



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, November 9, 2021

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

SPECIAL RECOGNITION

Mayor Hardin recognized a member of the audience, the former Mayor of the City of Pompano Beach, John Rayson, who was the first Citywide elected Mayor for the City of Pompano Beach.

INVOCATION

Pastor Branden Jones of Mt. Calvary Baptist Church offered the invocation

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[22-55](#) City Commission Meeting Minutes of October 26, 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

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

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that Item(s) 1 and 2 would be pulled for City Commission discussion.

SPECIAL PRESENTATION

Mayor Hardin announced that there was a check presentation from the Whiting Turner Company to the Ely High Booster Club. He mentioned that it is always nice to see a local company supporting the community.

Vicente Thrower introduced Kimberly Morehorn, President of the Cowboys' Booster Club. He stated the check was presented on Saturday, November 6, 2021, at the Soul Bowl event.

Kimberly Morehorn, President, on behalf of the Pompano Strong (BHS) Blanche Ely High School, thanked the City and the Commission for providing the opportunity for them to partner with the Whiting Turner Company. Ms. Morehorn presented to the members of the dais Tee-Shirts in appreciation of their support.

Mr. Thrower thanked the Mayor and City Manager for allowing them to team up with local vendors who participate within the community. He also thanked Horacio Danovich and others who always ensure that these vendors partner with the local community.

A. AUDIENCE TO BE HEARD

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

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

The following persons were called to speak:

Opposition to Slow Down of Traffic and Other Community Issues - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that the cost of the Innovation District is projected to be \$1 billion, and the Housing and Entertainment District to be \$1 billion. In addition, he mentioned the railroad track, I-95 Exit, and NW 6th Avenue and Dixie Highway are being cited because he is adamantly against the City making the corridor a place where traffic will be slowed down, especially the corner of NW 6th Avenue and Dixie Highway. The issue with the growth of the City was not taken into consideration. Therefore, slower traffic will have a significant impact and agony to the residents of the community. In addition, he understands that approximately \$30 million of Community Redevelopment Agency (CRA) funds will be targeted for this project. He opined that the CRA has lost its way. He mentioned that initially the CRA was supposed to deal with economic growth slum and blight. He is uncertain that NW 6th Avenue/Atlantic Boulevard is considered slum and blight.

Continuing, Mr. Phillips mentioned his displeasure with the City's determination of what affordable housing should be in the City, where affordable housing is ranging from \$1,600 to \$1,800 per month. Even with the growth of the economy, this cannot be considered affordable housing. People are experiencing difficulties in getting housing in the City, and it appears that the population who currently lives in the City will not be able to live here anymore.

Finally, Mr. Phillips expressed his concerns with the direction in which the City is headed, and he would hope the Commission would consider what he has said earlier. In closing, he indicated that one issue he would like to "raise his head on" along with others in the community who have been paying attention to this issue, and that is the Westview Cemetery. This is not an issue that the City should be looking at to allow development because once the cemetery land is gone there will be no more. He hopes the Commission would digest what he has said and "do the right thing."

Rezoning of Two Single-family Residences - Frank Russo, 2293 SE 8th Street, Pompano Beach, FL, stated that at the July 27, 2021 City Commission meeting, the Commission approved his rezoning of two single-family residences, and wanted to thank them for their approval. He then provided the City Commission with an update on the lots. He was able to split the lots with the Broward County Property Appraiser and with the help of the Building department there is now a 300, 350, 400, and 450 Circle Drive.

Additionally, Mr. Russo indicated there is another reason for attending this meeting. He had noticed the rezone sign was on his property for an extra 2 months after July 27. This caused a lot of grief with the neighbors who thought he was going to rezone it again for townhomes or condominiums. Consequently, he called Development Services to request removal of the signs. A few days later he came to City Hall to apologize to a woman named Martha, for an obvious reason, where his tone used with her was not great because he was unhappy that the sign was there for 2 extra months, coupled with his dealing with the angry neighbors. At this time, he met the Director of the Department, David Recor, and unfortunately, they did not have a good interface. After this incident, he thought of the long dissertation at the July 13, 2021 Commission meeting, which was the first meeting for the rezone and wondered why this was so long. Therefore, he made a request for public records, which Kervin Alfred, Deputy City Clerk was very helpful. So far, he is half way through his search and does have a few meetings with other personnel with the City to discuss his encounter with the personnel from Development Services department, as well as his findings.

Continuing, Mr. Russo indicated that within 2 weeks of his rezone someone from Development Services is trying to rewrite an ordinance, which is Chapter 152 of the Building Code. He does have emails that this is targeting his properties, 300 and 400 Circle Drive. Notwithstanding, he wanted to know what “selective enforcement” within a municipality means.

Mayor Hardin indicated that if Mr. Russo would like to get an interpretation of what “selective enforcement” is from the City Attorney, he could request that directly from Mr. Berman.

Congested Traffic on Atlantic Boulevard - Karen Van Zwieten, Van Zwieten Electric, 210 SW 18th Court, Pompano Beach, FL, stated she has been living at this address since 1977, so she knows as many businesses and people in this area as most of the Commission. She has not met one person or a business owner that is happy with the idea of closing some lanes on Atlantic Boulevard. She has always been happy that she was not in Fort Lauderdale. South of Pinecrest, they closed a couple lanes, which is directly south of City Hall, and it has been congested ever since, hurting businesses in the area. The same way it is now congested at Atlantic Boulevard because some lanes have been blocked off. She can ask many people to sign a petition that they do not like the proposed project. It is a bother to the working people that live in the area.

Bridge at NE 11th Avenue and 6th Terrace - Michael Carlson, 310 SE 6th Avenue, Pompano Beach, FL, stated he resides in the City for approximately 28 years. He referred to the project on 11th Avenue and 6th Terrace bridge, where there is a general concern in that area of Garden Isles, Snug Harbor, Cypress Harbor and all that area, about the idea of replacing a crooked dangerous bridge with another crooked dangerous bridge. The proposed plan is to replace it with an 8-inch increase, which is inadequate for any of that purpose for the area. The original bridge was built in 1958, for the construction in the Garden Isles area and should have been removed in 1962, but it did not.

Finally, it has come to everyone’s attention that this is creating a traffic nightmare for the area. It is a cut through street, and just last week there was another accident at 11th and Atlantic Boulevard with cars cutting through by taking the left on Atlantic Boulevard. It is a non-stop evening jump fest for vehicular traffic, as well as kids jumping off it and fishing on weekends. Calling the police appears to be pointless. He mentioned discussions taking place as it relates to safety vehicles and the inadequacy to get first responders to the area, and property values being negatively impacted. With the new bridge there will be faster vehicles, which will be dangerous for the neighborhoods. He believes the bridge should be taken out not replaced.

Issues Regarding Property at 2650 NE 24th Street - Pat Russel Anderson, 2650 NE 24th Street, Pompano Beach, FL, stated that she is a 30-year resident of Pompano Beach. She mentioned that she has requested Code Compliance Special Magistrate to resolve the wrong doings to Broward County Property Appraiser.net Marty Kiar to give her clear title insurance for her permits #179241 change to 187917 voided returned to 179241. She then spoke on various articles from the international news of the Pandora papers, Sun Sentinel on the happenings to Broward County Property Appraiser and to code. She indicated that she will be providing copies of these documents to the City Clerk, Asceletta Hammond for the records. Also, she will provide 6 documents regarding warranty deeds of Irene Dunn and Joseph Janus of Lighthouse Point.

Commendation for Firefighters and Emergency Services - Carmen Jones, 721 NW 16th Street,

Pompano Beach, FL, stated that she wanted to publicly thank her heroes the City of Pompano Beach Firefighters, specifically, Chief Chad Brocata and Fire Marshal Pete McGinnis. She mentioned that what they did for Blanche Ely High School was phenomenal to the residents and the Booster Club members. A few years ago, there was no emergency services at one of the games when one of the players got hurt and because of lack of emergency services he still suffers from issues today. She spoke with Chief Brocata approximately 2 months ago and brought up this past happening and asked if they could assist with this service. He graciously agreed to assist, while they tried to raise funds for this event. In fact, at a recent game, someone was stabbed in the park across from the school, but because there was a fire emergency vehicle present the victim was quickly attended to by the Pompano Beach emergency services, and what could have been a catastrophic situation that person is now doing well.

Continuing, Ms. Jones indicated that Principal Johnson of Blanche Ely High School could not make it to the meeting, but since she had negotiated the partnership with Chief Brocata, she wanted to publicly thank them again and presented them with green shirts in appreciation for their services.

Living Condition Issues at Apartment Complex - Kendra Hayes, Pompano Beach, FL, stated that she will continue to speak on the living conditions at the apartment complex where she once lived. She had a meeting with one of the Assistant City Managers and the Code Compliance Supervisor and after they visited the apartment they reported nothing was found in violation. However, Vice Mayor Perkins and her went to the same apartment and found quite a number of issues. For example, they found the building corrosion and the apartment where she once lived the ceiling was patched but the new tenant mentioned that it still leaks. The mold and mildew were just painted over, and electrical boxes were near the stove, yet Code Compliance reported they found nothing. She is unsure how the owners of the apartment complex are receiving funding from the City when they are not up to code. She concluded that the City needs to check into the Building inspector who is inspecting these buildings and reporting no violation found, when clearly there are violations of mold, mildew and corrosion.

Complaint about Police Harassment - Delvin King, Youth Under Construction, 178 N. Powerline Road, Pompano Beach, FL, stated that he wanted to know if someone had turned on their body camera because he heard it. Also, he wanted to know why this would be done when he, as a black man, came up to speak they would turn on their body camera. He complained that he has been harassed by the police and he is "sick of the harassment."

Continuing, Mr. King indicated what he had to speak on he will not do so at this time. Instead he indicated that he is "sick of the harassment from the Broward Sheriff's Office (BSO)." He stated that he got up to speak and they turned on their body worn camera, but when the white man/woman got up to speak no camera was turned on. He asked if he is intimidating to the City Manager, City Attorney, and BSO, where a body camera would be turned on the minute he got up to speak. He mentioned that as long as "there is no justice there will be no peace." He then had the young people who came to the meeting with him to join in a chant in response to his saying, "As long as there is no justice there will be" their response, "No peace."

Mayor Hardin had to ask Mr. King to take control of the youths he brought with him as they continued to disrupt the meeting with their loud chanting.

Project on Atlantic Boulevard and Dixie Highway - Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated she has lived in the City since 1992. She mentioned that she travels to and from Stuart where her mother lived but has subsequently passed away, so she was not able to speak on this matter prior. She mentioned the extensive work on Interstate 95 adding lanes to accommodate the increased traffic being experienced in the past and more traffic anticipated in the future. She provided details on why she believes the causes of increased traffic to include all the developments on the beach, which has brought more people to Pompano Beach.

Continuing, Ms. Gaviola explained the importance of Atlantic Boulevard to the residents. She indicated it is the exit on and off Interstate 95, an entrance to Pompano Beach, and one of two ways to the beaches. It is an evacuation route when threatened by severe storms and utilized by emergency vehicles and personnel in the course of saving lives. Therefore, eliminating lanes on Atlantic Boulevard and Dixie Highway will be anything other than a nightmare to the residents of Pompano Beach, with additional developments and high-density properties still to come.

Ms. Gaviola indicated that she read an article in the Pelican newspaper regarding the salary increases given to the City Commission effective October 1, 2021. She complained that the funds utilized to pay for this increase comes from taxpayers who gets to choose each election cycle who they believe will work in their best interest. Judging by the “moronic decision to remove lanes from Atlantic Boulevard and Dixie Highway, it is looking like those of you who allowed and approved for this debacle to occur are absolutely not the right people to lead our City and protect our interest.”

In closing, Ms. Gaviola stated that the Commission may want to give it some serious thought and act to remedy the problem. It is the Commission’s responsibility as elected officials to act in the best interest of the taxpayers and residents. Also, they should consider the impact it will have on their individual life and of their family when they no longer have that \$50,000 plus or minus part-time side job.

B. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 3 through 12 without City Commission discussion.

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

1. [22-38](#) Approve ranking order for Request for Proposal E-16-21 Independent Auditing Services and authorize staff to negotiate and enter into a contract with the highest ranked firm, Keefe, McCullough & Co., LLP. (No cost at this time).
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

The item was pulled by a member of the public for City Commission discussion.

Moises Ariza, partner with Marcum LLP, 450 East Las Olas Boulevard, stated that they were ranked in the top 3 firms. Between the top 3 firms there is only a 3-point spread of a total of 400 points. Given the lack of separation and the points and the fact that there were no oral presentations, he asked the City Commission to kindly reconsider the rankings and explained why. He indicated that when they put their proposal together they understood the City's importance, requests, intention and commitment to local businesses and provided a memo, which is part of their proposal. In sum, it appears they were penalized for using a subcontractor. In addition, the recommended first ranked firm does not have any small business enterprise local business participation or minority firm participation. On the other hand, Marcum is local and the firm is a team operating in Broward County. Roderick Harvey, managing partner of the alliance firm that they partner with is available to provide some comments on this matter.

Roderick Harvey, partner with HCT Certified Public Accountants & Consultants, stated he is a third generation Broward person. Their firm specializes in governmental non-profit auditing on its own and partner with larger CPA firms. He indicated that they have worked with Marcum in the City of Hollywood, City of North Miami and Broward County. They are excited for the partnership and would love the opportunity to work for the City and hoping the Commission would consider their joint proposal and what it means to this community and having them as a part of the team.

William Benson, managing partner at Keefe, McCullough & Co., LLP, the top ranked firm. He indicated that they went through the process fair and square. They came out as the first ranked firm. They have an office located 200 yards south of McNab Road and Federal Highway, which is 400 yards outside the City of Pompano Beach. He mentioned they are in their 50th year in Broward County with the largest firm headquartered in Broward County. They did come out as the highest ranked firm with a competitive fee and hope the Commission would accept the recommendation of the Selection Committee and adopt their firm. They are anxious to work with the City. Notwithstanding, they have a large number of other municipalities that they work with to include Plantation, Davie and others in Broward County. In addition, they work with the City of Key West, which is similar in size to Pompano Beach. He hopes to get the opportunity to establish a relationship, as he has been bidding on this job for quite a long time in his career. Also, he indicated they have quite a few Pompano Beach residents on their staff.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that he understands from the first speaker that per the City's code of ordinance where the City encourages small businesses participation, they complied. He asked if the other firm complied with that requirement to have a small/minority firm as part of their team.

Andrew Jean-Pierre, Finance Director, responded that the local participation was optional. The City has 2 programs, Tier 1 and 2. If a firm is eligible for either of the tiers they would get bonus points, which is not a requirement.

Carla Byrd, General Services Director, explained the tiers. As it relates to Tier 1, it is for a Pompano Beach firm and they are required to be certified as such. Tier 2 is for a Broward County firm. The local program, which was passed by ordinance is highly encouraged. Those that submitted did not satisfy the requirements for a Tier 1, but both firms did qualify and received points under Tier 2.

An extensive discussion followed with Mr. Thrower regarding the local participation of firms in the City's bidding process.

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
Hardin

No: Perkins

2. [22-43](#) Approval to award Invitation to Bid P-35-21 Weavers Community Park to the single bidder that was also a responsive and responsible bidder, Davco Electrical Contractors Corporation., at the cost of \$267,055.00.
(Fiscal Impact: \$267,055.00)

(**Staff Contact:** Tammy Good/Christopher Schlageter)

Vice Mayor Perkins and Comr. Eaton requested the item be pulled for City Commission discussion.

Vice Mayor Perkins stated that she pulled the item for 2 reasons, and enquired if they were putting in 73 new lights at the Weaver Community Park and 12 lights in the parking lot, and what are the timelines. Also, she enquired if the park will be closed during the installation of the lighting.

Christopher Schlageter, Project Manager, Engineering Department, responded that the idea is to have the park open. These lights are specifically added for security purposes, and not for sports lighting. There will be 70 15-foot poles put in for the exercise path, which is 1 mile long, as well as another 15 poles put in at both parking lots to the north and south. They are shooting for 4 months to have this completed. Areas will be corded off appropriately and they will ensure safety is primary.

Comr. Eaton enquired if these 15-foot poles are pedestrian lights, to which Mr. Schlageter responded they are. Since she now knows where the Weaver Park is located, which is a lovely park, she indicated that it would be nice to have the same lights around the Community Park pathway at some point. With regards to the lights, which are very dear to her heart, the City has been working very hard with the lights. In District 2 they are slated to have lights and wondered where they were in the timeline. She understands there are sticky problems with easements as staff is working diligently with these issues, which she is grateful as well as the residents in Leisureville are also grateful. It appears that it will take a long time to be completed. Instead of taking the easy way, which would have been a blanket easement in the Leisureville area, they decided they wanted to get the intricate details.

Horacio Danovich, G.O. Bond and Innovation District Director, responded that is correct. He indicated that as he has reported to the City Manager's Office and to the Commission over the last several months, every couple of weeks they have a team that meets with Florida Power and Light (FPL) and they keep the City abreast with their progress with each light conversion initiatives that is throughout the City, which is quite a few. In sum, FPL is working on changing the connection for that particular easement so it would not be needed and they can start the work in Kendall Green sooner rather than later.

Comr. Eaton wanted this clarified that the rest of the district will not be delayed by the process that it takes in Leisureville. So, they can move ahead with North Kendall Green, Crystal Lake Elementary School area, Faulkner Manor, Pompano Estates and the Greater Kendall Green area.

Mr. Danovich indicated that is what they are working on and with respect to Leisureville, they have identified approximately 12 easements that are within the community that are crucial to making all the connections work, which information was communicated to the community. He is recommending a blanket easement to make the process easier.

Comr. Eaton indicated that they do not want to wait for the processing of all the easements within the district.

Mr. Danovich confirmed that as it relates to the groups in the different phases, Kendal Green was in the group as Phase 2, but will now move to Phase 1 and Leisureville will be right behind it.

Comr. Eaton expressed appreciation for all that Mr. Danovich and the team is doing to making the streets much safer with the new lighting.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

3. [22-46](#) Approval to award Invitation to Bid (ITB) P-34-21 Pompano Beach Airpark Access Road to the lowest responsive and responsible bidder, R & D Paving, LLC, at the cost of \$289,967.80.
(Fiscal Impact: \$289,967.80)

(Staff Contact: Tammy Good/Steve Rocco)

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. [22-26](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HILLSBORO LIGHTHOUSE PRESERVATION SOCIETY, INC. FOR OPERATION OF LIGHTHOUSE MUSEUM AND VISITORS CENTER AT HILLSBORO INLET PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive annual rent of \$1.00 plus any applicable tax.)

(Staff Contact: Mark A. Beaudreau)

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. 2022-21

5. [22-50](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA (THE "CITY") APPROVING THE ISSUANCE OF ITS NOT TO EXCEED \$160,000,000 REVENUE BONDS (JOHN KNOX VILLAGE PROJECT) (THE "SERIES 2021 BONDS") TO BE ISSUED IN ONE OR MORE TAX-EXEMPT SERIES, THE PROCEEDS OF WHICH WILL BE LOANED TO JOHN KNOX VILLAGE OF FLORIDA INC. (THE "BORROWER") AND APPLIED FOR THE PURPOSE OF FINANCING (INCLUDING THROUGH REIMBURSEMENT) THE COSTS OF THE RENOVATION, CONSTRUCTION, AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS TO THE SENIOR LIVING AND HEALTHCARE FACILITIES OF THE BORROWER LOCATED WITHIN THE CITY, AS MORE FULLY DESCRIBED HEREIN; FUNDING ANY NECESSARY RESERVES, FUNDING CAPITALIZED INTEREST, IF DESIRABLE, AND PAYING THE COSTS ASSOCIATED WITH THE ISSUANCE OF THE SERIES 2021 BONDS; AUTHORIZING A DELEGATED NEGOTIATED SALE OF SUCH SERIES 2021 BONDS; APPROVING THE USE OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT IN CONNECTION WITH THE MARKETING AND SALE OF THE SERIES 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE TO SECURE THE SERIES 2021 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE BORROWER; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT AND OTHER DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2021 BONDS; APPOINTING U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR THE SERIES 2021 BONDS; MAKING CERTAIN FINDINGS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2021 BONDS; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALING CLAUSE; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

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. 2022-22

6. [22-15](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR THE OCEANSIDE PARKING GARAGE BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

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. 2022-23

7. [22-32](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE PROGRAM SUBRECIPIENT AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 2021-2022 CDBG Allocation)

(Staff Contact: Alex Goldstein)

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. 2022-24

8. [22-29](#) 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 NE 2ND STREET BETWEEN NORTH RIVERSIDE DRIVE AND SR A1A TO PIER STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$350)

(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. 2022-25

9. [22-35](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR THE POMPANO BEACH AMPHITHEATER PLAZA REMODEL BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC., PURSUANT TO THE TERMS AND CONDITIONS AS PROVIDED FOR IN SOURCEWELL CONTRACT NO. FL-SEA-GC02-041019-SCD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$184,185)

(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. 2022-26

10. [22-36](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CORRECTIVE PERPETUAL BEACH STORM DAMAGE REDUCTION EASEMENT GRANTING AN EASEMENT TO BROWARD COUNTY RELATING TO THE BROWARD COUNTY SHORE PROTECTION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2022-27

11. [22-33](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FLORIDA DEPARTMENT OF TRANSPORTATION - DISTRICT FOUR MAINTENANCE MEMORANDUM OF AGREEMENT (MMOA) BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA

DEPARTMENT OF TRANSPORTATION FOR STREETScape IMPROVEMENTS, RESURFACING, LIGHTING, SIGNING AND PAVEMENT MARKINGS, AND SAFETY ENHANCEMENTS THAT INCLUDE REPLACEMENT OF CURB RAMPS TO MEET ADA REQUIREMENTS, ALONG SR A1A FROM M.P. 8.687 TO MP 12.045; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: George Buenaventura)

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. 2022-28

12. [22-54](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF A PARKING LOT LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO FORD LINCOLN, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

Enactment No: RES. No. 2022-29

C. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that item 13 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

13. [22-31](#) **P.H. 2022-08: (PUBLIC HEARING 2ND READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTH SIDE OF NW 6TH COURT, APPROXIMATELY 250 FEET EAST OF NW 31ST AVENUE AND COMMONLY KNOWN AS 3050 NW 6TH COURT FROM B-3 (GENERAL BUSINESS) TO B-2 (COMMUNITY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
 (Fiscal Impact: N/A)

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that the City is acting as the applicant for the rezoning of this vacant lot from B-3 (General Business) to B-2 (Community Business) to allow the allocation of 1 flex unit for construction of a single-family home. This lot is part of an entire strip of properties with a Commercial Land Use in B-3 zoning that runs along the east side of NW 31st Avenue. The commercial property adjacent to this lot to the west that fronts on NW 31st Avenue was awarded flex units and is being developed as a residential project, therefore a commercial use of this subject property is no longer reasonable. The use of this lot for single-family home is compatible with the existing surrounding properties, as well as with the Planned Development of the adjacent property for residential use. The Planning and Zoning Board unanimously recommended approval of this rezoning on October 27, 2021.

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
 McMahan
 Perkins
 Hardin

Enactment No: ORD. No. 2022-03

END OF QUASI-JUDICIAL PROCEEDING

14. [22-27](#) Approval of budget adjustments to align the budgets and eliminate negative variances in Fiscal Year 2021.
 (Fiscal Impact: \$3,764,676)
 (Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated this is a housekeeping item to align the budget to actuals for fiscal year 2021. The expenditures are covered by the Cares Act.

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

15. [22-30](#) Approval to award Invitation to Bid (ITB) P-25-21 Water Treatment Plant (WTP) Hurricane Hardening to the lowest responsive and responsible bidder, Emerald Construction Corporation, at the cost of \$3,491,910.00.
(Fiscal Impact: \$3,491,910.00)

(Staff Contact: Tammy Good/Christopher Schlageter)

Christopher Schlageter, Project Manager, Engineering Department presented the item and stated this is for approval by the City Commission for the invitation to bid for hurricane hardening renovation work to be done at the Water Treatment Plant to Emerald Construction Corporation, the lowest qualified bidder. This is Emerald's first project with the City of Pompano Beach. Notwithstanding, they do have extensive experience in existing building exterior renovation work. Their references were thoroughly checked, and an in-person interview was conducted to further complete the interview and vetting process. Once the project is complete, the structure will be better prepared for catastrophic events; therefore, staff recommends awarding the project to Emerald Construction Corporation.

Mayor Hardin stated that it was refreshing to see a different name for this project. There is nothing against prior firms that worked with the City, but it is always nice to see new contractors working with the City of Pompano Beach.

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

16. [22-53](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL THREE-MONTH EXTENSION OF THE ZONING IN PROGRESS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that this is for an extension for 3 months for a period of time known as “zoning in progress.” Zoning in progress is known as the time between a first public hearing of the Planning and Zoning Board and the time that the text amendments are brought before the City Commission. The Code allows staff 6 months between the Planning and Zoning Board and City Commission meetings to bring text amendments for City Commission’s deliberation. During that time, staff cannot issue approvals of any development that is in conflict with what is being considered. On May 26, 2021, the Planning and Zoning Board heard the Text Amendment regarding housing deconcentration of poverty and provided a positive recommendation that would take staff to May 26, 2021. Consequently, staff is requesting a 3-month extension until February 26, 2022. Since that time staff has been working with outside consultants as well as several City committees, and are making some revisions to the amendments before these are brought back to the Planning and Zoning Board, and then before the City Commission. This Resolution does not approve the text amendment that the Planning and Zoning Board was considering, it simply provides staff 3 additional months to take revisions back through the process.

Vice Mayor Perkins requested more information so she could better understand what staff is requesting.

Ms. Gomez indicated that this started in January 26, 2021, when the City Commission adopted a Resolution on a moratorium regarding concentration and clustering of low-income housing tax credit projects and asked staff to examine this a little further. Staff met with an outside consultant, who updated the City’s housing policy and assisted in preparing some text amendments aimed at deconcentrating poverty.

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
 McMahan
 Perkins
 Hardin

Enactment No: RES. No. 2022-30

17. [22-13](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING AN ERROR ON THE ZONING MAP FOR THE FIVE LOTS LOCATED BETWEEN NW 4TH STREET AND NW 2ND STREET, EAST OF NW 31ST AVENUE; 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 this is a companion item to Item 19 on the agenda, which is the Second Reading of the Land Use Map Correction Ordinance for a portion of the street frontage of NW 31st Avenue, which will result in the correction of Land Use Designation for 17 individual lots and an 18th property (145 NW 30th Avenue). When this area was discovered, staff reviewed the zoning map to determine if the zoning had been incorrectly mapped. It was determined that only 5 lots along this frontage had an incorrect zoning designation. The purpose of this item is to document the correction of the zoning designation of these 5 lots.

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
 McMahan
 Perkins
 Hardin

Enactment No: RES. No. 2022-31

18. [21-751](#) **P.H. 2021-93: (PUBLIC HEARING 2ND READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A PROPERTY RIGHTS ELEMENT IN THE COMPREHENSIVE PLAN; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON AUGUST 25, 2021; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD;

PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 14, 2021

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of the property rights element prepared to meet the requirements of Chapter 163.31776(i), which was created by the state legislature in the 2021 legislative session. The proposed element text has been found in compliance with the law based on state agency review. There have been no changes since First Reading.

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. 2022-04

19. [22-12](#) **P.H. 2022-04: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING ERRORS ON THE FUTURE LAND USE MAP BY MODIFYING THE MAP TO REFLECT THE PROPER LAND USE DESIGNATIONS FOR CERTAIN LOTS LOCATED EAST OF AND ALONG NW 31ST AVENUE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: OCTOBER 26, 2021

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of the Land Use Map correction along NW 31st Avenue. There have been no changes since First Reading.

Frank Russo, 2293 SE 8th Street, Pompano Beach, FL, stated he has been listening on the rezoning information and he is glad to hear everything went so quickly, nevertheless he had a different experience.

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. 2022-05

20. [21-824](#) **P.H. 2022-02: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND G&C PLATINUM 50 INVESTORS, LLC FOR THE USE OF THE SURFACE PARKING LOT ADJACENT TO THE MEDICAL BUILDING LOCATED AT 50 NE 26th AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$7,500)

FIRST READING: OCTOBER 26, 2021

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated that this is for a request for an Ordinance and approval of license agreement for the City of Pompano Beach and G&C Platinum 50 Investors, LLC. There have been no changes since the First Reading.

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. 2022-06

21. [21-839](#) **P.H. 2022-05: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SERVICE CONTRACT NO. 1133 BETWEEN THE CITY OF POMPANO BEACH AND MILLER ELECTRIC COMPANY, TO PROVIDE PREVENTATIVE MAINTENANCE SERVICES FOR THE CITY'S GENETEC SECURITY CENTER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$210,000 over 3-year contract term)

FIRST READING: OCTOBER 26, 2021

(Staff Contact: Gene Zamoski)

Gene Zamoski, CIO, Information Technologies, presented the item and stated that the City uses the Genetec video security system which includes video security cameras and ALPR (Automatic License Plate Recognition) cameras throughout the City. This ALPR system is operated and monitored by BSO. This 3-year agreement will provide labor only service for our system. It will cost \$70,000 per year and it is budgeted out of the IT Department. This will greatly improve the time it takes to service these cameras and provide software maintenance as needed. Finally, there were no changes since the First Reading.

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. 2022-07

22. [22-49](#) **P.H. 2022-06: (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 LABOR AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE CONTRACT PERIOD BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2024; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2.1M/Yr.)

(Staff Contact: Ed Beecher/Brian Donovan)

Brian Donovan, Assistant City Manager, presented the item and stated that this is a proposed Collective Bargaining agreement between the City of Pompano Beach and the Federation of Public Employees. The previous agreement expired on September 30, 2021. The proposed agreement contains several changes and enhancements, which includes an increase in the pension multiplier, pension COLA - 3%, proposed enhancements and pay grades, certifications and licenses to keep pace with the current job market. Cost of Living Adjustment (COLA) 3% per year is provided along with additional proposed holiday Juneteenth.

In consideration of the proposed changes and enhancements, there is a rule of reduction in vacation accruals moving forward for each employee. The proposed term of the agreement is 3 years, and if approved would take effect October 1, 2021. Finally, as the City Manager indicated earlier, if approved, the agreement would take effect retroactively; therefore, staff is requesting an Emergency Second Reading to allow for the required time to program the changes into the payroll system, and also meet the end of year obligatory reporting requirements associated with the City's finances.

Mayor Hardin requested a motion to declare Item 22 an Emergency Second Reading because of the end of year financial situation coming up. Vice Mayor Perkins moved the motion, seconded by Commissioner McGee.

Brian Donovan, Assistant City Manager presented the item for Emergency Second Reading and informed the Commission that there were no changes since the First Reading.

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

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be DECLARED AN EMERGENCY SECOND READING. The motion carried unanimously.

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. 2022-08

23. [22-47](#) **P.H. 2022-07: (PUBLIC HEARING 1ST READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.020 "NORMAL RETIREMENT BENEFIT", TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2024, THAT MODIFY THE GENERAL EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.
 (Fiscal Impact: See Item #22-49)
 (Staff Contact: Ed Beecher/Brian Donovan)

Brian Donovan, Assistant City Manager, presented the item and stated that this item along with several other items that will follow are mainly administrative in nature, which means that these changes are necessary to reflect the approvals that were in the Collective Bargaining Agreement. Therefore, this item is to amend the City's Code of Ordinance to provide a change in the multiplier and the 3%. This change was negotiated with the Federation of Public Employees and is reflected under Article 27 in the agreement. With the approval of the agreement this change is necessary to keep the code updated.

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

24. [22-48](#) **P.H. 2022-09: (PUBLIC HEARING 2ND READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," BY AMENDING SECTION 34.038, "PENSION ADJUSTMENTS," TO INCREASE THE COST-OF-LIVING ADJUSTMENT TO IMPLEMENT RECENT CHANGES TO COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2024; PROVIDING

FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: See Item #22-49)

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Ed Beecher/Brian Donovan)

Brian Donovan, Assistant City Manager, presented the item and stated that this item is proposed to amend the City's Code of Ordinances to provide for a change in the retirement Cost of Living Adjustment to 3%. This change was negotiated with the Federation of Public Employees and is also reflected under Article 27 of the agreement. With the approval of the agreement, this change is necessary to bring the City's Code of Ordinances up to date.

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. 2022-09

25. [22-52](#) **P.H. 2022-10: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES, RELATING TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM, BY AMENDING SECTION 34.015, "CONDITIONS OF ELIGIBILITY," BY MODIFYING PROVISIONS FOR PAST SERVICE PENSION CREDIT AND ALLOWING FOR THE PURCHASE OF ADDITIONAL SERVICE CREDIT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Ed Beecher/Brian Donovan)

Brian Donovan, Assistant City Manager, presented the item and stated that this item is a proposal to amend the City's code to provide provisions for past service pension credit and allow for the purchase of additional service credit. The total cost to be paid for by the employee, should they wish to exercise those provisions.

This change was negotiated with the Federation of Public Employees and is reflected under Article 27 of the agreement. With the approval of the agreement, this change is necessary to bring the City's Code up to date and the fee for the Collective Bargaining agreement.

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. 2022-10

26. [22-51](#) **P.H. 2022-11: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY CREATING A POSITION AND BY INCREASING THE INCENTIVE PAY FOR LIFEGUARDS CERTIFIED AS EMT'S; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: See Item #22-49)

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Bobby Bush/Ed Beecher)

Bobby Bush, Human Resources Department, presented the item and stated that this is to amend the City's Ordinance, Chapter 34.107, which will reclassify additional positions within the Position Classification Plan to reflect position changes included in the Labor Agreement with the Federation of Public Employees Collective Bargaining agreement, as well as to increase the incentive for Life Guards to be certified as EMT's.

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
 McMahan
 Perkins
 Hardin

Enactment No: ORD. No. 2022-11

27. [22-34](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **FRANK PELLY** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 28, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Frank Pelly, Incumbent - District 1
 Jeffrey Scott, Incumbent - District 1
 Carlton Gillespie - District 1
 Corey Staniscia - District 1
 Derek Lewis - District 3
 Corey Thompson - District 4

(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 FRANK PELLY. Vice Mayor Perkins nominated Frank Pelly. The motion carried unanimously.

Enactment No: RES. No. 2022-32

28. [22-37](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JEFFREY SCOTT** 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 OCTOBER 28, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-34 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 and to insert the name JEFFREY SCOTT. Commissioner McGee nominated Jeffrey Scott. The motion carried unanimously.

Enactment No: RES. No. 2022-33

29. [22-39](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GWENDOLYN LEYS** TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #1 TO FILL THE UNEXPIRED TERM OF LOUIS RIVA; SAID TERM TO EXPIRE ON JULY 01, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-34 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

Mayor Hardin mentioned that Gwendolyn Leys who is serving as Alternate #2 was not included on the applicant's list, however, she had expressed her desire to serve as Alternate #1.

MOTION: A motion was made by Mayor Hardin, seconded by Commissioner Eaton, to add Gwendolyn Leys to the list of applicants to be considered for the Alternate #1 position. The motion carried unanimously.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name GWENDOLYN LEYS. Mayor Hardin nominated Gwendolyn Leys. The motion carried unanimously.

Enactment No: RES. No. 2022-34

D. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled Commission meeting will be held on:

December 14, 2021 at 1:00 p.m. - Regular City Commission Meeting

E. REPORTS

Greg Harrison, City Manager - Awards Received at the Statewide Florida Festival and Events Association - Mr. Harrison mentioned that Earl Bosworth, Mark Beaudreau, along with staff, as well as Sandra King and Lidia Gorzelany of the Tourism Division were honored at the Florida Festival and Events Association at a Statewide meeting held recently. They received 5 first place awards, 4 second place awards and 2 third place awards. The first-place awards were for the Food Drive conducted, the Sidewalk Chalk Art Program, Tourism Video, Spring Fling Drive for the street banner and brochure categories. The Commission applauded them for their successes.

Cultural Arts Activities and Events - Mr. Harrison then asked Earl Bosworth and Phyllis Korab to update the Commission on a few "cool things" that the Cultural Affairs department is doing.

Mr. Bosworth distributed to the Commission a catalog titled Camouflage along with flyers of upcoming Events to take place at the Pompano Community Park and the Bailey Contemporary Arts Center.

Phyllis Korab, Director, Cultural Affairs Department, shared information from a catalog from a recent exhibition the City had at the Bailey Contemporary Arts Center, called Camouflage - Patterns of Disruption, which was shown between July 1 and September 23, 2021. This catalog was made possible by a grant from the Broward Cultural Division. The catalog showcases the exhibition, and highlights the beauty and the value of the Bailey Contemporary Arts Center in Pompano Beach. The exhibition was very successful and was curated by Professor Lisa Rockford, who is an Associate Professor at Broward College. She brought in 12 different artists to show a spectacular display of photography, fiber art, paintings and the like. She focused on how camouflage is used in our daily lives to protect us. It was quite interesting, well received and a well curated event. Also involved was the City's consulting curator, Giuliano Ferrara, President of the Nomad Art projects incorporated company.

Continuing, Ms. Korab thanked the City Administration and the City Commission, as well as her staff for assisting with putting on this exhibit. This is one of a number of exhibits that they have been putting on since all the cultural venues have been opened. There are exhibits always happening at the cultural venues, for example at the Blanche Ely House the next exhibit is called "Home Is." Currently, at Bailey they are showing Silent Faces, and at the Pompano Beach Cultural Center they are showing an exhibit by Roy Wieman, as well as there is an exhibition presented by the Latin American Art Pavilion called "I don't Care."

Ms. Korab announced that there are 2 events coming up this week, November 12, 2021 - the Gospel concert, and at the Ali Cultural Arts Center on November 13, 2021 they will have an 18-piece orchestra with Melton Mustafa, Jr. Everyone is invited to come out to enjoy the performances.

Best Wishes - Mr. Harrison wished everybody a nice Thanksgiving with their families.

Employee Collective Bargaining Agreement - Mr. Harrison thanked Tracy Lyons, Bobby Bush, Eddie Beecher and Brian Donovan for working to get a 3-year Employee Collective Bargaining agreement overwhelming approved. The Commission applauded these staff members for their work.

Mark Berman, City Attorney - No Report.

Best Wishes - Mr. Berman wished everybody a Happy Thanksgiving.

Ascleta Hammond, City Clerk - Advisory Boards/Committees Vacancies and Expired Terms - Ms. Hammond announced that there are 3 positions to be filled at the December City Commission meeting. The Boards involved are the Recycling and Solid Waste Committee - 1 position, General Employees Retirement System - 1 position, and the Pompano Housing Authority - 1 position.

Best Wishes - Ms. Hammond wished everybody a Wonderful and Blessed Thanksgiving.

Commissioner Rhonda Eaton - Best Wishes - Comr. Eaton wished everyone a Happy Thanksgiving.

Clean Streets Initiative - Comr. Eaton announced that they are doing the Clean Streets Initiative, which will take place tomorrow, Wednesday, November 10, 2021 for the Cresthaven area. This has been a success in another part of the City and they are looking forward to bringing this to Cresthaven and soon to be in the Highlands area. Residents can put out car tires, appliances, broken furniture, old wood, televisions and electronics equipment and anything like that.

Night time Street Riders - Comr. Eaton enquired about the policies on the street riders. She gets complaints about these riders and at midnight she can hear them on Dixie Highway and south of Sample Road. She asked if there is anything that can be done to disrupt these activities that are happening in the middle of the night when most people are trying to sleep. They are very disruptive to the community.

Major Wayne Adkins, Chief of Police for Pompano Beach, Broward Sheriff's Office (BSO), responded that this activity is a problem that is plaguing all across Broward County and elsewhere. The problem is that a lot of these vehicles have the illegal exhaust systems and the police are trying to stop them. By policy they are not allowed to chase them as a violent felony. This is a game for these riders. However, there are other ways that the police can operate with these nuisances. There is an "operational plan" to be able to address these issues. It is quite frustrating for the police, it is a chronic problem that they are aware of and they are addressing this the best way they can.

Landscaping and Traffic Calming - Comr. Eaton stated that on NE 33rd Street they are putting down sod and doing the plantings, as well as they are doing traffic calming at the intersections. It is looking great and it appears they are finally coming to the end of this project.

Interactive Park for Kendall Green area - Comr. Eaton mentioned that the County has its Scrub Pine Park near the Crystal Lake School. The park sits there and is quite passive. Therefore, she wondered if the City could work towards doing something more interactive with that area as an educational spot and to serve the community in the North Kendall Green area. There are no parks in that section of District 2.

Mayor Hardin suggested that perhaps Parks and Recreation could reach out to Broward County to find out if there is some kind of reciprocal agreement the City could work with them.

Street Lighting Project - Comr. Eaton understands that COVID had sidelined this project but she is really anticipating some progress with the street lights as soon as possible.

Boys' Town in Pompano Beach - Comr. Eaton mentioned that it was a pleasure to do ribbon cutting at Boys' Town - Father Flanagan. There will be a division of Boys' Town in the City of Pompano Beach, at 4701 North Federal Highway. This is a great organization and she is happy the City is supporting it.

Commissioner Cyndy Floyd - Last Saturday Events - Comr. Floyd reported that this past Saturday was a great day for her. There were several events taking place in the community and she tried to touch briefly on

everything. The parade was great, the game was great and it was wonderful to see everyone who came out to mingle together. It was also good to have the principal of Dillard High School who came out to mingle with everyone.

Best Wishes - Comr. Floyd wished everyone a Happy Thanksgiving.

Commissioner Andrea McGee - Best Wishes - Comr. McGee wished everyone a Happy Thanksgiving, and wished those traveling a safe and good travels.

Homeless and Panhandling Ongoing Issues - Comr. McGee asked if there were any developments or updates on the homeless and panhandling issues. She recalls that there were discussions previously of linking panhandling fines to drivers.

Mark Berman, City Attorney, mentioned per the United States District Court, with regard to the Ordinance the City passed, the City is still set for trial maybe for the first of the year as it relates to litigation on certain portions of that Ordinance. The City need to determine if what it has on the books now, is enforceable. Thereafter, they can look to take potentially additional measures. Staff rewrote everything they possibly could do on this problem. There is no simple solution, however, the City could look at providing programs with the County or other partners. As far as legal concerns, it is still being litigated what has been done. So, before taking any further steps staff will have to see what is already in place, and if it is going to be sustained.

Airbnb Issues - Comr. McGee asked about the State's preemption on the airbnb and Vacation Rentals. She is aware this is an ongoing issue and that Code Compliance has been working on this. She has been telling residents to call BSO, and she wanted to thank BSO for all that they are doing. However, she wanted to know if perhaps the City could look at other cities and what they are trying to do to put more "teeth" into this issue and what can be done in exploring this further.

Mr. Berman responded that they could look into this, but if the Mayor or any Commissioner has anything that they may have and would like to present for review and research legally, he will be happy to take a look at it to see if they can move it forward.

Traffic Issues on Atlantic and Dixie - Comr. McGee made a statement to the public that they are continuing to do traffic counts on the Atlantic Boulevard Dixie Highway interchange and to make sure they are driving it to assist in getting accurate counts to figure out what will be needed for the project. She is aware of the frustrations experienced, but the Commission is listening and trying to figure as much as possible to make things better for everybody.

Parking Discount Program - Comr. McGee reminded residents that have not yet signed up for the discount parking program to do so. Go to the base of the Pier garage and sign up there or go online to the City's website and go to residents parking permits and get the forms there to get your 25% discounts.

Hillsboro Lighthouse Museum - Comr. McGee mentioned that one of the items passed under Consent Agenda, which was the continual lease agreement with the Hillsboro Lighthouse Preservation Society for the lighthouse museum. She reminded everyone that it is right there at Inlet Park, which is a small building. The

hours will be Monday through Sunday from 10:00 a.m. to 4:00 p.m. for visits to a lovely park with amazing views, which is right there with the fishing fleet and lighthouse, as well as there is awesome history to learn. This is one more area to explore and experience in Pompano Beach.

Commissioner Tom McMahon - Letter from Former Mayor John Rayson - Comr. McMahon mentioned he received a letter from former Mayor John Rayson, on November 5, 2021. He is representing Lieutenant O'Brien, who is a former Pompano Beach police officer with 44 plus years of service to the community. He distributed enough copies of the letter for each Commissioner, which he passed on to the City Clerk. In Mr. Rayson's letter, he is requesting that the City ask the Pension Board to do an actuarial impact study regarding his proposal to changes in Mr. O'Brien's pension in the future.

Mayor Hardin indicated that there has been some discussion about this prior, and at this point he believes Mr. Rayson is asking the City to request the determination from the Pension Board if there would be a cost to the pension system for the proposed changes he is requesting on behalf of Mr. O'Brien.

Greg Harrison, City Manager indicated that if the City Commission would direct him to request that information from the Pension Board he would do so.

MOTION: A motion was made by Comr. McMahon, seconded by Comr. McGee to move forward with Mr. Rayson's request and ask the Pension Board to review this. The motion carried unanimously on voice vote.

Old Town Untapped Event - Comr. McMahon reported that Untapped started on Friday and Vice Mayor Perkins was the honorable guest who welcomed everybody and it was exciting to be there with her. It was a great event to get back to some form of normalcy, whichever that is in the near future. Special thanks to Parks and Recreation staff who worked to set up even though it rained all day, and finally stopped at 6:00 p.m. when the event started. A lot of the residents enjoyed the event.

Additionally, he was able to speak to several residents at this event regarding the Atlantic Boulevard traffic issues. He mentioned that the City Commission is looking at this and they have staff and engineers working on this. This is not being ignored or overlooked. The current conditions are not acceptable to the Commission. They are working on those projects and this does not happen overnight to change designs and roads and things like that. However, he wanted the public and his constituents to understand that he is representing them and he drives that road and understands the frustrations about Atlantic Boulevard. While he may not have returned all the phone calls and emails, he has received a lot of communications in reference to this project.

Comr. McMahon announced the following events will take place:

- 1) On November 13, 2021, there will be the opening of the annual Green Market that will be across the street at the Cultural Center, which will be a very nice event.
- 2) Light Up MLK will take place on November 20, 2021 at 5:30 p.m. Staff is working to have this held at another location as the Park where it is normally held is under construction. So, it is moved to the E. Pat Larkins Center this year.

Vice Mayor Beverly Perkins - NW 6th Avenue Speed Humps - Vice Mayor Perkins stated that she has been receiving numerous calls about NW 6th Avenue with the new speed humps that were put in. Staff has indicated that they are going to look into these as they are a bit too high. There are 4 of them.

Vice Mayor Perkins mentioned that last night she attended the meeting for Sheriff Gregory Tony held at the Cultural Arts Center and she was surprised when she saw the flyer asking if there were any questions for the meeting. The residents really want answers. Also, on the flyer it mentioned that seating is limited and reservation of seat must be made to see the Sheriff, yet the City is paying \$53 million per year for the Sheriff department.

Continuing, Vice Mayor Perkins indicated that the City has in place bicycles, real time cameras, 6-8 new officers for the Task Force on Martin Luther King Blvd., the ShotSpotter in place and the Tag Reader in place yet there are still crime and shooting in the Northwest community. Nothing has changed in the last 5 years. She mentioned that she has received numerous calls about the speeding in the neighborhoods and requesting speed humps. This should prompt BSO to do more or perhaps become more visible in the area. Therefore, she is displeased with BSO and thinks they can do better as far as connecting with the Northwest community.

Vice Mayor Perkins indicated that the meeting last night was well attended by the BSO officers. In fact, there were more officers in attendance than residents. She said if BSO wants to connect with the community they need to come into the community. They need to attend churches and homeowners' association meetings, perhaps talk to the fraternities and sororities and find out what is really going on because there is no connection with BSO and the community. She feels if there is a connection, then people will talk to the police. If there is fear and the feeling of not being protected or respected they will keep going through the same situation repeatedly.

In sum, Vice Mayor Perkins indicated that she would love to see BSO do more as far as building a relationship with the community and work with the residents within the community. She suggested that perhaps the City Manager could put together a Review Board to talk about some of the areas of concern in the community. In the City of Atlanta, they do have a Review Board and it is working. Therefore, she will forward the information to the City Manager so he could have an idea of how it is working in the Atlanta area. It appears a negative message is being sent to Broward County that if you need to do a crime then Pompano Beach is the place to do it because it looks like a place that you would want to do it, with all the trash around, they can come here to shoot and sell drugs and whatever they like in the City. She reiterated that the Northwest area does need work on all levels, to include BSO, and Code Enforcement. She has been slowly visiting some of the churches to ask some of the residents to do their part and stop throwing down so much trash and putting out bulk when it should not be. So, she would like for the City to step up their part to assist in this endeavor, since she is doing her part to encourage the residents.

Best Wishes - Vice Mayor Perkins wished everyone a Wonderful Thanksgiving,

Mayor Rex Hardin - Project for Old Pompano Downtown ground breaking - Mayor Hardin pointed out that the City just had a ground breaking for a major project in the Old Pompano Downtown area by Adache Cavache properties, which will be a great addition to the area. This was stalled due to COVID-19 and is currently moving forward as intended.

Mayor Hardin commented on Sheriff Tony’s presentation last night. It was shown by the presentation and the discussion that was done that there is work to be done. However, he was gratified to see that the City had the Sheriff of Broward County visiting and thanked him for showing up and being part of the community. Some good suggestions were made at the meeting. Also, Ms. Carmen Jones suggested that the next meeting be held at the E. Pat Larkins Center to connect with the community. Mayor Hardin mentioned that the Sheriff did commit to certain things last night, which he was gratified to hear. Work needs to be done and it is a never-ending challenge. He was glad to see the Sheriff taking the time to be in Pompano Beach.

Best Wishes - Mayor Hardin wished everyone a Happy Thanksgiving.

Last speaker from Audience to be Heard

John Rayson, 1030 NE 27th Avenue, Pompano Beach, FL, thanked the City Commission for authorizing that fiscal impacts study. He indicated that he is representing Lieutenant O’Brien who served his entire career in the City of Pompano Beach. He was a Pompano officer prior to the transition to Broward Sheriff’s Office (BSO). Mr. O’Brien thanks the Commission as well.

Mr. Rayson wished everyone a Happy Thanksgiving.

F. ADJOURNMENT

The meeting adjourned at 3:00 p.m.

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Asceleta Hammond
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Asceleta Hammond, City Clerk

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Rex Hardin
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Rex Hardin, Mayor

