



# 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*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Asceleta Hammond, City Clerk*

Tuesday, March 23, 2021

1:00 PM

Virtual City Commission Meeting

### City Commission Meeting

#### CALL TO ORDER

The Honorable Rex Hardin, Mayor called the City Commission meeting to order at 1:02 p.m.

#### ROLL CALL

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

#### APPROVAL OF MINUTES

[21-385](#) Virtual City Commission Meeting Minutes of February 23, 2021

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

#### APPROVAL OF AGENDA

Mayor Hardin announced that Item 45 will be stricken from the Commission Agenda.

**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. A person may request an item be pulled from the Consent Agenda for discussion on the Regular portion of the agenda upon advance written request, as per the instruction under Speaking About an Agenda Item (Remotely).

Mayor Hardin announced that Items 1, 2, 5, 6, 10, 17, 18, 19, 20 and 21 would be pulled for City Commission discussion.

## **A. PRESENTATION**

[21-247](#) Presentation of the Actuarial Valuation Report for the City of Pompano Beach General Employees' Retirement System as of October 1, 2020 as prepared by Cavanaugh Macdonald Consulting, LLC  
(Fiscal Impact: N/A)

**(Staff Contact:** Greg Harrison)

Todd Green, Cavanaugh Macdonald Consulting, LLC presented the Actuarial Valuation as of October 1, 2020. He explained that they use the basic retirement funding equation to explain what they do and what the role is as the Actuary. On the right side of the equation is the benefit or liability side. This is a defined benefit plan where a person's benefit is unknown until he/she retires. These benefits must be calculated and then they will estimate how long the person would live, as benefits are paid until the member dies. As the Actuary they determine the liability and calculate a contribution that is necessary to fund the liability. The assets on the other side consists of the contributions plus the investment income. About 60% of what is paid out in benefits comes from investment income. As the Actuary, they are considered professional savers. They calculate the benefits that will be paid to the members of the pension plan and then they determine the contribution. To show the efficiency of that the City is, in terms of cost between the members and the City, it only cost the City about 40% of what the actual cost is. He then explained in detail how they arrive at their numbers by collecting Census data on all members in the retirement system.

In sum, in 2020 there were 520 active members and 455 retirees. Next, there is the average salary and benefits paid from the retirement system. Therefore, on the evaluation date they had over \$69,000 in average salaries and the average benefit is over \$32,000. Finally, there is data showing the total payroll and total benefits. In the Plan the total payroll was \$35.9 million on the evaluation date and a total of \$13.3 million for everybody in the Plan. After comparing the data to determine the liability, they compare that to the assets that are in the Trust. As of October 1, 2020, the Plan had approximately \$201 million in assets on a market value and from an actuarial value, it is slightly higher approximately \$206 million. For funding purposes they use the actuarial value, which moves gains and losses over a five-year period. The current assumed rate of return for the Plan is 7.50%. He then explained how they would come up with the contribution to fund the Plan. The required contribution is calculated on October 1, 2020 but it is not payable until fiscal year ending 2022. The members contribute \$3.7 million and the City's responsibility is \$11.1 million, a slight increase from the prior year which was \$10.8 million. At the last evaluation the starting point was \$10.8 million with a slight asset gain. There was an assumption change due to updating of the mortality tables to comply with state law, which produced a significant gain that reduced the required contributions by \$590,000. In addition, there was an additional

assumption change where the assumed rate of return was reduced at 7.55% to 7.50% that had an increase of \$172,000. Ordinance No. 2021-31 closed down Tier 2 that was established in 2011 and was effectively closed December 8, 2020. Therefore, moving forward, all members of the Plan are going to be accruing benefits as Tier 1 members.

Continuing, Mr. Green explained that there was actuarial experience, which included things like demographic experience, producing a small gain this year of \$27,000. In total the City's contribution for fiscal year 2022 is \$11.1 million. Assumption changes of \$12.6 million and benefit changes over the years is \$27.3 million. From the years 2004 to 2018 there have been contribution increases that are related to the great recession and the tech bubble. From 2018 to 2022 those increases were due to assumption changes. The first one was mandated by the state updating the mortality assumption, and then the remaining ones are due to the fund reducing the rate of return from 8% to 7.50%.

Finally, Mr. Green spoke about the historical funded ratio over the years. In the year 2020, even though they reduced some assumptions and had some plan improvements in the amounts, the funding ratio actually increased from 69% to 72% for this year which is a good sign.

There was no input from the public on the item.

Mayor Hardin referenced the item where Mr. Green indicated that there were some mortality changes mandated by state statutes, and asked if that ended up being a positive impact for the Plan.

Mr. Green explained that in 2016, there was a significant impact, which was the first year they had to do it. The law states that "You have to have the same mortality basis as the FRS retirement system." Last year, the FRS completed an Experience study where they updated the mortality assumption, which had a positive impact on 2020 results. It reduced the City's costs by approximately \$590,000. In 2016, when they changed the law, their methodology had to go to a generational projection scale, which meant that 65-year-old's 20 years from now, will live longer than a 65-year-old today. It has a built-in constant mortality improvement in it.

Mayor Hardin enquired about the Planned Changes Ordinance 2021-31 and if the figure mentioned is only for one time or will it be replicated in years going forward.

Mr. Green responded, "It depends." He explained that this reflects the fact that going forward starting December 8, 2020 all the Tier 2 members are now in Tier 1. The Tier 2 members have the option of buying back that service from 2011, and this is not yet reflected. However, they could be waiting on what the decisions are by the people, as they do have to put in the additional member contributions as well, to cover their costs.

Mayor Hardin thanked Mr. Green for the report.

**The Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. AUDIENCE TO BE HEARD**

Mayor Hardin announced that it was time for “Audience To Be Heard” and asked Sandra King, Public Communications Director to announce the speakers who signed up to speak via Zoom. 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.

The following persons spoke:

**Broward County School Board Member Introduction** - Debra Hixon, Pompano Beach, FL, introduced herself as the new Countywide School Board member. She mentioned that she has been attending other Cities' Commission meetings to introduce herself so everyone knows that she is their School Board Member along with their districted member. Any concerns or issues they may have they can reach out to her. Her email is [Debra.Hixon@browardschools.com](mailto:Debra.Hixon@browardschools.com) <<mailto:Debra.Hixon@browardschools.com>>. She mentioned that she started her teaching career at the Blanche Ely High School so she is quite familiar with the City of Pompano Beach. She is excited to be representing all the communities, the students, and staff.

Mayor Hardin welcomed Ms. Hixon aboard and thanked her for her service. He is looking forward to meeting and hearing more from her as they work together to make the schools the best they can be in Pompano Beach and throughout Broward County.

Vice Mayor Perkins thanked Ms. Hixon for coming to introduce herself and indicated that this is the first School Member to be introduced to the City Commission. This is a great idea and she wished Ms. Hixon good luck.

Comr. McMahon echoed Vice Mayor Perkins appreciation of Ms. Hixon attending the City Commission meeting. He said he met Ms. Hixon a few times and he believes she will bring fresh eyes to the School Board. He is excited that she is serving the City and is looking forward to building a better relationship with her and the School Board.

**Request to Increase Fencing Height** - Dedrick Watkins, Collier City, Pompano Beach, FL, stated he appreciates the justification taking place in this current time, but said there is still a long journey ahead. He complained that he is dissatisfied with the non-responsiveness from some of the City’s employees in certain departments. He had contacted the Planning and Zoning including the Director, David Recor, and Assistant Director Jennifer Gomez and their subordinates on March 15, 2021 and has not yet received a response to date. He mentioned that it is known by others that the City of Pompano Beach is slow on responses, which in other municipalities their response time is 24-48 hours maximum.

Mr. Watkins stated he was inquiring about a fence that would be constructed between his property and the ones being placed behind his property, which is being proposed to be six feet. He desires to have this fence increased to at least eight feet since their front yard faces his backyard along with six additional units. Moreover, there will be eleven new townhomes to be built behind his property. It is imperative that the fence height increases due to security reasons.

**Traffic Calming Device** - Mr. Watkins complained about the illegal dumping and speeding in his neighborhood. He is aware that a Park is being constructed along NW 27th Avenue between Atlantic Boulevard and MLK Blvd. He is requesting some roundabouts possibly be placed on NW 27th Avenue or some type of speed calming devices such as speedhumps and or flashing speed limit signs, due to the high-volume traffic of pedestrians, bicyclists and motorists. In addition, there has been new thermo plaster markings placed in the neighborhood and there is a construction site on NW 27th Avenue and NW 13th Street, which is bringing in dump trucks and heavy-duty equipment destroying the new markings. He asked who would be responsible for replacing these.

**Code Enforcement** - Mr. Watkins stated he would like to see more action from Code Enforcement. He is concerned about the illegal dumping, trash and debris being left in the vacant lots in the area. There is overgrown grass, outdoor storage, commercial vehicles and abandoned vehicles causing the neighborhood to look undesirable.

**Broward Sheriff's Office (BSO)** - Mr. Watkins stated that he would like to see more involvement and action from BSO. He mentioned that he has seen homeless people sitting at the bus stop on Atlantic Boulevard and NW 27th Avenue, as well as on MLK Blvd. and NW 27th Avenue, which is a daily occurrence and an interference to paying patrons.

Mayor Hardin advised Mr. Watkins to call the City Manager's Office at 954-786-4601 and he can have the appropriate persons to look into each of the mentioned items.

**Illegal Dumping and Speeding in the Neighborhood** - Phyllis Smith, Collier City, Pompano Beach, FL, stated that her concern is related to some of the things Mr. Watkins mentioned earlier. That is, the illegal dumping that has increased in the neighborhood and this is the biggest concern for her, as well as the speeding. This is also happening on the side streets throughout the neighborhood and not just on NW 27th Avenue, MLK Blvd. and Atlantic Avenue.

Mayor Hardin thanked Ms. Smith for bringing her concerns to the City Commission and as the President of the Collier Civic Association, the City Manager has her contact number. Therefore, Mayor Hardin requested that the City Manager contact Ms. Smith directly to talk to her about the issues being brought up.

**District Commissioner Informed** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he wants to ensure that the City Manager will keep the district Commissioner in the loop on what he is going to do in the neighborhood about the complaints received earlier. There is a set protocol to ensure that the Commissioner is kept in the loop of what is being done.

**School Board Issues** - Mr. Thrower stated that he heard the School Board Member calling in to introduce herself, however, there is a serious problem with the School Board. He believes it is time that the Commission takes this issue, which is corruption of this magnitude at these institutions. He complained that the City's kids were given laptops that are worthless and the Markham Elementary School still has a bad roof for quite some time now. He opined that the City has a fiduciary responsibility to step up and approach the Superintendent on how he is conducting business, which is not fair to the City's kids.

Mayor Hardin thanked Mr. Thrower for his input and indicated that the Commission is aware of the situation with the school systems and the condition of the schools. They are working with the School Board to try and impact some influence to try and change things in Pompano Beach. Actually, it is one of the reasons the City has embarked upon creating a Pompano Beach Municipality Charter School, due to the ineffectiveness of the City's voice with the school system.

Vice Mayor Perkins mentioned that there is a concern at Markham Elementary School as they have been needing a roof for over 15 years. When the school year started, she asked the principal what would be his biggest challenge this year and he responded the roof leak and explained the challenges he has to work with to move students around when it rains. In 2016, she has had several meetings with the School's Superintendent and she was promised that the roof would be repaired but to date nothing has been done. The public schools must be considered even though there is a charter school to come.

Mayor Hardin agrees with Vice Mayor Perkins and indicated that the City will not be turning its back on the public schools. He then requested that the City Manager write a letter to the School Superintendent regarding the status on the Markham Elementary roof leak.

Sandra King, Public Communications Director indicated that School Board member, Debra Hixon indicated that she will follow-up with the Markham Elementary roof issue. However, Mayor Hardin indicated that he appreciates the help from all the school members but would still want the City Manager to send a letter to the Superintendent to notify him about this important issue to the City of Pompano Beach. Mayor Hardin indicated that he is also happy to sign the letter as well.

### **C. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 3, 4, 7-9, 11-16, and 22-39 without City Commission discussion.

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda items 3, 4, 7-9, 11-16, and 22-39 be APPROVED/ADOPTED. The motion carried unanimously.**

1. [21-315](#) Approval of the members of the audit selection evaluation committee to evaluate proposals for independent auditing services for an audit of the City of Pompano Beach financial statements.  
(Fiscal Impact: N/A)

**(Staff Contact:** Andrew Jean-Pierre)

Vicente Thrower, Pompano Beach, FL, stated he received the answer he was looking for earlier today. Therefore, he canceled his request to pull the item.

**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

2. [21-361](#) Approval to purchase the underground refuse systems container service vehicle from the previously approved master equipment lease/purchase agreement, Resolution 2021-59.  
(Fiscal Impact: \$479,347.00)

**(Staff Contact:** Andrew Jean-Pierre/Russell Ketchem)

Mayor Hardin announced he pulled the item along with several members of the Commission and indicated that he had a one-on-one meeting with staff on the matter to explore the idea of setting up an innovative system. However, the issue he has is with spending \$479,347 on a proprietary truck plus the thousands of dollars it will cost to install various underground vaults for garbage for the City of Pompano Beach. So, he believes this is not a good investment at this time. He indicated unless the City is going into the garbage business, the garbage can be handled at a much-reduced cost in other ways. While he understands this has some benefits because of the aesthetics and those limited areas would be available, he is not amenable to spending taxpayers' dollars for this kind of system and does not think this is the right road to go down.

There was no public input on the item.

Comr. McGee stated she thought this was a very interesting alternative for the locations where these could be used where currently they cannot fit dumpsters properly due to space being tight. She believes if this could be an option for a developer, they could choose to use it in their properties where it would fit. It also would attract a certain type of development to the City without the unsightly, smelly type dumpsters currently in place. In sum, this is a very innovative way of handling the City's garbage from an optional standpoint, and it is not necessarily replacing the current garbage collecting services.

Comr. McMahon indicated that he did some research on the company that would supply the trucks and they only have two such trucks to provide the service throughout the country. He does not see the benefit of purchasing a truck to try something like this. He is concerned that if the one truck should break down there would be issues to service the Innovative District. He understands that other trucks can use a device to accomplish the same service this truck would provide and it would cost less. In addition, he believes this may have some legal issues as the City has exclusive rights with Waste Management to take the City's trash from commercial and residential properties. Nevertheless, there is still a need to address dumpster enclosures. However, he has several concerns with the proposed system and would not support the purchase of this

vehicle.

Comr. McGee asked if the City has the ability to do something like this.

Russ Ketchem, Solid Waste Department, stated that underground containers are not part of the contract. At this point it is not an option. He knows that this was discussed from the City to the hauler, Waste Management. The vendor has had discussions with various haulers, but the short answer - it is not an option. He is not aware of any hauler that offers this current system.

Comr. McMahon clarified that there are other in-ground options which can solve the problem. He indicated that he could forward the link to the City Manager's Office of what he found out on those devices that actually work on a typical trash truck for this purpose.

An extensive discussion followed among the Commission on the feasibility of this proposed system and the options that would be available if staff could check into this further. The Commission is not opposed to the idea as it is very innovative and the City could benefit aesthetically but more research needs to be done on the various possibilities that could be available at a lesser cost.

Greg Harrison, City Manager explained that staff has been working on this matter for two years and there are locations, especially on the beach and in Old Pompano, with limited areas for dumpsters above ground. He understood that majority of the Commission did not like the "on the ground" dumpsters with the large screens and fences around them; therefore, he was tasked to find a better way. The proposed system was discovered at a Florida City Managers' Conference he and Assistant City Manager Brian Donovan attended over two years ago. Consequently, Mr. Donovan and Solid Waste Director Russ Ketchem checked out the proposed setup in the City of Kissimmee. He referred to some of the comments he had with Mayor Hardin prior about the possibility of getting some of the current developers to support the concept, which will ultimately provide a revenue stream from the City's services. Therefore, it would not be a complete revenue drain. The problem with the system is that the truck takes nine months to one year to be delivered.

Furthermore, Mr. Harrison indicated that he had a visit with Waste Management and he assured them that the City is not taking any of their current business away from them. Rather, the administrative staff was trying to come up with a solution for those areas that are geographically limited to accommodate above ground dumpsters, specifically the Old Pompano Beach area, the beach, the Innovative District and the Isle Casino to set up these underground dumpsters.

Mayor Hardin stated he would not want the public to have any misunderstandings on this matter. Also, the Commission was not trying to "throw the administrative staff under the bus" so to speak. Nobody likes dumpsters or dealing with garbage issues. However, what is being considered at this juncture is a dollar and cents issue. The system is great and he would love to see this throughout South Florida and the United States, but he does not think at this point in time the dollars required to be spent for this system is right for the City. He then provided some of his reasons why the system is flawed at this time to include it taking nine months to one year to acquire the truck. In sum, he cannot support an expensive system being proposed at this time.

Comr. McGee asked if the truck should break down, would there be a warranty or mechanical commitment to



fix the truck by Waste Management.

Mr. Harrison responded that Waste Management would not have anything to do with the truck or the proposed operation. This would be a City-owned vehicle operated by Russ Ketchem and his department. Any repairs would be done through either the warranty, as long as it remains good, or through the central garage personnel after the warranty is out.

Comr. McGee indicated that the developments that the City has in mind that could use this operation would be good for the City moving forward. This would benefit many residents and perhaps similar to how the reuse water services are provided, the City could pick up other cities who may not buy the truck but would want to do in ground receptacles where they would need the truck for pickup. In sum, she believes this would add to the services Pompano Beach can provide more for the people coming into the City rather than detract from it.

Comr. McMahon clarified that he thinks the concept is great and he was misinformed that there was no other product such as this in the country but found out that there are other such products. This is not a one size fits all solution. However, the City needs to look at other ideas as it relates to compacting the trash. He appreciates staff's effort for looking into this for the past two years, however, he thinks there are more options out there, and the cost burden is too high to force a developer to comply. He understands the revenue resource but it will not pay for the operation of placing receptacles underground.

Comr. Eaton stated that the idea is excellent and this could be the way the City goes in the future. She appreciates staff looking into this solution. She does not want the idea to be abandoned of doing underground trash storage. The City and staff have been innovative and forward thinking and have been on the cutting edge on a lot of things, which have been beneficial for the residents. She thinks this needs a little more time and it maybe a little bit premature at this time. Perhaps there are other things coming on the horizon so she would like to wait a few more months for something like this and perhaps the timing would be better to address this issue.

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

**Yes:** McGee

**No:** Eaton  
Floyd  
McMahon  
Perkins  
Hardin

3. [21-359](#) Approve piggyback of Orange County Florida Contracts Y19-197A "EMS Medications" and Y17-108A "EMS Equipment and Supplies", for as-needed purchases from Boundtree Medical, LLC., at an annual cost not to exceed \$175,000.00.  
(Fiscal Impact: \$175,000.00)

(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.**

4. [21-333](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE CITY MANAGER'S APPROVAL OF 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. 2021-100**

5. [21-264](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING A SECOND SUBSTANTIAL AMENDMENT TO THE FY 2019-2020 CDBG ANNUAL ACTION PLAN; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$842,961 CDBG-CV-3)

**POSTPONED FROM FEBRUARY 23, 2021**

(Staff Contact: Alex Goldstein/Miriam Carrillo)

Vice Mayor Perkins pulled the item to get an update on the emergency rental assistance and the Publix gift card program. She understands the emergency water utility services being provided to the residents who are receiving payment for their water bill through the Community Development Block Grant (CDBG) funds. However, she wanted to know more about the rental assistance and gift cards.

Alex Goldstein, Program Compliance Manager, Office of Housing and Urban Improvement, responded that the Publix gift cards money have already been expended in December. So, this is included for reporting purposes. The emergency rental assistance from the CDBG programs is also fully expended. In the future when the City receives more rental assistance, perhaps in the summer, they will reopen the program. However, at this time the funding included in this plan for the rental assistance and gift cards are fully expended.

There was no public input on the item.

**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. 2021-101**

6. [21-345](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING THE MAYOR'S APPROVAL OF THE LIMITED ENGLISH PROFICIENCY PLAN FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID PLAN; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Alex Goldstein)

Vice Mayor Perkins along with a member from the public pulled the item for further discussion.

Vice Mayor Perkins stated that this is a great project because it is helping people with language assistance and wanted to know what is the plan to do a community outreach to assist people with learning to read and write.

Alex Goldstein, Program Compliance Manager, Office of Housing and Urban Improvement, (OHUI) explained that the document presented is mainly used as an internal compliance document. It basically is saying that the OHUI services done would be provided to the members of the public who are limited in understanding English. They will be given an interpretation orally or for the documents to be translated into Spanish, Creole or any other language in written form. This is in compliance with the Office of Fair Housing requirement for language proficiency. Therefore, it is not about public outreach but when a person contacts the office, they are able to render the services that they need in the language that is native to them.

Comr. McGee indicated that she understood the same way Vice Mayor Perkins did that this was a program to assist people with learning to read and write. She suggested that this could be a follow up to refer these people to an organization where they could learn to read and write.

Mr. Goldstein indicated that the percentage of persons that speak no English is very minimal and these are persons just looking for information that could be provided in their language.

Vicente Thrower, Pompano Beach, FL was unavailable to provide his comments.

**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. 2021-102**

7. [21-327](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPROPRIATIONS CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY SHERIFF'S OFFICE TO SUPPORT THE SUMMER G.R.E.A.T. PROGRAM IN PREVENTING YOUTH VIOLENCE, GANG PARTICIPATION, ANTI-BULLYING AND THEIR LEGAL CONSEQUENCES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,000.00)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2021-103**

8. [21-328](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT NO. 2 TO THE GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RELATING TO THE GRANT IN THE AMOUNT OF \$287,500.00 FOR THE POMPANO BEACH DRINKING WATER INTERCONNECTS REHABILITATION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: (Revenue \$287,500))

(Staff Contact: Shana Coombs-Gordon/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.**

**Enactment No: RES. No. 2021-104**

9. [21-344](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING FOUR (4) DESIGN PROPOSALS OF WILLIAM SAVARESE, INC. FOR FABRICATION AND INSTALLATION IN THE CITY'S INNOVATION DISTRICT PURSUANT TO THE MULTI-YEAR PUBLIC ART PROJECT ENTITLED, "ASPHALT ART - THE CROSSROADS CONNECTION"; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$34,000.00)

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

**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. 2021-105**

10. [21-334](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE BAHAMIAN GOVERNMENT TO DENY OFFSHORE OIL DRILLING EXPLORATION LICENSES AND PERMANENTLY BAN OFFSHORE OIL DRILLING ACTIVITIES IN THE BAHAMAS; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Comr. McGee pulled the item for discussion and indicated that this also refers to items 10, 11, 12 and 13. These resolutions specifically came from other cities that email updates have been provided to the Commission and she was surprised to see them on the agenda, as much as she was surprised to see municipal government trying to direct a foreign government on their policies, no matter how much she may agree with it. The other ones, the City has lobbyists working on these issues and so she does not understand why these are placed on the agenda.

Mayor Hardin responded that he requested to place these items on the agenda. He understands that these are sent out to all the other cities, but adding the City's voice to the voice of many other municipalities and organizations just adds weight to the request. On the important issues it does not hurt to try and speak out and actually have a voice on the subject. Even though there are lobbyist representing the City in Tallahassee or Washington D.C. for that matter, without an official statement from the City of Pompano Beach, often times the elected representatives in the state or the federal level want to know why the City of Pompano Beach is not on record endorsing or opposing issues. Therefore, this is a way for the City to go on record about issues.

Mark Berman, City Attorney explained that he prepared these items for Mayor Hardin. There is no question as to the actual issue, which he could supplement. Overall, it was more a question as to general policy.

Comr. McGee asked if a Commissioner desires to do a resolution should he/she bring this to the City Attorney's attention to place on the agenda.

Mr. Berman explained that the Mayor can ask to place any item on the agenda. However, if a Commissioner wants anything on the agenda, they can contact him and he would go through the appropriate steps to determine if this can be placed on the agenda. These are for the most part resolutions passed by other cities. With “strength in numbers,” he was asked to prepare these and he has done as requested. Nevertheless, he would be happy to work with the Commissioner on her concerns.

Comr. McGee expressed concern that perhaps there could be a better process prior to having these resolutions pop up on the agenda.

Comr. Eaton concurs with Comr. McGee’s idea as sometimes some of these onerous resolutions are a bit vague. She would support putting on resolutions that support subjects such as home rules as supported by the various Leagues and cities. In sum, not all resolutions should be included on the agenda and perhaps a straw poll could be taken prior to being placed on the agenda.

Mayor Hardin mentioned that he has the ability to put things on the agenda, which is the prerogative of the mayor, as well as any two Commissioners can put something on the agenda. It is difficult for Commissioners because they cannot communicate with another Commissioner to get something on the agenda. However, if a Commissioner wanted to get something on the agenda, he/she could speak with the City Attorney or City Manager to express a desire to place an item on the agenda. Overall, everyone has to be cognizant of the Sunshine Law. In sum, this forum is the only way the Commission can discuss whether the City would support/oppose certain issues that are sensitive, as mentioned earlier by Comr. Eaton. Even though the Mayor or any two Commissioners may put an item on the agenda, it is not an automatic approval of that resolution by the City Commission.

Comr. McMahan reiterated that the Mayor has the authority to put on what he chooses, however, if any Commissioner does not support, he/she can vote it down if that is not wanted. He suggested that if items are added by the Mayor, perhaps it could be stated next to the item as requested by the Mayor.

Mr. Berman indicated that he never volunteers anything, if it shows up, he has been asked to do it, and he usually mentions it in the backup. In sum, he is happy to work with everyone on whatever items they would want to place on the agenda.

Comr. McGee agrees with the idea to state who is requesting the resolution to be placed on the agenda as well as mention the City/Cities that are promoting the issue.

Mr. Berman reiterated that he puts in the staff report the origin of the request for this action is Rex Hardin. This is done so everyone knows where this is originated from so no one would be caught by surprise. Also, he edits some of the resolutions that come from other Cities. Sometimes he may cut and paste and sometimes he will rewrite according to how he sees fit.

**A motion was made by Vice Mayor Perkins, seconded by**

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**Commissioner McGee, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Eaton  
Floyd  
McMahon  
Perkins  
Hardin

**No:** McGee

**Enactment No: RES. No. 2021-106**

11. [21-363](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING SENATE BILL 522 AND HOUSE BILL 219, PREEMPTING THE REGULATION OF VACATION RENTALS TO THE STATE; DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

**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. 2021-107**

12. [21-388](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE UNWARRANTED OR OVERLY BROAD PREEMPTIONS OF MUNICIPAL HOME RULE POWERS; DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

**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. 2021-108**

13. [21-389](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE SENATE BILL 266 AND HOUSE BILL 403, WHICH PREEMPTS MUNICIPALITIES FROM ENACTING AND ENFORCING LOCAL ORDINANCES

REGULATING HOME-BASED BUSINESSES; DIRECTING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

**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. 2021-109**

14. [21-346](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NW 7TH AVENUE BETWEEN ATLANTIC BOULEVARD AND NW 15TH PLACE TO A DUAL DESIGNATION OF NW 7TH AVENUE AND MATTIE B. SLAPPY AVENUE, WITH NW 7TH AVENUE TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$500 provided by Requester)

(Staff Contact: Robert 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.**

**Enactment No: RES. No. 2021-110**

15. [21-347](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FDOT DISTRICT FOUR (4) AMENDMENT NUMBER TWENTY-ONE (21) TO INCLUSIVE LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, TO INSTALL DECORATIVE PAVERS IN FDOT'S PUBLIC RIGHT-OF-WAY OF STATE ROAD 5 (FEDERAL HIGHWAY) PROVIDING ACCESS TO THE CHARLOTTE J. BURRIE COMMUNITY CENTER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert 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.**

**Enactment No: RES. No. 2021-111**



16. [21-350](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY AND THE MARVIN R. BURKHOLDER ESTATE IN THE AMOUNT OF \$1,200 FOR PROPERTY LOCATED AT 142 SE 14th STREET, FOR THE PURPOSE OF SUPPLEMENTING PROPERTY NEGATIVELY IMPACTED BY THE MCNAB ROAD BRIDGE PROJECT, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,200)

(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. 2021-112**

17. [21-380](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., TO PROVIDE SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM SERVICES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$84,781.00)

(Staff Contact: Bobby Bush/Ed Beecher)

Comr. McGee and a member from the public pulled the item for discussion.

Vicente Thrower, Pompano Beach, FL, indicated that he received his answer on New Horizon this morning.

There was no further input from the public on the item.

Comr. McGee pulled the item to get some clarification on what happened between last year and this year because of the pandemic impacting everyone. She asked how many youths were hired in 2020.

Bobby Bush, Human Resources Department, responded that they served 38 kids last year. He then explained how they had to modify the agreement with New Horizon, which was a request from them. As a result, it was a lot less dollars than last year.

Eddie Beecher, Director, Human Resources Department, explained that approximately \$152,000 was budgeted for the program. New Horizon presented an alternate proposal because of COVID-19, so the amount was reduced down to approximately \$84,781. Any amounts that were not spent were given back to the budget office as revenue for the next year.

Comr. McGee asked if they had any success with trying to get the employers to assist with paying for these employees. Currently, the City pays the entire hourly rate for the youths participating in the program.

Mr. Beecher provided a brief background on how the program was established initially to operate. In sum, the program has been fully vetted and formalized through a Request For Proposal (RFP) process. The New Horizon Community Development, Inc. was ranked number one. Since inception in 2013, the program has been widely acclaimed as a huge success. Excellent responses from the business community has been received. The program itself is sponsored by the City.

An extensive discussion followed among Comr. McGee and staff regarding the type of services offered through this program, as well as clarification on certain line items to include food. Mr. Beecher also explained that at the end of the program, Ms. Bessie Showers and her team put on a nice recap at the E. Pat Larkins Center and the students and their parents are invited, as well as the businesses who share their experiences. The Mayor, and City Manager have attended these events before. The program is great and the participating businesses provide numerous comments on the program they share in. In fact, many of the students get hired throughout the school year through the businesses in the community, so, they look forward to having the students return.

Ms. Bessie Showers and Catia Walker, New Horizon Community Development Corporation Inc. representatives provided comments and attempted to answer some of the questions raised earlier. Ms. Showers indicated that Mr. Beecher and Mr. Bush have explained the program very well. She explained that there are a lot of in-kind participation from the businesses because during the summer things slow down and they do not need employment, but they do it as a favor for the children. They work with the children to provide them with skills and they support the program 100%. Last year they did not have as many youths but they were able to partner with Markham Elementary School to provide tutoring for those students that were reading below level. Finally, she stated that the program is great for the community and the children have something to look forward to. In addition, New Horizon is working to get the businesses to assist further than just offering in-kind service and to get them to pay for up to a quarter of the salary to the children, but this is a work in progress to achieve this. They do conduct workshops on Mondays that anyone is invited to attend.

Mr. Beecher committed to providing the Commission with a copy of the applications from the youths in the program. Normally, the applications are distributed through the Community Centers, as well as Ms. Showers ensures they are disseminated throughout the community. These applications can be provided as well to the Commissioners to be given to their constituents that are interested in getting their children to apply to this program.

Comr. McMahon echoed the success of the program and stated that in 2016 he had a young man worked in his shop and he was taught skills such as how to dress for work, get to work on time, and so forth which is taken for granted but the youths need to experience these types of things. Ms. Showers and her group does a good job. He agrees that perhaps some of the employers, if they can, could be asked to contribute to the program. Overall, he wanted to thank Ms. Showers and her group for doing a good job with this program.

Vice Mayor Perkins stated that she totally supports the program, and New Horizon provides a number of skills that are lacking in children in the schools. She has attended several of their programs and has been impressed

with the life lessons that they are teaching the children. Especially, in finance and banking, how to interview for a job, and the do's and don'ts on a job. In sum, she would like to see this program grow larger to reach more children. It is working and it is what the community needs. She commended Ms. Showers for doing a good job and to continue doing this.

Comr. Floyd stated that this is a great program and indicated that she is a beneficiary of a program similar to this one. She learned how to be responsible, answer the phones and perform other administrative tasks. This is a plus for young people and a great program overall.

Mayor Hardin thanked Ms. Showers and her team for all they do for the community and to ensure that the program continues to do what it is doing for the children.

**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. 2021-113**

18. [21-342](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COMMUNITY AESTHETIC FEATURE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Tammy Good/Matthew Kudrna)

Mayor Hardin pulled the item for discussion. He indicated that he loves this and thanked the City Manager and staff for bringing this forward. The entryway signs in the City of Pompano Beach is looking wonderful. However, he enquired if all the signs will be lighted.

Tammy Good, CIP Manager, Engineering Department, responded yes, they will all be lit via solar power.

Comr. McGee does not share the same excitement on the design. She loves the idea on the entranceway signs and having them lit is great. However, all the signs appear to be flip arounds of the logo repeated over and over again instead of being personal to the districts and their locations.

Mayor Hardin enquired if the signs could be modified. As well as asked, who was responsible for the design of the signs.

Ms. Good mentioned they have not started manufacturing the signs yet.

Greg Harrison, City Manager, stated that staff took the designs to each Commissioner approximately nine months ago and went over the various designs. However, there were some discussions brought up between the time of showing the signs to the Commission and members of staff about the specific design of the logo itself. They look a little different from when they were reviewed with the Commission. However, this action today is about the City's agreement with the Florida Department of Transportation (FDOT) who is not too concerned about what the City puts up. Therefore, he is recommending that the Commission allow staff to proceed with FDOT and then they can rehash with each Commissioner the design of the signs.

Comr. McGee agreed that she would love to sit down and discuss more on the content of the design that would be more interesting. She loves the idea of lights and signs and thinks it would be a great addition to the City.

Comr. McMahon stated he is excited to see this moving forward to get it to FDOT for approval.

There was no public input on the item.

**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. 2021-114**

19. [21-379](#) 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; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

Comr. Eaton pulled the item for discussion and stated that she thought it referred to something else, so she will vote yes for it.

There was no public input on the item.

**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. 2021-115**

20. [21-378](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, FOR THE ROADWAY IMPROVEMENTS ON ATLANTIC BOULEVARD AT THE INTERSECTION OF NW 6TH AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Horacio Danovich)

Vice Mayor Perkins pulled the item for discussion and stated this is a roadway improvement and wanted to remind the City Manager to ensure that signs will be erected in advance to inform the community that construction is going to happen at a certain time because this is a very busy intersection.

There was no public input on the item.

Greg Harrison, City Manager responded that staff can take care of it.

Mayor Hardin agreed that this is a great idea and indicated that he noticed on Cypress Road there were signs advertising that the SE 5th Avenue bridge is going to be closed and it stated March 2021 and now it has narrowed down to an actual date in March when they will be closing the bridge. So, it is important to get accurate information out there on what is happening and when.

**A motion was made by Vice Mayor Perkins, seconded by**

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**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. 2021-116**

21. [21-326](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BRIAN DONOVAN TO THE BROWARD COUNTY HOMELESS CONTINUUM OF CARE (HCOC) BOARD; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Brian Donovan)

Mayor Hardin pulled the item for discussion and thanked Assistant City Manager Brian Donovan for stepping up and becoming a part of the Continuum Care. Mayor Hardin indicated that he is unsure how often this Board meets, however, whenever they meet, he asked that Mr. Donovan do a synopsis report and send it to the Commission for their information. It would be similar to what he did with the beach renourishment meetings as this was great information. This is an important organization and it is just as important that the Commission is informed as to what is happening.

There was no public input on the item.

**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. 2021-117**

22. [21-319](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING COREY STANISCIJA TO THE POMPANO BEACH

ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE; 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. 2021-118**

23. [21-317](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ALEXANDER ZACHARIAH TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE; FOR A TERM TO COINCIDE 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. 2021-119**

24. [21-318](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JEANNINE LESBURT TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, 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. 2021-120**

25. [21-320](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARLA COLEMAN TO THE PLANNING AND

ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(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. 2021-121**

26. [21-321](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PENNY CUTT TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(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. 2021-122**

27. [21-353](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DODIE KEITH-LAZOWICK TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON; 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)

**Enactment No: RES. No. 2021-123**

28. [21-354](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHARON STONE-WALKER TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, 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)

**Enactment No: RES. No. 2021-124**

29. [21-351](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING M. ROSS SHULMISTER TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-125**

30. [21-352](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MIKELANGE OLBEL TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, 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)

**Enactment No: RES. No. 2021-126**

31. [21-355](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY JEFFERSON TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF COMMISSIONER RHONDA EATON, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-127**

32. [21-356](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JAMES BUNN TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER RHONDA EATON, WHICH TERM SHALL RUN

CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-128**

33. [21-368](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TONY PARRISH TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-129**

34. [21-369](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WILLIE MILLER TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-130**

35. [21-370](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JANICE ANNE SIMMONS TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-131**

36. [21-372](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING BRIAN ANTHONY CAMPBELL TO THE EDUCATION 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)

**Enactment No: RES. No. 2021-132**

37. [21-381](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING QUENTON THOMPkins, SR. TO THE CHARTER AMENDMENT ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS; FOR A TERM TO COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-133**

38. [21-357](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ROSEMARIE PUERTO TO THE EDUCATION ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER CYNDY FLOYD, 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. 2021-134**

39. [21-367](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CHARLOTTE BURRIE TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER CYNDY FLOYD, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

**Enactment No: RES. No. 2021-135**

#### **D. REGULAR AGENDA**

**40. [21-265](#) P.H. 2021-51: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR THE FORMER SITE OF FIRE STATION 103 LOCATED AT 3500 NE 16TH TERRACE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JANUARY 27, 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)

**FIRST READING: FEBRUARY 23, 2021**

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

Jean Dolan, Development Services Department, presented the item and stated it is the Second Reading of the Ordinance for the small scale local-only Land Use Plan Amendment (LUPA) to change the underlying land use for the site, previously used for the fire station 103 from Community Facility (CF) to Residential (Low-Medium 10) to match the County's land use designation. The allocation of Commercial flexibility was approved by Commission on February 23, 2021 to allow the site and the existing building to be used for an office for the adjacent management team of the Shoppers Haven Shopping Center. There have been no changes since First Reading of the Ordinance.

There was no public input on the item.

**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. 2021-45**

**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 41-44 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 each individual, including staff, addressing the City Commission in the following matters.

41. [21-267](#) **P.H. 2021-44: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY PREVIOUSLY USED FOR FIRE STATION 103 AND COMMONLY KNOWN AS 3500 NE 16th TERRACE FROM CF (COMMUNITY FACILITY) TO B-1 (LIMITED BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 23, 2021**

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated it is the Second Reading of an Ordinance to rezone a property previously used for fire station 103 from Community Facility (CF) to Limited Business (B-1) to allow the use of the existing building for an office use. There have been no changes since First Reading of the Ordinance.

Christina Bilenki, Esq. Dunay, Miskel & Backman, 14 SE 4th Street, Boca Raton, FL, representing the Applicant, stated she is available to answer any additional questions.

There was no public input on the item.

Comr. Eaton indicated that the Applicant reached out to the community and it has been well accepted and received a favorable response. Therefore, she will be supporting the item.

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

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

**Enactment No: ORD. No. 2021-46**

42. [21-259](#) **P.H. 2021-46: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING 0.48 ACRES OF NONRESIDENTIAL FLEXIBILITY TO ALLOW A COMMERCIAL USE IN A RESIDENTIAL LAND USE CATEGORY ON PROPERTY LOCATED WEST OF POWERLINE ROAD AND NORTH OF NW 4TH STREET AND COMMONLY KNOWN AS 2429 NW 4TH STREET IN COLLIER CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM FEBRUARY 23, 2021**

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

Sarah Pardue, Esq., 522 Hampton Road, West Palm Beach, FL, representing IMECA Hardware was sworn in by City Clerk Asceleta Hammond.

Ms. Pardue indicated that she has the presentation she made at the last meeting of February 23, 2021, but as suggested earlier it is a bit redundant. She mentioned that there are three parcels located at NW 4th Street and Powerline Road. Since the last Commission meeting, they have received site plan approval which prior to this they only had the Architectural Appearance Committee (AAC) and staff's recommendations. They did make extensive outreach to discuss this matter with Comr. Floyd, Mayor Hardin and members of the community. They sent out additional flyers to not just the residents immediately impacted next to the site but they also expanded the radius to ensure the public was informed and that they were in compliance with all the conditions that were decided at the Planning & Zoning Board meeting. She believes they are in a much better place now than they were at the last meeting. Finally, Ms. Pardue indicated that she can answer or show anything on the screen if the Commission has questions on the project or their request.

Vicente Thrower, 1980 NW 6th Avenue, Pompano Beach, FL, indicated that there are several pastors in the area whose ministry will be immediately impacted by the project and wondered if they reached out to those pastors. He complained that he has family members living within the 500' radius of the project and they did not get a flyer.

Comr. Floyd indicated that she lives one street over from the project and she did not receive a flyer, which is a problem as she is thinking how many other folks did not receive a flyer. Overall, she believes from the time the

flyer was sent out to the time in which they are currently meeting on the item, not enough time was allowed for the residents to meet with her and provide their views regarding the project. Therefore, she would ask for some more time to allow her to meet with the residents in the neighborhood to hear their views on the project.

Ms. Pardue explained the process that the City has in place when they had originally sent out flyers several months ago. So, there was the initial outreach that goes for the immediate radius required by the City. However, after they went to the Planning and Zoning Board and subsequent conversations after that they did reach out and attended the Collier City Civic Homeowners' Association that happened prior to the last Commission meeting. In addition, Ms. Pardue indicated that a lot of work was done on the front-end prior to when the last meeting was postponed regarding this specific item.

Mayor Hardin asked how many notices were sent out and what was the required amount by the City.

Ms. Pardue responded that she was not a part of the original team when they had to send out the required zoning notices to be heard by the AAC. However, she was part of the second mailing of the flyers and she expanded the radius, which ended up being approximately 154 mail outs with 147 being postmarked and sent out.

Ms. Dolan reported that there were 110 notices sent out within the 500' radius. In addition, she mentioned that she just received a text from Phyllis Smith, President of the Collier City Civic Homeowners' Association that they are in support of the project.

Mayor Hardin pointed out that on the record the City has the Collier City Civic Association endorsing the project. He had also spoken with Phyllis Smith earlier in the morning about the project and she personally indicated her support as confirmed by the text she sent in earlier to Ms. Dolan.

Continuing, Mayor Hardin indicated that the Commission postponed the item to allow for additional notification. Notwithstanding, the City could require that they notify everyone citywide but that is not the requirement of the City for rezoning. Nevertheless, the Applicant went over and beyond the requirements of the City and expanded the radius to include more people being noticed. So, he thinks it is time to move forward with the item.

Comr. Eaton stated that they could verify that the City sent out 110 notices, which Ms. Dolan confirmed that this would have covered the 500' radius required. These were sent out through regular mail. Currently, the area is zoned B-2 which would allow for the "Boutique Hardware Store."

Ms. Dolan clarified that the flex is required because the land use does not allow commercial square footage, so the zoning is inconsistent with the land use but consistent with the proposed project.

In response to Comr. Eaton's question regarding ownership of the property, Ms. Pardue responded that her client owns all three parcels. Currently, he is renting for the same use in the City and with the success being experienced he has decided to own the land and subsequently bought on the corridor of Powerline Road which is zoned Commercial and would allow for this use.

Vice Mayor Perkins indicated that at the last meeting she wanted the Applicant to send out more information to the public so that they could be aware of this and Comr. Floyd spoke and said she would have them do another mail out to possibly reach the residents. Therefore, she will support the Commissioner's lead on voting on this item. There appears to be some discrepancies as to who received letters and the support being endorsed by the Collier City Civic Homeowners' Association of this project.

Comr. Floyd reiterated that she did not want another mail out but rather she believes the people have not had the chance to receive the mail already sent. With regard to the Civic Association meeting she was not made aware of or invited to attend, she is unsure if as the Commissioner her support should have been solicited.

Ms. Pardue indicated that this Civic Association meeting being referred to happened in August prior to Comr. Floyd's coming onboard and the Commissioner at that time was present at that meeting. There were follow-up calls at that time, so there were several steps on the front-end that has brought them to this juncture.

Comr. Floyd reiterated that all she is asking for at this time is a little more time to allow her to get more involved because from the last meeting she had suggested doing flyers, however, enough people have not yet received the flyers or are just receiving the flyers and have not yet had a chance to express to her how they feel about the project.

Mayor Hardin indicated that the Collier City Civic Association letter endorsing the project is dated August 16, 2020.

Mayor Hardin summarized the discussion and stated that the reason for the postponement at the last meeting was to allow more time for the Commissioner and the residents to be informed about the project, which the Applicant informed they had done.

**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. 2021-136**

43. [21-339](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SONATA PLAT LYING WEST OF DIXIE HIGHWAY BETWEEN NW 6TH STREET AND NW 8TH COURT; 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 Sonata Plat located west of Dixie Highway between NW 6th Street and NW 8th Court. The proposed Plat is 6.87 acres of currently vacant land and divides the property into five parcels, A through E. The plat is restricted to 44 Garden apartment units, 77 Mid-rise units and 10,000 square feet of commercial use that is restricted to Parcels B and D only. The Applicant intends to construct a 121-unit multi-family project with 3,467 square feet of commercial space. The project would consist of two three-story buildings and one eight-story building along Dixie Highway with ground floor commercial square footage on the southern parcel. The Applicant received approval for 100 flex units for this project on October 22, 2019, and the project site plan was approved by the Planning and Zoning Board on January 27, 2021. The Planning and Zoning Board unanimously recommended approval of the Plat on February 24, 2021 with five conditions, which have been met.

Michael Vonder Meulen, Keith, 301 East Atlantic Boulevard, Pompano Beach, FL, stated they are available to answer questions.

There was no public input on the item.

**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  
Floyd  
McGee  
McMahon  
Perkins  
Hardin

**Enactment No: RES. No. 2021-137**

44. [20-150](#) **P.H. 2021-53: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING BETWEEN S. OCEAN DRIVE AND BRINY AVENUE ON THE NORTH SIDE OF SE 4TH STREET FROM RM-20/AOD (MULTI-FAMILY RESIDENTIAL 20) TO RM-30/AOD (MULTI-FAMILY RESIDENTIAL 30); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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**POSTPONED FROM DECEMBER 10, 2019 , JANUARY 28, 2020 & FEBRUARY 25, 2020**

(Staff Contact: Jean Dolan/David Recor)

Comr. McGee disclosed that she has had ex-parte discussions with the developer and received emails from the residents.

Comr. Eaton disclosed that she has received emails from the residents.

Comr. McMahon disclosed that he has received emails from the residents, as well as from Jean Dolan who forwarded twelve months of services to him.

Vice Mayor Perkins disclosed that she has received emails.

Mayor Hardin disclosed that he has received input on the development from the Applicant and emails for and against.

Jean Dolan, Development Services Department, presented the item and stated this is the First Reading of the rezoning for the Briny Avenue project at 305 Briny Avenue. The property is located between South Ocean Boulevard and Briny Avenue north of SW 4th Street. She explained in detail what is done when a rezoning is reviewed for approval and provided detailed background information on how the subject property was considered for rezoning.

In conclusion, Ms. Dolan stated that the proposed rezoning is consistent with the Land Use Designation, which grants the property 44 units in development rights and the proposed rezoning would allow 40 units. The proposed rezoning is compatible with the adjacent uses and City's block and building heights. The property is within the Atlantic Overlay District (AOD), which is an identified redevelopment area and the public investment the City has made in this area such as the Briny Avenue Streetscape is meant to do just this, that is, to attract new development and redevelopment to the area. The proposed rezoning criteria therefore, has been met and staff is recommending approval.

Michael Vonder Meulen, Keith, 301 East Atlantic Boulevard, Pompano Beach, FL, was sworn in by City Clerk Asceleta Hammond.

Mr. Vonder Meulen made an overhead presentation to the Commission outlining the project, the Briny Residences. He stated that Ms. Dolan had already provided a lot of information in her presentation so he gave a brief presentation. He then outlined that this is a 1.334-acre site. The surrounding area has the Christopher House Pompano Beach Club and the Ocean Beach Resort. The current Land Use Medium-High Residential with a 16-25 units to the acre. On the zoning, the property immediately abutting this property and the remaining portion of the City block is under RM-30. However, the subject parcel along with all the other parcels to the south, east and west are zoned RM-20. All properties, whether zoned RM-20 or RM-30 are in the AOD. Therefore, the regulations in terms of bulk setbacks height are identical whether the property is zoned RM-20 or RM-30. There is one big issue that comes into play for this type of rezoning and that is in looking at the

analysis on the Land Use Plan they would be allowed 44 and the current permitted density by the zoning district is RM-20 is 26. So, by rezoning the RM-30 they would be allowed 40 units.

Continuing, Mr. Vonder Meulen stated that the Applicant is proposing a project of a 40 residential unit building with structured parking. The residential units are on the upper levels and then there is ground floor commercial, which is hoped to activate both Briny Avenue and State Road A1A. In addition, they had outreach meetings with Christopher House and they wanted to show that the visibility from the Christopher House will still show the beach and to the west and is preserving a lot of the view to the ocean especially with the curvilinear portion of the building. He then presented some renderings and a few shots from a couple of different angles.

There were several persons participating from the public on the item.

John Heron, Esq., was sworn in by City Clerk Asceleta Hammond.

John Heron, Esq. Fox Rothschild, 2 South Biscayne Boulevard, Miami, FL, stated that he is appearing on behalf of Mike Anderson and Susan Conway who are property owners immediately across the street at 316 Briny Avenue. He indicated that he was informed that there are a number of residents who attempted to sign up for today's hearing and apparently were unable, because they were unaware of the 9:00 a.m. cutoff and as a result may not be able to participate in today's hearing. Therefore, he indicated that there maybe a potential of a due process issue of those individuals inability to participate in today's hearing as a result of the process the City has established. In sum, this will raise the issue of lack of opportunity heard by those residents who have tried to sign up but are prohibited by the system being set up due to the COVID situation.

Mark Berman, City Attorney, stated that the sign up for the meeting has been posted and has been out to the public. The information on how and when you should sign up if you want to speak has been posted. However, if people decided to jump in at the last minute and cannot do so, it is not necessarily a due process issue.

Continuing, Mr. Heron pointed out that Ms. Dolan made some statements that the Comprehensive Plan and the Zoning give rights to entitlements and that this is no inference of those entitlements. He stated he does not believe that is the case and it is not supported by Florida Law, nor the applicable Case Law until the Applicant goes through the entirety of the process, obtains all the approvals thus give rise to vested right and provided his reason for making this statement. He said to the issue, specifically RM-20 is a permissible use and a zoning classification within the overall Future Land Use Map designation that the subject property has. He refers to the City's code that there is a specific policy in the Comprehensive Plan as well as in the Land Development Regulations that mentions consistency and compatibility of a project with the surrounding area and is part of the analysis of entitlement to rezoning. He continued to provide argument of what he heard staff said on looking on a broader Land Use category for the consistency and compatibility. He suggested that the code requires that compatibility be looked at with an existing pattern of development and not that which is perspective. In sum, Mr. Heron indicated that there is no basis in which to grant the rezoning to that higher category of RM-30. He indicated that the Applicant has recognized that they have the ability to build up to 26 units on this particular piece of property. So, they are asking the City for authorization to build more because theoretically they can squeeze more on the property with Commission approval, which is not a criterion. Therefore, giving the developer a larger economic benefit is not a criteria in the City's code for granting a rezoning.

Finally, Mr. Heron suggested that the criteria that is in the code, as well as in the Comprehensive Plan has not been met and it would therefore, be appropriate to deny this project. At the minimum, that the Commission ask staff or the Applicant to provide a density study of what surrounds the subject property to be rezoned. He indicated that further intrusion of the RM-30 into this area is potentially “Spot zoning” because the logical split between the higher density and the lower density area in the City is on 2nd Street. Therefore, he requested that the Commission deny this request to rezone.

Mr. Berman pointed out that this is the First Reading so any member of the public who wishes to comment and did not get in today will have the opportunity to do so at the Second Reading. As far as the argument of counsel, they have talked about in these proceedings under quasi-judicial, false and lives, dies and breathes in competent substantial evidence. Argument of legal counsel does not constitute competence substantial evidence. The Commission must look at the evidence presented and whether it meets the criteria for the rezoning. Argument is just what it is argument. Facts and competent substantial evidence are competent substantial evidence. As far as spot zoning is always a red herring that is mentioned at just about every rezoning hearing. He does respect counsel’s opportunity to make that argument and it will be dealt with at the appropriate time.

Laurence Levine was sworn in by the City Clerk Asceleta Hammond.

Laurence Levine, 401 Briny Avenue, Apt. 702, Pompano Beach, FL, stated that he and his wife own property at the Christopher House since 2012 and spoke in opposition to the zoning change from RM-20 to RM-30, and provided the reasons for his opposition, which included that this change would set a precedence for future 105-story buildings with increased dwellings to the east across from the Christopher House and to the south on Briny Avenue along the beach. This will change the character of Briny Avenue forever.

Edward Potenta, was sworn in by City Clerk Asceleta Hammond

Edward Potenta, Christopher House Apt. 706, Pompano Beach, FL, spoke in opposition to the project and provided that it would be important for the traffic impact to be reviewed and its impacts on 4th Street and Briny Avenue.

Mr. Vonder Meulen stated that he did not have any rebuttal at this time.

Comr. McGee indicated that from the emails received, she wanted to know if any type of rezoning of the subject property sets any type of precedence for properties east of Briny.

Mr. Berman responded that there is no precedence set. Each property and rezoning are each individual unto itself. The facts and specifics are examined for each land use, each lot, and each property. It is not a question of opening the door. If it is done one time it does not have to be done another time.

Ms. Dolan added that the whole area except the subject property has a Medium-high 25 Land Use designation, so it has been intended for higher density.

Comr. McGee asked where is the entry/exit proposed for this building.

Mr. Vonder Meulen responded that the proposed entrance is on SE 4th Street. A1A is regulated by FDOT and they discourage entrances especially if there is another public local street available.

Ms. Dolan added that this is a street rezoning it is not a Planned Development (PD) so there is no plan for the Commission to approve at this time. The site plan would go to Planning & Zoning after this approval. At which time any issues with the access would be studied in more in-depth.

Finally, Comr. McGee asked if any of the public parking is being planned to be preserved or added to along Briny Avenue or SE 4th Street.

Mr. Vonder Meulen responded that there is currently back out parking on Briny Avenue that is existing and that wall will be removed. They will try to preserve many of the on-street parking spaces on SE 4th as best they can although that is where the entrance is located. So they maybe losing a minimum of three spaces there.

Mayor Hardin reiterated that if there is anyone who wants to give input on this particular item, there will be a Second Reading and to be aware of it and the regulations and parameters that the City uses for these types of meetings. It is important that people follow all the timelines and things of that nature. They are not put in place to deny anybody access, rather the Commission must maintain decorum.

**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  
McGee  
McMahon  
Perkins  
Hardin

**No:** Floyd

**END OF QUASI-JUDICIAL PROCEEDING**

45. [21-210](#) Approval to award Bid T-34-20, Taxiway Delta Phase II Reconstruction to the second lowest responsive, and lowest responsible bidder, General Asphalt Co. Inc., at a cost of \$1,127,856.69.  
(Fiscal Impact: \$1,127,856.69.)

POSTPONED FROM FEBRUARY 23, 2021

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

(Staff Contact: Tammy Good/Gary Eagle)

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

46. [21-360](#) Approval to award Bid T-34-20, Taxiway Delta Phase II Reconstruction to the lowest responsive and responsible bidder, Weekley Asphalt Paving, Inc., at a cost of \$1,089,290.50.  
(Fiscal Impact: \$1,089,290.50)

(Staff Contact: Tammy Good/Gary Eagle)

Tammy Good, CIP Manager, Engineering Department, presented the item and stated that the project is Phase II of the Taxiway Delta reconstruction and specifically it consists of asphalt removal and placement, and some in pavement lighting markings. The total project cost is \$1.89 million approximately. The City received a Florida Department of Transportation (FDOT) grant, which is 8% of the construction cost, which equals to \$872,000. Staff recommends awarding this to lowest responsive bidder Weekley Asphalt Paving, Inc.

There was no public input on the item.

Meeting went into Recess

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

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

47. [21-337](#) Approval of a budget adjustment in the amount of \$2,899,369 to provide for the construction of 11 homes for the Affordable Housing Trust Fund Program  
(Fiscal Impact: \$2,899,369)

(Staff Contact: Andrew Jean-Pierre/Miriam Carrillo)

Meeting Reconvened

Andrew Jean-Pierre, Finance Director, presented the item and stated this is a budget adjustment for the appropriation of cost associated with the rehabilitation and construction of eleven houses. These houses were not in the previous budget. Therefore, these must be appropriated through this process. The adjustment is

necessary because the City received a surplus of properties from the County and in order for the City to meet timelines established by the County for these projects to be completed and sold to low moderate-income household, it is critical that these budget adjustments be done to start working on the properties.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that previously these lots were given from the County for affordable housing as well as to be catalyst to ensure that local contractors within the community are made a part of the flow of building these houses. However, there are so many young general contractors who are building houses in the neighborhood. Therefore, he wanted to know who will be the contractors to build these houses. He argued that as much economic opportunities should be kept within the City especially in this time. So, the City should keep its contractors within the City working instead of putting jobs such as these out for everybody to come in to build.

Mayor Hardin indicated that the reason the County gave these lots to the City was to build houses on them. Therefore, Alex Goldstein will be able to respond to Mr. Thrower's question, as he will be responsible to get those houses built out.

Alex Goldstein, Program Manager, Office of Housing and Urban Improvement (OHUI), stated that they have a prior approved pool of contractors in the system that bid on jobs and contractors are selected from this pool. There are some local contractors already in the pool.

Mayor Hardin asked if somebody wants to be added to this approved list of contractors how would they go about doing this.

Mr. Goldstein responded that they could contact the OHUI department and they will look into adding them to the pool. The pool is currently closed but they reopen it periodically. So, if anybody from the community is interested in joining the contractors pool, they could call the office and they would be happy to talk and work with them. In addition, a list of the approved contractors is available and if it is not on the website they can get this list to the Commission.

Mayor Hardin requested that Mr. Goldstein email this list to all the Commissioners.

Mr. Thrower reiterated that the local contractors should benefit from projects like these.

Mr. Jean-Pierre indicated that when these houses are sold the proceeds from the sale will replenish what the City is spending.

Mr. Goldstein added that the income anticipated to be generated from these homes is \$2.2 million. Also, he noted that the people who will move into the houses are qualified low-moderate homebuyers and the City will also be giving them through the First Time Homebuyer Down Payment Assistance program an amount of \$40,000 to help them get into the home.

Mayor Hardin indicated that he shares Mr. Thrower's concern regarding allowing local contractors to participate in building these houses. Therefore, he is looking forward to receiving the list and to find out why it is closed at this time.

Vice Mayor Perkins questioned if the City already have homeowners qualified that will benefit from these eleven homes to be built.

Mr. Goldstein responded that they do have a portion of the homeowners already approved to move in. There is a list of pre-approved low to moderate income households that have qualified.

Vice Mayor Perkins asked if those persons are from Pompano Beach, to which Mr. Goldstein responded that he will need to check the list for these homes and will provide that to the Commission.

Miriam Carrillo, Director of OHUI, clarified that currently, the list for the contractors is still opened, even though Mr. Goldstein had indicated that it is closed. Therefore, anybody who wants to be on the contractor's list they will need to contact OHUI and they will be provided with an application and once they meet all the qualification criteria for the program they will be placed on the list. Additionally, anybody who wants to purchase a home they can come to the City and become a resident of the City. In addition, OHUI has a list of realtors that they work with and they are in contact with the City regularly to ensure availability of houses then they would bring their clients in to be placed on the waiting list should they meet the qualification.

Continuing, Ms. Carrillo mentioned that the bid process is done through the OHUI department not the City's Purchasing department. In addition, most of the contractor's in the pool are African Americans and 100% are from Broward County and there are at least 70% of the contractors on the list are from the City of Pompano Beach.

In response to Vice Mayor Perkins' question regarding qualified homebuyers, Ms. Carrillo responded that they cannot tell applicants that they must be from Pompano Beach, they just have to become a Pompano resident. Most are from Pompano Beach but some are from Broward County. They are getting the word out through the list of realtors working in the area where the homes are being built. They normally contact OHUI requesting to bring their client in to apply. Also, they have distributed flyers and place them in front of the houses available for sale, as well as the churches around the area are used to get the word out to the people.

Comr. Eaton asked if the funding is coming from the Affordable Housing Trust fund. Also, if the money from this fund is coming from the developers who buy out of the affordable housing units, then it is not taxpayers' dollars.

Ms. Carrillo responded that is correct. She mentioned that there are 23 properties that are under new construction and the amount of money in the budget was not enough to cover the bids of each of those properties. Therefore, they are requesting the Finance department to increase the budget so that once the properties are sold the funds go back into the general revenue.

Ms. Carrillo explained what is deemed affordable housing from HUD standards, which is an amount of anything below \$317,000. She also provided details on how the entire Affordable Housing program operates in getting homes built out throughout the City and getting homeowners in these homes to keep generating funds for the tax base of the City.



Mayor Hardin asked for a number that contractors can call, which Ms. Carrillo responded it is the main number to OHUI (954) 786-4659, also they could reach out via email [Ohui@copbfl.com](mailto:Ohui@copbfl.com) [<mailto:Ohui@copbfl.com>](mailto:Ohui@copbfl.com)

Comr. McGee asked what is the square footage for a home in the price range of \$317,000.

Ms. Carrillo responded that HUD does not specify square footage and things like that. However, homes are being built consisting of three bedrooms two bathrooms that are close to 2,000 square feet.

Mayor Hardin reiterated that a list of all the contractors be provided to the Commission as well as a list of buyers interested in the properties.

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

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

48. [21-343](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY AND P.I.W. RESTAURANT, INC. IN THE AMOUNT OF \$840,000 FOR PROPERTY LOCATED AT 201-203 MCNAB ROAD, FOR THE PURPOSE OF SUPPLEMENTING PROPERTY NEGATIVELY IMPACTED BY THE MCNAB ROAD BRIDGE PROJECT, AND TO EXECUTE A LEASE BETWEEN THE CITY AND THE SELLER ALLOWING THE SELLER TO OCCUPY THE PROPERTY UNTIL AUGUST 31, 2021; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$840,000)

**(Staff Contact:** Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item and shared an aerial of the property from the Broward County Property Appraiser's office, which helped her explain the reason for the purchase. Property owner P.I.W. Restaurant, Inc. has indicated a desire to sell their property located at 201-203 East McNab Road to the City of Pompano Beach for \$840,000, which is approximately 5% above the appraised value. The property has a 1,139 square foot building operated as the Cypress Nook restaurant an 864 square foot residential unit on a 16,517 square foot lot zoned Residential Multi-Family 20 (RM-20).

The purchase of this property is needed due to the McNab Road bridge replacement approved G.O. Bond Project. Florida Department of Transportation (FDOT) regulations require that the new bridge be elevated a minimum of 4 feet. The elevation of the bridge will result in a change to the off-ramp design of the bridge and necessitate relocation of access to certain private properties that abut McNab Road, specifically the 24 southern parking space of the Cypress Landing Condominiums located directly east of the P.I.W. property. The structures on the P.I.W. property will be demolished so parking with access to McNab Road can be provided to the Condominiums further west. The current access is directly west of the McNab Road bridge. The reason for purchase of this property is to provide parking and replace the 24 spaces that will no longer have access to McNab Road. As part of the purchase, the owner has requested a lease to remain in the residential unit until August 31, 2021.

There was no public input on the item.

Comr. McGee thanked staff for figuring out how to make this work and indicated that this has been a challenge on how to do the ADA compliance and get the bridge done, which will be resurgence for the neighborhood with the bridge going higher. It is great to see more and more things coming in that neighborhood. The timing is right.

Vice Mayor Perkins wanted clarity on what will be done to the Condominiums on the east.

Ms. LeMasurier indicated that the southern parking lot of the Condominiums to the east currently have 24 parking spaces and is the only public access they have to a public road is to McNab Road. When the bridge gets redone at the higher height it will block any access, they will have to McNab Road. So, if the City does not purchase the property at 201-203 east McNab Road and demolish those structures and construct parking they would not have parking for their residents for the Condominium building. They would only have the remaining 18 spaces to the north to serve a 24 unit building.

Comr. McMahon thanked staff for the creative way to increase property values and providing the use of a water space for the community. This is a great plan and the City would not create a burden to the community by causing a block off from accessing the public road from their property considering the plans to raise the bridge higher.

There are no plans to relocate the Nook Restaurant according to Ms. LeMasurier.

**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 vote:**

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

**Enactment No: RES. No. 2021-138**

49. [21-375](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LED LIGHTING AGREEMENT WITH A CITY CONTRIBUTION OF \$1,033,793.41 BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY, BOTH FOR LIGHTING IMPROVEMENTS IN THE CRESTHAVEN AREA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,033,793.41)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, G.O. Bond and Innovation District Director, presented the item and stated that a couple of items have been discussed in the past with the Commission. \$3 million was set aside in the General Obligation Bond (G.O. Bond) for lighting commercial projects. The first one removed successfully was Collier City and then later they added Liberty Park and Old Pompano. At this time, they will be concentrating on Cresthaven and in the near future they will be bringing additional agenda items for Kendall Green, Leisureville and later hopefully one for the Highlands communities. He then shared a map of the area in Cresthaven that will be affected by this item. The area is comprised on the south by Copans Road, on the east by Federal Highway north of Sample Road and on the west of Dixie Highway. The project will provide 794 new light fixtures throughout the Cresthaven community, 205 of the old fixtures will be removed. They are planning to provide full coverage with no dark spots by designing this system to provide 0.25 foot-candles of coverage, which is the minimum provided in the City's code. He then explained what the plan will entail. The intent is to create uniformity throughout the community and hopefully the area will be positively impacted across the board. He provided an image of the light fixtures for Cresthaven as well as the other communities mentioned earlier. The project will cost the City approximately \$1 million.

There was no public input on the item.

Comr. Eaton stated that she is glad this is being brought forward and she wanted her constituents to know that as promised, they are getting the lights. In the areas of Leisureville, North Kendall Green who have never had lights, those are on the plans to illuminate the area and all of District 2 going forward. This is a great investment in the community. She thanked Staff and the City Manager for working hard on getting this done. In addition, Comr. Eaton mentioned that there has been a "snafu" with the placement of some of the lights but FPL is working on correcting these. Therefore, she urged everyone who is experiencing an issue to reach out to her at her city email [Rhonda.Eaton@copbfl.com](mailto:Rhonda.Eaton@copbfl.com) <<mailto:Rhonda.Eaton@copbfl.com>> or her phone number which is

available on the City's website, as well as she is on Facebook. She will work with every resident to resolve, mitigate or ease the various issues being experienced with the brightness of the new lighting system. She thanked staff again and request that they keep the Commission posted on the progress of this wonderful project.

Comr. McMahon stated that he noticed that on some streets the poles are close to each other while on others they are spread out. Also, he noticed beautiful lights on old wooden poles. He is hoping they will do every area the right way and get some of those things corrected. This is a beautiful addition to the City and all the neighborhoods should look beautiful citywide and look the same at the end of the day.

Mr. Danovich indicated that the Memphis lights that Comr. McMahon saw attached to wooden poles is because of the transmission line that cannot be converted, but they will be hardened in the future. In the meantime, what FPL has done is to continue to populate the area with the proper light fixtures and to have some uniformity they attach those lights to wooden poles that will be replaced in the near future. Additionally, where there is a staggering of light placements those were incorrectly done. He pointed out that Collier City is not considered a completed project, because they still have a far way to go with the area. It is possible to see more lights on one side of the street than the other and the reason for that is coverage, utilities or easements or issues that affect a particular block, which unfortunately they cannot resolve.

Mayor Hardin thanked Mr. Danovich for bringing this forward and indicated that these type of projects are worthwhile. However, he cautioned everyone prior to digging holes, to have somebody look at it before the decision is made to plant the poles. In sum, he encouraged dialog between the homeowners and the pole installation crew to avoid placement of poles in undesirable locations.

**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 vote:**

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

**Enactment No: RES. No. 2021-139**

50. [21-340](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING A SCRIVENER'S ERROR ON THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR THE PROPERTY LOCATED AT 950 SOUTH CYPRESS ROAD FROM COMMUNITY FACILITY (CF) TO RESIDENTIAL LOW 5 LAND USE CATEGORY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated this is a map change being done at 950 South Cypress Road, south of Atlantic Boulevard west of I-95 fronting on Cypress Road. It is bounded by SE 9th Court and SE 10th Street on the south. This has been a church since the early 70's even before the Land Use Plan was originally adopted. In working on a project to make corrections to the Land Use and Zoning Maps in the City, they found that this property clearly appears to be a mistake. In 1998 the area was all part of a large low residential five units per acre and in 1998 it changed to Community Facility (CF). However, all the ordinances passed in that time frame, none of them were associated with that project. So, staff determined a mistake was made when the map change was made between different consultants, who were managing the City's Land Use and Zoning Maps during that time. Conclusions reached on that site is that there is no evidence that the sea of land use changes went through the proper process under Florida Statute Chapter 163 and the City's Chapter 154.

The Land Use Designation is still low five on that piece on the County's map and Broward County has no record of the City doing a local only Land Use Plan Amendment (LUPA), which the City would have to be certified for that site to be effective, which was never done. The City's zoning is not consistent with the CF Land Use Designation and is now and always has been RS-2 which is consistent with the low five residential Land Use designation. The subject property is a church that was built in the mid 70's and it remains a church. The church use has the same rights under either the CF or the low five Land Use category so there is no effect on the existing church of the City correcting this error. Staff is recommending that the Commission approve the item to have the Map corrected, and if so, next they will correct the map and send it to the State and the County for information and acceptance. They will not have any kind of review of it.

There was no public input on the item.

Mark Berman, City Attorney noted that the Land Use changed residential to CF just suddenly on a map within ten years. To be clear, in order to do that, Ms. Dolan is saying it would have had to be an ordinance approved by the City Commission to do that, and there was none. He then asked if that is correct.

Ms. Dolan responded that is correct. There is only one way to change a Land Use Designation and that is through an Ordinance in two readings. It also has to be recertified by the County if the City is changing its map to be consistent with the County's map.

Comr. McMahon thanked staff for finding this. He has received numerous emails, calls and concerns of what the future use will be and what CF allows for residents living around it. This was probably not an easy task to determine as seen from the documents being scanned from 1988 and presented in the backup. As well as to look into this and finding the error and to get it corrected.

**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 vote:**

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

**Enactment No: RES. No. 2021-140**51. [20-416](#) **P.H. 2020-74: (PUBLIC HEARING 2ND READING)**

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 JOHN KNOX VILLAGE LOCAL ACTIVITY CENTER (LAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 3, 2020; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JUNE 23, 2020**

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

Jean Dolan, Development Services Department, presented the item and stated this is the Second Reading of the Local Activity Center (LAC) Land Use Plan Amendment (LUPA) for John Knox Village. Last July, the Commission approved First Reading of this item. It has made its way through the County's approval process and has returned to the City for adoption. She mentioned that John Knox Village is located just south of SW 3rd Street fronting on Dixie Highway. The land use change is simple and was adopted just as proposed. Their units remain same but they are doing a little modification between how much commercial and office land use they have, and it has minimal to no additional impacts with this new development program. It does meet all the Goals, Objectives and Policies for a LAC in the City's Comprehensive Plan.

Andrew Shirer, Esq. Lochrie and Chakas, representing the Applicant, 1401 E. Broward Boulevard, Fort Lauderdale, FL, stated that this is Step 1 of a part of a larger plan for John Knox Village. The next step is the Master Plan itself, which was submitted and hopefully will be on the Development Review Committee agenda on April 7, 2021, which will be presented to the City Commission for approval in another couple of months. He thanked staff for helping out with this LUPA and look forward to working with the City on the next steps.

There was no public input on the item.

**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. 2021-47**

52. [21-261](#) **P.H. 2021-47: (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 155.8402., "CIVIL REMEDIES," TO MODIFY REQUIREMENTS FOR REVOCATION OF ZONING USE CERTIFICATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 23, 2021**

(Staff Contact: Jennifer Gomez/David Recor)

David Recor, Director, Development Services Department, presented the item and stated it is the Second Reading of the Text Amendment and there have been no changes aside from the additional information that the Mayor requested to give the amendments some context.

There was no public input on the item.

***NOTE: Comr. Floyd originally voted No on the item but later in the meeting she asked to changed her vote to Yes.***

**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. 2021-48**

53. [21-147](#) **P.H. 2021-43: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING A NEW SECTION 91.16, "HILLSBORO INLET PARK; PUBLIC SWIM AREA," TO ESTABLISH A SWIM AREA IN A PORTION OF WAHOO BAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 23, 2021**

**(Staff Contact:** Brian Donovan/Tammy Good)

Brian Donovan, Assistant City Manager, presented the item and stated this is the Second Reading of an ordinance to clear the area south of the finger pier at the Inlet as a public swimming area. This is a condition of the City's permitting for this area. There have been no changes since First Reading.

There was no public input on the item.

Comr. McGee stated this is a good project in the direction that the City is going with all of this. However, she has heard from a few people over at the Hillsboro Shores and requested if an infomercial of the whole concept of what is being done at Wahoo Bay they would appreciate the additional information. The way it is written and read at this point in the process comes across as a general swimming area and not the whole concept of what is being accomplished for the area. The neighborhood is very environmental oriented and into the beach, so once they know what is actually happening over there, they will feel better and get more excited about it.

Rob Wirer, Chairman, Shipwreck Park, 319 Woodlake Lane, Deerfield Beach, FL, stated that they are in the final negotiations with the Army Corps of Engineer over some technical issues that might change the Park a little bit. As soon as they get pass that hurdle, they will be happy to accommodate the suggestion made by Comr. McGee.

Greg Harrison, City Manager, thanked Mr. Wirer and the Shipwreck Park Board of Directors for undertaking this project, which will be a very nice attribute to the Hillsboro Inlet as soon as they get this finished. They started this approximately four years ago. The City Commission echoed their thanks as well to the Board.



**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. 2021-49**

54. [21-271](#) **P.H. 2021-50: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO ADOPT RATES FOR TOWING, IMMOBILIZATION AND STORAGE OF VEHICLES IN THE CITY AND ESTABLISHING AN ADMINISTRATIVE FEE FOR VEHICLES TOWED FROM PUBLIC PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: FEBRUARY 23, 2021**

(**Staff Contact:** Brian Donovan/Mark E. Berman)

Brian Donovan, Assistant City Manager, presented the item and stated this is the Second Reading of an Ordinance to adopt Towing rates that are consistent with Broward County and for uniformity and to ensure the manner in which the City's rates charged are consistent with State Statute. No changes have been made since First Reading.

There was no public input on the item.

Vice Mayor Perkins enquired if a vehicle is parked in the right-of-way on the side of the road is there a right to have it towed away.

Mark Berman, City Attorney, stated that this item just set the fees at this time. First, they do not have the right to be towed away but if they are in violation, they will be towed away and cited if they are qualified to be towed away under the code.

Mr. Berman was asked to elaborate on how a person's vehicle can get towed away and how people are allowed to park on the sides of the streets. He stated that people can park where they are allowed to park. So,

if they are getting a parking ticket it is just what it is. There are numerous regulations under state law and some under the City's code that would allow for towing of a legally parked vehicle parked in dangerous positions. Generally, everybody else are allowed to park where they are allowed to park. The towing contracts that the City is dealing with Emerald Towing that was just approved, deals with when police is called to an accident scene and a vehicle has to be towed or if a vehicle is blocking something, or illegally park or maybe dangerous situations. In sum, the City is ensuring that whatever rates any towing company is charging they are consistent with Emerald's charge, and what the County charges as well. This does not increase the ability to have a person's car towed or not have it towed.

**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. 2021-50**

55. [21-341](#) **P.H. 2021-54: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ONE PARKING CORPORATE, INC., TO PROVIDE PARKING MANAGEMENT SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$546,865 over 5 years)  
**(Staff Contact: Jeff Lantz)**

Jeff Lantz, Parking Manager, presented the item and stated that the City issued RFP-E-07-21 in November of last year to accept competitive bids from qualified parking management companies. Submissions were accepted December 4, 2020 and the City received four proposals. After the required presentations were completed to the Selection/Evaluation Committee they ranked the firms and One Parking Inc. was selected as the highest-ranking firm. On February 23, 2021 the Commission approved the ranking order and authorized staff to negotiate a parking management agreement with One Parking Inc. Staff is requesting approval of a five-year contract with One Parking Inc. to provide management of the Pier Parking Garage, parking enforcement, meter collections and valet operations.

There was no public input on the item.

**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

56. [21-358](#) **P.H. 2021-55: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BAXTER & WOODMAN, INC., CALVIN, GIORDANO & ASSOCIATES, INC., CRAVEN THOMPSON & ASSOCIATES, INC., KCI TECHNOLOGIES, INC., LAKDAS/YAHALEM ENGINEERING, INC. AND R.J. BEHAR & COMPANY, INC., FOR CONTINUING CONTRACT FOR CONSTRUCTION ENGINEERING INSPECTION SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, Engineering Department, presented the item and stated this is the First of two Readings to enter into contract with various consulting contractors for professional services consisting of construction engineering inspections. This will be a one year contract with automatic renewals four times for a total of five years.

There was no public input on the item.

**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  
 McMahan  
 Perkins  
 Hardin

57. [21-364](#) **P.H. 2021-56: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BERMELLO, AJAMIL & PARTNERS, INC., CARTAYA AND ASSOCIATES ARCHITECTS, P.A., DESIGN KOLLABORATIVE ARCHITECTS PLANNERS, INC., DORSKY YUE INTERNATIONAL, LLC, GALLO HERBERT ARCHITECTS, LLC, JORGE A. GUTIERREZ ARCHITECT, LLC, SALTZ MICHELSON ARCHITECTS, INC., SYNALOVSKI ROMANIK SAYE, LLC AND WALTERS ZACKRIA ASSOCIATES, PLLC, FOR CONTINUING CONTRACT FOR ARCHITECTURAL SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
 (Fiscal Impact: N/A)  
  
**(Staff Contact:** Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, Engineering Department, presented the item and stated this is the First of two Readings for architectural services with the various architectural firms. This will be a one-year contract with automatic renewals four times for a total of five years.

There was no public input on the item.

**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  
 McMahan  
 Perkins  
 Hardin

58. [21-362](#) **P.H. 2021-57: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BAXTER & WOODMAN, INC., CALVIN, GIORDANO & ASSOCIATES, INC., CAROLLO ENGINEERS, INC., CHEN MOORE AND ASSOCIATES, INC., CRAIG A. SMITH & ASSOCIATES, KEITH AND ASSOCIATES, INC., KIMLEY-HORN AND ASSOCIATES, INC., MUNSON DESIGN & CONSULTING, INC., R.J. BEHAR & COMPANY, INC., STANTEC CONSULTING SERVICES, INC., TETRA TECH, INC. AND WGI, INC., FOR CONTINUING CONTRACT FOR CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, Engineering Department, presented the item and stated this is the First of two Readings to enter into contract with the various consultants to provide civil engineering services over a five-year contract agreement with four automatic renewals after the first year.

There was no public input on the item.

**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

59. [21-366](#) **P.H. 2021-58: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND BERMELLO, AJAMIL & PARTNERS, INC., CALVIN, GIORDANO & ASSOCIATES, INC., CRAVEN THOMPSON & ASSOCIATES, INC., CHEN MOORE AND ASSOCIATES, INC., EDSA, INC., KEITH AND ASSOCIATES, INC., KIMLEY-HORN AND

ASSOCIATES, INC., IBI GROUP PROFESSIONAL SERVICES (USA) INC., KCI TECHNOLOGIES, INC., MILLER, LEGG & ASSOCIATES, INC., STANTEC CONSULTING SERVICES, INC., WGI, INC., AND TOOLE DESIGN GROUP, LLC, FOR CONTINUING CONTRACT FOR LANDSCAPE ARCHITECTURAL SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, Engineering Department, presented the item and stated this is the First of two Readings to execute a contract with the various consultants to provide landscape architectural services over a five-year period with four automatic renewals after the first year.

There was no public input on the item.

**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

60. [21-313](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY LOU HAMILTON TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH AS CURATOR TO FILL THE UNEXPIRED TERM OF TERRENCE DAVIS; SAID TERM TO EXPIRE FEBRUARY 1, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM FEBRUARY 23, 2021**

**APPLICANTS**

Joseph A. Grisafi, **Resident** - District 1  
Mary Lou Hamilton, **Designer** - District 1  
Dwight Hoffman, **Teacher** - District 1  
Brooke Johnson, **Area Manager** - District 1  
Donna Russo, **Art Teacher** - District 1  
Sharon Stone-Walker, **Business Developer** - District 2

Patricia Knight, **Art Teacher** - District 3  
 Eve Lewis, **Attorney** - District 3  
 Tyler Townsend, **Museum/Collector** - District 3  
 Monifa Aruwajoya, **Resident** - District 4  
 Velma Flowers, **Resident** - District 4  
 Kimberly Harmon, **Business Owner** - District 4  
 Mona Silverstein, **Resident** - District 5  
 Agata Mosery, **Designer** - Boca Raton  
 Rita Neri, **Property Owner** - Coconut Creek  
 Cherie Saleeby, **Artist** - Hillsboro Beach

(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 MARY LOU HAMILTON. Comr. McGee nominated Mary Lou Hamilton and Vice Mayor Perkins nominated Kimberly Harmon. The motion carried by the following vote:**

**Yes:** Eaton  
 McGee  
 McMahan  
 Hardin

**No:** Floyd  
 Perkins

**Enactment No: RES. No. 2021-141**

61. [21-373](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PENNY L. CUTT TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MARCH 23, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Penny L. Cutt, Incumbent - District 3  
 Gwendolyn S. Leys, Incumbent - District 3  
 Lee A. Corson, Incumbent - District 5  
 Carlton Gillespie - District 1  
 Corey Staniscia - District 1  
 Jon Burkert - District 3  
 Eve Lewis - District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner McGee, seconded by Vice Mayor Perkins, that the Regular Agenda/ Resolution be ADOPTED and to insert the name PENNY L. CUTT. The motion carried unanimously.**

**Enactment No: RES. No. 2021-142**

- 62. [21-374](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO SERVE FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MARCH 23, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 21-373 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED. Comr. McMahon nominated Gwendolyn S. Leys and Comr. McGee nominated Jon Burkert. The motion failed by the following vote:**

**Yes:** McGee  
McMahon  
Hardin

**No:** Eaton  
Floyd  
Perkins

- 63. [21-384](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JON BURKERT** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO SERVE FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MARCH 23, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 21-373 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner McGee, seconded by Vice Mayor Perkins, that the Regular Agenda/ Resolution be ADOPTED**



**and to insert the name JON BURKERT. The motion carried by the following vote:**

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

**Enactment No: RES. No. 2021-143**

64. [21-387](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEDIATED SETTLEMENT AGREEMENT AND MUTUAL RELEASES BY, BETWEEN, AND AMONG THE CITY OF POMPANO BEACH, PRINCE CONTRACTING, LLC, SICE, INC. AND ARC ELECTRIC, INC. REGARDING THAT CERTAIN SEWER BREACH WHICH OCCURRED ON JANUARY 4, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Revenue \$2,400,000.00)

(**Staff Contact:** Mark E. Berman)

Mark Berman, City Attorney presented the item and stated that the matter seeks approval of the City Commission of a proposed final settlement by the City for its damages incurred consisting of costs from the January 4, 2019, sewer breach caused during FDOT's (Florida Department of Transportation) I-95 Expansion project. The matter has been negotiated and mediated several times over the past year involving the City Attorney and the City's outside expert counsel, the main contractor, their two subcontractors, and with their insurance carriers, and excess insurance carriers, in an exhaustive process. The City has not filed litigation at this point but is trying to get all claims resolved now for an expeditious termination of this matter. The current settlement proposal of \$2.4 million compensates the City for the majority of funds expended for costs in this matter, which was approximately \$2.765 million. Months were spent in negotiating and as the City Attorney along with outside counsel strongly recommend settlement of this cause for such amount and believe it is in the City's best interest. The other option would be to file a lawsuit, to litigate this and with the courts already backed up for several years due to the COVID-19 situation, it would take at least 2-3 years at least to litigate this matter. He then provided details as to the feasibility to settle on the idea that majority of the City's out of pocket expenses would be met through this proposed settlement agreement.

There was no public input on the item.

Comr. McMahon stated that he spoke with City Attorney Berman about this subject and he thinks Mayor Hardin and he along with Vice Mayor Perkins were all affected by this sewer breach pretty bad. He believes this is a pretty good agreement and provided his reasons for supporting this agreement. Overall, it was a terrible situation but the management and staff made the best of it. So he is happy to see that the City recover the

dollars spent to get things whole again.

**A motion was made by Commissioner McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:**

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

**Enactment No: RES. No. 2021-144**

**DISCUSSION ON CHANGING OF VOTES**

Comr. Eaton asked if possible she could make a motion for the City Commission to reconsider item 62.

Mayor Hardin indicated that Comr. Eaton would have to be on the prevailing side to ask for reconsideration. However, there is no prevailing side as there was a tie vote. Therefore, it would have to be brought back under another Agenda.

Comr. Floyd asked for reconsideration of her vote for Item 52. She was unable to get into her computer and when she finally got in she better understood the matter and would like to change her vote.

Mr. Berman indicated that is permissible.

Mayor Hardin explained that Comr. Floyd does not need the Commission to reconsider her prior vote, all she needed to do is ask to change her vote on the item.

Comr. Eaton wanted to change her vote on item 62.

Mr. Berman recommended that the item be brought back under another Agenda, because as it stands it is a bit confusing.

Mayor Hardin suggested that the City Attorney look into the changing of votes when there are multiple selections to be made in the case of nominating someone to an advisory board. Therefore, Item 62 will be brought back under another agenda.

**E. REPORTS**

**Gregory Harrison - City Manager - Birthday Wishes for Vice Mayor Perkins** - Mr. Harrison stated that they missed a very important event at the last City Commission meeting. Vice Mayor Beverly Perkins had

a birthday on February 9, 2021. Everyone wished Vice Mayor Perkins a belated Happy Birthday.

**Pier Management Agreement** - Mr. Harrison indicated that at the previous City Commission meeting, the Pier Management Agreement was approved and within the agreement it refers to \$2 per person for sightseeing and \$6 per person for fishing off the pier. He understands that the City Commission would prefer not to charge for sightseeing on the pier. Therefore, if he hears otherwise from the City Commission, staff will manage the pier as no charge for sightseeing, but charging \$6 per day for people who want to fish off the pier.

**Reopening City Facilities** - Mr. Harrison indicated that staff is looking into various ways on how to reopen the City facilities. He does not know exactly what the time frame will be, as he has been following the City Commission's guide to make sure attention is paid to the science in the numbers. The numbers are starting to go down, however, in today's paper there were 5,302 new coronavirus cases in the state and 41 new resident deaths. There is still a problem but the City is making headway. In the last two weeks the City established its own vaccination site in the old Macy's parking lot - south of the old Macy's building. This was ready from January 25, 2021, but had experienced a difficult time getting an allotment of vaccines. Currently, a second site is being considered to be set up in the City but he is not ready to provide detail information on this just yet. This will have the capability to administer almost as many vaccines per day as the site over at the old Macy's parking lot.

Finally, Mr. Harrison indicated that everyone is thinking about the reopening and no one wants to get this back to normal any more than he does or staff and will ensure all "i's are dotted and t's crossed to figure how to make this happen." The City Commission can contact him with any questions they may have.

Mayor Hardin stated that he is not as concern about things like meetings of advisory boards or opening the Civic Centers or necessarily opening City Hall to public traffic on a day to day basis. However, he is concern about the City Commission meetings. During a discussion with the City Attorney, he has expressed concerns that the further out we go the greater the likelihood of a challenge would be successful if someone wanted to challenge the City's Executive Emergency Order allowing the Commission to meet in a way that it is currently meeting and the special provision there is for the public and things of that nature. He was considering that in some limited way, perhaps by the first meeting in May, because the Commission need to get back to two meetings per month as well, because the Charter calls for that. He is hopeful that there is a way to get back to meeting in the Commission Chamber and have limited public participation. The CDC guidelines has the amount of people allowed per room, perhaps ten.

In sum, the Governor is pushing for everybody to open and so he would not want the City to be challenged in some of the decision made at the City Commission level. He does not want to force or go too fast as far as the Civic Centers or any type of group activities and things of that nature. However, the decision made as the City Commission it is important to ensure the Board does not get challenged. He is aware the City Manager is working on that and he thanked him for doing this.

**Mark Berman - City Attorney- Former Club Cinema Litigation Outcome** - Mr. Berman informed the City Commission and the City Manager that the litigation against the City by the former Club Cinema corporate entity, has concluded against the City and former Mayor Lamar Fisher and against former Vice Mayor Charlotte Burrie. This has concluded in the 11th Circuit Court of Appeals in Atlanta. The City was successful

and all defendants were successful against a retaliation of the City's enforcement actions that were necessitated by the negative issues caused by that business.

Mr. Berman concluded that he will discuss other litigation matters with everyone as they come up.

**Asceleta Hammond, City Clerk** - No Report

**Commissioner Rhonda Eaton - Hillsboro Inlet District position** - Comr. Eaton mentioned that the position for the Hillsboro Inlet District is vacant as Mr. Holland has moved away from the City. So, as she has been a resident for many years, and now serving on the Water Advisory Board, she feels there are a number of different entity bodies, conservationist groups, and conservation areas that really dovetail together in some of the City's efforts with concerns of the brackish water heading out the Inlet. She indicated she is familiar with the dredging operations and the mandate of what the Inlet District Commission is and would like the support of the City Commission to appoint her to the Hillsboro Inlet District Commission for awhile to see if she can work with the two Boards (Water Advisory Board and the Hillsboro Inlet District). She believes there is a lot of things that blend in and one dovetails into the other. She believes she will be a good person to put on this Commission.

Mayor Hardin mentioned that there are a couple of applications that were submitted which can be placed on the agenda for next month.

Comr. Eaton inquired if Mr. O'Neill put in an application. City Clerk Hammond responded yes, he did and she emailed it to the City Commission earlier today.

Comr. Eaton made a motion seconded by Comr. McGee to discuss the possibility of the City Commission requiring City staff, the legal department, code enforcement or whichever jurisdiction it is, that when a property has code enforcement liens racking up on a daily basis, that the homeowner be notified every thirty days.

Mayor Hardin repeated the motion for clarity which would be "To notify homeowners every thirty days on any code enforcement action that results in an ongoing fine situation."

Comr. Eaton stated that she knows of some residents that are being fined on a daily basis and maybe they think they came into compliance or perhaps not. In particular, a resident went to refinance his property and found out that he had a \$253,000 lien against his property from the City of Pompano Beach for three code violations. One was for an expired license plate tag, the other was for a flat tire on a hobby cart that was parked under the carport in his driveway next to his house and the third was because he had concrete pyramids in his swale to prevent people using it to turn around. Therefore, three years later after he has come into compliance, he did not know that on a daily basis liens were racking up against his property. He then finds out when he goes to refinance his house that there is a \$253,000 lien from the City of Pompano Beach. A notice every thirty days might have made a difference.

Moreover, since the City highly supports residents coming into compliance, to that end, it should not be difficult for the City, especially when dealing with something as important as a residential homesteaded property, which is the largest asset most people have. It should not be much of a stretch to ask as a policy for the residents.

Comr. Eaton concluded this is the reason she is asking for a motion on this matter.

Mayor Hardin asked the City Attorney about the legality because he assumes the City is complying with state law.

Mark Berman, City Attorney, stated that the City is complying with all the notice requirements in state law and those adopted by City Code of Ordinances. Everyone gets noticed and the order specifically says, "You are in compliance when you get an affidavit of compliance, when you call the inspector out to inspect. A person cannot just fix what needs fixing and never call anyone to inspect and then think you are in compliance. The process has been explained to people. Moreover, there could be thousands of notices going out every month increasing the cost to the City and taxpayers for mail rates, and could be out of control. In sum, Mr. Berman reiterated that the City meets the requirements of the state statute of notice. Staff will do whatever the Commission determines needs to be done. But, there are severe ramifications to make up our own process outside of state law, especially one that involves mail notices and the additional staff probably to get this process done. In addition, Mr. Berman mentioned that the City can place liens on homesteaded properties but cannot foreclose on it.

Comr. McMahon understands the Commissioner's point, because it does come as a surprise to numerous residents at times when they need to refinance or do something like that. He finds it surprising that Mr. Berman said that there are thousands of people with liens on their property. However, he does not know if a monthly notice will be necessary, but he would think if a lien is put on a person's property at least a yearly notice would be helpful. If a lien is placed on somebody's property they should be notified. He indicated that he knows of several persons who has had the experience to go to refinance their property only to find out that a lien was placed on the property ten or so years ago that they were not aware of. Therefore, this is something the City should look into but he is unsure that the Commission can order that this be done, but it could be something that the Attorney's office along with the City Manager's office could explore possibilities of how much it would cost the City to find a solution to establish a process to alert owners that they do have a significant amount of lien stacking up against the property. Therefore, he would support some sort of notice to the residents.

Greg Harrison, City Manager suggested that the Commission allow him some time to get with staff and figure out exactly what is being discussed as it relates to number of mailers and try to come up with a simple and easy way to resolve this issue.

Comr. McGee agrees with both Commissioners that this is an issue, and especially in real estate, they see this all the time. A person goes to close on the property and suddenly there is a lien for something that was not done over a few years ago and nobody was aware that it was not close, which causes a delay in the transaction. She would also support the idea of an annual notice to remind people, which could also serve in getting more people to come into compliance and payoff the smaller amounts.

Comr. Eaton withdrew her motion in the effort to get more information to come forward from staff. Notwithstanding, she thinks it would be a good policy to do a more frequent notice because this could be serious if it gets out of control.

Comr. McGee also withdrew her second to the motion.

Mayor Hardin concluded that since the motion has been withdrawn, staff is directed to look into what might be involved with notifying residents that have ongoing liens.

Mr. Berman mentioned that the City just had a year long amnesty program where hundreds of letters were sent out and only a few hundred people participated.

**Commissioner Cyndy Floyd - Reconsideration of Vote for Item 52** - Comr. Floyd explained her reasons for wanting a reconsideration of changing her vote earlier for item 52. Thereafter she thanked the Commission for allowing her to do so.

**Commissioner Andrea McGee - Advisory Board Appointments** - Comr. McGee stated that she noticed when going through the appointments of advisory board members over the past months, they are not aware of who meets what qualifications or going through the applications, people are checking all the boxes for each committee and it is difficult to determine which one they are actually focused on doing or qualified for because their resumes are not fully flushed out or they are years old. She wanted to have staff to look at how other cities are doing to manage their committees that the City may look into adopting to make it a more diverse group of people coming in, and with more expertise. The City is fortunate to have great people on the Boards and then so many people want to get involved in the City. Perhaps they could minimize how many Boards a person can select to serve on. In essence, staff could check into what other good policies some other cities may have in place.

Mayor Hardin agreed that City Clerk Hammond could check into this process with other cities.

Asceleta Hammond, City Clerk mentioned that she had checked into some of the bigger cities to see how they operated with their advisory boards and one of the take away was that a few cities do their appointments on an annual basis. Notwithstanding, the City of Pompano Beach has a very diverse method in compiling the various Boards. For example, some Boards specify that persons with specific professions (disciplines) are required to serve on a particular board, others require specific timelines to serve on the Boards, while others are specific to each Mayor and Commissioner to appoint members, while there are those who are appointed at large. Nevertheless, she will be happy to conduct a survey mostly with those cities with a very diverse group of Boards to see how their system is working for them.

Comr. McGee suggested that perhaps there could be different applications to be completed for certain Boards instead of doing one application for all the various Boards and people checking all the boxes. People fill out the applications per the Board especially those with requirements and they check off which boxes they feel they will be able to serve on. Currently, it is a bit confusing to determine which persons are ideal to serve on a particular Board, as sometimes the resumes provided by some applicants could better match up with those Boards seeking disciplines to serve.

**Dune Planting on the Beach** - Comr. McGee thanked staff for moving forward with this and Mayor Hardin and Commissioner McMahan for coming out for the Dune Planting that took place a few weekends ago. The Mayor was able to see some of the plantings that were done last year and how well they are holding in the sand and fighting erosion. They are excited about the re-nourishment of the beach and preserving the historical dune

lines. The City is on track to perhaps be fully replanted by the year 2022. This would provide good storm protection for all the beachfront properties and holding the sand that will be getting re-nourished soon. Finally, Comr. McGee indicated that this will be the first City to kick off the adopted dune program.

**Commissioner Tom McMahon - ShotSpotter Program** - Comr. McMahon reported that he visited the Sheriff's Office with Major Captain Green and learned more about the ShotSpotter program and its implementation and operation, which is a neat experience. They were able to show a recent shot that was fired in the City and how they could pinpoint it to where they could tell the casing for the bullet. It is very effective, working and quite amazing. This operation has provided the City with one of the most advanced controlled real time crime center. Major Adkins has been involved in making this happen with the support of Mayor Hardin. Kudos to Broward Sheriff's Office and staffing to the center without asking for additional funding and using their own resources.

**Vaccine Site** - Comr. McMahon acknowledged the Fire Department and the Emergency Manager, as well as City Manager Greg Harrison and Mayor Rex Hardin on getting the vaccine site operating. It was built prematurely but it is functioning now and working well. Everybody on the management team and a number of the elected officials worked together to get things operating in this venture. The last time he checked the City was administering vaccines to approximately 500 people per day at the site.

**Traffic Concerns** - Comr. McMahon stated that this has been a hot topic since the day he was elected to office, three years ago. This is the number one complaint that he has received and the number one opposition for change in the City or any development that happens in the City. He has been working on the traffic issues since the first day he got elected trying to get Old Town redesigned that has always been a cut through for many years. They were able to get some things changed to get roundabouts installed but he would like to see the City get more proactive to fix the problems before they get worse. With the major developments happening he would like to see that the residents lives are not being affected such as those people who are walking their dogs, the kids playing in the streets and things like that. He had to fight hard to get a stop sign in Old Pompano that according to the rules would not meet the criteria. The bottom line is that the Mayor and Commissioners are trying to make the community better but they get pushed back and do not get what is being asked for from the County. Therefore, he thinks this is something the City needs to look into and instead of talking about the issues to task the City Manager to look into this matter and get some action going which in essence could save peoples lives in some instances, instead of waiting around for things to happen with the County.

**In-Person Commission Meetings** - Comr. McMahon indicated that he agrees it is time for in-person meetings and has the same concerns as Mayor Hardin. Voting on certain controversial items in the Chamber and observing all the CDC guidelines is something that needs to be implemented and to slowly reopen the City to ensure the residents are getting the services they pay for, and at the same time be mindful of the employees safety and health who are the major assets of the City.

Mayor Hardin agreed that the entire Commission share the traffic concerns expressed by Comr. McMahon. This is the number one issue that people bring up about redevelopment.

**Vice Mayor Beverly Perkins - Trash Issues** - Vice Mayor Perkins stated that she has been receiving so many calls and pictures pertaining to trash. This problem has been in the northwest area of the City for over 35

to 40 years and it is time that something is done about it. The bulk trash in the northwest is getting worse. Therefore, she would like to see the City Manager and staff to try to come up with some kind of solution on how this problem can be conquered to stop the bulk dumping and the trash on the side of the roads.

**Cleanup at Appollo and Weaver Parks** - Vice Mayor Perkins indicated that she would like to have the City Manager direct the Public Works department to do a better job in cleaning up Apollo Park and Weaver Park as complaints have been received about the conditions to include trash and the lawn not being mowed, bathrooms/restrooms are not being cleaned.

**Discussion on Juneteenth** - Vice Mayor Perkins stated that at the last City Commission meeting she brought up the topic of Juneteenth and assumed that this would return as an agenda item for this City Commission meeting to be discussed. Therefore, she would like to make a motion that an item be placed on the Agenda for discussion on Juneteenth and how the City would recognize it.

**MOTION: A motion was made by Vice Mayor Perkins seconded by Mayor Hardin to have a discussion item about the recognition of Juneteenth. The motion carried unanimously.**

**Demise of Hazel Armbrister** - Vice Mayor Perkins announced that Hazel Armbrister passed away on March 16, 2021. She was considered the City's historian. The memorial and wake Services will take place Friday, from 4:00 - 7:00 p.m. for Viewing and 7:00 - 8:00 for the Reflections on March 26, 2021, at the Hopewell Missionary Baptist Church. Shelley Barthlomew, Executive Secretary indicated that she would send this information to everyone. Vice Mayor Perkins indicated that Poitier Funeral Home will be handling everything else. They will be very strict with masks and social distancing. Ms. Armbrister was a historian as her efforts was instrumental in keeping the Ali Building. A lot of history on the Martin Luther King Blvd., was torn down and Ms. Armbrister was the one who stood up to stop the tearing down of the Ali Building. She also made the site where the Coleman school used to be located a historical site along with the City of Pompano Beach. She made some great contributions to the City of Pompano Beach.

Mayor Hardin confirmed that he will be attending on Friday with a Proclamation from the City for Ms. Armbrister's Reflections. This is a terrible loss to the City, and she was declared, done by resolution, as the City's historian, she was the second one as Bud Garner was the first. She also did a lot for the Rock Road restoration and she was active with the Cultural Arts and she enjoyed the cultural arts awards banquet that was held. She did put her heart and soul in the community and taught numerous people and made a big difference. She will be sorely missed by everyone.

**Mayor Rex Hardin - Vaccine Site** - Mayor Hardin thanked City Manager Harrison and staff for getting the vaccine site operational, which was a group effort on the part of the entire City. It is working, people are getting their shots and lives are being saved for what the City has done. He reiterated his thanks to Mr. Harrison, Mr. Berman, City Attorney, and everybody who pitched in to make phone calls and do whatever it took to get this up and functioning. It is a true testament of what government does when everyone work together.

## **F. NEXT SCHEDULED MEETING**

The next scheduled Virtual City Commission meeting will be held on Tuesday, April 27, 2021 at 1:00 p.m.



**G. ADJOURNMENT**

The meeting adjourned at 7:05 p.m.

\_\_\_\_\_  
Rex Hardin, Mayor

\_\_\_\_\_  
Asceleta Hammond, City Clerk