



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Suzette Sibble, Assistant City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, September 14, 2021

1:00 PM

Commission Chamber

City Commission Meeting -

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 1:00 p.m.

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Cyndy Floyd
Commissioner Andrea McGee
Commissioner Tom McMahon
Vice Mayor Beverly Perkins
Mayor Rex Hardin

INVOCATION

Pastor Robert Kintchen of Christ Fellowship Church of God in Christ offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[21-774](#) City Commission Meeting Minutes of July 27, 2021

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Hardin announced that Items 21 and 26 will be stricken from the Agenda.

Additionally, Mayor Hardin stated that Assistant City Manager Suzette Sibble will be substituting for City Manager Greg Harrison who is "under the weather."

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

Mayor Hardin announced that Items 2, 15, 16 and 17, would be pulled for City Commission discussion.

A. AUDIENCE TO BE HEARD

All persons interested in speaking during "Audience To Be Heard" must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session". (Effective May 28, 2019)

The following persons spoke:

Expression of Appreciation for Assistance with Youth - Bessie Showers, President of New Horizon Community Development, 1518 NW 17th Avenue, Pompano Beach, FL, stated she is the director for the Summer Youth Program and highlighted some contributions the program has made with the Pompano Youth for this year.

A group of youths was set to come and deliver the presentation, however, they were unable to attend due to school being in session. Therefore, Ms. Showers presented on their behalf. She indicated that due to the COVID-19 pandemic the program was shortened over the past 2 years. Nevertheless, they employed 52

youths from ages 13-15 years old, which included 2 special needs youths and one youth who utilized a wheel chair. New Horizon was able to gain 5 new work sites despite quite a number of sites being closed. She provided several different activities that the youths were involved in during their work experience on the job sites, which contributed to their learning skills in how to professionally dress for the job, budgeting, and how to interview for a position. She reported that 100% of the youths were able to open an account with the bank. There were other workshop speakers participating to include the Health Department President, Mr. Johnson, and the Police Department, as well as City Commissioner McGee.

On behalf of the summer youths, their parents and New Horizons Ms. Showers thanked the City for offering this amazing opportunity to the youths. In addition, she extended an open invitation to visit the workshops scheduled to assist in inspiring the youths of the community.

Mayor Hardin thanked Ms. Showers for all that she has been doing with the kids in the community.

Finally, Ms. Showers distributed a brochure to the City Commission.

Request for Survey of Homesites at Waterway near Pink Church - Pat Russell Anderson, 2650 NE 24 Street, Pompano Beach, FL, stated she wanted to direct her comments to the City Manager, who was not attending the meeting. Therefore, she asked all the City Commission members to help her to assist the City Manager. She mentioned that “only you can demand a rightful, honest and true survey for the Broward County Property Appraiser home-sites that line the waterway at the Pink Church.” She then went on to read information she provided to the Commission and City Clerk for the record.

Update on Data on Local Participation - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, requested an update on data from the management team to show the progress since enacting the local participation Ordinance. Also, to possibly ask the Economic Development Committee (EDC) to come up with stronger recommendations to further take this process to the next level.

Mayor Hardin mentioned that the Purchasing Department can provide that information to Mr. Thrower.

B. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1, 3-14, and 18, without City Commission discussion.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda be APPROVED/ADOPTED. The motion carried unanimously.

1. [21-744](#) Request of ratification by City Commission for emergency procurement of reclaimed water

main repairs from DBF Construction LLC., in the amount of \$197,977.75.
(Fiscal Impact: \$197,977.75)

(Staff Contact: A. Randolph Brown)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the Item under the Consent Agenda. The motion carried unanimously.

2. [21-745](#) Approve ranking order for RFP E-20-21 Janitorial Services, and authorize staff to negotiate and enter into a contract with the highest ranked firm, Sunshine Cleaning Systems, Inc
(Fiscal Impact: N/A)

(Staff Contact: George Buenaventura)

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, requested the item be pulled for a couple of questions. He asked, “What does a big company like Sunshine Cleaning, a conglomerate, are going after something that should be given to a local company in Pompano Beach?” He believes the Commission should think about this question. He indicated a local Pompano Beach company could benefit from cleaning the City’s restrooms and parks and recreation facilities and not worry about conglomerate such as Sunshine Cleaning.

Continuing, Mr. Thrower asked, “Why was this thrown back out when Sunshine Cleaning already had 2 years automatic renewals?”

Mayor Hardin responded that there was a change in the minimum wage ordinance at the Federal level, so it necessitated a new bid.

Mr. Thrower enquired why the City staff did not try to make this possible for a local vendor in Pompano Beach.

Mayor Hardin responded that the local vendors are always eligible and the City has the local preference process in place.

Mr. Thrower commented on the way the item has been presented which is not in conformance to the usual order of how the City processes the ranking order, then the item would return for City Commission’s approval for staff to move forward to enter into an agreement with the highest-ranking firm. In addition, he wanted to know if the proposed firm had the required 10% for local participation.

Mayor Hardin mentioned that the City encourages local participation but there is no mandate for this.

Mr. Thrower enquired how can the City ensure that local people or companies are given some consideration for jobs that come up for Request for Proposal (RFP).

Vice Mayor Perkins mentioned that she has had some concerns as well about the Evaluation Committee and how the City goes about choosing staff to evaluate some of the companies. Perhaps, this could be something

that could be examined in the future on how it is handled and voted upon as it relates to choosing businesses.

George Buenaventura, Building Maintenance Operations Manager, explained that the process is done through the Procurement Department. The RFP was put out and the Evaluation Committee was asked by the Department to attend the ranking and evaluation of all vendors.

Vice Mayor Perkins enquired how are the staff members chosen for the Evaluation Committee.

Mr. Buenaventura responded that it is dependent on a person's background and the product/services that are being requested from vendors. Therefore, various employees are asked to sit on the Committee.

Vice Mayor Perkins asked if staff ever considered utilizing residents to sit on the Committee.

Carla Byrd, General Services Director for the Purchasing Division, responded that the Evaluation Committee is identified based on subject matter, and experts that are identified within the City of Pompano Beach. The particular recommendation that comes from the requesting department is submitted to the City Manager for his/her approval depending on the designee, at which time the Committee is decided. Ms. Byrd responded that she is not aware of residents identified to sit on the Committee. Nevertheless, this can be examined with the direction from the leadership to staff.

Comr. Eaton enquired about the legality of restricting bidding to only Pompano Beach companies.

Mark Berman, City Attorney, responded that it is not only a question of competition, it is also a question of the fiduciary responsible people for the City of Pompano Beach. It is staff's and the Commission's job to ensure that the City gets the most service for the least amount of money. This is not necessarily with local companies, and it could be with larger companies. The City has many buildings and it may not be right for a "Mom and Pop" small size company. He then explained the process when bids are sent out and the evaluation takes place. The staff is looking to get the best for the least for the taxpayers and residents of the City.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Approval Request be APPROVED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

3. [21-767](#) Consideration of a request by Charles Edward Lewis to transfer ownership of Block 19, Lot 3, Plots 1 & 4, to Donna Tilton, located in the South Lawn.
(Fiscal Impact: N/A)

(Staff Contact: Robert A McCaughan)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

4. [21-747](#) Patrick Charles Johnston is requesting to Transfer Ownership of Block 13, Lots 2&3, Plots 4 & 6, to Ralph & Lucella Wittenkeller, located in the North Lawn, Burial Right Agreements 02109 & 02110
(Fiscal Impact: N/A)

(Staff Contact: Robert A McCaughan)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

5. [21-761](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF AN EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY FOR PROPERTY LOCATED AT 717 NW 6TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-281

6. [21-760](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF AN EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY FOR PROPERTY LOCATED AT 606 NW 7TH TERRACE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-282

7. [21-762](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG CHRISTINE AND DEAN PAZIN, ROBERT W. PETRUCCI, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-283

8. [21-763](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DOCKING EXTENSION AGREEMENT AMONG CHRISTINE AND DEAN PAZIN, JONATHAN BILOH, LINDA CLARK, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-284

9. [21-773](#) 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 \$160,350 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC., FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$160,350.00)

(Staff Contact: Horacio Danovich)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-285

10. [21-776](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 2 IN THE AMOUNT OF \$139,180 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC., FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$139,180.00)

(Staff Contact: Horacio Danovich)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-286

11. [21-740](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH APPROVING THE AMENDED NORTHWEST CRA PLAN AS RECOMMENDED BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Nguyen Tran/Kimberly Vazquez)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-287

12. [21-750](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC EMERGENCY MEDICAL TRANSPORTATION LETTER OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, TO PARTICIPATE IN AN INTERGOVERNMENTAL TRANSFERS (IGT) AND SUPPLEMENTAL PAYMENT PROGRAM FOR MEDICAID MANAGED CARE PATIENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL REQUIRED AGREEMENTS OR DOCUMENTS TO PARTICIPATE IN THE SUPPLEMENT PAYMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$337,678 is the fiscal impact for FY 2022; however, the City would be eligible to recover approximately \$866,508.)

(Staff Contact: Chad Brocato)

A motion was made by Vice Mayor Perkins, seconded by

Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-288

13. [21-777](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EVENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SVAP POMPANO CITI CENTRE, L.P. FOR USE OF THE PROPERTY KNOWN AS POMPANO CITI CENTRE FOR A COVID-19 VACCINATION DRIVE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-289

14. [21-753](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE MAYOR'S AND CITY MANAGER'S APPROVAL OF A FIRST ADDENDUM TO THE CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY OF POMPANO BEACH AND THE MARVIN R. BURKHOLDER ESTATE TO EXTEND THE DATE OF CLOSING FOR THE PURPOSE OF FINALIZING THE ANCILLARY PROBATE PROCEEDINGS AFFECTING THE PROPERTY LOCATED AT 142 SE 14TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-290

15. [21-778](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RELEASE OF RESTRICTIONS BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY REGARDING PROPERTY LOCATED AT 409 NW 6TH AVENUE AND 424 NW 4TH COURT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

The Item was pulled inadvertently and so there was no discussion on it.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-291

16. [21-766](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXTEND CERTAIN EMERGENCY ORDERS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

City Commissioners McGee and Floyd pulled the item for Commission discussion.

Comr. McGee expressed concern with the wording as it was too vague for the extensions. She understands that it would mainly to be able to process through and continue with FEMA, and or any other funding sources. She recommended to the City Attorney to put a sunset clause in it, where any extended emergency order would be in effect for one year at which point it could then again be revisited and extended by the Commission.

Mayor Hardin announced that City Attorney Berman had distributed a replacement Resolution.

Mark E. Berman, City Attorney, stated that based on a brief conversation he had individually, with various City Commissioners prior to the meeting, he modified and he has provided for all Commissioners, the proposed changes from what is on the agenda. He mentioned that Section 1, at the end reads, "Copies of all such orders shall be provided to all City Commissioners by the City Clerk." A new Section 3, was added and it reads "The authorization provided in the Resolution shall remain in effect for one calendar year from date of adoption and may be extended by a majority of the City Commission." This is a housekeeping item to try to get the City through the COVID-19 processes to obtain the reimbursement set up under the emergency powers. In order to do this the City needs to have a state of emergency locally. He requested a motion to substitute the Resolution with the amended sections.

Comr. McGee inquired if the City's emergency order is tied to the County's, under the State's emergency order, and would the City be impacted in any way.

Mr. Berman explained that these are not related to any weather related or hurricane emergency orders. These are related to the Statute that has just changed requiring the Commission to do extensions every 7 days. Staff is trying to make it more practical to be able to do that. It also depends on the City's needs if still applying for refunds. The Mayor will be looking at this every few weeks to determine if it is necessary to extend. Therefore, if the order is concluded or extended the Commission would get a copy of it.

A motion was made by Commissioner McGee, seconded by Commissioner Floyd, that the Consent Agenda/ Resolution be ADOPTED to include the suggested changes made, as substituted by the Resolution submitted by City Attorney Mark Berman prior to the commencement of the meeting. Upon roll call the motion carried unanimously..

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Floyd
McGee
McMahon
Perkins
Hardin

No: Eaton

Enactment No: RES. No. 2021-292

17. [21-787](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING A SALARY SCHEDULE AND ANNUAL EXPENSE ALLOWANCE FOR ELECTED OFFICIALS OF THE CITY OF POMPANO BEACH; RESCINDING PREVIOUS RESOLUTIONS; TO PROVIDE FOR A COST OF LIVING INCREASE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)

Comr. Floyd pulled the item for City Commission discussion and asked staff to provide a brief presentation on the item.

Ed Beecher, Human Resources Director, stated that at the direction of the City Commission at the Budget

Workshop on July 19, 2021, the City Commission's annual salary schedule was reviewed. Staff was asked to make some changes to the schedule, to reallocate the General Government Services funds to the Commission's salary account. Staff has taken that action and prepared a proposed Resolution. This is the method that has been used to establish the Commission's base line salaries and expense account.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-293

18. [21-738](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LINDA M. THOMAS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2021-294

C. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that Items 19-20, are listed under Quasi-Judicial Proceeding and are 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 for each item, 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 the following matters.

19. [21-792](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE POMPANO PARK RACINO II PLAT LYING APPROXIMATELY 750 FEET SOUTH OF SW 3RD STREET, ADJACENT TO THE CSX/SEABOARD COASTLINE RAILROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that the applicant is requesting plat approval for the 12.9 acres Pompano Park Racino II Plat. This is for the only un-platted parcel of land associated with the 232.05 gross acres, Live! Resorts Regional Activity Center (RAC) at 777 Isle of Capri Circle. The property is located approximately 750 feet south of SW 3rd Street adjacent to the CSX/ Seaboard Coastline Railroad. Currently, there are horse stables and jockey dormitories on site, which will eventually be demolished. The plat restricts the property to a maximum of 100,000 square feet of industrial use, which is a portion of the 1.5 million square feet of industrial development rights issued to the Live! Resorts project in 2020.

Mike Vonder Meulen of Keith, Inc., 301 East Atlantic Boulevard, Pompano Beach, FL, reiterated Ms. Dolan's comments stating that the area outlined in red on the aerial picture displayed, is the area being platted and the areas in yellow and blue are the remainder of the property that has already been platted.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he is seeing a new version of another episode of the Casino project coming before the City Commission. To put this in one category - economic development. Again, there have been consistent conversations on how this would benefit Cypress Bend, Palm Aire and the Northwest community. He has no objections to the economic opportunities; however, they need to start talking about the economic opportunities that is coming along with this huge project. He indicated that he will be constantly asking about the community benefits that should come with projects such as these, as well as the economic opportunities. Therefore, he urged the Commission to ask more questions of the

developer regarding the future of the project outside of the developer doing what he/she wants to do, outside of some tax-based revenues. Where are the economic opportunities, and how does the City get this leveled out and included into a development contract. He said some cities have done it and cited the Sawgrass project was not just built in Sunrise because it was a beautiful project. Rather it was built with a collaboration and a true partnership.

In sum, Mr. Thrower stated this is a great project, nevertheless, the City Commission needs to be asking solid hard questions as it relates to the economic opportunities for the people of the communities within the City.

Mark Berman, City Attorney, stated that this is a plat approval. The case law in the State of Florida is very clear. Once all legal requirements are met for plat approval, the process is purely ministerial and not discretionary. Local governments may not deny a plat application, which is what the City is doing today. This is just a plat application and nothing more.

Vice Mayor Perkins asked if there is a timeline for the approval of the plat.

Mr. Vonder Meulen responded that once the plat is approved by the City Commission, it is required to go back through the Broward County Commission, and once this is done it goes into the "recordation phase," which is to correct any minor or technical flaws that maybe in the calculations, the angles the measurements, as well as setting permanent reference monuments, reviewing certified records, and allow the times providing off site bonds for off site improvements that would be required by Broward County. The entire process, from start to finish would take at least one year. Currently, they are about at the six month mark. He then explained the approval process.

Vice Mayor Perkins indicated that after reviewing the backup material she has some questions and would prefer to postpone the item until the next City Commission meeting of September 28, 2021, so she could get some direction as to the questions that have come up. She understands it is a plat, nevertheless, she would like some time to discuss these questions and would like to make a motion to postpone until September 28, 2021 City Commission meeting. Comr. Floyd second the motion.

Mayor Hardin asked if this timeline would impact the project.

Mr. Vonder Meulen reiterated that this is a more ministerial item going through the plat approval process. There are applications that have been submitted to the City already for site plan approval for that particular piece of property as well as other portions of the property. The developer is now just starting to go through the process. It could affect the project because the plat has to be recorded before they are allowed to obtain a building permit. Therefore, they would not want to delay the building permit and the improvements on the property, so he is respectfully requesting that the item move forward.

Debbie Orshfesky, Attorney representing the applicant. She stated that if there are some issues related to the overall development that the City Commission may have, they will be happy to meet with the City at any time and review those. As to the plat, it is ministerial. She mentioned that they are in active discussions with a number of national and international corporations involved in this property, and any delay in what they are trying to do sends a bad message. Therefore, she urged the City Commission to proceed with this, and they will be

back in front of the Commission in the coming months. If they could move forward today with the understanding that if there are questions, she will pull ownership into those discussions, and would like to proceed.

Comr. McGee disclosed ex parte communications with representation of the applicant via phone call for generalized development.

Comr. Eaton disclosed ex parte communications with the applicant's representative regarding the project. In addition, Comr. Eaton thinks it is worth noting that when they first approved this development for the 252 acres, which has a RAC, and it creates its own zoning, direction, intensity, uses, and all of these things that come before the Commission in the past. Due to COVID-19, the latest change requested was the change of the land use. Therefore, what they are doing today has nothing to do with the change of land use or the change of zoning or any of those things. The last thing that was done was to add a light industrial element to the north eastern side of the property abutting the railroad tracks.

In sum, this is just an application to plat a portion of the land that was un-platted. Therefore, she believes the Commission should move forward with this plat. More discussion will come up in the future regarding the project on a whole. She would like to see those proposed jobs get to the City as soon as possible, as well as to see those facilities built as soon as possible. The end result of this entire project will be 16,000 jobs created within the City of Pompano Beach to anyone who will apply themselves to these opportunities. Therefore, Comr. Eaton indicated that she could not support the postponement of the item.

Comr. Floyd indicated that she understands that both Comrs. Eaton and McGee spoke with the applicant or representative. However, as the district Commissioner she did not recall speaking with the developer and his representatives. This is an effort to keep herself in the loop with her constituents as much as possible, she is asking that the Commission hold off until the next meeting to afford her the chance to speak with her community, to determine if they have any questions that they would want her to present prior to moving on with this process.

Ms. Orshfesky clarified that Zed Smith with the Cordish companies has been the person who has been working with Comr. Floyd and indicated he had communication with her about the project. She is unsure if it was about this particular issue being discussed at this time.

Comr. Floyd responded that she has spoken with the referenced representative before, however, she is asking until the next meeting allow her some time to discuss this particular matter with her community to keep them in the loop as much as possible.

Mayor Hardin indicated that while he will not support the postponement, he is fully supportive of Vice Mayor Perkins getting all her questions answered by the applicant, and Comr. Floyd getting her questions answered by the applicant as well. However, he does not see the reason to postpone on a plat.

Please see below the result of this motion, which failed.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, does not recall any plats that have not gone forward

with the project after that. So, if the Commission say it is okay to move forward now and do not give them two weeks, the project will not go down in the next two weeks. In sum, she indicated that once the plat move forward there is no going back on the approval. If the Commissioner has a concern and would want to postpone for two weeks, for a huge project as this she should be allowed to check with her community and return in two weeks to discuss this item further.

Comr. Floyd reiterated that as the district Commissioner she would like the opportunity to delay for two weeks so she could ensure that her constituents get their questions answered whether or not they have any questions.

Comr. Eaton mentioned that there was a lot of discussion prior to Comr. Floyd being elected, and highlighted all the different issues that were discussed with Commission. While she understands Comr. Floyd wanting to speak with her constituents, she does not want to hold up the project.

Mayor Hardin disclosed in an abundance of caution he has had discussions with the applicant on other matters previously but not on this actual plat.

Mr. Berman clarified the motion that the Commission is voting on, which is to approve the actual plat. Therefore, Comr. Eaton changed her vote from No to Yes and Comr. Floyd changed her vote from Yes to No.

A motion was made by Vice Mayor Perkins, seconded by Commissioner Floyd, that the Quasi-Judicial/Resolution be postponed until the September 28, 2021 City Commission Meeting. The motion failed with Mayor Hardin and Commissioners Eaton, McGee, McMahan voting No and Vice Mayor Perkins and Commissioner Floyd voting Yes.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Floyd
Perkins

Enactment No: RES. No. 2021-295

20. [21-752](#) **P.H. 2021-94: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHEAST CORNER OF NORTH OCEAN BOULEVARD AND NE 10TH STREET AND COMMONLY KNOWN AS 900 N. OCEAN BOULEVARD FROM RM-45 (MULTIPLE-FAMILY RESIDENCE-45) TO PD-I (PLANNED DEVELOPMENT - INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester-O'Mills/David Recor)

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the item was reviewed by Jim Hickey of Calvin Giordano Associates, and he will be making the presentation on behalf of staff.

Jim Hickey, Consulting Planner with Calvin Giordano Associates, 1800 Eller Drive, Fort Lauderdale, FL, made a brief presentation as the applicant has a presentation of their own. He stated that the request is to change the area, which is on the east side of A1A and the southeast corner of A1A and NE 10th Street. The request is to change the current zoning. Currently, the zoning is Multiple-Family Residence-45 (RM-45) that allows for 45 units to the acre. The request is to change this to Planned Development Infill (PD-I), this is established and intended, as per the code, to accommodate small site in-fill development with the City's already developed areas. There are a few applications along the beach area that utilize this designation. This is to get specific zoning for the development that is coming in and to tie the zoning to what the eventual site plan will be. The property totals 3.067 gross acres. They plan to demolish the current structure and construct a 21-story mixed use development. The first story would have commercial, first second and third stories would have parking and above that they would have the additional residential units. The current proposal is to have 119 residential units, which would be below what is allowed for the maximum amount through the current zoning.

Continuing Mr. Hickey went through a number of exhibits, namely Exhibit E, which refers to one of the deviations to push the building a little to the north to give more of a view corridor to the south, and also more buffering to the neighbors to the south. Exhibit K is one of the deviations required after the second deviation. They are asking for an encroachment of the balconies unto the north side of the property on the street side. There is a small one-foot reduction on the side to allow for some other mechanical equipment and other things on the south side of the property. The final deviation would be for back out parking. The one area is a service area on NE 10th Street with back out parking for trash and other deliveries.

Robert Lochrie, Esq., on behalf of the applicant, stated that as staff report indicated, this is a request for rezoning for parcel property located just to the SE of 10th Street and A1A. The parcel is currently zoned RM-45, to be rezoned to PD-I does set specific restrictions on the property. This allows for a superior product than what would be allowed to be developed under the existing zoning, even though it is less dense than what would be provided, currently under the Land Use and zoning. He then briefly went through his overhead presentation to the City Commission. This included the view of the building looking to the SE from the water, the site to the right of A1A on the beach side. A picture of the building architectural style which breaks the building in two parts with the center columns, then reach out into a gull wing as you ascend up the building. There is an all glass balcony designed to reflect the waves in the water. On the bottom right corner is the commercial component of the project, which is relatively small and approximately 2,200 square feet for

neighborhood retail section. He reiterated the setbacks as mentioned by staff earlier on the south side of the building. Within the area there is an average landscaped section approximately 14 feet. On the east side there will be significant new native vegetation plantings placed on the dune to enhance the sustainability of the project, as well as meet the State and City's turtle lighting requirements. On the west side of the building they will have all back out parking along A1A, which will be removed and allow for one entrance and exit unto A1A as approved by Florida Department of Transportation (FDOT). In place of the back out parking will be a landscaped buffer, a wide sidewalk and landscaping on the other side of the sidewalk up along the building. To the right there is the commercial component of the building and going out to the water along NE 10th Street, at the north side of the top, there will be an additional dedication of 25 feet that the developer will be granting to the City for on-street parallel parking, which is not currently available to the public. This will include enhanced landscaped sidewalk and plaza area, which will have an art gallery and a sculpture garden along the north side of the property.

Continuing, Mr. Lochrie displayed a slide of the close up view of the ground floor experience that the public will have as they drive by the site. The project has been reviewed by both the rezoning site plan and plat by the City's Planning and Zoning Board and was unanimously approved twice. The project was also approved by the City's Architectural Appearance Committee.

Patricia Titone, 1012 North Ocean Boulevard, Pompano Beach, FL stated she will be living next door to the project and enquired how far from the property lines of all the buildings on the beach would this building be extended.

Mr. Lochrie interpreted the question as to how far it is setback from the east side. As it relates to Century Plaza, it is setback at 36.7 feet from the property line. Within that area is the dune vegetation that would be enhanced, as well as the amenity package. The dune vegetation area is part of the property east of the building.

Joseph Spinozzi, 1012 North Ocean Boulevard, Pompano Beach, FL, spoke in support of the project. He indicated that he is the Vice President of the Board of Directors for Century Plaza. He said the principals have remained to the core in improving the community in which they work. Also, they are very informative to the Board and the owners and have appeared at several of the Board meetings, which all owners are privy to attend. Therefore, he encouraged the Commission to look favorable on the project.

Nick Ferguson, 1012 North Ocean Boulevard, Pompano Beach, FL, state that he is not against the project but would like to get clarification about the setback projecting out to the dune. He enquired if that is the edge of the building projecting out to the dune.

Mr. Lochire indicated that their building is west of the line depicted on his overhead site plan being presented. It is actually 36.7 feet west of the line.

Mr. Ferguson expressed concern that if the plan is to have the building extended out further than the existing units on the east side, it will impact their view significantly. While he understands that the developer has a great reputation in improving neighborhoods, nonetheless, their view on that side of the building will be affected if they are too far toward the dune.

Cheryl Hoye, 900 North Ocean Boulevard, Pompano Beach, FL, stated that she resides at 2750 NE 8th Street, Pompano Beach FL. She spoke in opposition of the project and provided her reasons such as more concrete and less beach. Moreover, more people is not considered an improvement.

Mayor Hardin disclosed that he has had ex parte communications about the project in the past. He has also received emails in favor of and opposed to the project.

Comr. McMahon disclosed that he has had ex parte communications with the developer and has seen the presentation before.

Comr. Eaton disclosed the she has had ex parte communications with the developer's representative and has also seen the presentation before.

Comr. McGee disclosed that she has had ex parte communications with the developer, and has seen some of the pictures in the presentation before, as well as received emails for and against the development of the project.

Comr. McGee mentioned that whenever they are building on the beach it is always a delicate balance of improving the beach area depending on the different points of view on that. However, it is important to make sure they are listening. She thanked the developers, because she sees in the current presentation, information that is new and were brought up during the initial presentation when she discussed with them about moving the building a little over, to ensure that the commercial space is viable to have functioning, and to ensure there is parking spaces along the north side on 10th Street. She also loves the fact that they will be working with the dune restoration people to ensure sustainable plants will be brought into the project to help bring back part of wild Florida that does preserve the beaches, protect the buildings, and protect the investments in the City. Regarding the sculpture garden, she has seen some of the artwork they did for Solemar, so she is looking forward to what the group will bring.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

21. [21-775](#) **P.H. 2021-102: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, REZONING PROPERTY LYING ON THE WEST SIDE OF DIXIE HIGHWAY, SOUTH OF NE 17TH COURT AND COMMONLY KNOWN AS 1661 NE 17TH COURT FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***This item will be stricken from the Agenda.**

(Staff Contact: Jean Dolan/David Recor)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Quasi-Judicial/ Ordinance be STRICKEN. The motion carried unanimously.

22. [21-757](#) **P.H. 2021-104: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE WEST SIDE OF DIXIE HIGHWAY, SOUTH OF NE 17TH COURT AND COMMONLY KNOWN AS 1661 N. DIXIE HIGHWAY FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that the approximate 2.98 acres property is located on the west side of Dixie Highway south of NE 17th Street. The applicant is requesting to rezone the property from General Business (B-3) to Heavy Business (B-4). The subject site consists of 2 parcels that currently have 2 buildings consisting of approximately 21,000 square feet. The intent of the applicant is not to redevelop, but to increase the allowable uses on the property. The criteria for rezoning approval is consistent with the Future Land Use category and the applicable goals, objectives and policies in the Comprehensive Plan. The applicant proposes to ensure compatibility by offering voluntary restrictions to limit the B-4 uses that are located on the property. The uses prohibited are as follows:

- Sport shooting, auto paint and body shop, auto wrecker service, laundry and dry cleaning, carpet cleaning and dyeing facilities, tool repair shop, manufacturing, assembly or fabrication light, self-storage and mini warehouse facilities, warehouse distribution and storage and pawn shop.

Staff believes that the applicant has adequately provided competent substantial evidence that the B-4 rezoning request would result in uses compatible with the surrounding area. The request was heard at the July 28, 2021, Planning and Zoning Board hearing and the Board unanimously recommended denial of the rezoning request.

Tom Johnston, Esq., 633 East Atlantic Boulevard, Pompano Beach, FL, stated that Paola West will be making the technical presentation and then he will conclude with some last comments. Kate Murphy is also attending the meeting on behalf of the ownership of the property.

Paola West, Senior Land Planner, Pine West, 10152 Indian Town Road, Unit 159, Jupiter, FL, stated that the request before the City Commission is for 1661 North Dixie Highway. The property is west of the stables and the Air Park, north of NW 16. This is two parcels that are unified in the covenant in lieu of the Unity of Title, which allows the property to function as one. The only way to undo it is through the Development Services Director in the City's format. Therefore, they are requesting a rezoning from B-3 to B-4, and there is no master plan. In addition, they have a grant of easement for the purposes of drainage to function as one site. The property did obtain minor site plan and major building design approval in 2018. The property owners proposed to rezone it to allow for automotive nature uses, and commercial uses to be permitted by right the subject property. Currently, the code requires a special exception be obtained for most of these uses. The property owner would prefer to allow by right as opposed to having to go before the Zoning Board of Appeals every time there is a special exception desired. Also, they wanted to remain consistent with the reconfiguration that happened with the site plan.

Continuing, Ms. West then provided a summary of the annexation and the historical zoning of the property and provided several images to include how the property looked prior to annexation. There is one criterion that they must meet in order to rezone. They will have to provide substantial evidence that they are consistent with the Future Land Use, the Comprehensive Plan and any adopted City Plans on record. The property is currently Commercial (C) land use, the uses, the proposed and the existing are all commercial in nature, which will not change. All uses are permitted by the City's Comprehensive Plan. In the B-4 district the intent is to provide employment generating businesses as well as providing flexibility for more of the heavier commercial uses. Ms. West opined that rezoning the property to B-4 would also allow for a good transition between the industrial up to the commercial to the north.

Ms. West indicated that in the backup multiple goals, objectives and policies are provided that they feel the request meets. She pointed out that in the approved site plan they have improved the sidewalks, improved the access within the property, they have removed an entrance into the property and have combined it into one in the middle of the site. They are improving the drainage of the property, providing onsite retention in the middle, they have increased a lot of the greenspace and the landscaping, they are meeting and exceeding the buffers required for the property. Also, they are ensuring that they are better neighbors to the residents to the west, the uses are less intensive than they were in the past. The property is existing so it is not new. They are more consistent than the previous users and consistent with the nature of the area.

Mr. Johnston, read from the staff's report that was presented to the Planning and Zoning Board which is part of the backup. City staff on this matter concludes as follows:

“In light of the voluntary restrictions, staff believes that the applicant has adequately provided competent substantial evidence in addressing the Comprehensive Plan's policy regarding incompatibility that could otherwise have resulted from an approval of this B-4 rezoning request.

Staff is of the opinion that there is a reasonable basis to support this request because the rezoning (as restricted) would be compatible with the surrounding existing uses. This compatibility is the result of the applicant volunteering the recordation of a Declaration of Restrictive Covenants restricting the more-intense uses that are allowed in B-4.”

Continuing, Mr. Johnston stated that this application process has been approximately 18 months in length. They started off meeting with staff and they used the new BPD-I a rezoning category. They filed a complete application and sent through all the processes. Further meetings with staff at the end necessitated to change to another category, so they changed to PCD and prepared and filed a complete PCD application. This spring they decided to change their application from B-3 to B-4 zoning with Restrictive Covenants. Staff and the owners agreed to remove the most intense portion of the B-4 code and put those in a Declaration of Restrictive Covenants to be part of the application process to be delivered to the City, and executed and recorded at the time of the rezoning approval. The application went through the Development Review Committee (DRC) process, was cleared and there were no objections from anyone in the community nor the western Community Redevelopment Agency (CRA). Mr. Johnston then described the process they have gone through to date for rezoning, and the approvals they have received from both staff and the Planning and Zoning Board. They have checked off all the boxes of what they were supposed to be doing. He concluded that by granting this rezoning this will make the property more economically feasible and encourage new businesses to the area.

Mayor Hardin disclosed that he has had ex parte communications with the applicant and the applicant's representatives about this project.

Comr. McGee disclosed that she has had ex parte communications with the applicant's representatives about this project.

Comr. McMahan disclosed that he has had ex parte communications with the applicant in reference to the project.

Comr. Eaton disclosed that she has had ex parte communications with the applicant in reference to the project.

Comr. Floyd disclosed that she has had ex parte communications with the applicant in reference to the project.

Vice Mayor Perkins disclosed that she has had ex parte communications with the applicant in reference to the project.

Comr. Eaton noted that as she drives on Dixie Highway every day and the Avis property is a bright spot. They have done a "lovely job" with the landscaping and it is a pleasure to see. She appreciates the owner's attention to that detail and the deed restrictions. In sum, this is a distinction without a difference and would support this zoning change.

Comr. McGee noted that she appreciates the added landscaping as a buffer. Moreover, with the plans to beautify Dixie Highway with the different uses existing, which is not too pretty to look at, this is a great solution of how to attract and keep those businesses nearby, which are quality of life businesses that everybody uses and needs. Still this would help make the corridor clean and updated. She suggested that whenever possible to bring back any canopy to bring in the trees and bushes to make the place look great.

Vice Mayor Perkins indicated that initially she was against the project, however, after speaking with Mr. Johnston about it she is excited about the landscaping, especially with the improvements that are about to come

on Dixie Highway. This is a great project and she will support it.

Mayor Hardin enquired if Ms. Dolan attended the Planning and Zoning meeting. Ms. Dolan responded that she was at the meeting.

Mayor Hardin indicated that it is unusual that the Commission sees such a divergence between staff's recommendation, which is pretty strong, and the Planning and Zoning Board unanimously disapproving the project.

Ms. Dolan mentioned that the Chair of the Planning Zoning Board, Fred Stacer is currently very active with staff in developing the overlay to encourage more mixed use along the corridor. They are also adopting design standards for B-4 uses to follow the commercial design standards to upgrade the look even when the City continues to get more industrial type development along Dixie Highway. Therefore, Mr. Stacer is very strong in wanting to upgrade the whole corridor, particularly when it is adjacent to single family homes. There is a subcommittee with the Economic Development Council (EDC) and they are all working together to go over the code changes, which may go to the Planning and Zoning Board as early as October. Therefore, because of the newness of this and Mr. Stacer's passion, he was able to bring the rest of the board along in terms of saying this is not really the direction he wanted to see Dixie Highway heading.

Continuing, Ms. Dolan stated that staff believes that for them to do the mixed-use corridor this could be backed down to B-3 so they can do a residential mixed-use project if it was purchased by someone who wants to redevelop the property. This applicant is not into redevelopment and is just trying to get additional uses for the buildings that are already in place. This does not preclude the future that Mr. Stacer is envisioning, so this is why staff was able to support the item. There was logic behind the divergence and it still exists.

Mayor Hardin applauded the efforts of the Planning and Zoning Board and stated that he would also like to see all of the City's corridor upgraded in the looks, uses and things of that nature. He understands that every situation can be unique and commend the Planning and Zoning Board members for their heartfelt feelings in that regard.

Meeting went into Recess

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

END OF QUASI-JUDICIAL PROCEEDING

23. [21-687](#) **P.H. 2021-90: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2021 IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$81,625,000 TO BE APPLIED, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS OF THE CITY, IF ANY, TO FINANCE, REIMBURSE AND REFINANCE THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PROJECTS APPROVED BY THE QUALIFIED ELECTORS OF THE CITY VOTING IN A BOND REFERENDUM HELD IN THE CITY; PROVIDED, HOWEVER THE AGGREGATE PRINCIPAL AMOUNT OF THE GENERAL OBLIGATION BONDS, SERIES 2021 TO BE ISSUED IN CONNECTION WITH (1) THE PUBLIC SAFETY PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$30,115,000, (2) PARKS, RECREATION AND LEISURE PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$12,465,000, AND (3) THE STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS (DEFINED HEREIN) SHALL NOT EXCEED \$39,045,000; FIXING CERTAIN TERMS AND DETAILS OF THE GENERAL OBLIGATION BONDS, SERIES 2021; AUTHORIZING EXECUTION AND DELIVERY OF THE GENERAL OBLIGATION BONDS, SERIES 2021; DELEGATING AUTHORITY TO DETERMINE WHETHER TO INCLUDE CERTAIN PROJECT COMPONENTS IN THE PROJECTS TO BE FINANCED BY THE GENERAL OBLIGATION BONDS, SERIES 2021; AUTHORIZING THE PUBLIC SALE OF THE SERIES 2021 BONDS AND THE USE OF THE PRELIMINARY OFFICIAL STATEMENT, OFFICIAL NOTICE OF SALE AND SUMMARY NOTICE OF SALE IN CONNECTION THEREWITH; DELEGATING AUTHORITY TO THE CITY MANAGER OF THE CITY, IN CONSULTATION WITH THE CITY'S FINANCIAL ADVISOR, TO ACCEPT, PURSUANT TO A COMPETITIVE PUBLIC SALE PROCESS, THE BID OR BIDS OF THE LOWEST QUALIFIED BIDDER OR BIDDERS FOR THE PURCHASE OF THE SERIES 2021 BONDS, SUBJECT TO CERTAIN PARAMETERS AND OTHER MATTERS SET FORTH HEREIN; DIRECTING THE APPLICATION OF THE PROCEEDS OF THE GENERAL OBLIGATION BONDS, SERIES 2021; APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND

DELIVERY OF A CERTIFICATE DEEMING THE PRELIMINARY OFFICIAL STATEMENT FINAL; DELEGATING AUTHORITY TO THE CITY'S FINANCE DIRECTOR, IN CONSULTATION WITH THE CITY'S FINANCIAL ADVISOR, TO APPOINT THE INITIAL PAYING AGENT AND BOND REGISTRAR FOR THE GENERAL OBLIGATION BONDS, SERIES 2021; APPROVING THE FORM OF AND AUTHORIZING EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE CERTIFICATE WITH RESPECT TO THE GENERAL OBLIGATION BONDS, SERIES 2021; PROVIDING FOR THE APPOINTMENT OF A DISSEMINATION AGENT; PROVIDING FOR A MUNICIPAL BOND INSURANCE POLICY OPTION; AUTHORIZING OTHER REQUIRED ACTIONS; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE MATTERS PROVIDED FOR HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

FIRST READING: JULY 27, 2021

Meeting Reconvened

Andrew Jean-Pierre, Finance Director, presented the item and stated that there were no changes from the First Reading of the Ordinance.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-75

24. [21-650](#) **P.H. 2021-86: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4221., "COMMERCIAL: RETAIL SALES AND SERVICE USES - PERSONAL SERVICES TO MODIFY PERMITTED USES IN THE B-2 ZONING DISTRICT BY ADDING LAUNDROMAT AS A USE; AND AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REFLECT SAID ADDITIONAL USE;

PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: JULY 27, 2021

(Staff Contact: Daniel Keester-O'Mills/David Recor)

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the proposed Text Amendment has been submitted by a member of the public. The applicant is requesting to amend the zoning districts where a Laundromat is permitted to include the B-2 zoning district. This is the Second Reading of the Ordinance and there have been no changes since First Reading.

George Gentile, stated he is representing the applicant who is a business owner in the City of Pompano Beach. He mentioned he was the Planner and is available to answer any questions.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-84

25. [21-795](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RENEWAL AGREEMENT, BETWEEN THE CITY OF POMPANO BEACH AND BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC. D/B/A, FLORIDA BLUE, PROVIDING FOR HEALTH CARE SERVICES AND SUPPLIES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$10,142,731)

(Staff Contact: Eddie Beecher/Cindy Lawrence)

Cindy Lawrence, Risk Manager, presented the item and stated that the item is requesting the City Commission's approval for renewal with Blue Cross and Blue Shield of Florida, Inc. with the health group and dental coverage for the full-time employees and retirees. The City is required to provide major medical, group health insurance, and dental coverage to full time employees and retirees, pursuant to the labor agreement. She then provided background information on the subject matter. In May 2021 Request for Proposal (RFP) for coverage was reviewed, and proposals were received.

In essence, staff felt it was necessary to do its due diligence and review what coverage or options that were available to the City. After the Selection Committee, staff reviewed the proposals and agreed that Blue Cross Blue Shield of Florida offered the most comprehensive coverage with no change in benefits of the rates for the upcoming policy for October 2021 through September 2022. In addition, it was noticed that Blue Cross Blue Shield continue to offer the City a \$100,000 stipend towards the City's wellness initiatives for the City employees. The City has received a signed agreement from Blue Cross Blue Shield. Staff is recommending that the City exercise the option to continue its coverage with Blue Cross Blue Shield.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED.. The motion carried by the following roll call vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-296

26. [21-769](#) **P.H. 2021-103: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ADMINISTRATIVE SERVICES AGREEMENT AND A HIPAA-AS ADDENDUM TO THE ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC. D/B/A FLORIDA BLUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$10,142,731)

***This item will be stricken from the Agenda.**

(Staff Contact: Eddie Beecher/Cindy Lawrence)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be STRICKEN. The motion carried unanimously.

27. [21-756](#) **P.H. 2021-95: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO PROVIDE REQUIREMENTS FOR PRIVATE PROVIDERS THAT PERFORM BUILDING PLAN REVIEW SERVICES

AND/OR BUILDING INSPECTION SERVICES IN THE CITY, AND TO PROVIDE BUILDING PERMIT FEES FOR BUILDING PERMIT APPLICATIONS FOR PROJECTS IN THE CITY THAT UTILIZE PRIVATE PROVIDERS TO PERFORM PLAN REVIEW SERVICES AND/OR BUILDING INSPECTION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Michael Rada)

Michael Rada, Building Official, presented the item and stated that this is a modification to the City's Ordinance, Section 152.12 "Building Permit Fees." This was initiated by the Florida Statute Section 553.791. It is the intent of the Legislature that owners or contractors pay reduced fees related to building permitting requirements when hiring a Private Provider for plan review or building inspections.

An analysis of the City's building permit fee schedule adjusting for Private Provider fees was performed by PMG Associates, Inc. providing a discount of approximately 3% for plans review and 3% for inspections. Should the applicant opt to conduct both functions, the discount would be 6% from our original fee schedule. Representatives from PMG Associates are available to answer any questions the City Commission may have.

Mayor Hardin mentioned that he has received more compliments about the Building Department since Mr. Rada has been in charge, than he has ever had in his career as a City Commissioner/Mayor.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

28. [21-743](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING AN ERROR ON THE ZONING MAP FOR THE PROPERTY LOCATED AT 750 EAST SAMPLE ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department presented the item and stated that recently it came to staff's

attention that there is a strange error at 750 East Sample Road. The property highlighted in blue displayed on the overhead presented, was annexed in the year 2000, and at the time, the zoning lines were just adopted directly from what the County was using. It was noticed that there are 4 buildings on the property that are bifurcated right through the buildings. This is not something that is typical of zoning practice. Staff went out and examined each of the buildings to determine the reason why they would be bifurcated between B-3 and B-4 and found there was none. Most of the buildings are specifically purpose-built. Most are self-storage buildings or they are built for contractor offices. The one in the front is not built for B-4 uses it is more of a showroom kind of storefront building. They were able to determine where the dividing line should have been. Staff proposed to fix the zoning map so those areas being highlighted with green stars as displayed on the overhead, will be the ones that will remain B-4 and the storefront building with the blue asterisk will be all B-3. They corrected the zoning line to move those bifurcated buildings that are purpose-built for a B-4 use to put them in B-4 and the B-3 building is all in B-3. Therefore, staff recommends approval of this zoning map correction.

Comr. Eaton asked how this came to Ms. Dolan's attention.

Ms. Dolan responded that they had a person that came in wanting a B-4 use and one of those bifurcated buildings, which could not be approved because it did not have the right zoning. So, it came to her attention, because the planner who reviewed the Business Tax Receipt (BTR) wanted to talk to the applicant to do a rezoning. The history was checked into and it was found out that it has been a mistake on the City's map. To fix this they had to put it through a process and consequently this process was created for several reasons to include record keeping of when this was changed.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED.. The motion carried by the following roll call vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2021-297

29. [21-751](#) **P.H. 2021-93: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A PROPERTY RIGHTS ELEMENT IN THE COMPREHENSIVE PLAN; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON AUGUST 25, 2021; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department presented the item and stated that at the last legislative session, the Legislature passed House Bill 59, which created a new section - Chapter 163.3177(6)(i), Florida Statutes, which require property rights element in the Comprehensive Plan. The owner must contain a minimum of 4 policies that reflect the property rights that are already judicially recognized and constitutionally protected. These rights are all subject to laws and regulations related to the filing, to include the right of physical possession, the right to develop, maintain and improve property, the right to privacy and exclusive use, and the right to sell or give the property to others. This element must be adopted before any other Comprehensive Plan amendments either Map or Text Amendments, small or large scale, are submitted to the City after July 1st can be adopted and made effective. It is critical that the City gets this adopted so that the other projects can move forward. The Planning & Zoning Board unanimously recommended approval of the property rights element at their meeting of August 25, 2021. Therefore, staff recommends approval.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

30. [21-735](#) **P.H. 2021-96: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR MERCHANT PAYMENT CARD PROCESSING AMONG THE CITY OF POMPANO BEACH, PAYA, INC. AND BMO HARRIS N.A.; AUTHORIZING THE FINANCE DIRECTOR, CONTROLLER OR REVENUE COLLECTIONS MANAGER TO EXECUTE ON BEHALF OF THE CITY ALL MERCHANT ACCOUNT APPLICATIONS AND OTHER FORMS ASSOCIATED WITH THIS AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$330,000)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director presented the item and stated that the agreement with Paya, Inc. for merchant payment card processing is to replace the current payment processor (Click2Gov) which is approaching the end of its useful life, which is credit card processing.

Paya provides a more secure Online and over the counter solution. The move to Paya supports payments for Building Permits, Utility Bills, and Occupational Licenses.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

31. [21-739](#) **P.H. 2021-97: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND TYLER FUQUA CREATIONS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,000.00)

(Staff Contact: Laura Atria/Phyllis A. Korab)

Laura Atria, Public Art Program Manager, presented the item and stated that they completed one project that was fully sunken last December, the “Treasure Chest” and they created a wonderful video to help promote that as well. This will be the second project that will be added to Ship Wreck Park and this will be done by Tyler Fuqua. It is a six- and half-foot robot scuba diver, which will be on land for one year and then it will be sunken and attached to Lady Luck.

Mayor Hardin enquired if it would be on display on the Great Lawn area.

Ms. Atria responded that they decided to have it on display south of the Pier and a little south of the playground, where the old painted pompano used to be. It will be next to the sidewalk.

Comr. McGee requested that the artists know about the treasure chest to make sure that the trident is attached.

Ms. Atria responded that it is and it was added because they wanted extra support.

Comr. McGee thinks the walking trail is a cool idea and perhaps they could get super technical and get the reality that they could see what was there. Ms. Atria added perhaps they could show a video of when it is

being sunken.

Vice Mayor Perkins asked if the statute is holding a pitch fork in his hand.

Ms. Atria responded that it is a trident.

Vice Mayor Perkins asked if the sculpture will be on land for one year and then after that they will sink it for the Ship Wreck Park, and will spend \$35,000 for this activity.

Ms. Atria explained that there is a detailed budget that the artist has included. Materials are quite expensive for projects such as this one, as well as engineering. There is a large budget to allow the artist to create it.

Mayor Hardin indicated that adding different art work to Lady Luck over time will create a new destination for diving. Each time a different piece of art work is added, it will attract divers again who may have already been diving there but would want to return to see the new stuff. Therefore, they would come to the City and spend dollars.

Ms. Atria agreed that it definitely will create some economic opportunities, as well as tourism. People have heard about Ship Wreck Park and get excited when they hear of the new pieces being added to it.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Hardin

No: Perkins

32. [21-713](#) **P.H. 2021-98: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FEC ROW, LLC FOR BUS STOPS LOCATED WITHIN RAILWAY RIGHT-OF-WAY ALONG THE EASTERN BORDER OF DIXIE HIGHWAY BETWEEN NW 3RD STREET AND SAMPLE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$76,123 (5-year lease total) plus \$20,853.25 for 20-months backpay to FEC)

SECOND READING: JULY 27, 2021

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated that since last reading on July 27, 2021, there have been two changes. One change was a correction to the Ordinance title from SW 4th Street to NW 3rd Street and the other change is added language to pay FEC back what is owed to them. The previous lease expired early last year, so those moneys are for 20-months' worth. Nothing else has changed in the agreement. This is for 13 bus stops located within the FEC right-of-way from Sample Road to NW 3rd Street.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

33. [21-741](#) **P.H. 2021-101: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND RUMMEL KLEPPER & KAHL, LLP, FOR CONTINUING CONTRACT FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Matthew Kudrna)

Matthew Kudrna, Engineering Project Manager, presented the item and stated that the City Commission approved the ranking of several firms for a continuing service of Construction Engineering Inspections (CEI) contracts. This firm was left off the list due to increased review of paperwork. This finally came through and the Ordinance is being presented to the City Commission at this time.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

34. [21-770](#) **P.H. 2021-105: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MASTER SERVICES AGREEMENT NO. 23264 BETWEEN THE CITY OF POMPANO BEACH AND JUSTFOIA, INC. TO PROVIDE A SYSTEM TO ASSIST THE CITY WITH THE PROCESSING OF PUBLIC RECORDS REQUESTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Cost for 1st year \$14,110 with annual fee of \$9,300)

(**Staff Contact:** Kervin Alfred/Asceleta Hammond)

Asceleta Hammond, City Clerk presented the item and stated that Kervin Alfred, Deputy City Clerk will make the presentation since he was the lead person on this item.

Kervin Alfred, Deputy City Clerk, stated that the item is for an agreement between the City and JUSTFOIA, Inc. to assist the City with proficiently managing the processing of public records requests. The software will improve City engagement and transparency, improve efficiencies for staff, and mitigate the risks associated with the open records request process. The public will be able to view the status of their requests online at any time and pay the associated fees remotely via credit card as well. There has been a growing demand by the public to be able to pay their public record request fees online.

Continuing, Mr. Alfred mentioned that a JUSTFOIA link will be placed on the City's website with online forms for the public to submit their requests. Additionally, for compliance, staff will be able to upload documents easily through this software. These factors will also aid in streamlining the City's open record requests procedures. Finally, this is a joint venture between the City Clerk's Office and the Building Department, which will also include the processing of lien search requests. Therefore, staff recommends approval.

Mayor Hardin asked if the public can still walk in and request to see a public record.

Mr. Alfred responded yes, the public will still be able to come in person to the office and submit their requests.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following

vote:

- Yes:** Eaton
- Floyd
- McGee
- McMahon
- Perkins
- Hardin

35. [21-620](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MIMI BOTSCHELLER** TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KELLY ANN MAGUIRE, ART AGENT; SAID TERM TO EXPIRE FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

- Mimi Botscheller, Art Professor/Alternate 1 - District 1
- Donna Russo, Art Teacher - District 1
- Dwight Hoffman, Art Teacher - District 1

(Staff Contact: Asceleta Hammond.)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MIMI BOTSCHELLER. Commissioner McGee nominated Mimi Botscheller. The motion carried by the following vote:

- Yes:** Eaton
- Floyd
- McGee
- McMahon
- Perkins
- Hardin

Enactment No: RES. No. 2021-298

36. [21-759](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **PHYLLIS SMITH** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF MATTHEW H. CHESHIRE; SAID TERM TO EXPIRE ON JUNE 25, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Phyllis Smith, Alternate 1 - District 5
 Daniel G. Debrecht - District 3
 Predrag P. Jovanov - District 3
 Velma Flowers - District 4
 Quenton Thompkins - District 4
 Dedrick Watkins - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name PHYLLIS SMITH. Mayor Hardin nominated Phyllis Smith and Commissioner Floyd nominated Dedrick Watkins. The motion carried by the following vote:

Yes: Eaton
 McGee
 McMahan
 Hardin

No: Floyd
 Perkins

Enactment No: RES. No. 2021-299

37. [21-765](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD DALLY** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KERRY-ANN PARSONS; SAID TERM TO EXPIRE ON AUGUST 22, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Carlton Gillespie - District 1
 Tanya Manfredi - District 1
 Bruno Munoz - District 1
 Corey Staniscia - District 1
 Richard Dally - District 3
 Monifa Aruwajoye - District 4
 Lucretia Hicks - District 4
 Marcus A. McDougle - District 4
 Karen Moreland - District 4
 Shelton Pooler - District 4
 Dedrick Watkins - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be **ADOPTED** and to insert the name **RICHARD DALLY**. Commissioner McMahon nominated Richard Dally and Vice Mayor Perkins nominated Karen Moreland. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Floyd
Perkins

Enactment No: RES. No. 2021-300

D. NEXT SCHEDULED MEETING

Mayor Hardin announced the next scheduled City Commission meetings are as follows:

September 20, 2021 at 5:15 p.m. - Special City Commission/ EMS Taxing District

September 28, 2021 at 6:00 p.m. - Regular City Commission Meeting

E. REPORTS

Suzette Sible, Assistant City Manager - Gospel Heritage Concert Tickets on Sale - Ms. Sible stated that the City's Cultural Arts Department wanted to remind the public that tickets are now on sale for the Gospel Heritage Concert. This will be held at the Cultural Arts Center on September 24, 2021 at 8:00 p.m. Tickets can be purchase online at EventBrite.com

Birthday Wishes - Ms. Sible announced that Comr. McMahon will be celebrating his birthday on September 19, 2021. Everyone wished him Happy Birthday.

Mark Berman, City Attorney - No Report.

Asceletta Hammond, City Clerk - City of Margate Sports Complex - Ms. Hammond indicated she received an email just before getting to the meeting to remind the City Commission about an email invitation sent by the City of Margate for the grand opening of their Sports Complex Covered Field to take place this Saturday, September 18, 2021 from 6:00 p.m. to 7:00 p.m.

Commissioner Rhonda Eaton - Grand Reopening of Charlotte Burrie Center - Comr. Eaton mentioned

that she attended the Grand Reopening of the Charlotte Burrie Center. It was a great event and well attended. Staff did a great job.

Cresthaven Civic Association Meetings - Comr. Eaton announced that they are resuming the Cresthaven Civic Association meetings at the Charlotte Burrie Center on the second Thursday of each month, at 7:00 p.m.

33rd Street Projects - Comr. Eaton reported that the projects are progressing on 33rd Street. Soon they will have an update of when the new street lights will be starting in District 2.

Vaccination Gift Card Application - Comr. Eaton asked for the information on how to sign up for the gift card for the vaccination, because some people are having difficulty with the online process. They want to come to City Hall to complete the application.

Ms. Sibble responded that the Office of Housing and Urban Improvement (OHUI) on the second floor of City Hall is coordinating the applications. When they come to City Hall they should indicate what they want and the guard will direct them to the 2nd Floor, where someone will be available to assist them with the process of application.

Commissioner Cyndy Floyd - Best Wishes - Comr. Floyd expressed thanks for the City Manager getting through his surgery and wishes him a speedy recovery.

Commissioner Andrea McGee - Report from Meetings of Metropolitan Planning Organization - Comr. McGee reported that the members of the Metropolitan Planning Organization (MPO) are working hard to ensure the Cities are streamlining all the infrastructure dollars into the Cities, and to have the MTech up and running to be able to help small and big cities get their projects going. There are a lot of discussions to figure out how to make the FCC line, Brightline and Tri Rail become more commuter friendly, with more stops with one hopefully in Pompano Beach. This will be a more useful way for people to have a real alternative to driving to get around the entire County and beyond. In addition, Comr. McGee indicated that she is receiving positive feedback on the City's "Circuit" program and the little golf carts, which are going up and down and always full of commuters. Hopefully, they will be able to go further.

Hispanic Women of Distinction Event - Comr. McGee reported that last week she attended the Hispanic Women of Distinction's Luncheon, which was a great event for fund raising for HANDY, that is Helping Abused and Neglected and Disadvantage Youths, which is a great program. The CEO is a Blanche Ely High graduate and is exploring how they can assist the City of Pompano Beach even more.

Opening of new Hotel - Comr. McGee mentioned that over the summer the Pier 6 roof top bar at the hotel on the beach near the pier is now opened. This is a beautiful venue to add to places to go in Pompano Beach.

Commissioner Tom McMahon - Clean Streets - Comr. McMahon announced that on September 16, 2021, they will be doing the Clean Streets in the Avondale neighborhood. He plans to be out there with the team assisting with getting the streets clean, perhaps residents have already received a postcard regarding this program in their neighborhood.

Historical Society Program - Comr. McMahon announced that tomorrow night, September 15, 2021, the Pompano Beach Historical Society will be doing a program for the legacy of Hazel Armbrister and they will also be installing a brick in her memory. He invited all to attend, which will be appreciated by the family.

G.O. Bond Projects Underway - Comr. McMahon stated that during his August break, he drove around the City to check on all the projects to get a feel of where they are. It is exciting to see what is happening on Dixie Highway, the new streetlights, the different parks, McNair Park, and the Youth Sports Complex where the lights are going up. He is excited to see all that is happening in the City.

Vice Mayor Beverly Perkins - Cat Issue in the Community - Vice Mayor Perkins thanked Ernestine Price for bringing to her attention the situation regarding the cats on NW 3rd Way, as well as thanked Mario Sotolongo, Code Enforcement Director for assisting in bringing resolution to this cat issue. She had no idea this would end up on Channel 7 news, however, she is happy that the cat issue was resolved.

Westview Community Cemetery - Vice Mayor Perkins indicated that the partial sale of the Westview Cemetery property is being talked about by many people. Consequently, there will be a community meeting on Thursday, September 16, 2021 at 6:00 p.m. at the E. Pat Larkins Center for all who desire to provide their input on the partial sale of the property.

Update on the Esther Rolle House - Vice Mayor Perkins reported that she has received numerous calls about the Esther Rolle House and asked Assistant City Manager Earl Bosworth to provide an update on this. There appears to be a conflict whether Ms. Rolle was born and raised in the house identified as the Esther Rolle House. This was her family home and the residents want to know if the City plans to purchase the house.

Earl Bosworth, Assistant City Manager, stated that the Administration has not decided on the purchase of the house at this point. They have had a few discussions, and the City Manager is waiting for a position statement from the historical society on their "take of the property" from an historical perspective and from the Rolle family perspective. There has not been a final decision made to date to provide a recommendation to the City Commission. However, he believes when City Manager Harrison returns, the latest update could be provided.

Vice Mayor Perkins indicated that she would like to see a bit of history preserved similar to what was done with the Blanche Ely House as a museum.

Mr. Bosworth assured the Commission that they will do all they can to evaluate all the conditions for the

purchase of the house. If so, also look at how they can commemorate Esther Rolle and her entire family. They also talked about the Rock Road exhibit at the Ali, so this will be part of that discussion as well.

Vice Mayor Perkins mentioned years ago the house was really run down and E. Pat Larkins at that time ensured the house was repaired to where it stands now.

Mayor Rex Hardin - Westview Cemetery - Mayor Hardin commented on the item regarding the Westview Cemetery. He understands some private developers are involved in that venture, and those developers eventually plan to appear before the City Commission for approval. He just wanted to warn the Commission to be cautious in attending these meetings and to be mindful in maintaining some distance, as they would be sitting in Quasi-Judicial proceedings.

F. ADJOURNMENT

The meeting adjourned at 3:52 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk