years before they will be able to get the service.</p> <p>Comr. Dockswell indicated that there is no reuse water on the barrier island either. Nevertheless, he stated that it is important to recognize that Mr. Brown is looking at having this barrier hold out the saltwater intrusion and to look at the cost involved.</p> <p>Comr. Phillips asked if at one point Community Development Block Grants (CDBG) funds were used for hookups.</p> <p>Mr. Brown responded that those funds were used for repairs for services to those residents who could not afford to do so.</p> <p>Joseph Ryan, 427 Northeast 24<sup>th</sup> Avenue, Pompano Beach, complained about deception being brought in. He stated that there are 1,200 plus availability for single-family and some multifamily east of Federal Highway. However, there are 500 available for approximately six (6) years and he has not heard it mentioned. He contends that it is a failure as no one wants the product or to pay for it.</p>				





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**

**MOTION:** To adopt Resolution No. 2016-231 upon final reading.

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

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

Robin M. Bird, Development Services Director, stated the item is a request to amend the Powerline/McNab Commercial Plat located at 1400-1442 South Powerline Road. Currently, there is a shopping plaza on the site. However, the owner, 1400 Investments, LLC, desires to develop an out parcel and correct the deficiency the plat currently has regarding the existing amount of commercial square footage.

Additionally, the out parcel requires 51,573 square feet and an additional 2,427 square feet is needed to reflect the existing building square footage. Therefore, the request is to change the note restricting the commercial square footage from 46,061 to 54,000 square feet of commercial. Free standing banks and drive through bank users are not permitted without the approval of the Board of County Commissioners, which shall review and address the uses for increased impacts. Staff has no objection.





Names of Commrs.	M	S	Y	N
			V	V
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>June 28, 2016</b>				
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<b><u>REGULAR ITEMS - CONTINUED</u></b>				
The Ordinance was read by title only.				
<b>MOTION:</b> To adopt Ordinance No. 2016-65 upon final reading.				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie		X	X	
Fisher			X	
Robin M. Bird, Development Services Director, stated this references the same House Bill 535, which the City is required to amend the City of Pompano Beach Code of Ordinances as effective immediately. Therefore, as of July 2016, the City will not be allowed to charge for any kind of registration of contractors, which was done in the past. This will be deleted from Section 111.03, of the Code, however, the services will continue for contractor's registration to keep business as usual.				
<b>P.H. 2016-71; ORD. NO. 2016-66: TIME 00:59:41 ITEM 14</b>				
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR IMPOSITION OF A MORATORIUM ON ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS INVOLVING USES RELATED TO MEDICAL CANNABIS; PROVIDING FOR A SIX MONTH TERM TO BE EXTENDED IF NECESSARY; PROVIDING FOR EARLY TERMINATION UPON PASSAGE OF ORDINANCES REGULATING MEDICAL CANNABIS USES IN THE CITY PRIOR TO EXPIRATION OF THE MORATORIUM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.				
The Ordinance was read by title only.				



Names of Commrs.	M	S	Y	N
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>June 28, 2016</b>				
<b>PAGE 18</b>				
<b><u>REGULAR ITEMS - CONTINUED</u></b>				
<p>ADDITIONAL PERMIT REQUIREMENTS; BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," TO ESTABLISH TIME-METERED ZONES, 24-HOUR CONSTRUCTION PARKING ZONE AND ELECTRONIC CHARGING STATIONS AND PROVIDE REQUIREMENTS FOR SAME; BY AMENDING SECTION 76.08, "ENFORCEMENT," BY ADDING CERTAIN PROHIBITED ACTS WITHIN METERED ZONE AREAS; 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- 67 upon final reading.</p>				
<b><u>ROLL CALL</u></b>				
Dockswell				x
Hardin	x			x
Moss				x
Phillips				x
Burrie		x		x
Fisher				x
<p>Suzette Sibble, Finance Director, stated that the item proposed a number of amendments, which she summarized the key highlights as follows:</p> <ul style="list-style-type: none"> <li>➤ It clarifies all the parking zones that currently exist in the City.</li> <li>➤ It establishes the rates for the pier parking garage, which is scheduled to open Thursday, June 30, 2016. The rate is set for a \$1.35 per hour, which is the current established rate for all other parking zones throughout the City. There is no increase being proposed at this time.</li> <li>➤ It establishes a monthly parking permit fee for the fifth floor of the parking garage of \$150.00. The parking permit will be available to residents, non-residents, and businesses.</li> </ul>				

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES                      June 28, 2016**

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**REGULAR ITEMS - CONTINUED**

- It establishes a flat \$10 per day rate for special events and holidays for the garage, as well as for the parcel "A" lots at the end of Atlantic Boulevard.
  
- It establishes additional pay zones primarily on Riverside Drive, Northeast 16<sup>th</sup> Street, and Northeast 3<sup>rd</sup> Street to be paid by phone.
  
- It proposes a thirty-minute loading zone on Briny Avenue to control traffic.

Finally, Ms. Sible indicated that Chris Brown, Co-director of Redevelopment Management Association, (RMA) was available for questions and he was instrumental in drafting the amendments proposed in the ordinance.

Roy Rogers, 5141 Northeast 31st Avenue, Lighthouse Point, FL, asked about parking provisions for the handicapped.

Chris Brown, RMA, responded that they have made provisions as the state requires that they do not charge for handicap parking on a public street. However, if it is in a garage they are allowed to charge, which the City will do.

Comr. Hardin referred to Page 11 of the backup, Section 76.08(10), which states "...a warning citation shall be issued to vehicle for first time violations of this subsection." He asked if this has to do with back in parking because the issue is still a "sticking point" for him and explained his angst. In sum, he would prefer to see the City permitting rather than prohibiting back in parking.

Mayor Fisher indicated that when he asked about the prohibition of back in parking he was told that when certain vehicles back in they would protrude in the walkways of sidewalks and so forth, as well as the landscaping. This practice poses a dangerous situation for the public.



Names of Commrs.	M	S	Y	N
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>June 28, 2016</b>				
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<b><u>REGULAR ITEMS – CONTINUED</u></b>				
The Ordinance was read by title only.				
<b>MOTION:</b> To approve Ordinance upon first reading as amended.				
<b><u>ROLL CALL</u></b>				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	
Robin M. Bird, Development Services Director, indicated that staff would make one presentation for items 16 and 17, therefore, when Item 17 comes up for discussion, all the facts will remain the same. The first item presented was the Map Amendment and the second item was the Text Amendment. Since last year, the Commission gave authority to staff to move forward with the City initiated Land Use Amendment.				
Subsequently, Mr. Bird noted that a team was assembled and tasked to look into this issue. The team included Robin M. Bird, Director, Jennifer Gomez, Assistant Director, and the department staff of Development Services, Jean Dolan, former City Planner, and expert in Land Use, Kim Briesemeister, Community Redevelopment Agency (CRA) team and Redevelopment Management Associates (RMA) Co-Director, Natasha Alfonso, RMA Design Team, and John McWilliams, Traffic Consultant Kimbley-Horn.				
Mr. Bird indicated this is an important step in the City of Pompano Beach's future. Currently, the City is subject to the present land use and zoning that is Euclidean style, which is very old in the initial style the way a land use was done, and the comprehensive plan was adopted in the 80's through Florida Statutes.				
Currently, there are the East and West CRA and a gap in between. Staff is examining the Land Use plan amendment to include all that area from the West CRA and the TOD that was adopted there to the intercostal to make it continuous in a form based zone. Therefore, staff is looking at the entire area, which was devised of stripped development.				

Names of Comms.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 22</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>On the map presented, Mr. Bird indicated that the lines of red on the corridors where it is all inter-mixed, the areas marked red are indicating commercial land use which showed it was all t-shirt shops, fruit stands and things of that nature they did in tourism “way back when,” which created a drive-thru scenario. However, staff is seeking for it to become a drive to instead. Notwithstanding, there are plans for a destination area, which he indicated on the map.</p> <p>Mr. Bird stated that “there is no such thing as a status quo” and a city can do only one of three (3) things, develop, redevelop or decline. Besides, change is inevitable; therefore, the presented map depicts that change. Therefore, the comprehensive plan is the ultimate authority on how the city is being developed. The average person relies on zoning but it is the comprehensive plan, which decides what goes where, how much and what is done through the zoning ordinance. The contents are dictated by Florida statutes, established gross maximum entitlements for the district and the Objective 19.1.1.1, and Policies 1.19.2-1.19.14 defines the Transit Oriented Corridor (TOC) land use category, which staff would like to utilize in this case. It would allow staff the next step in adopting a form based code. As well as to allow the design of a block by block determination of what they would like to see in certain areas.</p> <p>Additionally, Mr. Bird indicated that this is a Land Use Plan Amendment and staff is trying not to get it wrapped too much into the zoning, which they desire an intense amount of work with the public and the commission, as well as being very clear and transparent on what will be accomplished at the end of the day. There will be a discussion on the timeline on when they would return with the zoning. In sum, the benefit of the TOC allows the adoption of the form based code.</p> <p>Continuing Mr. Bird stated that the main principles being considered are the protection of the single-family neighborhoods, maintain 105 feet for commercial, mixed use and residential height reduction to an 80 foot max, and height transitions adjacent to residential from tiered of 55 down to 35 to have compatibility.</p>				

Names of Commrs.	M	S	Y	N

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**REGULAR ITEMS – CONTINUED**

Thereafter, Mr. Bird provided a detailed update on the current processes of the Comprehensive Plan. Lastly, Mr. Bird mentioned that they are hoping for the project completion in May 2017, then staff will have a clear vision of what to expect in the City of Pompano Beach for the next 25-35 years and then staff will have a great dependency of where to go after that is complete.

Jean Dolan, Planning Consultant provided an overview of what is going to be done from an agenda standpoint for items 16 and 17. The first item is the comprehensive plan map amendment for the TOC and the second one is the text amendment. Therefore, they will present both the map and text amendment, then both items will be opened for public hearing and when it is time to vote they will be separated for two separate votes.

Ms. Dolan reiterated what Mr. Bird stated earlier regarding the TOC map amendment and its policies that are in the City's plan. The ETOC boundaries include the East CRA and the connector piece between the DPTOC and the East CRA. Therefore, the approved map will depict the TOC land use designated area, which will connect to the other TOC in the downtown, so there will be one continuous designation to allow mixed use from I-95 to the beach.

Additionally, Ms. Dolan explained the steps involved in any comprehensive plan amendment application, which includes identifying what entitlements are on the existing comprehensive plan, as well as how to change that in the amendments to determine the public facility needs and changes. Ms. Dolan went on to explain how that process is achieved and pointed that out on the map presented.

Furthermore, RMA created a master plan to determine how they are going to change this with the TOC, which they have originally done for their East CRA redevelopment plan and then they extended it to include the connector piece in some of the areas that are outside of the Atlantic Overlay District (AOD) and the CRA. Therefore, it looks at every single block and lots in the block and what is likely to redevelop and draws a plan for that area that will fit based on the proposed zoning regulation for the mixed use district. The master plan has about the same amount to commercial development at build out as there is today. Therefore, the vision is one story of non-residential and residential units above.

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**REGULAR ITEMS – CONTINUED**

Continuing, the first challenge in establishing the comprehensive plan is to determine how much residential to bring in for the first 15-year planning horizon. Based on several factors to include the growth rate of the City, entitlements already in place and other factors, staff decided to go for 2,399 additional units in the area, which they would decrease the commercial entitlements by 37 million square feet. Besides, the numbers worked out because they desired to keep 7 million square feet of commercial entitlements and a total 3,718 units in the district. Ms. Dolan explained why they would keep 7 million square feet of commercial if they only need 1.8 million square feet.

**Impact Analysis of Changes and Entitlements**

Ms. Dolan indicated that because they are reducing so much commercial, almost all of the impact analysis looks negative. Therefore, she reiterated Mr. Bird's comments made earlier that any developer who come in to do a piece by piece comprehensive plan amendment when he has a commercial entitlement but wants to go to residential, it always shows a net reduction in public facility impacts.

Ms. Dolan indicated on the presented chart the total impact demand for the 7 million square feet and the 3,718 units, and for sewer and water, it highlighted the 1.4 million gallons per day. Therefore, the final column indicates how much capacity the City has. So, if it was all new development the City could still accommodate that amount of water and sewer. The same thing applies to the solid waste because the county does not provide an actual number of what the capacity is but staff reduced the solid waste demand and they can also accommodate that 0.65 MGD.

Traffic - Theoretically, a reduction in the traffic is depicted because they are losing 37 million square feet of entitlements. A traffic study was done with the MPO traffic model. Compared to the MPO's projection for growth, with what would have been added with the TOC Land Use Plan Amendment. As a result, the overall impact of the project is not changing. Also, the CRA is partnering and contracting with Kimley-Horn for a master transportation plan, which would include a traffic calming plan to protect the single-family neighborhood, which is a primary concern.

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**REGULAR ITEMS – CONTINUED**

Transit Improvements – The entire project gives staff an opportunity to implement a funding source for local transit improvements to get more people interested in utilizing the transit and making it more efficient. The plan will also look at pedestrian and bike improvements some of which are already in the regulating plans that are already being worked on through zoning and exist in the Parks and Recreation master plan.

Finally, the transportation consultants are looking at the current zoning to realize how the site plan review process can be improved to ensure that ingress and egress patterns are considered, so that cut through traffic is not allowed into the neighborhoods.

Additionally, there are two (2) aspects of the impact analysis where there is an increase in demand for the needs because the population increased. Residential increases population whereas commercial does not. Therefore, where there is an increase in population the impacts are felt in both parks and schools.

Parks – The additional population that is going to be generated by the 2,399 units, 42.2 additional acres of parks will be needed based on 5 acres per thousand. Existing surplus have 51.3 acres additional based on the 5 acres per thousand, so demand can still be accommodated with current supply.

Schools – Generate approximately 155 net new students with the units, and all the schools currently show a surplus, which can be accommodated. The School data goes to the year 2021, so as these students come on line the School Board will be considering their capacities.

**Net Positive Impacts**

In addition, there are some opportunities with the Comp plan amendment to gain some net positive impacts to include mass transit - TOC providing more people into a tighter corridor. Ms. Dolan explained that it is good for mass transit and noted that Broward County gave the City a review and expressed that they foresaw the benefits to the transit system. Nonetheless, the county charges a transit fee so every project has to pay \$1,380 per trip upon entry. The TOC land use designation allows the developers to have an opportunity to get up to a 50% discount on the \$1,380 per trip fee. Besides, only projects within a mixed-use land use category are eligible for the full 50% discount.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 26</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p><i>Drainage</i> – There are two (2) projects in the stormwater management Water Plan located at SE 28th and SE 15th Avenue, which are programmed for the 2021 and 2022 fiscal year.</p> <p><i>Housing</i> – Affordable housing is an area where there is a net positive impact with the amendment. Therefore, 15% of the units are required to be affordable or if they are not going to be provided as affordable they would have to be bought out with a in lieu of fee, which the City has recently adopted an amendment to establish the fee, which is one of the highest fees in the county.</p> <p>Ms. Dolan highlighted other considerations that do not show as anything that would stop the project to include hurricane evacuation, historic preservation, and compatibility, which is one of the items in the Comp Plan Amendment application. Therefore, the recommendation is to approve the TOC Land Use Map Amendment subject to the approval of the Text Amendment.</p> <p>Ms. Dolan then addressed Item 17, which is the first reading of the Text Amendment, which goes together with the Map Amendment. She then explained what the Text Amendment does, to include responding to the portion of Goals, Objectives, and Policies for a TOC, which require that you establish the total entitlements together. It is a little different from the typical Land Use Designation. In sum, the Text Amendment establishes the entitlements and any kind of special conditions to be placed on the distribution of those entitlements.</p> <p>Additionally, Ms. Dolan indicated that there are a “basket of rights” as previously discussed, to keep 7 million square feet of commercial and a total 3,718 units. They will hold the park, recreation, open space and community facility acreages the same as a minimum.</p> <p>Continuing, there are some design principle and procedures adopted into the plans, which is approximately verbatim from DPTOC Comp Plan Amendment. More importantly, is the compatibility with adjacent land uses, which she explained in details. Moreover, it is important to add the Whereas Clause into the ordinance that addresses these compatibility transitions and points out that it would be addressed specifically in the TOC zoning code.</p>				

Names of Commrs.	M	S	Y	N

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**REGULAR ITEMS – CONTINUED**

Furthermore, Ms. Dolan mentioned about the design principles address the connectivity for the pedestrian who is equally as important as the car and it relates to the streets policy, which is also in the DPTOC.

For the affordable housing requirements, 15% of the units will be affordable or the developers would have to buyout of the option, which there is an established amount in the City's ordinance.

Finally, Ms. Dolan indicated that they recommend the Commission approve the TOC Land Use Text Amendment subject to the Map Amendment.

Natasha Alfonso, Pompano Beach CRA and RMA, stated that this portion of the presentation is intended to give the Commission, as well as the community a brief update on where staff is currently with the zoning, specifically to deal with two (2) issues that Ms. Dolan mentioned earlier as it relates to traffic and height. Also, the purpose of the presentation is to give an overview of what staff has been discussing for the past several months.

Ms. Alfonso stated that the two (2) main things that staff will be addressing in the next several months as the Comp plan amendment goes before the County and State for review are the transportation master plan and the zoning amendments. There has been discussion regarding the zoning amendments for several months since the beginning of the project with the understanding that a general vision cannot be created for the ETOC without knowing the specific issues relating to traffic and height in the TOC. There have been several public meetings where they had the opportunity to speak with residents and staff to understand where the issues with incompatibility are. The key places or critical points for traffic issues will be created as the amendment moves forward.

Additionally, Ms. Alfonso noted that she would like to talk about the two (2) components that are currently being worked on; besides, Ms. Dolan has briefly mentioned the transportation master plan. However, she added that they are finalizing the scope with the consultants, so this would be the third phase in the project.

Names of Commrs.	M	S	Y	V

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**REGULAR ITEMS – CONTINUED**

Ms. Alfonso emphasized that in the zoning regulations, they will be adding towards the end of the district regulations, specific conditions of approval for developments that come forward in the TOC, to ensure that any development that comes forward at site plan review does provide some traffic operations analysis for their specific site.

In addition, Ms. Alfonso recalled several presentations and stated that staff will be enforcing the urban design principles through the zoning the regulations, and how the public realm will be shaped by the new development. The urban design principles are specific to improving the quality of life for residents in and abutting the district. That means ensuring there is enough regular connectivity within the district and so forth. In addition, the building standards are key to the redevelopment of the district, ensuring that there is provision for specific regulation that deals with the height transition.

Ms. Alfonso indicated that in terms of the urban design principles that are key to the redevelopment of the district relates to the building standards. This will ensure that the City provide specific regulations that addresses the height transitions, and the compatibility of existing neighborhoods with the new development.

Ms. Alfonso stated that the two main things that are critical to everyone is the traffic and height compatibility.

Furthermore, Ms. Alfonso reiterated what Ms. Dolan spoke about earlier that there are concerns that a lot of the parcels along the Atlantic Boulevard corridor RB-3, which allow property owners to build commercial properties at 105 feet in height. Besides, they have examined very carefully each parcel to ensure that they understand the development rights and what can be done with the new zoning amendments to ensure better compatibility.

Names of Commrs.	M	S	Y	N

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**REGULAR ITEMS – CONTINUED**

Staff will be addressing the language of any kind of standards and regulations that will ensure the protection of the single-family neighborhoods. In addition, for height, there will be a separation of the standards for commercial and mixed-use development, in order to avoid issues of taking with Burt Harris claims. However, mixed-use development height will be reduced to 80 feet, besides, none of the commercial (B3) properties have the right to build residential. They only have the right to apply for a flex allocation. Ms. Alfonso then explained in details the commercial and mixed-use standards that will ensure that there is more compatibility in terms of the mass and scale of the building.

Furthermore, staff will be adding two (2) things in the zoning to include any kind of variances and to prohibit any Plan Developments (PD) because PD's allow a developer to write their own rules.

Ms. Alfonso mentioned that the presentation has a number of slides that are technical in nature and is an important portion because it provides an idea on the specific issue of height transition, which she explained in details. She mentioned that there are three (3) main conflict areas within the TOC. One is towards the western part along the corridor, the area west of 18<sup>th</sup> Avenue, the portion between 18<sup>th</sup> Avenue and 25<sup>th</sup> Avenue, and the portion east of 25<sup>th</sup> Avenue on approaching the intercostal.

Finally, Ms. Alfonso indicated on the presented map a building height regulation plan that was also adopted for the Downtown TOC, which she explained the highlighted colors and what they represent that will be used in designating those areas of transition with the TOC.

In sum, Ms. Alfonso presented a very extensive overview of an example of one of the three main areas for the transition zones, which has the most concerns due to its close proximity to single-family residential development on both the south as well as the eastern portion.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 30</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Ms. Dolan stated that should the Commission approve the amendment on first reading, it would then be submitted to the County and the State to go through a nine (9) months review process. Therefore, during the nine months the team will be working on the detailed drafting and outreach related to the zoning, as well as working on the transportation master plan so upon the return of the item for second reading, the zoning, the land use, and the transportation plan will be together as a package.</p> <p>Comr. Dockswell indicated that he appreciated the opportunity to propose the amendment that will provide the residents a greater comfort level. He indicated that the City is at the Land Use Plan Amendment stage, which involves the County and at a higher level than the City’s zoning.</p> <p>In sum, Comr. Dockswell stated that even though the City is not obligated at this stage it is important to give residents a level of assurance that the City make an honorary commitment to doing the kind of height limits and transitions that are in the charts presented earlier.</p> <p>Finally, Comr. Dockswell proposed to amend the ordinance of both items for an additional Whereas Clause to read as follows:</p> <p><i>“Whereas, the City provides assurance that when the zoning is established, the maximum proposed height for residential and mixed use properties would be 80 feet. For residential and mixed use property these heights would be transitioned down to a maximum of 55 feet and 35 feet as properties approach single-family neighborhoods and other residential areas.”</i></p> <p>Comr. Dockswell indicated that this will be put into the record that the City is vastly improving the potential of what could be developed. If the City can entice the developer not to hold on to the idea of building a 105 foot commercial building, which could be a hotel or flex units or do their own land use plan amendment. Therefore, to avoid all those possible ways that we can get unacceptable structures and have much less control over what comes out, then this proposal would “nail it down,” so that once the zoning is complete and they follow these height limitations and transitional requirements then</p>				

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<b>CITY COMMISSION MEETING MINUTES</b>				
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<b><u>REGULAR ITEMS – CONTINUED</u></b>				
<p>there would be no need to negotiate, as this would be the way. So, if the parcel owner does not desire to build a 105 foot commercial building, which they have the right to do, it would be hard to take away. The technique is to entice the partial owner to build something less intense at less height, more mixed use, more balanced, and better for the overall development of the corridors.</p>				
<p><b>MOTION:</b> To include the additional Whereas Clause in the ordinance as stated by Comr. Dockswell.</p>				
<b><u>VOICE VOTE</u></b>				
Dockswell	x		x	
Hardin			x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	
<p>Comr. Hardin asked if the motion is approved and it goes through the entire process and a property owner decides they do not want to adhere to the City's policy, could the property owner pursue their own land use change, and still go to the 105 feet.</p>				
<p>Ms. Dolan responded that the property owner can always propose their own Comp plan amendment but if the TOC is approved it would be very difficult for them to show a net reduction. Then, they would have to look at an impact analysis that showed an increase in all their impacts, and then the Commission would be able to say they do not want to.</p>				
<p>Mayor Fisher noted that owners can build at 105 feet if they desire a commercial or office building but the likelihood of that probably would not happen because the mixed use would be more effective for them in the long run.</p>				
<p>Comr. Phillips asked if it extends to the I-95 on the Atlantic corridor.</p>				
<p>Ms. Dolan replied that the ETOC stops at the DPTOC, which goes all the way to I-95, which is already in place.</p>				

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 32</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Comr. Phillips questioned if they have the current language in position all the way to I-95, because he likes the high restriction of the mixed use, as well as how the City will scale down as it approaches the residential neighborhood, which has been lacking in the past.</p> <p>Michael Sobel, 704 N. Ocean Boulevard Apt 501, Pompano Beach commended Comr. Dockswell for the amendment to the ordinance. It is beneficial and it helps to demonstrate, perhaps there is not an immediate need to make some other modifications to the land plan. Moreover, the ETOC land use amendment is an important issue to everyone in the City. Besides, there will be long-term permanent impact on quality of life issues for every Pompano Beach resident, condominium association, and business owner.</p> <p>Mr. Sobel noted that if the Commission passes the amendment now, it may hurt the Pompano Beach residents while significantly benefitting the developers and the special interests. He understands from the presentation that this is a 25-30 year “set in stone” and the presentation given indicated that it is a 50 year build out, as well as there are so many details. Therefore, there should be no rush on making such major changes. So, he urged the Commission to postpone taking a final vote on something of such major long term importance to the entire City for just a few months until after the election, which will give everyone in the City a reasonable time to further study the complex map amendment.</p> <p>Dawne Richards, 3304 S.E 4th Street #6, Pompano Beach, Publisher of Pompano Today Magazine and Founder of the East Pompano Civic Association, stated that the “idea of the common good is over two thousand years old.” Also, she quoted Newsweek Columnist Robert J. Samuelson, “We face a choice between a society where people accept modest sacrifices for the common good or a more contentious society where groups selfishly protect their own benefits.” In sum, Ms. Richards indicated that there may be some unequal sharing of burden with the land use issue. However, the City is striving to becoming a greater place to live, work and play, but have not yet arrived. Therefore, Ms. Richards urged the residents to consider the City’s plan for the future, or “we will remain on the sidelines while our future gets built-up around us.”</p>				

Names of Commrs.	M	S	Y	V	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 33</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Bruce Voelkel, 2700 S.E 2nd Street, Pompano Beach, thanked staff for their presentation and asked if the PowerPoint presentation will be placed on the City’s website for viewing.</p> <p>Mayor Fisher responded that it will.</p> <p>Mr. Voelkel asked if there was an actual traffic study done, and if so can he request a copy.</p> <p>Ms. Dolan responded that the traffic model they used was the MPO’s, which has built-in estimates for growth to 20-40, which the team backed down to 20-30. So they used their estimates and put the City’s land use numbers on top of those numbers to see the effect on traffic.</p> <p>John McWilliams, Kimley-Horn and Associates replied that a traffic analysis was done and stated that they used the MPO’s model based on the projected growth of development in the area. He emphasized that there will be increased traffic with the amendment on Atlantic Boulevard. Notwithstanding, he will work with staff to ensure that Mr. Voelkel receives a copy of the traffic study.</p> <p>Mr. Voelkel expressed concerns about cut thru traffic in his neighborhood.</p> <p>Roy Rogers, 5141 N.E 31st Avenue, Lighthouse Point, stated that the presentation was excellent and he recommends approval. Also, as a member of the Economic Development Council (EDC), they reviewed the proposal and with his extensive experience with things of this nature, it is the beginning of a process, which he recommends.</p> <p>Ken Steele, 1805 N.E 4th Street, Pompano Beach, indicated that he has voiced his concerns to some members of the Commission regarding the process, which is all on supposition/maybe/if and there are no facts to it. Besides, he is very disappointed with the process, the CRA, and the ETOC. Finally, he desires to see less traffic cutting through his neighborhood.</p> <p>Fred Stacer, 2501 S.E 9th Street, Pompano Beach, stated that if the overlay district moves forward they would need to reexamine the segmented piece of the AOD that is going to remain east of the intercostal waterway. He encouraged the Commission to move the item forward.</p>					

Names of Commrs.	M	S	Y	V N

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**REGULAR ITEMS – CONTINUED**

Tom Terwilliger, 3160 N.W 1st Avenue, Pompano Beach, expressed his concerns regarding the development and the impacts it will have on the residents of single-family homes to include the increase in traffic. Moreover, he did not get a clear answer on the traffic study provided by Mr. McWilliams.

Doug Matthes, 500 N.E 6th Street, Pompano Beach, stated that the land change will have a negative impact on the adjacent neighborhoods especially old Pompano residential area. Besides, the issues need to be addressed prior to approval. Mr. Matthes quoted some excerpts from the original community presentation and recommended steps the City could take to prevent traffic.

David Ventura, 2501 S.E 2nd Street, Pompano Beach, thanked staff for all their hard work. He asked for clarification on the height and the direction they would face. In addition, Mr. Ventura expressed concerns relating to traffic and the preservation of the neighborhood.

Ms. Alfonso replied that the 80 feet would be facing Atlantic Boulevard, 35 feet facing the neighborhood and 55 feet in between.

Cindy Peters, 1736 East Atlantic Boulevard, Pompano Beach, stated that she is in favor of the plan for Atlantic Boulevard.

Frank Natali, 2500 S.E 2<sup>nd</sup> Street, Pompano Beach, expressed that if more units are being put in, he is concerned that there is a possibility he might not get accepted into Pompano Beach High School.

Comr. Dockswell stated that he became excited when he realized that the City is beginning to put together a road map for the development of the Atlantic Boulevard Corridor. Furthermore, he believed if the amendment is approved the City will have a very good road map.

Comr. Hardin asked Mr. Bird to explain how he chose the boundaries.

Names of Commrs.	M	S	Y	V	V
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 35</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>Mr. Bird replied that it was discussed extensively at the workshop and the Planning and Zoning Board meetings and explained the layout of the boundaries and the need to capture straight lines and the capturing of unused density. In sum, he mentioned that what is classified as single-family currently will remain single-family.</p> <p>Comr. Hardin noted that residents in Old Pompano were extremely concerned about the boundary lines and how it will impact their house. In addition, Comr. Hardin mentioned that a previous speaker, Mr. Steele commented on the height issues on 18th Avenue and asked Mr. Bird if the City is allowing taller buildings than what is currently in place.</p> <p>Mr. Bird responded that is correct. He clarified that there is no place where height is increasing.</p> <p>Comr. Hardin indicated that he understands the valid concerns about traffic in the Old Pompano area. However, part of the process, as staff indicated, the traffic consultants will be providing recommendations as to how this problem can be solved in the neighborhoods. Moreover, the entire process will take time to evolve.</p> <p>Comr. Phillips stated that he is going to pay close attention because there are a few things relating to the height that stuck out at him. He asked if staff could state that they prefer a specific height in a specific area.</p> <p>Mr. Bird explained that they have done neighbor regulating plans on a DPDOD. Moreover, staff is setting guidelines with the land use that the zoning cannot exceed.</p> <p>Ms. Alfonso noted that west of 18th Avenue is permitted to be 50 feet and new zoning regulation is allowing 55 feet based on building standards.</p> <p>Comr. Phillips stated that he is hearing a lot of talk about traffic but he does not think anyone has an answer. He asked if staff is including the ability to narrow the roads.</p>					



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

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**REGULAR ITEMS - CONTINUED**

**P.H. 2016-74; ORD. NO. 2016-....:      TIME 03:05:21      ITEM 17**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE EAST TRANSIT ORIENTED CORRIDOR (ETOC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON MAY 25, 2016; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

Robin M. Bird, Development Services Director reminded the commission that this item has the same facts as the previous item and that there is an amendment to the proposed ordinance for an additional "Whereas clause."

Mayor Fisher requested Comr. Dockswell to restate the amendment for this item.

Comr. Dockswell moved to amend item 17 with an additional whereas clause to read, "Whereas the City provides the assurance that when the zoning is established, the maximum proposed height for residential and mixed use properties will be eighty (80) feet. For residential and mixed use properties these heights will be transitioned down to a maximum of fifty five (55) feet and thirty five (35) feet as properties approach single-family neighborhoods and other residential areas."

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

Mr. Bird reminded the commission that they discussed the public notice, which staff noticed everyone, living within 500 feet, about the workshop. In fact, there were over 3,500 mailings. Also, for the Planning and Zoning Board the public was noticed, which is similar to the mailings for the commission meeting. As well as, a lot of outreach was done at the workshop, which had many people participating. In November, when the zoning is done, staff intends to notify the public of the workshop. In the meantime, the Development Services Department is open to the public for any further questions or details necessary.

Comr. Hardin indicated that the notices were good.

Mayor Fisher announced that he would take Item 26 out of order at this time to accommodate those persons who had come out to the meeting regarding the matter.

**TIME 03:08:20                      ITEM 26**

Consideration to designate NW 26<sup>th</sup> Avenue as a dual named street, "J. Mohorn, Jr. Avenue."

Robert A. McCaughan, Public Works Director, indicated that the item is requesting the Commission to consider dual naming Northwest 26<sup>th</sup> Avenue as J Mohorn, Jr. Avenue. The Community was invited to attend the meeting.

Pastor Mohorn is currently pastoring the Word of the Living God Ministries Church and he has been a resident of the City of Pompano Beach since 1947. The renaming of the street would be bounded by Atlantic Boulevard going south and northwest 2<sup>nd</sup> Street on the north.

Additionally, if the Commission agrees to make the change then it will be formalized at the next commission meeting.







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<b><u>REGULAR ITEMS - CONTINUED</u></b>						
<b>MOTION:</b> To adopt Resolution No. 2016-235 upon reading.						
<b><u>ROLL CALL</u></b>						
Dockswell					X	
Hardin		X			X	
Moss					X	
Phillips	X				X	
Burrie					X	
Fisher					X	
There was no discussion on this item.						
<b>RES. NO. 2016-236:                      TIME 03:23:35                      ITEM 22</b>						
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <b><u>CHARLES H. BECHERT, III</u></b> TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.						
The Resolution was read by title only.						
<b>MOTION:</b> To adopt Resolution No. 2016-236 upon reading.						
<b><u>VOICE VOTE</u></b>						
Dockswell		X			X	
Hardin	X				X	
Moss					X	
Phillips					X	
Burrie					X	
Fisher					X	
There was no discussion on this item.						



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

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**REGULAR ITEMS - CONTINUED**

**MOTION:** To adopt Resolution No. 2016-238 upon reading.

There was no discussion on this item.

**TIME 03:24:49                      ITEM 25**

Consideration of a request to declare a portion of city owned land as surplus. The subject property is approximately 100 feet east of NE 12<sup>th</sup> Avenue at the terminus of NE 9<sup>th</sup> Court, Pompano Beach.

Robin M. Bird, Development Services Director, stated that this portion of property is located at the terminus of Northeast 9<sup>th</sup> Court. Staff has concurred and is requesting via the applicant representative to declare the position of property surplus. This is an attempt to rebid the parcel back out, as it has been determined that this portion of Northeast 9<sup>th</sup> Court no longer serves the public purpose and to vacate the right-of-way by Ordinance 2014-63. Should the commission direct staff to declare the piece of property surplus, a resolution will be drafted for this portion of property to go out for bid.

**MOTION:** To declare the portion of property surplus and to put it out for bid.

Thomas Johnston, Esq., 2535 East Atlantic Boulevard, Pompano Beach, FL, on behalf of the new property owner, stated he is looking forward to bid the property if declared surplus.

Names of Comms.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>June 28, 2016</b></p> <p><b>PAGE 45</b></p> <p><b><u>REPORTS</u></b></p> <p><b><u>City Manager</u></b> – No Report.</p> <p><b><u>City Attorney</u></b> – No Report.</p> <p><b><u>City Clerk</u></b> – No Report.</p> <p><b><u>Commissioner Barry J. Dockswell – Land Use Plan Amendment</u></b> – Comr. Dockswell indicated that he was pleased about the process of the Land Use Plan Amendment getting going and it is continuing.</p> <p><b><u>Commissioner Rex Hardin – Back In Parking</u></b> – Comr. Hardin indicated that he discussed earlier the changes that the Commission made to the parking process. Subsequently, he suggested that they should do away with the prohibition on back in parking. Although, there were reasons provided why it should not be allowed, he thinks it is an aggravation to ticket people for back in parking. Therefore, he made a motion for the City to do what is necessary to allow back in parking in the City, which Vice Mayor Burrie seconded for discussion purposes.</p> <p>Vice Mayor Burrie understands that if back in parking were allowed, it would block pedestrian walkway, landscaping, and so forth.</p> <p>Mayor Fisher agreed that people could not block public access or endanger the public.</p> <p>Comr. Hardin indicated that it should be left up to staff how to come up with language in that signs could be posted in certain areas where it would not be allowed, but would be allowed in certain areas.</p> <p>Dennis W. Beach, City Manager encouraged the Commission to direct staff to put together an assessment and analysis of the impact of allowing back in parking.</p> <p>Comr. Hardin changed his motion for staff to put together, in thirty (30) days, an assessment, and analysis of the impact of allowing back in parking.</p> <p>Mr. Beach confirmed that staff would have an analysis conducted and a report presented to the Commission within thirty (30) days.</p>				

Names of Commrs.	M	S	Y	V N

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**REPORTS - CONTINUED**

Comr. Hardin agreed to withdraw his motion providing City Manager's recommendation is carried out and Vice Mayor Burrie withdraws her motion as well, which she agreed to do.

Comr. Moss asked if currently it is against the law for a person to back into any parking space. Therefore, doing away with the law would not affect parking at condominiums and other similar public areas.

Mayor Fisher responded it would not affect those areas to include parking at a shopping area where unpaid parking is allowed. Consequently, back in parking is allowed in those areas.

Mark E. Berman, City Attorney explained that there is a code compliance/code enforcement element to this situation. There have to be current license plates displayed or they are considered abandoned vehicles. There is a law enforcement element where they look for "hits" on various license plates. Nevertheless, the study will provide all the information on this as well.

Additionally, Mr. Berman indicated that when he was tasked to amend the ordinance he had changed it to include on the meters when the ticket is purchased and signed. A person may be cited but they are not being prosecuted unless there is appropriate signage. However, by giving them a warning it would be documented that vehicles were now aware of the law. In the analysis and assessment report, it could include how the process would assist code enforcement in carrying out their duties.

Comr. Hardin defended his stand, as it is not good customer service and living up to the City's motto "Florida Warmest Welcome," when someone comes into town and backs into a parking space they are ticketed. He understands the aggravation it poses to the parking enforcement officers to see the plates if the vehicle is backed into parking spaces. However, it is not a huge economic problem and there are not that many people backing in. Therefore, unless there is an overwhelming reason to disallow back in parking he would support eliminating that section of the law.

**Commissioner Barry Moss** — No Report.

Names of Commrs.	M	S	Y	N

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**REPORTS - CONTINUED**

**Commissioner Edward Phillips – Chicken Issue** – Comr. Phillips asked for an update on the chicken issue.

Dennis W. Beach, City Manager, reported that the City received a proposal from an individual who has agreed to take care of the problem so staff is currently evaluating the appraisal.

**Scholarship Program** – Comr. Phillips asked for an update on the City’s scholarship program.

Greg Harrison, Assistant City Manager, stated that even though the best laid plans on the \$25,000 in scholarships were made very clear to Broward Education Foundation that they were to be awarded to the Pompano Beach students, the committee it was delegated to, gave the scholarships to students with City of Pompano Beach addresses but in double checking where they attended high school and actually lived, it was discovered they lived and attended school in the City of Deerfield Beach. Therefore, he learned that there are pockets in the City of Pompano Beach where there is a Pompano Beach address but the person actually lives in Deerfield Beach. This is evident in both the school district and the corporate limits.

The Broward Education Foundation was contacted to express the City’s dissatisfaction with the process and that these scholarships were created strictly for students of Pompano Beach preferably those who attended Blanche Ely High School. Subsequently, they have identified applicants in their files that are eligible and have decided on those students. However, as of today there are no names and addresses to be provided because each student must complete paperwork and sign a contract. Once completed, the names and addresses will be made public and a presentation will be done at a subsequent Commission meeting.

Comr. Phillips commended Connie McGurdy and Elizabeth Massey who brought the matter to the Commission’s attention. Also, he appreciates staff taking care to resolve the problem and he hopes it will not occur in the future.

Names of Comms.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES                      June 28, 2016**

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**REPORTS - CONTINUED**

**Holiday Wishes** – Comr. Phillips wished everyone a Happy Fourth of July, to be safe, and hoped to see everyone on the beach for the celebration.

**Signs** – Comr. Phillips reiterated that something needed to be done about the signs that keep popping up on the posters and just about everywhere in the City.

**Vice Mayor Charlotte J. Burrie** – No Report.

**Mayor Lamar P. Fisher – Pompano Beach Pier Garage Opening** – Mayor Fisher reminded everyone that on Thursday, June 30, 2016 at 11:00 a.m. and 7:00 p.m. there will be the grand opening of the City’s new pier garage and invited everyone to come out to support it.

**Tree Give-Away** – Mayor Fisher announced that the City would be giving away trees on Saturday, July 16, and Saturday, July 23, 2016, at 100 Northeast 3<sup>rd</sup> Avenue. Individuals will need to provide proof of their residency in the City of Pompano Beach to receive free trees.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:37 p.m.


  
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**LAMAR FISHER, MAYOR**


  
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**ASCELETA HAMMOND, CITY CLERK**