



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 McMahan, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, April 27, 2021

1:00 PM

Commission Chamber

Virtual City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

APPROVAL OF MINUTES

[21-488](#) Virtual City Commission Meeting Minutes of March 23, 2021

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

APPROVAL OF AGENDA

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. 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, 5 and 6 would be pulled for City Commission discussion.

A. PRESENTATIONS

[21-316](#) Presentation of the Actuarial Valuation Report for the City of Pompano Beach Police & Firefighters' Retirement System
(Fiscal Impact: N/A)

(Staff Contact: Lawrence Watts of The Nyhart Company, Inc.)

Lawrence Watts, Nyhart Company, Inc., Actuary for the Pompano Beach Police and Firefighters' Retirement System, stated they come each year to discuss the recent evaluation results that are required under Section 112, Florida Statutes. The purpose is to provide an update on where the Plan stands in terms of the funding status and any major events that happened over the last year.

The Plan had a decent year from a market perspective and it slightly missed its assumed return, which had a 6.4% return versus the assumed 7.3% return. Liabilities came in a little higher than they previously anticipated partially due to higher-than-expected pay increases, promotions and mortality experienced. The total contributions to the Plan came in at just under \$16 million. He explained that there are four funding sources. The employer (agreement between the City and Broward Sheriff's Office (BSO) who contributes the majority of the cost of \$11 million. The employees require as a condition of employment, employees' contribution of approximately \$2 million and the State of Florida has approximately \$2 million in form of premium taxes that come in under Chapters 175 and 185 of the Florida State Code. This is a three-pronged solution that provides funding on an ongoing basis.

He then provided the technical numbers and the discount rate, which is based on how much assumption of the Plan's assets return, and remained at 7.3% for the year. The Plan funding level decreased slightly by approximately 1.4% due to the experience in some methodology changes. The recommended employer contribution for fiscal year 2021-2022 will be just under \$12 million, that is under \$1 million more than calculated from the prior year. As interest continue to remain low, it has placed a challenge on the investment advisors for these pension plans.

Additional detailed information of Mr. Watt's presentation is provided under the backup material of this item.

Finally, a summary of the participants information that is active and retired that are in the Plan, there are approximately 181 current employees accruing benefits on the plan, which are active firefighters and two active police legacy BSO members as opposed to 388 inactive, which are retirees, beneficiaries, or people who are no longer employed by the City but are due a benefit in the future. There is also a Deferred Retirement Option Plan (DROP) program where once an employee is retirement eligible, he/she can remain an active employee for a few years and continue working for the City. In other words, you can continue to work for the City but the pension accrual stops and the benefits are paid into a side account, and at the point of actually leaving the City this can be rolled over or taken. The two take-away to recall are that the discount rate is going to be lowered

to 7% and all else equal that will lead to some pressure on the required contributions in the near term. The Board has a funding policy in place to pay off that unfunded liability. Over time they would expect the required contributions to come down, but in the very short term, in the next three years there will be expected pressure.

Mr. Watts mentioned that they had performed an Experience Study for the Plan in 2019, which served to update the assumptions. They do look at things like assumed salary increases, how often people retire when they are eligible, and how often people become disabled.

Mr. Watts stated that the Plan is well governed and the Board meets regularly and is capable and technically are on top of things. It is a testament to the governance of the Plan and the required cooperation between the City and the Board. The funding percentage has remain leveled despite all those increased liabilities resulting from the assumptions over the last decade. He said the markets were going "crazy" due primarily to COVID-19. The funding policy is to payoff any new unfunded liability that may arise over a twenty-year period.

Paul O'Connell, Chairman, Police and Firefighters' Retirement Board, thanked the Commission for their continued support of the Pension Plan and all the retirees. This is not a cheap commitment but it is worthwhile, as the City gets the best as far as firefighters and it has rewarded both police officers and firefighters, that have served the City honorably in the past.

There was no public input on the presentation.

Mayor Hardin indicated that Mr. Watts mentioned that there were two actives on the police side and asked how many retirees are on the police side.

Mr. Watts responded that there are 226 in-actives on the police side and one person under ops, so, there are 227 people who are already receiving benefits, and they are all in payment status, with two actives paying into that portion.

Mayor Hardin asked if the police and fire are separate as far as they look at things in the Pension Plan.

Mr. Watts responded yes and no. The assets are not legally segregated they are all in a separate pool. However, they calculate the contributions independently. There is a fire portion of the assets and a police portion and based on the liabilities associated with the fire and the police, they come up with a contribution to basically payoff the liabilities associated with each. He referenced that the fire unfunded liability is \$53 million versus the police of \$55 million.

Mayor Hardin asked about the long-term impact this will have once the two active police officers are no longer around. Would that mean all the police officers have retired and start to drop off due to normal mortality reasons.

Mr. Watts responded that the liability associated with the police portion will be paid off assuming the contributions continue to be met and the obligation of the fund will decrease. There will be less exposure to contributions volatility and the budgets will be more predictable. Presumably, BSO obligation to the City and

the Plan will decrease over time.

Mayor Hardin inquired about the assumed rate of return. He mentioned that as the assumed rate of return is reduced which it has over the past ten years. So, as this rate is reduced, are the investment managers and investment funds benchmarked to the assumed rate of return. In other words, are they making it easier for all those investment managers to hit their mark by the City reducing its assumed rate of return?

Mr. Watts pointed out that he is not the Plan's investment consultant or advisor, however he understands that each investment manager that is advised and selected by the Board through its investment consultant has its own mandate. So, they have what they are supposed to be investing in terms of the universal assets and they have their own individual targets and benchmarks that they are measured against. In the aggregate, the fund is trying to meet its assumed rate of return. However, any individual investment manager is just being compared to its mandate and its associated benchmarks. In sum, even though the target has changed from 8% to 7.3% over the last decade, the 7.3% can often be more challenging to achieve than 8.1% was ten years ago.

Mayor Hardin mentioned that the Pension Board does an excellent job in overseeing the assets of the Plan and they do a great job for the City and all the retirees. He then thanked Mr. O'Connell for doing a great job in shepherding the fund for so long.

The Presentation was READ AND PRESENTED INTO THE RECORD.

[21-431](#) Strategic Plan 2020-2025 and Action Agenda 2020-2021 Quarterly Progress Presentation.
(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

Ernesto Reyes, Strategic Performance Manager, stated staff has prepared a brief presentation for the purpose of providing the City Commission and the Community with a general update on the progress of achieving the City's Strategic Plan Strategies. The presentation provided a brief quarterly update for the months of October, November and December 2020 for the fiscal year 2021 Strategic Plan approved in September of 2020. This Supplement of the presentation, the backup includes a comprehensive analysis providing an update on all 241 Action Items contained in the fiscal year 2021 Strategic Plan, and the 107 and 44 Action Items contained in the fiscal years 2020 and 2019 Strategic Plans respectively. All these Action Items remain active as of end of Q4 of fiscal year 2020. For additional details of the presentation please refer to **Exhibit 1** attached.

The Presentation was READ AND PRESENTED INTO THE RECORD.

[21-473](#) Presentation of Internal Audit Activity Report Memorandum 21-03 for completed and ongoing audit projects, technical assistance as well as follow up for implementations from previous audit

project recommendations covering the 10-month period from June 2020 through March 2021.
(Fiscal Impact: N/A)

(Staff Contact: Deusededit C. (DC) Kiyemba)

Deusededit C. (DC) Kiyemba, Internal Auditor, stated that one of the Internal Auditor's responsibilities is to present the activities of the Internal Auditor's Office at least once a year, which this presentation is intended to fulfill that requirement. He acknowledged and thanked the City Manager, Assistant City Managers, City Attorney, City Clerk, Department Heads and City Staff with whom they have worked with over the reporting period. The cooperation of each one has made his team's work more effective and efficient. DC also invited and welcomed the City Commission's continued feedback on the Activity Report.

Continuing, DC mentioned that the Activity Report covers 10 months from June 2020 through March 2021, to include 4 completed audit projects for a total of \$39.3 million, including more than 50 technical assistance that is contracts and agreements that are reviewed prior to approval. In addition, they followed up on some recommendations to confirm implementations for 2 prior audits. There are 7 current and future audits that are in progress for a total of \$22.5 million. As provided in the detailed backup material, the report provides a Dashboard beginning on Page 1 for a quick reference at a glance that will give an immediate status of the project. A detailed section follows, which includes background summary, risk ratings, conclusions or findings and audit results, other recommendations. The City Departments corrective action taken or planned action to implement the auditor's recommendations. This part of the report is intended to provide a better understanding of what was covered.

Continuing, DC indicated that the process used in their audit is as follows:

- Prior to starting the audit, his team meets with the appropriate department head(s) to discuss the objectives, scope and timing of the audit. The records, materials or access needed are agreed upon as well as who will be the staff contact.
- Most of the audits are not surprises as indicated on the dashboards. The proposed and future audit areas are listed, but if they find the need or a surprise audit, they come prepared and just show up and conduct an audit, which happens once in a while.
- Throughout the audit staff continually confirms its understanding of external or internal City operations. Department/Division procedures, internal controls, contracts requirements along with State and sometimes Federal rules and regulations.
- After the field work is completed, a draft report with details of the findings and recommendations is generated and provided to the respective parties to review. Then a date is set to discuss the contents of that report and during the meeting it is mutually agreed upon the findings and rated recommendations.
- Thereafter, management is asked to provide its responses. Those responses are included in the final audit report. In the event a recommendation is not implemented, then the City department, a vendor/contractor, if applicable, is required to provide an explanation to internal audit as to the reasons for non-implementation. The reasons are also included in the final report.
- Finally, as exit meeting is held, the report is finalized, published and distributed as necessary. As part of the process, Internal Audit follows up with every auditee to verify that the recommendations are being implemented as promised by management and that those recommendations are working as intended.

- Prior to corrective action being taken by the departments to implement the auditor's recommendations, risk ratings are considered for the projects that range from low to high. Risk ratings are based on the need for timely City corrective action to enhance controls, mitigate identified risks and comply with contract language, City Ordinances/Resolutions, State and all Federal regulations.
- After the corrective action is taken or future action is planned to be taken to implement the recommendations, the changes of those recommendations are expected to achieve low risk ratings, which means no further action would be required.

DC mentioned that one item not mentioned on the report is the consolidation that takes place on an as-needed basis. Department Heads and other City Staff continuously or routinely contact internal audit and request their involvement in some of the processes they are planning or implementing. Also, requesting internal audit's presence in some of their new systems planning or implementation meetings. As noted on the Dashboard in the backup, some of the projects listed are part of the City's Strategic Plan. For future audits, internal audit will be selecting G.O. Bonds funded projects to review as those projects come on line.

DC reiterated his comments that the Internal Audit welcomes and invites feedback from the City Commission. The feedback given on the Activity Report assists them to better perform their duties and facilitate the Commission's and the public's understanding of the Internal Auditor's role.

There was no public input on this presentation.

Mayor Hardin thanked DC for the great job his Office is doing. He also expressed appreciation on DC's approach to things, which is not like "the Sheriff coming to town to ride herd over City staff," he is more the collaborative partner in everything that goes on in the City. He tries to set it up to ensure things do not go wrong in the City and go off the rail. He and his team are available to assist the City to avoid any problems.

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 offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight's agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker's comments.

The following persons spoke:

Traffic Issues on Pompano Beach Boulevard - Ralph Marchand, 111 North Pompano Beach Boulevard, Apt. 413, Pompano Beach, FL, informed the City Commission that North Pompano Beach Boulevard from the terminus to Third Street has become sort of a traffic hazard. He can see what is happening on that street

everyday and people are stopping to unload next to the cars parked in the diagonal parking and forces traffic to go around and into oncoming traffic. He indicated he had almost gotten into an automobile accident twice because people are zooming through the neighborhood at about 30 to 35 miles an hour. Also, people will stop and backup in long lines of about ten to fifteen cars sometimes. People then move into the other lane to circumvent the blockage as people are either waiting for a parking spot or loading or unloading in the area. In fact, on two occasions he almost witnessed Middle School age kids hit by automobiles. In sum, he just wanted to make the City Commission aware of some safety issues on that street. He suggested that perhaps the street could be made into a one-way street.

Mayor Hardin acknowledged Mr. Marchand's email he sent to him. Also, Broward Sheriff's Office is working on the traffic issues in the area.

Greg Harrison, City Manager, pointed out that on Agenda Item 36, part of the problem will be taken care of with the limited delivery zone. Also, there has been discussion of the possibility of making that street a one way and expand the bike lane.

Land Acquisitions - Molly Moor, Pompano Beach, FL, expressed concerns over land acquisitions by Hillsboro Inlet Investments, LLC, a company owned by William Swain. This company claims ownership of portions of City land as well as land owned by individuals in the Hillsboro Shores neighborhood. A judge granted both private and public land to Swain based on outdated maps and without notifying the affected parties. Now there is an ongoing legal battle, which homeowners are trying to reclaim their property.

Ms. Moor stated she sent PowerPoint images of the impacted area to Sandra King and asked her to display the slides. Slide 1- the purple shaded areas show approximately the area that Swain now owns, which include people's backyards, their docks, the inlet, submerged land and public beach. They are gravely concerned over the City's loss of public beach and beach access as a result of Swain's land grab. Slide 2 - shows one of the parcels previously owned by the City colored in red. There is a public pedestrian bridge providing beach access over Wahoo Bay. The beach access point is significant because it is the closest public beach access for people wishing to be at the Lighthouse. There are at least three beach front parcels previously owned by the City that are impacted. Slide 3 - shows another piece of property that was owned by the City. Slide 4 - shows another parcel owned by the City which she has no map for it.

Ms. Moor wonders what the City is doing to reclaim ownership of this beachfront property on public beach access. She asked if the City will protect the land and its bridge. If so, what steps have the City taken to this end. She has not seen any motions filed on behalf of the City with respect to this case, which is currently litigated with a hearing set for tomorrow, April 28, 2021. Slide 5 - shows a link Ms. Moor attached to a news article that references Swain's history of extorting money as a result of his previous land acquisitions. If history repeats itself then Swain will try to extort the City for money if the City intends to preserve the public beach access and the pedestrian bridge over Wahoo Bay.

Ms. Moor indicated that she has discussed the issue with Mayor Hardin as well as with Vice Mayor Perkins and will be happy to further discuss the matter with City Attorney Berman and anyone else, as she feels this matter requires urgent attention to protect the residents from being victims of what appears to be an obvious scam.

Mayor Hardin asked City Attorney Berman to provide a brief update on where the City is on this matter. He indicated that he has spoken with Broward County Property Appraiser Marty Kiar about it.

Mark Berman, City Attorney, responded that the City Attorney's Office has been involved since the judgment was entered and the Property Appraiser's Office put the City on notice several months ago. The real property that involves City property is the Wahoo Bay bridge beach access, as this was one of the exhibits. The other areas are not City parcels that are involved. They waived the government lot, which is not included and they have redacted or taken that out of the description of the property. Mr. Swain's business motto is to go after the submerged lands. They were Sovereign Lands and some of them have been properly transferred and some are not. In the course of the Wahoo Bay bridge, the City purchased that over five years ago and paid \$25,000 to the State. There is also insurance on this so the City will not lose anything. However, rather than dealing with the title company, which the City has put them on notice, and have talked with Mr. Swain and his counsel and have convinced them to provide the City with a Quit Claim Deed, which an example has been provided. Also, the City Attorney's Office is looking it over to ensure the entire legal is accurate. They have agreed that the property is worth no value to them. The City has the power of eminent domain, so even if somehow a court says it was theirs and the City argues it is not, then it can be retrieved through eminent domain. It is a protective mangrove area and is not worth anything and they will be giving the City their quit claim interest in that property. Therefore, the City Attorney's Office has moved quickly to protect City areas that are involved in this. As far as citizens, he has spoken with several private attorneys and provided them with recent case law that might assist them and the City is trying to work with private counsel. The City cannot protect the private property owners; however, it has moved forward and have protected City property and as soon as that is final within a week, he will provide all Commissioners and the Mayor with a final report as to the outcome.

In sum, this is not anything new to the City. They have been actively involved in this matter for quite some months.

Mayor Hardin thanked Mr. Berman for working with the private attorneys. He said even though it is private properties that are impacted mostly with what is going on with Mr. Swain and his company, people still look to the City for help. So, he is happy the City Attorney's Office is coordinating this as best as they can. While the City Attorney's Office cannot provide direct legal assistance to the residents, any help to assist is greatly appreciated.

City Pensions Funds - Thomas Terwilliger, Pompano Beach, FL, complained that the registration form does not give the citizens an option to speak under the issues such as the Presentations.

Mr. Terwilliger stated that the Presentations are warnings. The City has two Pension Funds. Tonight's Pension Fund being discussed is short over \$108 million, and the City added \$8 million more in the past year. The Pension Fund is 68% funded that means it is 32% unfunded. The other City Pension Fund is out \$75 million in debt or unfunded. The total unfunded pension liability for the City is approximately \$180 million. He then explained how this would be distributed and paid for by the upcoming generation over the future years. He complained that the pension debt, the G.O. Bond and the Parking Garage debt of the City exceeds \$500 million.

Continuing, Mr. Terwilliger indicated that with regard to the City's auditor report there is a saying, "Garbage in garbage out." So rather than being honest the City's auditor set up a false narrative, and explained his reasons for this conclusion. He urged the City to stop spending, pay its bills to include the pension funds and start some savings.

Follow-up on Community Concerns/Issues - Dedrick Watkins, Pompano Beach, FL, stated that last month he attended the City Commission Meeting and he expressed some concerns about his neighborhood along with two other residents in his neighborhood. Per the Mayor's request for him to get with the City Manager's Office and express his concerns to him. However, he sent an email a couple days after the meeting and he is yet to get a response from the City Manager or Comr. Cyndy Floyd who was copied on his concerns and requesting a meeting via zoom or a phone call. He wanted to know how can he move forward.

Mayor Hardin apologized for appearing to put Mr. Watkins off but asked that he send him a copy of the email sent to the City Manager and Comr. Floyd and collectively they will ensure that a response is provided to Mr. Watkins. He apologized if his email may have slipped through the cracks.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 2, 3, 4, and 7-20 without City Commission discussion.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to APPROVE THE CONSENT AGENDA AS AMENDED. The motion carried unanimously.

1. [21-479](#) Approve ranking order for RFP E-12-21, Lyons Park Stormwater and Wastewater Improvements, and authorize staff to negotiate a contract with the highest ranked firm, Giannetti Contracting Corp. (No cost at this time).
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

Comr. McMahon pulled the item for City Commission discussion and asked for an update on the project. He spoke with City Engineer John Sfiropoulos sometime last week, but he wanted the public to be aware of where the City is at on this project. This is a huge undertaking and much needed improvement in his District. They have had some serious flooding in Lyons Park last year with all the rain that fell.

John Sfiropoulos, City Engineer, stated that the next step is to secure financing, which is currently in process and should be completed by June 2021. At that time, they can bring forth the construction contract to City Commission for their approval. Thereafter, there will be a couple months of permitting and then they should be "hitting the ground construction-wise in September."

Comr. McMahon thanked Mr. Sfiropoulos for the update and is looking forward to the improvements in Lyons

Park.

There was no public input on the item.

Mayor Hardin appreciated the update provided by Mr. Sfiropoulos. He enquired if things start in September, what is the duration of the project.

Mr. Sfiropoulos responded that it is approximately eighteen months from start to finish.

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:

2. [21-417](#) 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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HOLA MUNDO!, LLC TO PROVIDE A BILINGUAL SUMMER CAMP FOR BOYS AND GIRLS AGES FOUR TO THIRTEEN YEARS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The licensee will pay the city \$3,000 as compensation for use of the main public beach.)

(Staff Contact: Mark 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. 2021-145

3. [21-461](#) 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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIVING WATER SURF SCHOOL LLC TO PROVIDE INSTRUCTION IN OCEAN AWARENESS AND SURFING FUNDAMENTALS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Licensee to pay City \$4,125 as compensation for the use of N. Ocean Park.)

(Staff Contact: Mark 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. 2021-146

4. [21-400](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING CITY OF POMPANO RESOLUTION NO. 2021-64 RELATING TO THE LICENSE AGREEMENT WITH DANIA PIER MANAGEMENT CORP. TO OPERATE THE CITY'S PIER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(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. 2021-147

5. [21-421](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING AN UPDATED STRATEGIC PLAN FOR 2021-2026 AND AN ACTION AGENDA FOR 2021/2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

Vice Mayor Perkins pulled the item for City Commission discussion and stated that the Strategic Plan is important to the City and she wanted to know how much did the City pay for the Strategic Plan per year.

Ernesto Reyes, Strategic Plan Manager, responded that the amount varies from year to year, but it typically falls in the range between \$20,000 to \$40,000.

There was no public input for the item.

Comr. McMahan stated that this is one of the most important things that he has learned as Commissioner that they go through that process to assist with identifying the pieces of what is important in each District and the concerns involved. The process works well and an innovative way of getting everybody's input together and making it happen when there is a Board such as this Commission.

Mayor Hardin agreed with Comr. McMahan's comments. This is extremely important in his mind that the Strategic Plan process that is exercised is done. There is an old saying, "What you track gets done." So, if you do not track things, it does not get done. The Strategic Plan allows the Commission to put in writing what is important to them as they are the representatives of the residents and it gives staff their marching orders of what they want done, so, staff must track it. It is a great process and exercise that is done each year. He thanked Vice Mayor Perkins for pulling the item and Comr. McMahan for commenting on it. He feels every City should go through this kind of process.

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. 2021-148

6. [21-408](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING EIGHT (8) STORM DRAIN MURAL 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)

Comr. Floyd pulled the item for City Commission discussion and asked if any of the beautiful murals mentioned in the backup will be installed west of Dixie Highway. If not, are there any consideration to put any in that location. She mentioned that she would love to see some in her District 5.

Laura Atria, Public Art Manager, responded that is a great question from Comr. Floyd and stated that this is the first phase. They do have hopes to acquire more funding, as this is partially funded through a grant. The goal is to go throughout the Innovation District and across Dixie Highway and bring this over that area. They are currently working on a Bloomberg Initiatives Asphalt grant that will be submitted at the end of the week and that would include an asphalt mural design nearby the Annie Gillis Park. So there are plans to extend it, and hopefully sooner than later to get some out there.

Comr. Floyd asked that she be informed of this progress.

There was no public input on the item.

Mayor Hardin indicated that this has been one of his pet projects. The whole asphalt part initiative he had pushed from the beginning, which really adds some pizzazz to the City. It is different and unique and he is looking forward to it. He thanked the Public Art Committee for supporting it and Ms. Atria for making it happen.

A motion was made by Vice Mayor Perkins, seconded by

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

Yes: Floyd
McGee
McMahon
Perkins
Hardin

Absent: Eaton

Enactment No: RES. No. 2021-149

7. [21-414](#) 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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DUC POMPANO, LLC FOR THE PROPERTY LOCATED AT 113 NE 1ST AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier)

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

Enactment No: RES. No. 2021-150

8. [21-437](#) 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 AMENDMENT OF NOTATION ON PLAT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH RELATING TO THE RENTERIA INC. PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

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. 2021-151

9. [21-444](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RELATING TO AN AMENDMENT OF NOTATION ON A PLAT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH,

APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY PROVIDING FOR THE CONSTRUCTION, FUNDING AND SECURITY FOR THE REQUIRED IMPROVEMENTS ALONG MCNAB ROAD AND NW 21st AVENUE/SW 36th AVENUE REGARDING FIRE STATION 114; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2021-152

10. [21-446](#) 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 AMENDMENT OF NOTATION ON PLAT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH RELATING TO THE REGIONS BANK PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2021-153

11. [21-463](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EVENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SVAP POMPANO CITI CENTRE, L.P. FOR USE OF THE PROPERTY KNOWN AS POMPANO CITI CENTRE FOR A COVID-19 VACCINATION DRIVE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

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

Enactment No: RES. No. 2021-154

12. [21-464](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, ADOPTING THE POMPANO BEACH FIRE PREVENTION DIVISION FEE STUDY PREPARED BY PMG ASSOCIATES, INC.; 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. 2021-155

13. [21-487](#) 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 OF AN EMERGENCY VEHICLE BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF FORT LAUDERDALE; 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. 2021-156

14. [21-485](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mario Sotolongo)

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. 2021-157

15. [21-453](#) A RESOLUTION 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 POMPANO CITY PLACE, LLC AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 50/50 revenue split with Pompano City Place, LLC)

(Staff Contact: Jeff Lantz)

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. 2021-158

16. [21-490](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING AND APPROVING THE PROJECTS SUBMITTED IN 2018 TO BROWARD COUNTY SEEKING FUNDS SET ASIDE IN THE PENNY FOR TRANSPORTATION (SURTAX), AND CONFIRMING ITS ALL INCLUSIVE SUPPORT FOR PROJECTS PROPOSED IN 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2021-159

17. [21-484](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHALEEN GILMAN TO THE COMMUNITY DEVELOPMENT 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. 2021-160

18. [21-365](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARIA L. MCLAMORE TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY 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; 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. 2021-161

19. [21-371](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TUNDRA M. KING TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

Enactment No: RES. No. 2021-162

20. [21-399](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KIMBERLY HARMON TO THE CULTURAL ARTS COMMITTEE OF THE CITY OF POMPANO BEACH AS APPOINTEE OF VICE MAYOR BEVERLY PERKINS; SAID 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. 2021-163

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 21-23 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

21. [20-150](#) P.H. 2021-53: (PUBLIC HEARING 2ND 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Jean Dolan/David Recor)

Mayor Hardin declared that he has had ex-parte communications with both the developer as far as the plans for the project, and he received numerous emails some in favor and some opposed to the project for various reasons to include traffic congestion and density.

Comr. McGee declared that she has had ex-parte communications with the developer as well as received mostly emails from residents for and against the project citing similar concerns as mentioned by Mayor Hardin.

Comr. McMahon declared that he has had ex-parte communications and he received emails for and against the project.

Vice Mayor Perkins declared that she has had ex-parte communications and received emails pertaining to the item.

Comr. Eaton declared that she has had ex-parte communications and received emails for and against the project.

Jean Dolan was sworn in by City Clerk Hammond.

Jean Dolan, Development Services Department, presented the item and stated that although this is Second Reading, she thought it would be good to do the presentation again because there are a number of people signed up from the public to speak. She then provided a brief presentation on the item.

Ms. Dolan stated it is Second Reading of the rezoning of 305 Briny Avenue. Project is located east of A1A and west of Briny Avenue with SE 4th Street on the south. There are various criteria to be considered when looking at a rezoning approval. Those consist of consistency with the Future Land Use Category. The property must have the entitlements for the number of units being requested. Also, they will need to meet the Goals, Objectives and Policies of the Comprehensive Plan and all other Plans of the City, which includes:

Policy 01.03.02 that looks at residential densities of the Zoning Districts to ensure they are consistent with those on the Future Land Use Map.

Policy 01.02.03 to encourage property owners to rezone subject properties when initiating development to be consistent with the designation of the Land Use Plan.

Policy 01.03.11 is considered for the compatibility of adjacent Land Uses and all Land Use Plan Amendments and rezoning.

Policy 01.03.12 sets out the criteria to use when evaluating rezoning requests, which include density, design, distance to similar development, adjoining uses, proposed adjoining uses, readiness for redevelopment of surrounding uses and proximity to mass transit.

This particular designation is in a MH-25 (Medium High 25) Land Use Category, which allows the property to build up to 44 units. The request is consistent with the Land Use Category. The current zoning of the property is RM-20 (Multi-family Residential 20) and they are seeking an RM-30 (Multi-family Residential 30) zoning, which the property immediately and adjacent to the north has a RM-30 zoning and the property to the south has a RM-20 zoning. However, the existing condition of what is built, to the south of the subject property there is a seven-story building, Christopher House, which is built at 93 units per acre. The subject site will be a ten-story building at 30 units per acre. It is less dense to what is already existing to the south. The property to the north is a two-story hotel that is ready for redevelopment, which is one of the criteria to consider for rezoning. It can go up to 105 feet in that area and it is highly likely that it will be redeveloped. To the north of that is a seven-story building that is built at 226 units per acre. So, the 30 units per acre is compatible with the existing development pattern.

In conclusion, the proposed rezoning is consistent with the Land Use Designation which grants the property 44 units in development rights, while the proposed rezoning only allows for 40 units. The proposed rezoning is compatible with the adjacent uses, densities and building heights. The property is within the Atlantic Overlay District (AOD), which is an identified redevelopment area. Public investment in the area such as in the Briny Avenue streetscape is meant to attract new development and redevelopment to the area. The proposed rezoning does meet the criteria for rezoning approval.

Michael Vonder Meulen, Keith, 301 East Atlantic Boulevard, Pompano Beach, FL, as the applicant, indicated that he would forego his presentation as it covers most of what Ms. Dolan had already put on the record. He said he has available the renderings and the site plans if anybody would desire to view it. Thereafter, he presented his plans to the City Commission.

Mike Vonder Meulen was sworn in by City Clerk Hammond.

Continuing, Mr. Vonder Meulen stated that the density analysis, which Ms. Dolan covered, was the current zoning for the 26 units, the Land Use underneath the land would currently allow 44 units and the rezoning would allow 40 units. The site plan shows a curved building proposed to be 40 units with structured parking and ground floor commercial. A quick study for the view corridor was done for the Christopher House, showing a lot of the beach and intercoastal views are still preserved. Through the renderings, the view is from NE 4th Street looking north, from A1A looking east and from Briny looking west. He is available for any further questions.

John Herin, Esq., respectfully requested that the City Commission allow him to be the last speaker on the subject matter.

The following persons were sworn in by City Clerk Hammond:

Edward Potenta

Lawrence Levine

Jim Rausch

John Herin

Toni Freeman Green indicated that she is the Court reporter who would take down the proceedings and had no input for the record.

The following persons spoke in opposition to the project:

- 1) Edward Potenta, 401 Briny Avenue, Apt. 706, Pompano Beach, FL, referred to his letter sent in previously in December 8, 2019 and for the prior hearing for March 21, 2021. He is opposed to the increased density that would impact the Briny Avenue streetscape created by the City.
- 2) Lawrence Levine, property owner at 401 Briny Avenue, Apt. 702, Pompano Beach, FL, and indicated that it is dangerous to add extra vehicles to Briny Avenue, so there is no need for more traffic.
- 3) Jim Rausch, 401 Briny Avenue, Christopher House, Unit 4, Pompano Beach, FL, thanked the City for the significant improvements made to Briny Avenue. However, he is concerned about the traffic the project would add to the area and the City should allow all ingress egress to the development to come from A1A.

John R. Herin, Jr., Esq., Fox Rothchild, representing the residents that are surrounding the proposed rezoning in particular Michael Andersen. He stated that under Florida Law, the correct legal standard is that a citizen's testimony in zoning matter is perfectly permissible and constitutes competence substantial evidence so long as it

is fact-based. He cited case law Metro-Dade County v. Blumenthal. Another case is Board of County Commission v. City of Clearwater where the 2nd District of Court Appeals said, lay individuals with firsthand knowledge, in that City, who were heard in opposition at that public hearings, were as qualified as expert witnesses to offer their views on factual matters of whether the City's proposed dock, which was the issue there, would materially impair the natural beauty and recreational advantages of the area. The reason he mentioned this, is because there was a suggestion at First Reading that possibly the testimony that the Commission is hearing today from the neighbors does arise to the level of being competent substantial evidence for that matter, his comments cannot be relied upon by the City Commission to potentially deny the application. So, he wanted to provide this for the record. He is sure City Attorney Berman may have comments in that regard.

Continuing, Mr. Herin indicated that they have consulted with a professional planner, with the Planning firm of Robanna in Boca Raton and Ms. Shamberg, who is the planner in question, is out of town and could not attend this meeting. He can proffer, and provide as well as enter into the record her report, which is brief, and for him to share with the Commission his concern that the analysis of staff as what is the permissible density for this zoning.

Mayor Hardin asked at this time if Mr. Herin can present for the record a document from someone who is not present.

Mark Berman, City Attorney, stated that Mr. Herin can present the document but at this stage he can argue it. He is unsure if he placed the report in the record, because he or staff has not seen it. So, the City is unable to respond to it. However, if he wants to place it in the record he can do so. As far as the appropriateness of him reading it, he could summarize it if he wishes to do so.

Mr. Herin continued that the report is very brief and that they will provide it for the record. It is the same conclusion that he reached, which is if you do the analysis based upon the information provided by staff as to what is the developable envelope of this particular parcel. The suggestion is that there is the ability to develop up to 40 units. However, if the math is done as to what is allowed under the Comprehensive Plan under the MH land use designation, it actually yields a lower number of allowable density. Therefore, Mr. Herin believes there is an inconsistency in that regard and that the maximum number of units that could be developed according to their analysis is 33 units maximum, not that they are entitled to develop the maximum number. This just provides for a range.

Finally, Mr. Herin reiterated to some degree what has been previously stated by some of the other speakers. This Commission has invested a significant amount of money and effort into trying to implement the policy direction that the City already has adopted in its Overlay District for this area, particularly the idea of making it a pedestrian friendly area. So, significant sums have been invested in the Briny Avenue streetscaping project. The traffic that would be generated by this project in this location and the way this has been configured, at least as indicated by the site plan, the Commission will have a battle with two things "butting heads here." One is the traffic that this project will generate and the City's Overlay District policy that says the City should be fostering and moving forward with pedestrian friendly area. Those two goals are inconsistent in his opinion. So, he thinks that is the basis for a dialogue. Lastly, he disagrees with staff's analysis that the way to review the consistency of this project with the surrounding areas on this expectation/belief that there maybe in the future, additional

development, and therefore, it is compatible with what might come. This is not the standard on the law. The standard is compatibility with what is in place currently. He then provided his argument on this.

Mr. Berman indicated he will not try to rebut everything Mr. Herin stated. He appreciates Mr. Herin's argument, but while thoughtful, he would respond to the arguments when ordered to by the court for the writ of certiorari, which he would expect at some point in the future. However, he wanted to point out a few things stated by Mr. Herin. First, he did not suggest that Mr. Herin's argument should not be considered at the First Hearing. He was talking about the comments, and again comments coming from members of the public that have not indicated any special knowledge in terms of engineering, traffic engineering and things of that nature. They can testify of their knowledge to the area. But, as he said the last time, the Commission can consider whether their testimony constitutes competent substantial evidence, and if they have enough knowledge behind what they have stated.

Furthermore, as it relates to today, he wanted the record to be clear. Staff has made it clear and discussed each and every element of the City's zoning code and how this application meets the requirements of the City's zoning code. Ms. Dolan provided an extensive explanation of that. Whether it is agreed with or not, Mr. Herin can argue that at a later time. However, it does meet the criteria, as a matter of fact, Mr. Herin brought up last time, if this is granted, it will be considered spot zoning. Mr. Berman would in the alternative, suggest that based upon what exist in the area now, higher density, higher building heights, more compact, much more dense persons in buildings. If this is denied, the City could be charged with reverse spot zoning. But not allowing what is already in the area to insist that what is being prevented is consistent development with what is already in the area. When and how it was done does not matter.

Mr. Berman stated 44 units are allowed under the underlying Land Use, not 30, so they are going from 20 to 40 as proposed. Over the 26 years that he has been with the City the same argument is presented every time there is a vacant lot in the beach area, and something is going to get built, no one wants to see anything. No one wants to see more people, more traffic or more anything, it is the human nature, which he understands the residents there. However, this is not a large variance from what they have now and it is consistent with the code, it meets the code, and the legal arguments will be made at the appropriate time, if necessary.

Ms. Dolan pointed out that the reason the Boca Raton planner did not understand that the City used gross acres instead of net, because in Palm Beach County they do not have countywide land use authority. In Broward County there is countywide land use authority. Land use entitlements are calculated on gross acres not net acres, so that is where the math bust came about in their calculations versus the City's. Therefore, she assured the City Commission that the subject property has the right for 44 units per acre.

Mayor Hardin asked if Ms. Dolan had seen the report from the planner, which she replied no she was reacting based on what Mr. Herin had said they were getting 33 units versus 44 units that the City is allowing. In essence, it is an educated supposition at this point and a calculated guess on how that planner came up with their number.

Comr. McGee asked Mr. Vonder Meulen to "walk through the current proposed traffic flow for this building?"

Ms. Dolan interjected that with the straight rezoning like this, it is not a PD (Planned Development) so staff

does not require a master plan or any type of site plan. So, none of the site plan aspects that Mr. Vonder Meulen will describe has been reviewed by staff or approved through the Planning and Zoning Board. Therefore, it is a concept that they have been working on for a long time, so if there are issues, they will be addressed by staff and the Planning and Zoning Board at site plan approval.

Mr. Vonder Meulen displayed a black and white copy of their site plan. It shows the ground floor circulation. He stated that Florida Department of Transportation (FDOT) has jurisdiction over State Road A1A and they are not inclined to grant openings, even if there are existing curb cuts when a property is being redeveloped. They are not inclined to grant those openings to remain especially if there is an additional side street or additional right-of-way where access can be obtained from a piece of property. The Applicant can request that from them but it is policy, and it is going to be FDOT's stand that no openings be allowed and that the traffic continue to flow on State Road A1A.

In reference to the traffic on Briny Avenue, Mr. Vonder Meulen stated that the redesign of the project still shows access points on Briny Avenue, however, they are reducing the number of points of conflict by eliminating all of the backout parking that currently exist on Briny Avenue. Thereafter, he proceeded to point out the various areas on the overhead site plan, which is yet to be vetted by the Development Review Committee, the Architectural Appearance Committee or the Planning and Zoning Board.

Comr. McGee indicated she understands that it is a huge concern regarding the opening onto Briny Avenue and there is not an approved site plan. However, she wanted to get an idea where they are now and to see if the concerns can be alleviated by minimizing even more the entrance on Briny Avenue. She mentioned this has been a long-standing concern of residents encountering vehicles on the shared pedestrian road. Therefore, she suggested that staff look at the entire stretch of Briny Avenue to Pompano Beach Boulevard traffic wise to come up with some ideas to maybe further improve, via signage, or something to assist pedestrian. People are walking and loving the entire stretch and the City should ensure the success over there continues and residents and visitors can get to where they are going, but also that walkers, bicyclists, and everyone is safe at the same time. She believes there can be improvements that could be made along this area. Therefore, she hopes the site plan as it goes through can further move itself to not impact the pedestrians and bicyclists on Briny Avenue.

Mr. Vonder Meulen responded that he will relay Comr. McGee's comments to his design team.

Comr. McGee enquired if the parking along Briny Avenue is currently being used by the Apartment Complex.

Mr. Vonder Meulen responded that is correct.

Comr. Eaton asked about 3rd Street and why they would have a separate roadway and not the existing street.

Mr. Vonder Meulen pointed out it is not 3rd Street. He stated that this parcel is only the south half of the block and 3rd Street is north of the hotel/motel currently located there.

Comr. Eaton indicated having heard some of the residents and to piggyback on Comr. McGee's comments, it would be nice to partner with the public and have a nice broad sidewalk on the Briny Avenue side of that project, so that there would be ample and more enhanced pedestrian experience. Also, there should be a drop

off spot for Ubers and for the City's beach shuttles, which could be included in the site plan.

Mayor Hardin asked about the Christopher House and wanted to know if they are technically considered a non-conforming use at this point in time because they have such density there.

Ms. Dolan responded yes. She noted that Broward County did down zone the beach sometime back in the late 70's early 80's and there is a policy in the County Plan that makes all those down zones residential vested for however many units they have now, so they can actually rebuild that density. However, how the City would treat that given the current zoning, she is unsure as this has not been brought forward yet.

Mayor Hardin mentioned that it sounds like the City Manager may have to get some BSO enforcement out there for the traffic on Briny Avenue and to contact the owners of Christopher House to determine if there is a particular time of day that is most egregious or something like that, from the comments he has heard.

Meeting went into Recess

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. 2021-51

22. [21-440](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE COLLIER CITY BSO SUBSTATION PLAT LYING ON THE SOUTHWEST CORNER OF NW 4TH COURT AND NW 27TH AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Meeting Reconvened

Jean Dolan, Development Services, presented the item and stated that this is a City initiated request for a Plat approval for the subject property located on the southwest corner of NW 4th Court and NW 27th Avenue. The Plat will recert the property to a maximum of three 200 square feet police substations. The site area is

approximately .33 acre and is currently vacant. It has a Land Use designation of Commercial and Low Density Residential and its own B-2 (Community Business) and RS-3 (Single Family Residential). The Applicant received special exception approval for the Police Substation on January 16, 2020. This Plat was unanimously recommended for approval at the March 24, 2021 Planning and Zoning Board meeting. Staff recommends approval of the Plat.

Paola West was sworn in by City Clerk Hammond.

Paola West, Land Planner, Plan West, Inc. 16350 115th Avenue, North Jupiter, FL, stated that she is representing the City in their pursuit of obtaining approval of the Collier City BSO Substation Plat. Ms. Dolan covered most of the information. There are two parcels that will be unified after the site plan approval to try and rebuild it. The address they will keep is 441 NW 27th Avenue. This is a .34 acre parcel. They will need to get a special exception to allow the use to be on the residential zone section of the property. The County has determined that platting needs to be done because they have a legal description which is unrecorded. The application for site plan has been submitted and will be heard on May 5, 2021. Also, they have received all the service providers' letters with no objection, the Planning and Zoning Board has recommended approval, there are no staff conditions and they have met all the standards for the Plat. Additionally, the project narrative mentions dedicating a right-of-way from NW 27th Avenue, however, they were told that there is no need to dedicate. Finally, they had requested to increase the plat restrictions to 6,500 sq.ft., which is mentioned in the backup.

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. 2021-164

23. [21-448](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE OCEANSIDE FIRE STATION PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Horacio Danovich was sworn in by City Clerk Hammond.

Horacio Danovich, G.O. Bond and Innovation District, Director, presented the item and stated this is a request initiated by City staff in order to allow the redevelopment of the parcel known as Oceanside. He then presented an overview of a map which provided an outline of the existing parcel that is being modified. Currently, there are certain entitlements. There is Fire Station 1, a Beach Library as well as a Lift Station. However, the entitlements that exists currently are insufficient to allow the redevelopment of the parcel as the City envisioned, which includes adding 300 hotel rooms, 50,000 sq.ft. of Commercial use, and the Parking Garage that will support the redevelopment in that area, and also provide support to the work on the beach. This is a Letter of No Objection that the City needs to submit. Michael Vonder Meulen representing the firm Keith, has assisted staff in putting the document together to move forward to allow completion of this process.

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. 2021-165

END OF QUASI-JUDICIAL PROCEEDING

24. [21-415](#) Consideration to designate NE 25th Street as a dual named road, R. A. Woods Street.
(Fiscal Impact: \$500 provided by requester)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Director, Public Works Department, presented the item and stated it is requesting the City Commission's consideration to dual name NE 25th Street as R. A. Woods Street. The memorandums and the Agenda Item backup provides justification for the street's dual naming in honor of the Woods' family contributions to the Pompano Beach Community. The dual naming of the street is bounded by NE 3rd Avenue on the west and Dixie Highway on the east. If the dual naming is approved, a resolution will be presented at a following meeting to effect the change.

There was no public input on the item.

Mayor Hardin enquired if Robert Woods and his wife lived in the Old Pompano Beach area.

Mr. McCaughan is unsure where they lived. However, the request was to honor their business, "Kitty Land" located on that street, hence the request for that specific street.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

25. [21-413](#) Approval to award Bid P-15-21, School Crossing Guard Services, to The Butler Group of South Florida, LLC, (dba) Nextaff, at an estimated annual cost of \$700,000.
(Fiscal Impact: Est. annual \$700,000, as needed.)

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated BID P-15-21 was issued to establish a contract with School Crossing Guard Services. The recommendation is to the lowest, responsive, responsible bidder used on the low bid for the sum total of the supervisor, and crossing guard hourly rates above the minimum wage. The contract is for five (5) years and based on past expenditures, it is estimated that the annual contract will be approximately \$700,000.

There was no public input on the item.

Comr. McMahon stated that he mentioned this in the past that the City needs to acknowledge that it is paying for this service and that it is not paid for by the School Board. This is a service that the City provides and it should be shown on the traffic vests that depict the name Pompano Beach to acknowledge the fact that the City is paying for these services. So, it should be shown when the City is putting its best foot forward and show the things that are done for the Community.

Mr. Beaudreau noted that the State Statute specifically refers that it is the responsibility of the local governmental entities, which is the City. So, this is done as the City's fiduciary responsibility to provide funding for that program.

Mayor Hardin asked if the City has protective reflective vests that would indicate the City of Pompano Beach.

Mr. Beaudreau promised to check into it to see if he could get this, which the City may have to pay for these vests.

Vice Mayor Perkins stated that the Crossing Guards pay a very important role in the lives of the children and asked what is the current rate paid to these guards.

Mr. Beaudreau responded that it is \$8+ per hour but this will bring the rate to \$11+ per hour. The backup provides more information. This company is the current provider and they do an excellent job. They are responsive and provide a great program.

In response to Vice Mayor Perkins' question, Mr. Beaudreau confirmed that the Crossing Guards will now be paid \$11+ per hour under this new contract.

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
 McMahan
 Perkins
 Hardin

26. [21-454](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NOS. 2003-38 AND 2020-113, AND APPROVING THE REVISED STREETS, PARK AND FACILITY NAMING AND DUAL-NAMING PROCEDURES AND CRITERIA FOR THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Robert McCaughan/Mark Beaudreau)

Robert McCaughan, Public Works Department, Director, presented the item and stated the City continues to receive many requests to dual name streets, parks and facilities. One such request was approved by the Commission earlier. The current policy has limited guidance with respect to the procedure and how to accomplish the process. After reviewing the policies of eleven other municipalities both locally and nationally and incorporating staff's inputs, the proposed policy was created for the City Commission's review. He then provided what is currently in place when a request is received for a renaming. A \$500 fee is paid or the cost of the signage, whichever is greater.

Continuing, Mr. McCaughan provided the following highlights of the policy:

The proposed policy would require an application with a non-refundable \$500 fee and the requestor will also be responsible for all the additional costs associated with the renaming to include the cost of signage and the

administrative actions required by the policy. Input is now required from the property owners who reside on a street where the dual naming of that street is being considered, with two thirds of the property owners on the road segment agreeing to the name change. Renaming streets would be provided and facilities will be provided to the Historical Advisory Board and the Historical Society for their recommendation. These approved applications can be appealed with the City Manager.

With respect to the criteria, the individual should have a long exemplary, military private/public service career, subject to many awards and recognition and the conduct that has brought significant positive statewide, national or international recognition to the City. Individuals should also have made significant contribution to the community's good name, an image through volunteerism, leadership, financial contribution and/or other quality services. The proposed street or facility names considered only for those posthumously individuals. It should also include an individual's historical significance and proof of City residency. If a name is associated with an organization, that organization should be in good public standing with a significant contribution from the community. In addition, the City has final approval on the design and placement of markers and/or signs on City streets, parks and facilities.

There was no public input on the item.

Mayor Hardin referred to the proposed policy, and asked if any portion of a street gets renamed, would the entire street be renamed.

Mr. McCaughan replied yes, it would be similar to what was done previously when one segment of 25th Street from Dixie Highway to 3rd Avenue and that street continues and is broken up in different segments. The policy does not rename streets it is more dual naming of the streets.

After some discussion, Mayor Hardin suggested that the City continues to rename segments of a street rather than the entire street. Prior to final approval of this item, he would like to see the last five renamings that were done and how they were approved versus what would happen under the proposed policy. Therefore, he suggested that the item be postponed and staff could return with the past five renamed streets and how this would be handled under the newly proposed policy.

Vice Mayor Perkins liked the idea of proposing segments, which is a better idea. She asked if letters will be sent out when someone requests a dual naming.

Mr. McCaughan responded that mailings would be sent out by the requestor not the City.

Comr. Eaton agrees with Mayor Hardin's idea to do segments versus the entire street when dual naming. Therefore, if the proposed policy could be amended to provide for segments and not the entire roadway, it would look better.

Comr. McGee referred to number 2 in the proposed policy, where it states, "...the proposed streets, parks or facility name is for an individual (posthumously only), ..." and asked if it would only apply for posthumously individuals. In addition, Comr. McGee would support staff bringing back a report that would show the difference between past policies and current proposed policy. Also, doing the street in segments is the better

way to do the renaming rather than doing the entire road.

Mr. McCaughan responded yes; it would only be for deceased individuals.

Mayor Hardin concluded that the consensus of the City Commission is to have staff change the proposed policy to allowing segments and to postpone the item for next meeting. Also, staff will provide the past five renamings that the City Commission approved and how those would fare and were they done under the newly proposed policy with an explanation of why, if changes were done. In other words, this renaming would not have taken place because of what the new policy is requiring. This will give the Commission a good measurement as to how the proposed policy would impact the process.

Further discussion among the City Commission continued regarding the differences of what would happen if the renaming would have taken place under the proposed policy when compared with what has happened under the old policies over the past five approvals of renaming of a street. Also, the Commission requested staff to find out whether the Historical Society would accept the responsibility of taking part in the process under the newly proposed policy. Staff would return to the Commission showing the results at the next City Commission meeting.

MOTION: A motion was made by Comr. McGee, seconded by Vice Mayor Perkins, to postpone the item until the next City Commission meeting of May 25, 2021. The motion carried unanimously.

A motion was made by Commissioner McGee, seconded by Vice Mayor Perkins, that the Regular Agenda/ Resolution be POSTPONED until the next City Commission meeting of May 25, 2021. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

27. [21-467](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE CITY TO ISSUE ITS TAX-EXEMPT STORMWATER REVENUE BOND, SERIES 2021, IF AUTHORIZED BY SUBSEQUENT PROCEEDINGS OF THE CITY, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BOND TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, SUCH BOND TO BE PAYABLE FROM THE NET REVENUES OF THE CITY'S STORMWATER UTILITY SYSTEM, AND TO BE USED TO FINANCE (INCLUDING THROUGH REIMBURSEMENT), THE COSTS OF ACQUIRING, CONSTRUCTING,

AND EQUIPPING ALL OR A PORTION OF CERTAIN CAPITAL IMPROVEMENTS TO THE UTILITY SYSTEM INCLUDED IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN, AS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that the current item and the one following is related to the Lyons Park neighborhood project. This area has been suffering from some drainage issues. In order to cover the cost for this project, staff would have to issue a bank loan to finance it. One of the things about the City's financing is that it is broken up into two pieces. The stormwater portion as well as the Water & Sewer portion, which are required to be kept separate because they are funded separately. This item is seeking the City Commission's approval of a reimbursement resolution as required by the Internal Revenue Services (IRS), which allows making expenditures towards the project before obtaining the financing. The plan is to obtain financing in June of this year and have this resolution in place. Therefore, staff recommends approval.

There was no public input on the item.

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. 2021-166

28. [21-468](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE CITY TO ISSUE ITS TAX-EXEMPT WATER AND WASTEWATER REVENUE BOND, SERIES 2021, IF AUTHORIZED BY SUBSEQUENT PROCEEDINGS OF THE CITY, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BOND TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, SUCH BOND TO BE PAYABLE FROM THE NET REVENUES OF THE CITY'S COMBINED WATER, WASTEWATER AND REUSE UTILITY SYSTEM, AND TO BE USED TO FINANCE (INCLUDING THROUGH REIMBURSEMENT), THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING ALL OR A PORTION OF

CERTAIN CAPITAL IMPROVEMENTS TO THE UTILITY SYSTEM INCLUDED IN THE CITY'S FIVE-YEAR CAPITAL IMPROVEMENT PLAN, AS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that this is a similar item to the prior item the City Commission approved. The only difference is that it is for Water & Sewer portion of the project. Therefore, staff recommends approval.

There was no public input on the item.

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. 2021-167

29. [21-401](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING THE POMPANO BEACH SUSTAINABILITY BASELINE AND GOALS REPORT PREPARED BY RS&H, INC., COMPLETING PHASE 1 OF THE 8-PHASE WORKPLAN ESTABLISHED BY THE CITY'S SUSTAINABILITY STRATEGY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss/David Recor)

Max Wemyss, Sustainability Coordinator, presented the item and stated he is pleased to present the item, as well as the Consultant, Benjamin Moore of RS&H, Inc. In accordance with the Work Plan of the Sustainability Strategy approved by the City Commission on September 2020, they have now completed Phase 1 of the Work Plan. A Sustainability Baseline and Goals report inclusive of the Greenhouse Gas (GHG) Inventory on local government operations and the community as a whole. With such a strong foundation for the City to purposefully become more sustainable and resilient by setting specific milestones and greenhouse gas emission reduction targets. To assist in this task, RS&H, Inc. was hired to guide our data collection and complete the baseline analysis and provide recommendations and goals. The project type contributions were reviewed by

every relevant City Department and it was positively received by the Economic Development Council, where a presentation was provided on April 26, 2020. In addition, this project advances the City's Strategic Planning Initiative of implementing the sustainability strategy.

The entire scope of work was funded via a grant awarded from the Florida Department of Economic Opportunity. So, this presentation made today completes the City's responsibilities for grant compliance. The specific targets and recommendations are provided in Exhibit 2 attached. Mr. Wemyss indicated that the Goals are ambitious as they should be. He mentioned that since preparing the item for the City Commission, the White House just last Thursday on Earth Day announced a national commitment to 50% Greenhouse Gas Emissions reductions by 2030, which is in line with the City's goals and local commitments.

Finally, the approval of the report will advance the City into a sustainability strategy where Planned Phase II and III of vulnerability assessment of the infrastructure and project implementation plan to begin this summer.

Ben Moore, RS&H, Inc. provided a brief update since he appeared before the City Commission in September last year. Details of the overhead presentation is attached as **Exhibit 2**. He mentioned that this presentation represents the completion of Step 1 of the 8 Steps process.

Mayor Hardin thanked Mr. Wemyss for shepherding this process, which is very important.

There was no public input on the item.

Comr. McGee inquired about the inventorying of emissions tests.

Mr. Moore explained that the process begins by collecting data from across the City's operations. For example, the kind of information being gathered is the City's utility accounts with FP&L for the year 2019. The Fleet of Vehicles data was collected on the gasoline usage and the miles traveled by the vehicles in 2019; the City generates waste, so information was gathered on waste hauling for the year 2019 and various other aspects of City/Community operations that generate emissions. All the data gathered is summarized and translated it using co-efficient into emissions. He mentioned that the year 2019 was the baseline year used for getting the data.

Mayor Hardin thanked Mr. Moore for compiling this data, which is very good. He noticed in the report there were some observed anomalies that were identified, for example, street lights and things of that nature. Will an investigation be done in those departments to determine what is causing these anomalies?

Mr. Wemyss responded that following the data collection process, the City was provided with a memo from RS&H, which summarized where they found certain gaps in the data, and the departments providing the data were issued the data to assist them to change the way they would be able to report in the future. Moving forward after the effort is completed, the action would be to close those gaps in any way possible. Therefore, this will be an ongoing effort to improve upon the data collection processes and re-evaluate them every time they look to do GHG inventory or similar effort.

A discussion followed among Mayor Hardin and Mr. Moore on the advantages of utilizing electrical cars to

assist with the GHG emissions.

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. 2021-168

30. [21-341](#) **P.H. 2021-54: (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 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated it is the Second Reading of the item and there have been no changes since First Reading.

There was no public input on the item.

Comr. McGee indicated that the businesses in the East Harbor Village area would like to meet with Mr. Lantz to iron out some of the issues regarding parking in the area.

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. 2021-52

31. [21-358](#) **P.H. 2021-55: (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 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, presented the item and stated this is the Second Reading of the Ordinance for continuing annual contracts with four automatic annual renewals for construction engineering inspection services for the listed firms. There have been no changes since the First Reading of the Ordinance.

There was no public input on the item.

Vice Mayor Perkins asked if there are six consulting contracts for construction engineering inspection services for various City projects.

Ms. Good responded that is correct. She mentioned that there are none programmed at this time but these firms will be used as the projects come on line.

Vice Mayor Perkins asked whenever the City utilizes these firms whether it is publicized in the newspaper.

Ms. Good replied it is not and explained how the process works. In addition, the contract is for one year and it automatically renews each year for a total of five years. This is to avoid staff having to bring the item back every year for renewal. If the City wants to discontinue services with any one of these firms it can be done providing it

meets the contract guidelines. However, if a contract exceeds the \$75,000 threshold, the item would be brought back before the City Commission for their approval.

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. 2021-53

32. [21-362](#) **P.H. 2021-57: (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 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, presented the item and stated this is the Second Reading of the Ordinance for a one-year contract with automatic renewals for four years annually for continuing civil engineering services for the listed firms.

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. 2021-54

33. [21-364](#) **P.H. 2021-56: (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 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, presented the item and stated this is the Second Reading of the Ordinance for a one-year contract with automatic renewals for four years annually for continuing contracts for architectural services for the listed firms.

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. 2021-55

34. [21-366](#) **P.H. 2021-58: (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 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)

FIRST READING: MARCH 23, 2021

(Staff Contact: Tammy Good/Matthew Kudrna)

Tammy Good, CIP Manager, presented the item and stated this is the Second Reading of the Ordinance for a one-year contract with automatic renewals for four years annually for continuing landscape architectural services for the listed firms.

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
 McMahan
 Perkins
 Hardin

Enactment No: ORD. No. 2021-56

35. [21-222](#) **P.H. 2021-61: (PUBLIC HEARING 1ST READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 70, "GENERAL PROVISIONS," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO MODIFY FINES AND CLARIFY PROCEDURES FOR PARKING VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz/Suzette Sibble)

Jeff Lantz, Parking Manager, presented the item and stated staff is requesting the City Commission's approval to amend this section of the City's Code of Ordinance specifically related to Section 70.11 to increase the fee for General Parking Violations from \$35.00 to \$45.00. Accordingly, the escalation fee if not paid within fourteen (14) days, there would be a penalty increase by the sum of \$15.00. Further, in the event a citation remains unpaid past thirty (30) days the City will request the escalation to \$75.00. Parking citations generally generate minimal revenues for the parking system and they are not intended to be punitive in nature, but instead meant to encourage the parking public to abide by the City's parking regulations.

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

36. [21-460](#) **P.H. 2021-65: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 76, "PARKING METERS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 76.01 "PURPOSE," TO EXPAND SAME, BY AMENDING SECTION 76.02, "DEFINITIONS," TO PROVIDE ADDITIONAL DEFINITIONS; BY AMENDING SECTION 76.06, "PARKING METER ZONES AND FEES ESTABLISHED," BY DELETING TABLE 76(A) IN ITS ENTIRETY AND CREATING A NEW TABLE 76(A), "DESIGNATED PARKING METER ZONES AND METER FEES," TO MODIFY DESIGNATED PARKING METER ZONES, METER FEES, LOCATIONS AND RESTRICTIONS, AND TO MODIFY COSTS AND OTHER REQUIREMENTS FOR PARKING PERMITS; BY AMENDING SECTION 76.07, "TIME LIMITED PARKING ZONES," TO MODIFY HURRICANE PARKING PROCEDURE AND RATES, TO ESTABLISH DESIGNATED DELIVERY/LOADING ZONES AND REQUIREMENTS, PIER GARAGE BULK PARKING PROCEDURES AND MODIFY RATES, AND PARKING FEE EXEMPTIONS; BY AMENDING SECTION 76.08, "ENFORCEMENT," TO PROVIDE FOR PARKING VIOLATIONS AND OTHER UNLAWFUL ACTS IN THE PIER GARAGE, BY AMENDING EXHIBIT A, RESIDENT ANNUAL PARKING PERMIT DECAL LOCATION MAP, TO REFLECT ADDITIONAL PARKING; BY ADDING EXHIBIT A-1, RESIDENT PARKING LPR PERMIT LOCATION MAP AND HOURLY PUBLIC PARKING AREAS WITHIN THE HARBOR VILLAGE AREA; AND BY AMENDING EXHIBIT B, PARKING METER ZONE LOCATION MAP TO REFLECT THE NEW PARKING METER ZONES AND HOURLY PUBLIC PARKING RATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz/Suzette Sibble)

Jeff Lantz, Parking Manager, presented the item and stated staff is requesting amendments to the Parking Ordinance as it relates to the parking meter rates, enforcement standards, parking citation standards, residential rates and other provisions. The Parking Enterprise Fund which was created in 2013 centralizes parking operations and relies solely on the generation of parking revenues not property taxes, to fund its operations, capital improvements and any related debt services. The Parking Fund has been instrumental in attracting businesses and residential developments to the City's barrier island, providing jobs and attracting businesses. The success of the Fishing Village has demanded parking beyond the City's expectations and the management of parking rates is instrumental for providing a balance between supply and demand for the parking capacity.

In sum, rate increases will ensure the stabilization of parking operations by building up revenues for uncontrolled interruptions in the operations, as well as provide a foundation for additional parking infrastructure in the future, which will include a second garage and shared parking arrangements with the private sector. Staff is recommending a 20% discount to Pompano Beach residents who use the Pay-by-Phone app. For Harbor Village, meters will be installed in the public parking lot along NE 1st Street, which has become necessary since many employees occupy these spaces daily leaving unavailable spaces for customers.

Continuing, Mr. Lantz provided details on the plans for the Harbor Village which was discussed via Zoom meeting with the businesses and residents of that area. Staff recommends delaying these implementations until 180 days after the adoption of the Ordinance. With the continued growth in the Fishing Village staff is also recommending to establish a time limit delivery zone on Pompano Beach Boulevard between NE 2nd and NE 3rd Streets, which will restrict deliveries to be made from large vehicles between 11:00 pm and 11:00 am.

Finally, Mr. Lantz mentioned that a detailed listing of all the changes are mentioned in a memorandum provided in the backup to the City Commission.

There was no public input on the item.

Comr. McGee thanked Assistant City Manager Suzette Sibble and Parking Manager Jeff Lantz for listening to the residents and businesses on the beach side. She provided a plug for residents to utilize the app to realize the discount for the residents. If a smart phone is not available, the resident can call in, once registered with the City. She then suggested that Mr. Lantz provide the information on how a person can sign up.

Mr. Lantz mentioned that residents can go to the parking office located at the northeast end of the Pier garage, provide proof of residency, which could be a current utility bill or voter ID and proof of registration showing ownership of the vehicle to the address and to the owner. This information is uploaded in the system and the Pay-by-Phone and after 24 hours the discount will be made available to the license plate.

Mayor Hardin asked if the resident discount is not available on the passport app.

Mr. Lantz responded that they looked into this process and realized that their software platform would not support it and consequently, they looked at Pay-by-Phone which is a app used in neighboring communities that has the back office capabilities. The City Commission approved Pay-by-Phone at its last meeting and they are up and running as of April 1, 2021. They will continue to keep passport parking app since residents are used to utilizing it.

Mayor Hardin mentioned that perhaps there should be information communicated to the residents that if they wanted to enjoy the discount, they may want to switch over to the Pay-by-Phone app.

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

37. [21-383](#) **P.H. 2021-64: (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 BILLING SERVICE AGREEMENT AND A BUSINESS ASSOCIATE ADDENDUM BETWEEN THE CITY OF POMPANO BEACH AND DIGITECH EMS BILLING, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$220,000.00)

(Staff Contact: Chad Brocato)

Chad Brocato, Fire Chief, presented the item and stated the contract through Digitech EMS Billing, Inc, has been the current service provider but they were bought out by another company called Digitech, and represented an opportunity for the City to meet with other billing companies and to speak with the current billing agent. The proposed contract represents a significant reduction across the board on all fees, resulting in a total savings of \$150,000 for the same services. In addition, there will be a new revenue source in the contract. This will be a five year look back into all insurance claims.

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

38. [21-386](#) **P.H. 2021-62: (PUBLIC HEARING 1ST 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 155.2401., "OVERVIEW," TO PROVIDE REQUIREMENTS FOR CERTAIN LAND DEVELOPMENT AGREEMENTS; BY AMENDING SECTION 155.3703., "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," BY AMENDING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)," TO MODIFY DATES FOR REFERENCED BUILDING PERMITS; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO PROVIDE THE DEVELOPMENT SERVICES DIRECTOR WITH AUTHORIZATION

TO GRANT MODIFICATIONS FOR LANDSCAPING BETWEEN VEHICULAR USE AREAS PROVIDED SPECIFIC STANDARDS ARE MET; AND BY AMENDING SECTION 155.5301., "SCREENING," TO PROVIDE SPECIFIC EXEMPTIONS FOR CERTAIN SCREENING REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated the proposed Ordinance intends to clarify some procedures in the zoning code, clarifying the applicability of some regulations and extend a parking extension in the City's code to aid with redevelopment. Specifically, the Ordinance proposes four things: 1) To extend the parking extension, adding five years to the parking extensions to aid with minor redevelopment; 2) To allow deviations to the landscaping width, if superior landscaping design which is above and beyond the minimum requirements is provided; 3) To provide an exemption to mechanical equipment screen when the intent of the code is being met and 4) Adds agreements with land development to address code requirements and adopting and creating a procedure so that the appropriate City officials are reviewing the documentation prior to recordation with the County. In addition, at the Planning and Zoning Board meeting in January 2020, the Board unanimously recommended approval of these Text Amendments. The Community Redevelopment Agency (CRA) has provided a memorandum of support for the proposed change and the Economic Development Council offered their support to extend the parking exemption.

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

39. [21-416](#) **P.H. 2021-63: (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 REDEVELOPMENT MANAGEMENT ASSOCIATES, LLC FOR PROFESSIONAL CONSULTING SERVICES; PROVIDING FOR

SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$936,000 over 3 years)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that this is the First Reading of an Ordinance that would renew the contract that the City has with Redevelopment Management Associates, LLC (RMA) on all the various projects that they are working on, and what the City will continue to come up with for them to assist City Management and staff. He referred to Pages 10-13 of the Scope of Services in the contract, which details all of the work that is expected from RMA over the term of the contract. It is divided into five different sections, liaison P3's, real estate projects, parking management, special projects and business attraction.

There was no public input on the item.

Vice Mayor Perkins indicated that at the last CRA meeting the Board agreed to give RMA \$348,500 over a three-year period. The City is now trying to give them \$936,000 over a three-year period. This is concerning because back in December 2019, RMA who was directing the CRA just outright quit and six to nine months later they came back as consultants. Vice Mayor Perkins expressed concern with RMA returning as a consultant based on the way and why they left the City of Pompano Beach. She then asked how many employees would they engage working as the consultant for the City.

Mr. Harrison, responded he is unsure how many employees are currently employed with RMA. In addition, he indicated that the people representing RMA has never failed the City in what has been requested of them. They are very professional and they have a good employee base within their company and the City needs them. If the City should try to go out to hire the type of expertise, they have, it would probably double what is being proposed in the contract.

Comr. McGee indicated that she is looking forward to continuing the relationship with RMA. She believes they have done amazing things over on the beach and looking forward to what is coming in the park, Old Town, the Isle Casino, and everywhere in the City. They have the level of expertise, as pointed out by City Manager Harrison, that it would be hard pressed to find elsewhere. They have shown a very great level of commitment to the City of Pompano Beach. The projects they assisted with on the beach, people are loving it.

Comr. Eaton stated that she would be reluctant to start with another firm from scratch. While it would take them another year to eighteen months of learning curve. She recalled in the early 2000's how disorganized the CRA was as a whole and it was not until RMA was brought in to oversee and manage that the CRA did begin to take roots and grow. She mentioned that RMA has been stuck with the City and have bent over backwards to make the City a success. They were the best firms in the country, and it is because RMA knows the developers, the opportunities, as well as the restaurants, so they have been great ambassadors for the City. They have done a great job, so she would not want to change them at this time.

Mayor Hardin agrees with City Manager Harrison that if the City had to bring in-house the amount of expertise that RMA has, it would cost more than what we are currently paying to their contract. In addition, he mentioned that when RMA quit the City of Pompano Beach, they did so as the Executive Director of the CRA

due to several reasons. He mentioned that there are so many different projects that begun under the direction of RMA and they have always provided consulting work to the City even as they worked as Executive Director for the CRA. In part, it is because of RMA that the City is enjoying this good reputation currently. Therefore, it is well worth the contract amount that the City is paying them.

Vice Mayor Perkins asked how did the City Manager come up with the \$960,000 amount.

Mr. Harrison responded that this was the best estimate they could come up with for all of the different projects that are in the mill now, and what the City could have in the mill in the next couple of years.

Vice Mayor Perkins asked how many projects are in District 4.

Mr. Harrison responded that there is the potential of having dozens of projects in District 4 in the near future. The Innovation District can have up to six to 24 different projects. He is unaware today what this will be but it would be something that the City would work with RMA in putting together the best method that would be for the interest of the City.

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

Yes: Eaton
Floyd
McGee
McMahon
Hardin

No: Perkins

40. [21-486](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE CITY OF POMPANO BEACH TO JOIN WITH THE STATE OF FLORIDA AND OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FLORIDA MEMORANDUM OF UNDERSTANDING AND FORMAL AGREEMENTS IMPLEMENTING A UNIFIED PLAN; PROVIDING FOR TRANSMITTAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mark Berman, City Attorney stated the Florida Attorney General's Office is involved and is handling the settlement for the State. The City has outside counsel and their revised allegations proposed from the Attorney General's Office, which is set forth in the Memorandum of Understanding (MOU) provided in the backup

document. He then provided a brief outline of the primary way this would function, where all municipalities and counties in the state will be joined. There are at least 88 political subdivisions throughout the state involved in this litigation and the State of Florida itself. He described how the funds received can be used as a prospective payment. If the City does not participate in this agreement, we will be on our own. Therefore, both he and outside counsel is recommending the City's participation in this agreement. This is the only way the City will get anything as far as this litigation.

In sum, Mr. Berman is advising and recommending participation that the City enter into the agreement or authorize outside counsel to enter into an agreement on the City's behalf as per the MOU. This is an extensive process and he has provided the City Commission with all the backup information for their review. He is available to answer any questions that the City Commission may have.

There was no public input on the item.

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. 2021-169

41. [21-474](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ROBERT E. O'NEILL** TO SERVE ON THE BOARD OF COMMISSIONERS OF THE HILLSBORO INLET DISTRICT AS A REPRESENTATIVE OF THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Guy Vincent DeJohn, District 1
Robert E. O'Neill, District 1

(**Staff Contact:** Asceleta Hammond)

Mayor Hardin nominated Robert O'Neill. He mentioned that he spoke with both applicants on the phone and they are both qualified individuals, but it seems that Mr. O'Neill, based upon his background, has a little more in-depth knowledge dealing with underwater issues and with the coast guards.

Comr. Eaton agreed with Mayor Hardin's nomination. Both men are qualified but Mr. O'Neill seems to have that special additional knowledge with working with intergovernmental agencies, and environmental agencies, and well-rounded knowledge with all aspects of inlet maintenance and operations.

Mr. Berman indicated and City Clerk Hammond agreed that the term was amended in 2007 specifying that the person would serve until replaced. In response to Mayor Hardin's question regarding the City Commission ruling to replace someone at will, Mr. Berman and Ms. Hammond indicated they believe this can be done.

Mr. Berman explained that he would check into the removal process. The Bill No. 1137, refers to the appointing of a person and the term they would serve, which states, "All members currently qualified and holding office as commissioners shall continue in office until their successors are appointed and qualified."

A motion was made by Mayor Hardin, seconded by Commissioner Eaton, that ROBERT E. O'NEILL BE APPOINTED TO SERVE and that the Regular Agenda/ Resolution be ADOPTED accordingly. The motion carried unanimously.

Enactment No: RES. No. 2021-170

42. [21-475](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 16, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Tobi Aycock, *Incumbent* - District 3

Jerry K. Bowman, Sr. - *Incumbent* - District 3

Jacqueline Reed, *Incumbent/Alternate #1* - District 2

Carlton Gillespie - District 1

Eve Lewis - District 3

Carmen Jones - District 4

Quenton Thompkins, Sr. - District 4

Danika Johnson - District 5

(**Staff Contact:** Asceleta Hammond)

Asceleta Hammond, City Clerk indicated that Jacqueline Reed does not live in the City, but she does business in the City. However, her application was included in the backup, which this Committee requires a regular member must reside in the City. Currently, Ms. Reed is serving as an Alternate and wanted to be considered for a regular member's position, which cannot be considered at this time for this item. Consequently, her application will be withdrawn.

A motion was made by Commissioner McMahon, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name TOBI AYCOCK. The motion carried unanimously.

Enactment No: RES. No. 2021-171

43. [21-476](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING JERRY K. BOWMAN TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 16, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-475 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 that the name JERRY K. BOWMAN be inserted. Vice Mayor Perkins nominated Jerry Bowman. The motion carried unanimously.

Enactment No: RES. No. 2021-172

44. [21-477](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARLTON GILLESPIE TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 16, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-475 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 Insert the name CARLTON GILLESPIE. Vice Mayor Perkins nominated Quenton Thompkins, Sr. and Commissioners McGee and McMahon nominated Carlton Gillespie. The motion carried by the following vote:

Yes: Eaton
 Floyd
 McGee
 McMahan
 Hardin

No: Perkins

Enactment No: RES. No. 2021-173

45. [21-478](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JACQUELINE REED** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, FOR A TERM OF TWO YEARS; SAID TERM TO EXPIRE ON JUNE 16, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-475 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 insert the name JACQUELINE REED. Vice Mayor Perkins nominated Quenton Thompkins, Sr. and Commissioner McMahan nominated Jacqueline Reed. The motion carried by the following vote:

Yes: Eaton
 Floyd
 McMahan
 Hardin

No: McGee
 Perkins

Enactment No: RES. No. 2021-174

46. [21-480](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH AS ALTERNATE 2, FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON JUNE 16, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-475 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. Vice Mayor Perkins nominated Quenton Thompkins, Sr. and Commissioner Eaton nominated Carmen Jones. The motion failed by the following vote:

Yes: Floyd
McGee
Perkins

No: Eaton
McMahon
Hardin

47. [21-481](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING RAFAEL KATZ TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Rafael Katz, Incumbent - District 1
Mary C. Antoine - District 1
Patricia DeSanctis - District 1
Rafal Dradrach - District 1
Carlton Gillespie - District 1
Brooke Johnston - District 1
Tanya Manfredi - District 1
Bruno Munoz - District 1
Corey Staniscia - District 1
Eve Lewis - District 3
Sarahca Peterson - District 3
Monifa Aruwajoye - District 4
Lucretia Hicks - District 4
Marie Goodrum Johnson - District 4
Marcus A. McDougle - District 4
Tony Parrish - District 4
Shelton Pooler - District 4
John Reed - District 4
Janice A. Simmons - District 4
Andy Cherenfant - District 5
Susan M. Gingerich - District 5

Frank Shulman - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and insert the name RAFAEL KATZ. Mayor Hardin nominated Rafael Katz and Commissioner Floyd nominated Lucretia Hicks. The motion carried by the following vote:

Yes: Eaton
 McGee
 McMahan
 Hardin

No: Floyd
 Perkins

Enactment No: RES. No. 2021-175

48. [21-472](#) Consideration for choosing a Director, Alternate and Second Alternate to attend and vote at any Board of Directors or General Membership Meeting of the Broward League of Cities Meetings where he/she represents his/her municipality.
 (Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

Asceleta Hammond, City Clerk presented the item and stated that during the year 2019-2020 pursuant to those years, the City Commission continued to keep the existing slate of officers comprised of Commissioner Rhonda Eaton as Director, Commissioner Tom McMahan as Alternate and Commissioner Andrea McGee as Second Alternate.

Comr. Eaton stated that it has been great and informative to be engaged but a little difficult this year. She is happy to do whatever she can to inform everyone. The meetings are open to anyone wishing to attend. She expressed her desire to continue in her position.

Comr. McMahan mentioned he was only able to attend one meeting because Comr. Eaton attends all the meetings. However, the ones he attended was very helpful, insightful and he has learned from colleagues from other cities. Therefore, he is willing to serve as Alternate.

Comr. McGee mentioned that Comr. Eaton is attending all the meetings, which she does not get tagged as often to attend. She understands it is open and she has attended some of the other League events and it is a really great relation for the cities. It opens up communication and comradery between different Commissions and levels of government. She is happy to remain the backup to the backup.

Mayor Hardin mentioned that all members of the Commission are eligible and are encouraged to attend these Broward League of Cities meetings as they are very beneficial. There have not been any physical meetings since COVID-19. Normally, meetings are held monthly for this league, so post COVID-19 they will return to these monthly meetings. There is no violation of Sunshine Law for the Commission to attend this type of meeting so all are encouraged to attend. Comr. Eaton is the designated voting member, Comrs. McMahon and McGee are the backup voting members.

Comr. Eaton informed that the Board meetings are held the first Thursday of each month and she can pass the information along when she receives the notification for the meetings.

Mayor Hardin indicated that there are other positions that the Commission have been serving on besides the City Commission, such as the Broward League of Cities, Comr. Eaton serves on the Water Board as well, there is the Metropolitan Planning Organization (MPO), Comr. McMahon is on the Waste Recycling Board, and they are all involved in various committees and boards elsewhere representing the City. It would be great if the Commission could get reports back from these committees/boards. For example, under the Reports section of the agenda, the Commission could be informed on important issues being discussed at these meetings, as well as upcoming meetings that will take place. He suggested that the City Manager could come up with a plan to address this reporting matter. He then thanked Comr. Eaton for bringing this matter up for discussion.

A motion was made by Mayor Hardin, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED to keep the current slate of Officers comprised of Commissioner Rhonda Eaton as Director, Commissioner Tom McMahon as Alternate and Commissioner Andrea McGee as Second Alternate. The motion carried unanimously.

49. [21-418](#) Report to Commission-Juneteenth Holiday
(Fiscal Impact: Unknown)

(Staff Contact: Brian Donovan/Eddie Beecher)

Greg Harrison, City Manager, announced that Brian Donovan, Assistant City Manager lost his mother last night.

Mayor Hardin asked that Mr. Harrison express the Commission's condolences to Mr. Donovan and his family as well as send something from the Commission.

Mr. Harrison indicated that Eddie Beecher and the Human Resources staff did a comparison of cities in Broward County and also the activity that the County did with regard to the Juneteenth holiday. Mr. Beecher has all the detail and backup on this subject, so he will explain and provide a recommendation to the Commission.

Eddie Beecher, Human Resources Director, stated that at the request of the City Commission, staff has conducted a survey and research on Juneteenth, which is celebrated on June 19th by many communities and organizations each year, and commemorates the declaration of the abolition of slavery in Galveston, Texas on June 19, 1865. This is often referred to as the second Independence Day and is currently recognized in some capacity by 46 states and the District of Columbia (DC) as a holiday or official observance. According to the survey conducted, Deerfield Beach and the City of Tamarac have adopted Juneteenth as paid holidays. In addition, the City of Pembroke Pines adopted Juneteenth as a day of celebration and a paid employee holiday, while Broward County took the following action in developing an awareness campaign for Juneteenth as well as a revenue neutral paid holiday. The Board discussed employees use of a floating holiday to avoid closure of County services. Miami-Dade County also observes Juneteenth on June 19th of each year as a paid holiday for non-bargaining employees and those that have negotiated the same in their labor agreements.

Continuing, Mr. Beecher stated that the City payroll has calculated the estimated cost to the City for General Employees (bargaining and non-bargaining) if Juneteenth is adopted as a paid holiday to be \$180,318 for the day. There are approximately 589 employees that would be affected. The City currently has 12 paid holidays plus 2 personal days for a total of 14 paid holidays.

Vice Mayor Perkins indicated that she had originally requested that this be placed on the Commission Agenda because some elected officials throughout Broward County are trying to get a paid holiday in their own cities. Some succeeded some did not. Since there was a discussion about it among the City Commission, she got a feel of how the dais felt about Juneteenth and really did not think it would even “fly” in this City for a holiday. However, she had spoken with Felicia Frazier, Chairperson of the Juneteenth at Apollo Park, and she indicated that the City has contributed every year to the event, but they would like to extend Juneteenth to a Citywide event. Consequently, Vice Mayor Perkins recommended that this be done. If the City could give more money than what they are currently doing, then the Committee could do more advertisement throughout the entire City, reach more people, have more entertainment, display more items, and possibly make it into a two day event.

Comr. Eaton indicated that she was offended by Vice Mayor Perkins’ remarks. She mentioned that today in the Legislature, the State of Florida has adopted the recognition of Juneteenth Day and Emancipation Day on May 20th and June 19th respectively. She has followed this legislation through the various committees and it was a learning experience for her. There were many African-American officials who felt that May 20th was the actual day and Florida had its independence emancipation declared. In essence, Juneteenth is a Texas holiday, and May 20th is Emancipation Day in Florida.

Comr. Eaton indicated that she is opposed to paid holiday but it would not be out of line to recognize especially, May 20th as a Day of Observance perhaps, and the same thing with Juneteenth that is June 19th where the City could follow the legislature’s path and declare them both holidays and not paid holidays.

Comr. McGee asked what organization was coordinating the Juneteenth event.

Vice Mayor Perkins responded that they call it the Sweet Potato Juneteenth and it is all mixed in together.

Comr. McGee believes this would be good to expand Citywide. History is great for everyone to learn and

value and reach out Citywide. The best way to get going would be to have the contact for this event to get in touch with the Cultural Arts Department or Public Communications or Marketing and figure out the best way to inform is through Facebook or Email blast, as well as the website to find a way to get most of the City involved, and learning about the historical event. This could also be a combined event that would honor May 20th and Juneteenth.

Mayor Hardin stated the event is good and historically it has been a great event, the City has participated in supporting it and they have vendors, the get-out-to-vote people registering people to vote and all kinds of community stuff. He believes it was always hosted by the Friends of Northwest Library, the Sweet Potato Pie Festival and the Juneteenth celebration. He agrees with expanding it to making it a bigger, nicer thing, and open citywide. A two day event could eventually get there, but expanding the event would be a great start.

A lengthy discussion followed among the City Commission on whether to keep Juneteenth celebration on the traditional celebrated day of June 19th and expand the City's efforts with the event or incorporate the Emancipation Day of May 20th or celebrate the two days separately.

Vice Mayor Perkins indicated that she would like to continue the tradition that was started

Comr. McGee asked if the State of Florida is doing May 20 and Juneteenth as an Observance.

Mr. Beecher responded that he was unaware of the states action. He believes that action was passed today, so he was not aware of that.

Comr. McGee indicated that she would want to lean towards following the State's guidance and have an event.

Mr. Beecher stated as a point of information, in the past the City has been involved with Juneteenth celebrations, the Sweet Potato Pie was done in 2019 and a request for assistance was submitted to the City by the Friends of the Northwest Library and the City authorized the show mobile and in-kind services, the Fire and Police Departments were there and Mayor Hardin spoke to a lot of those activities that were going on. So, the City has been involved in that activity. He believes that last year during the pandemic, through Cultural Affairs they were able to have an event. It is something that is supported through the Cultural Affairs department.

Comr. McGee made a motion to follow state guidelines and continue with the in-kind and expand that into helping to market the event, which was seconded by Comr. Floyd.

MOTION: A motion was made by Comr. McGee and seconded by Comr. Floyd to follow the State guidance as far as the recognition of Juneteenth and the May 20 Emancipation Day in Florida, as well as expand the celebration.

Vice Mayor Perkins provided a brief historical background on the first Juneteenth which was held at the Library in Collier City on June 19. Therefore, she would like the City to continue with the tradition that was started to keep it on June 19. In addition, Vice Mayor Perkins announced that the Juneteenth Committee for this year will not be having an in-person Juneteenth instead it will be done virtually. They are hoping that next

year they can go back to the regular celebration of Juneteenth.

Comr. McMahon inquired if it will be a holiday and not a paid holiday.

Mayor Hardin indicated that they were not clear what was done at the State level in as far as recognizing June 19 and May 20 and how they recognize these days. Comr. McGee's motion, seconded by Comr. Floyd was that the City follow State guidelines on what they are doing and to support the Juneteenth festival in a more robust manner.

Comr. Eaton stated that the State has declared both days a holiday but not a mandatory paid holiday.

Mayor Hardin inquired about a non-paid optional holiday and what it means for the City and its workforce.

Mr. Beecher believes this is being referred to as an official observance and that will have no affect on the City's union contracts. Holidays are negotiated and this would be negotiated as a specific holiday. Therefore, if the Commission is passing an observance it would have no bearing on the City's contracts.

Mr. Harrison mentioned that the City allows two days a year for Personal Days so an employee could use these whichever way they so desire. For example, it could be used for the Juneteenth celebration, the Jewish celebration or the Christian celebration to name a few.

Comr. Eaton mentioned that it is a Committee substitute, and is now House Bill 1553, which is now on the Governor's desk. She reiterated that it could be an "Observance."

Comr. Floyd asked if there were multiple staff members who wanted to take that as a personal day to celebrate would that be allowed.

Mr. Harrison responded yes, because it would be their personal choice to take that time off and categorize it as a personal day off.

Comr. Floyd asked for clarification of the motion, if both days would be recognized. In other words, if the motion is to recognize both May 20 and June 19.

Comr. McGee responded that whatever guidance the State of Florida decides on. Then it would be left up to the Friends of the Northwest Library and their committee to pick the most appropriate weekend that they think would be the best for their event.

Comr. Eaton read from Bill 590, which has morphed into House Bill 1553, which can be accessed on Flsenate.gov. "The legal holidays, which are also public holidays are Emancipation Day - May 20; June 19th Day - June 19; Victims of Communism Day - November 7."

Mr. Harrison stated that he would recommend that the City not follow a State Bill that is still debated, which is not done yet.

A discussion followed among the Commission and City Manager regarding the two days being recognized and to allow for a holiday to be chosen by the employee to take off as paid Personal Days or Vacation.

Consequently, Mayor Hardin asked if the motion could be restated as follows:

MOTION: A motion was made by Comr. McGee seconded by Comr. Floyd that June 19 and May 20 as days of recognition, and ask that the City become more involved in the support of the Juneteenth festival, and come back to the City Commission with a proposal after working with the Friends of the Northwest Library.

Vice Mayor Perkins indicated that she will vote no on this and explained her reasons, which is primarily to follow tradition and recognize Juneteenth and not May 20.

A motion was made by Commissioner McGee, seconded by Commissioner Floyd, that the Report provided by staff be ACCEPTED, and the recognition of the days May 20th and June 19th, as well as request the City to become more involved in the support of the Juneteenth festival, and for the City Manager to come back to the City Commission with a proposal after working with the Friends of the Northwest Library. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Hardin

No: Perkins

50. [21-471](#) Discussion and consideration item for the annual performance evaluation for Mr. Deusdedit Kiyemba, Internal Auditor.
(Fiscal Impact: To be determined by City Commission)
(Staff Contact: Ed Beecher)

Eddie Beecher, Human Resources Director, presented the item and stated that at the City Commission's direction, each charter officer reporting directly to the City Commission will be evaluated annually on an established review date anniversary. Also, upon request, the Human Resources Department have prepared for the Commission a suggested performance evaluation for their use as an evaluation tool if so desire, which was forwarded to the Commission last week. The annual performance evaluation of the Internal Auditor is up for review at this time. Therefore, he has attached annual performance evaluation data for review and consideration by the Commission. This information is consistent with the non-bargaining and general employees, which shows a performance merit of up to 3%, and also included is an example for a 5% to be considered. A survey was conducted by the Human Resources Department of the area cities that have been used for bench marking in the past, based on size and population. The survey reveals that the position of Internal Auditor is at the 75 percentile.

Mayor Hardin stated that DC is doing a great job and would recommend that the Commission go ahead and increase his salary at the 5% level. He is working collaboratively with staff to ensure the City does not run into problems, which is a tremendous asset.

MOTION: A motion was made by Mayor Hardin seconded by Comr. Eaton to increase the Internal Auditor's pay by 5%.

A motion was made by Mayor Hardin, seconded by Commissioner Eaton, that the Item for Consideration/Discussion be APPROVED, and Internal Auditor Deusdedit Kiyemba be awarded a pay increase of 5%. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

51. [21-470](#) Discussion and consideration item for the annual performance evaluation for Mrs. Asceleta Hammond, City Clerk.
(Fiscal Impact: To be determined by the City Commission)
(Staff Contact: Ed Beecher)

Eddie Beecher, Human Resources Director, presented the item and stated that at the City Commission's direction, each charter officer reporting directly to the City Commission will be evaluated annually on an established review date anniversary. Also, upon request, the Human Resources Department have prepared for the Commission a suggested performance evaluation for their use as an evaluation tool if so desire, which was forwarded to the Commission last week. The annual performance evaluation of the City Clerk is up for review at this time. Therefore, he has attached annual performance evaluation data for review and consideration by the Commission. This information is consistent with the non-bargaining and general employees, which shows a performance merit of up to 3%, and also included is an example for a 5% to be considered. A survey was conducted by the Human Resources Department of the area cities that have been used for bench marking in the past. Based on size and population, the survey reveals that the position of City Clerk is at the 50 percentile.

Comr. Eaton stated that it is obvious that it is an incredible amount of work and the detail that goes into all the records preservation, as well as all the other elements. She thinks Ms. Hammond does a great job and leads a great staff and the Commission could not operate without her. Therefore, she believes Ms. Hammond should be given a favorable review.

Mayor Hardin agreed with Comr. Eaton.

Comr. McMahon made a motion to give the City Clerk a 5% pay increase. Ms. Hammond is really the backbone of the City. She keeps the Commission organized and when their computers breakdown they assist in getting this fixed. He appreciates everything they do in the Clerk's Office and they do a great job.

Comr. Floyd stated, "I love them" and she could not make it without them.

Vice Mayor Perkins commended the City Clerk's Office and stated that being in politics for quite some years, that department has always been great. Whenever something is asked for or needed it is provided right away, and questions are answered right away. She commended Ms. Hammond and her staff for doing a wonderful job as far as serving her and some of the other Commissioners.

MOTION: A motion was made by Comr. McMahon seconded by Comr. Floyd to increase the City Clerk's pay by 5%.

A motion was made by Commissioner McMahon, seconded by Commissioner Floyd, that the Item for Consideration/Discussion be APPROVED, and City Clerk Asceleta Hammond be awarded a 5% increase in pay. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

52. [21-469](#) Discussion and consideration item for the annual performance evaluation for Mr. Gregory P. Harrison, City Manager.
(Fiscal Impact: To be determined by City Commission)

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that at the City Commission's direction, each charter officer reporting directly to the City Commission will be evaluated annually on an established review date anniversary. Also, upon request, the Human Resources Department have prepared for the Commission a suggested performance evaluation for their use as an evaluation tool if so desire, which was forwarded to the Commission last week. The annual performance evaluation of the City Manager is up for review at this time. Therefore, he has attached annual performance evaluation data for review and consideration by the Commission. This information is consistent with the non-bargaining and general employees, which shows a performance merit of up to 3%, and also included is an example for a 5% to be considered. A survey was conducted by the Human Resources Department of the area cities that have been used for bench marking in the past. Based on size and population, the survey reveals that the position of City Manager is at the 71 percentile.

Mayor Hardin stated that based upon everything that has been going on through the pandemic and everything

else, and with the additional things that the Commission pile onto the City Manager's plate as far as asking for things such as a Charter School and there is always more than what they are asking of him. A lot of good stuff is happening and there is a good running ship now and Mr. Harrison is the backbone of that ship. Therefore, he would recommend increasing his pay by 5% as the Commission has done for the other officers.

Mayor Hardin thanked Mr. Harrison and his entire team for all they do and he knows that he works with the other team members consisting of Ms. Hammond, Mr. Kiyemba and Mr. Berman. It is great to see a City that functions together.

Comr. McGee echoed Mayor Hardin's comment about the City Manager's handling of the pandemic situation. Just because the doors were not opened if anything it has been busier and to keep everything running amidst the pandemic. Kudos to all staff across the board and thanked Mr. Harrison for working with the Commission. Also, she thanked Mr. Harrison for maintaining and developing such a great staff.

Comr. McMahon agreed with everything that has been said so far. So far, this year has been like no other. Mr. Harrison has shown his strong leadership and kept the City operating fully. One of the unique things about the City is they take customer service to another level, which is the same with development. Things are being done better and not just being an average City in Broward County. Under the leadership of Mr. Harrison the City is striving to do great. He is honored to work with him and the City does better with having someone like Mr. Harrison in leadership.

Comr. Floyd stated that she aggravates Mr. Harrison for all of the Commission. She thanked Mr. Harrison and she agreed with all the comments made by everyone prior.

Comr. Eaton thanked Mr. Harrison for being such an incredible leader with great vision and a positive attitude. She concurred with all of the comments made by the prior Mayor and Commissioners. Also, she thanked Mr. Harrison for his service to the City.

Vice Mayor Perkins commented on her experience with Mr. Harrison since 2016. They have talked about different things in the District. She mentioned that yesterday when they were on the beach she felt so good to be there and it was like a breath of fresh air, but the minute she crossed back over Dixie Highway there is that feeling of "here we go again." It feels like for her and most of the people in her District they are living in two cities. She wants to know how can this be made as one City. As she sees it, Mr. Harrison would have to start by addressing some of the needs in the City that need it most. She thinks the way the City Manager is working with each Commissioner is different, and even though he would say he does everything she asks him to do, which to her this is not so, but more of a "pick and choose" when he is working with her.

Vice Mayor Perkins complained that the District she lives in is still slum and blighted, is still filthy with trash, and even though she has been working with Russ Ketchum, Solid Waste Manager, to come up with solutions, so far, none of the efforts are working, so they will have to keep trying until a solution is reached. Everything for her in the City starts at the top and that is with Mr. Harrison. She expects him to treat all the Commissioners the same. She feels the northwest in some degree has been disregarded. She is receiving calls and people come knocking on her door and she has been going to the City Manager to tell him about these instances. Notwithstanding, Mr. Harrison has done some good things. She likes the idea of the Blanche Ely Museum and what has been done for the parking lot at the museum, but they still have to deal with the trash part of it

because the residents are steadily pounding her on that. The reward that was put in place is not working, she has been calling Mr. Ketchem but that is not working.

In sum, Vice Mayor Perkins stated that she just wants to see more done in the District based on what the people are complaining about. While the beach is such a wonderful area that has been redeveloped, her district remains a place where she is not so proud to invite anyone to visit. All she would like is to get what is needed in the District to improve it and she is willing to work with the City Manager to improve the area.

A motion was made by Mayor Hardin, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED, and City Manager Gregory Harrison be awarded an increase of 5% in salary. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

E. REPORTS

Gregory Harrison - City Manager - Hazel Armbrister name on Plaque - Mr. Harrison stated that during the Community Redevelopment Agency (CRA) meeting last Tuesday, he mentioned that he was going to have the Plaque changed at the Cultural Center to show that Ms. Armbrister was the chairperson of that committee who planned the Cultural Center Library project. He wanted the City Commission meeting minutes to reflect this information as well as the CRA meeting minutes.

COVID Vaccination and Testing - Mr. Harrison stated that the Larkins Center is opened from 9:00 am to 4:00 pm, Monday, Tuesday, Wednesday, Friday and Saturday for COVID shots and COVID testing. He wants to ensure that the word gets out as visibly as possible, because activities have slowed down at the Citi Centre one of the inoculation sites and at the Larkins Center.

Mayor Hardin mentioned that the testing that was being done at the Mitchell Moore Center is now transitioned to the Larkins Center. Appointments are not necessary even though they would prefer this.

Agenda Item 36 - Parking Issue - Mr. Harrison indicated that last year March, he received a consensus from the City Commission not to use those windshield boots. These were obtained for those habitual violators of the parking system and they also refuse to pay their parking fees that are in arrears. Unless, the City Commission opposes, he would like to get going to reinstitute the windshield boots for violators

Plumbing Awards - Mr. Harrison mentioned that the Code Officials Educational Association has recognized two of the Building Department employees, Tom Bennett, Plumbing Plans Examiner and Chris Seigman, Plumbing Inspector. These awards are the Plumbing Plan Examiner of the year and the Plumbing Inspector of

the year on this statewide association. Mr. Harrison congratulated these two employees and thanked them for the job they are doing for the City.

Discontinuing Food Distribution in the City - Mr. Harrison reported that the City received official notification from Broward Sheriff's Office (BSO) this past Friday that they will no longer be able to fund their employees being associated with the food distribution operation at the City Centre every other Thursday. Apparently, there is not a good attendance going at that operation and practices of people coming around a second time for food has been taken place there. Therefore, for the next Food Drive there will not be any activity at the site.

Expressed Appreciation - Mr. Harrison thanked the City Commission for his evaluation today and assured the Commission that he is available to work with each and every one. So, he will make it his personal goal that when this time comes around next year, Vice Mayor Perkins will be able to say he stepped up and worked for her the way she wanted him to do.

Mark Berman - City Attorney - No Report

Asceleta Hammond - City Clerk - Expressed Appreciation - Ms. Hammond thanked the Mayor, Vice Mayor and Commissioners for the trust and confidence they have put into her Office and that it is a pleasure to work with all members and to answer questions and provide the necessary assistance. Ms. Hammond stated she has a great team on board and that Pompano Beach is a great City to Work, Live and Play. She reiterated her thanks for the confidence as well as the increase.

Commissioner Rhonda Eaton - New Electric Trolley/Shuttle - Comr. Eaton mentioned that she had a great time at the beach with the City's new electric trolley/shuttle transport. This will be a great thing for the City.

Removal of Bollards - Comr. Eaton thanked Robert McCaughan, Public Works staff, and John Sfiropolous, City Engineer for helping her out with the issue of people trying to move bollards out of the way, so they were able to put those bollards back. Comr. Eaton reiterated her thanks for their assistance with some of the problems in the District over the past week.

Comr. Eaton is happy to see great projects moving forward all over the City and looking forward to getting back to in-person meetings soon.

Commissioner Cyndy Floyd - Congratulations on Increases - Comr. Floyd congratulated all the officers on their increases today and thanked each one for the help they have provided to her as the "newbie" on the Board.

New Electric Trolley/Shuttle - Comr. Floyd indicated that she also enjoyed the trip to the beach and just "hanging out" with all her fellow Commissioners and getting some fun in the sun going on. The electric cars are great and should go over very well for the City.

Isle Casino Project - Comr. Floyd asked the City Manager to provide her with any updates on the Isle

Casino project. She is looking forward to this awesome project. She has had a number of people asking her about it and she does not have any new information on it.

McNair Park Issues - Comr. Floyd asked if the “kinks” were worked out with the McNair Park or is it still in the works. An update would be greatly appreciated.

Beach Re-nourishment - Comr. McGee provided an update on the Beach re-nourishment. On the north end of the beach there is a series of pipes and gates, as well as they have been dumping sand for a few weeks now. They will be wrapping up at the end of this month due to turtle nesting season and they will be back in November. She thanked Lee Gottlieb who has been helping with the Dune re-nourishments. A countywide initiative was just launched called “Adopt a Dune.”

Ride Circuit - Comr. McGee expressed excitement for the City receiving the golf cart program online, which is called “Circuit” and they have an app that can be downloaded. A person can request it to come to them, as well as they can flag it down. This is a great solution to making alternative transportation a reality. It travels to the different water taxi stops and from the south end to the north end businesses. This will revolutionize the way visitors, tourists and residents will be able to get around the beach without taking out their cars on a daily basis. This is a great first step effort in dealing with traffic, as well as in reference to the green initiatives that the City is going with.

Report from Metropolitan Planning Organization (MPO) - Comr. McGee reported that after attending one of the MPO meetings she learned a new term, being promoted called “Tactical Urbanism,” which relates to the walking, biking, sharing of roadways, figuring how and what to do for alternative transportation to start connecting the City. It is an exciting time to be in Pompano.

Commissioner Tom McMahon - Speeding Traffic - Comr. McMahon stated that he has been working with City Manager Harrison and the City Engineers to work on some solutions as it relates to traffic and speeding.

Remembering Hazel Armbrister - Comr. McMahon mentioned that Hazel Armbrister was someone very special to him. He worked with her on a Board for a few years and she was a pioneer in the City. The City has lost a true trailblazer on March 16, 2021. She was always behind the scenes making things happen but she did not want to be in the spotlight and to have her name necessarily on things. He learned that she was a Broward County pioneer, she was inducted into the Broward County Women’s Hall of Fame and the Past President of the Women’s Club. In 2017, she was named Pompano Beach’s Historian, a resident of Liberty Park for over 60 years, and a USF graduate with a Masters Degree. In addition, in 1960, she participated in the wake to end racial segregation in Fort Lauderdale, she was such an interesting person that he wished there were videos and more stories and history on her. This would be a different topic that the City could invest money in and saving some of these stories and things like that. Ms. Armbrister was instrumental in saving the Ali Building and keeping that history and Vice Mayor Perkins spoke about that today. There is a lot of history that is gone that should have been preserved and recorded. Therefore, one way the City could honor Ms. Armbrister is to name the plaza next to the Ali Building after her. It would symbolize her standing next to history and preserving and advocating for it. The Preservation Committee could get a plaque of Ms. Armbrister standing next to history advocating to save that history.

MOTION: A motion was made by Comr. McMahon seconded by Mayor Hardin that the City name the plaza next to the Ali Center after Ms. Hazel Armbrister. The motion carried unanimously.

Comr. McMahon stated that Ms. Armbrister was an amazing person and it was a honor to meet her and excited to preserve her in the City's memories in the legacy she left the City.

Vice Mayor Beverly Perkins - Girls Summer Camp - Vice Mayor Perkins stated that there is a teacher at the Blanche Ely High School advertised on Facebook that she is having a girl's summer camp this summer. Upon contacting her she found out that she had submitted an application to the Office of Housing and Urban Improvement for the girl's camp. Therefore, she is requesting the City Manager to look into this to see how the City can assist her with this girls' summer camp, which is for the girls in the community.

Mayor Rex Hardin - Dixie Highway Corridor Improvements - Mayor Hardin stated that the Planning and Zoning Board is working with staff, in looking at the Dixie Highway corridor on both the east and west side, to perhaps extending the corridor where the Overlay District is already in place. This will incorporate more of the Dixie Highway corridor heading north from Atlantic Boulevard, to allow mixed use development and to get some residential going closer to Dixie Highway. The actions will guide the type of development the City will have north of Atlantic Boulevard along Dixie Highway. Also, it would protect the single-family neighborhood that is located further back from Dixie Highway. From a long term stand point, it would benefit the City after it has put so much money into improvements of the roads to guide the type of development that will be done on north Dixie Highway going forward.

Comr. Eaton stated she often wondered why the City had not looked at Dixie Highway, which is the major transportation corridor from Sample Road going south and make it into a true Transit Oriented corridor.

Mayor Hardin mentioned he brought up the item for the City Commission to begin giving some thoughts and are all aware of the corridor improvements.

Kudos to City Staff - Mayor Hardin gave a big shout out to City staff Mike Rada and Pete McGinnis who on last Thursday afternoon, the last day of City work week, he made a phone call to these two staff members who were able to solve a couple of issues for a local property owner. He thanked them for stepping up in the way they did. He is amazed at how much the City of Pompano has changed where now we really have staff that truly cares. He thanked the City Manager for his leadership and wanted to make it known and appreciated Mr. Rada, Mr. McGinnis and the others who were involved.

Swimming Event on the Beach - Mayor Hardin mentioned that they had a great event on the beach this past weekend. Also, the improvements in the beach area are paying off and is attracting more attention. This past weekend the Pompano Piranhas, the local swim organization held an open water event at the beach. This was a sanction event by the USA swimming, Florida Gold Coast. Swim teams came in from Dade, Broward and Palm Beach Counties. There were over 400 tourists from the Tri-County area who came to the City's beach. This would not be happening if we did not have the kind of beach we currently have.

Mayor Hardin stated he learned about Styrofoam recycling equipment from someone who sells the equipment,

and who educated him on how much Styrofoam is generated through the business of shipping fish globally and the coolers used must be discarded after use. This is a one of a kind equipment east of the Mississippi River being installed in a local store, Fish Wholesalers, located in the City of Pompano Beach. This business relocated from the City of Coral Springs to Pompano Beach. He said Styrofoam can be recycled but it takes specialized equipment. He commended Fish Wholesalers for investing in the proper technology to help with the environment in the City of Pompano Beach.

F. NEXT SCHEDULED MEETING

The next scheduled Virtual City Commission meeting will be held on May 25, 2021 at 1:00 p.m.

Mayor Hardin indicated that City Manager Harrison is working to get the Commission back into regular meetings and hopefully that is possible in the near future. If this meeting changes before now and then, Mr. Harrison will notify everyone on this. Things are changing daily. Broward County just did away with all mask requirements out doors because of the number of people being vaccinated in the County. However, it is important for people to be aware that the COVID numbers are still rising and people are still dying every day. Hence the caution in how the meetings are conducted.

G. ADJOURNMENT

The meeting adjourned at 6:35 p.m.

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Rex Hardin
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Rex Hardin, Mayor

DocuSigned by:
Asceleta Hammond
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Asceleta Hammond, City Clerk



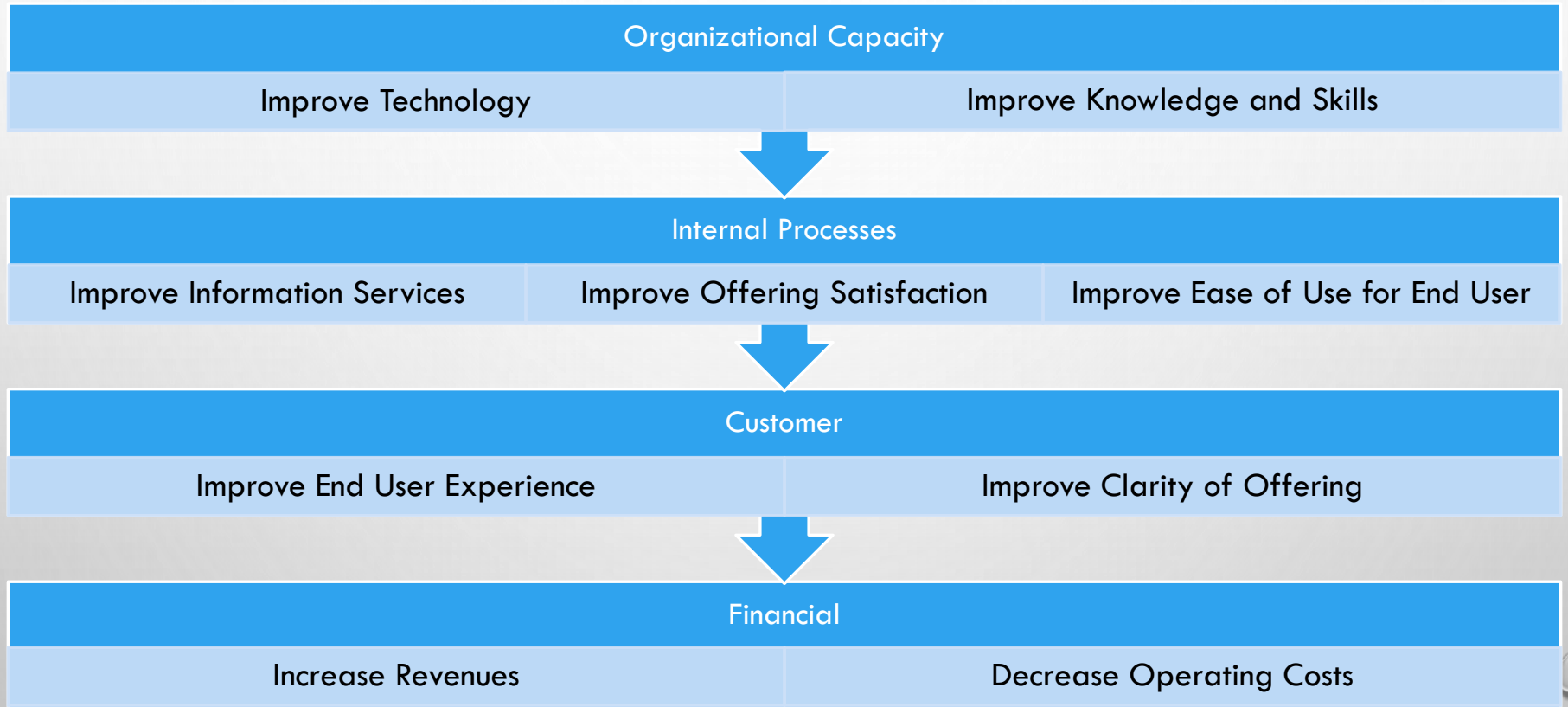
PERFORMANCE REPORT

1ST QUARTER (OCTOBER 2020 – DECEMBER 2020)

5 YEAR STRATEGIC PLAN FY 2020 - 2025



BALANCED SCORECARD

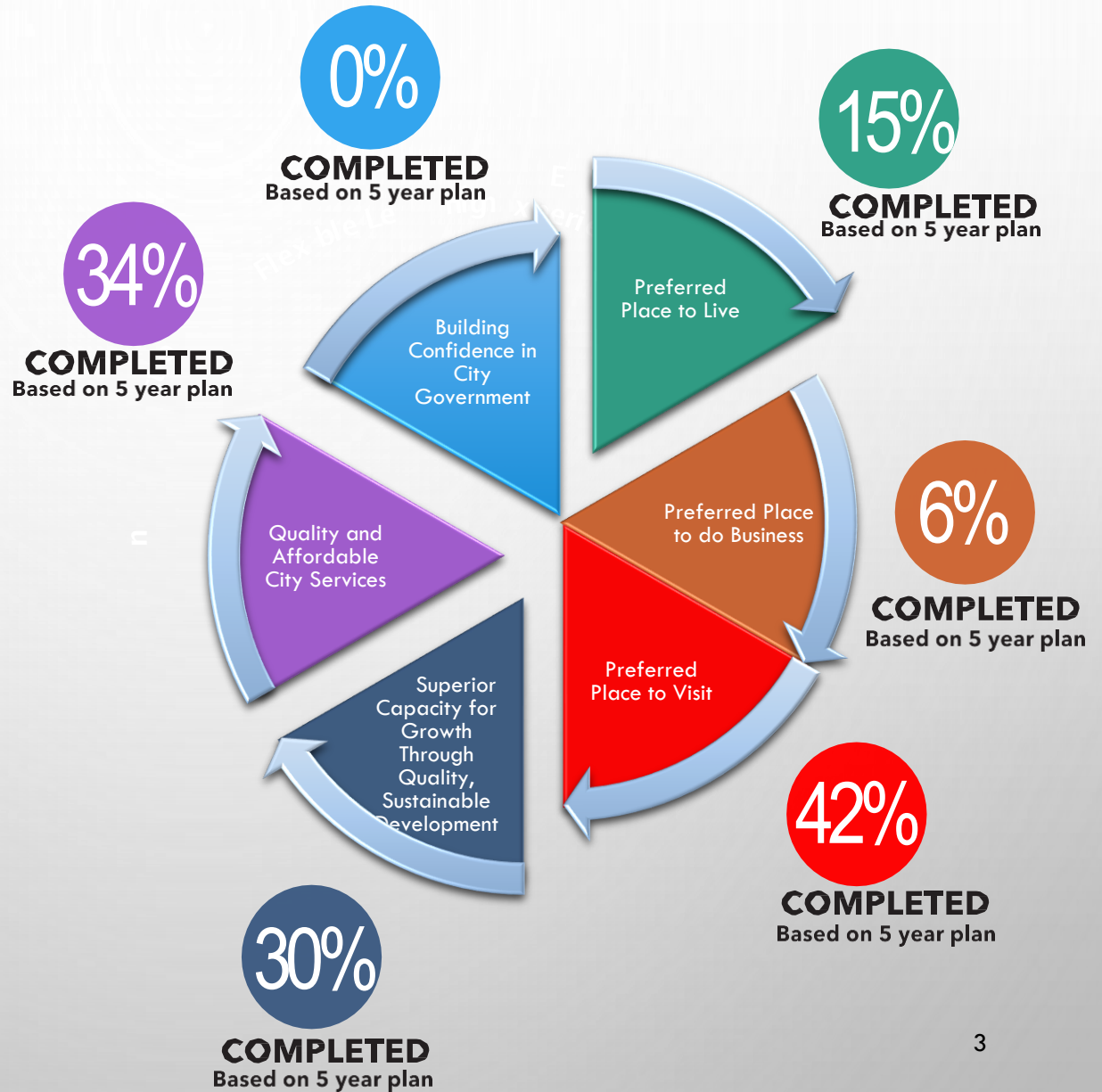


POMPANO BEACH VISION:

By 2035, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

1st Qtr. Progress Report

- Staff has conducted systems analysis with IT and Ticketmaster, user interfacing, venue needs, and staff operations. Existing ticketing software system continues to be used at the Pompano Beach Cultural Center while City Management evaluates terms and conditions for a potential contract with another ticketing software vendor for all city cultural venues. Moreover, FY 2021 enhancement funding has been appropriated for purchase, installation of and staff training on RecTrac 3.0 software module. As of end of Q1, the RecTrac software module has been purchased.
- The public facing ArcGIS Online Home Page was upgraded to display many new web applications concerning Commission Districts, City facilities, Hurricane preparedness, the Go Bond Projects, Road Ownership, Solid Waste Service Areas, and Utility Services Areas to City staff as well as to the general public. This made the home page more intuitive and easier to navigate for the public and City staff. ArcGIS Online's home page is configured in a modern and professional-looking fashion that reflects our organization's branding and mission and showcases the maps, apps, and layers that are most important to our community.
- Accomplished Phase 1 - Staff acquired Agiloft, a contract management software, to streamline contracts and agreements citywide. The Contract Manager together with the City's Information Technology Department and Agiloft representatives are working to finalize configurations to the software with anticipation to go-live before the end of fiscal year 2021.





PERFORMANCE REPORT

*Pompano
Beach
Sustainability
Baseline and
Goals*

City Commission Meeting

RS&H

Agenda

1. Project Context, Overview and Outcomes

2. Goals and Recommendations

- a) Climate Context
- b) Recommended Climate Action Goals
- c) Recommended Focus Area Goals

3. Quantitative Baseline

- a) Baseline Results
- b) Focus Area Recommendations
- c) Greenhouse Gas Inventory

4. Next Steps

Sustainability Work Plan



Project Overview



Project Outcomes

- » Established goals for climate action, and in the City's focus areas
- » Identified ways to improve sustainability data collection
- » Developed quantitative baseline for focus areas, including GHG emissions
- » Discovered opportunities to improve performance
 - » *Opportunities can be further developed into sustainability & resilience initiatives in future Phases of the Work Plan*



Recommended Climate Action Goals

*From the 2019 baseline,
reduce LGO & Community
GHG emissions*

45% by 2030,

75% by 2040,

And achieve Net-Zero
emissions by 2050

RS&H

- » Meeting these goals will require:
 - 4.5% annual emissions cuts from 2021 through 2030
 - 3.0 to 3.5% annual reductions after 2030
- » For context, the COVID-19 pandemic reduced global emissions by 7% in 2020

Focus Area Goals

» Resource Conservation

- Reduce electricity consumption for City operations 45% by 2050
- Achieve 100% renewable energy supply for City operations by 2050
- Reduce potable water use 40% by 2050

» Materials Management

- Ensure 100% of all City purchases meet sustainable purchasing criteria by 2050
- Achieve a 75% LGO and community diversion rate by 2050

» Land Use and Transportation

- Transition 100% of City's fleet vehicles to non-fossil fuel sources or electricity by 2050

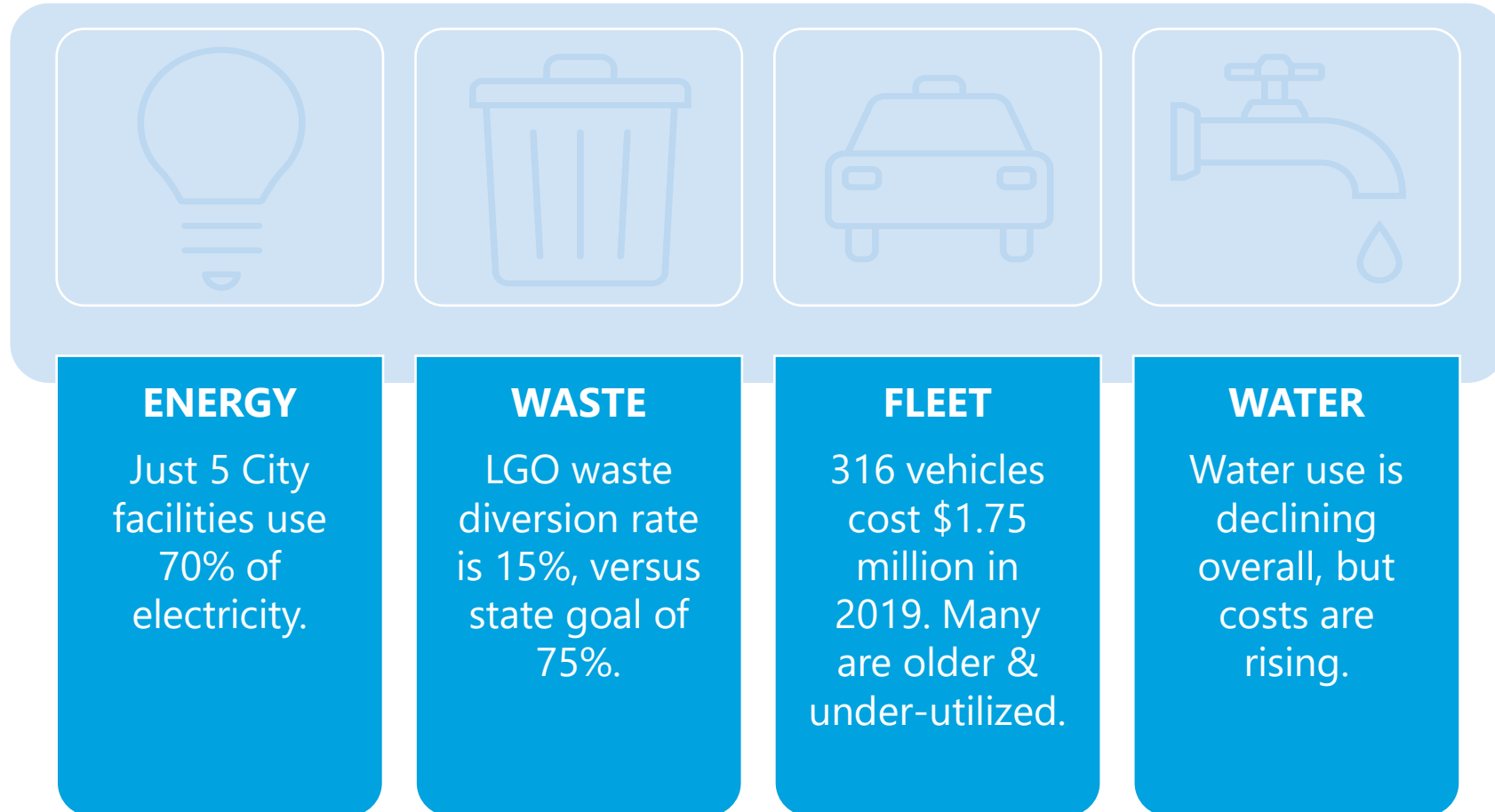
» Equity and Outreach

- 75% of community members are aware of and engaged with the City's sustainability programs by 2050

» Policy and Economics

- Achieve a self-funding sustainability program in which cost savings realized by efficiency and resource conservation initiatives fund at least 50% of new initiatives by 2050

Baseline Results



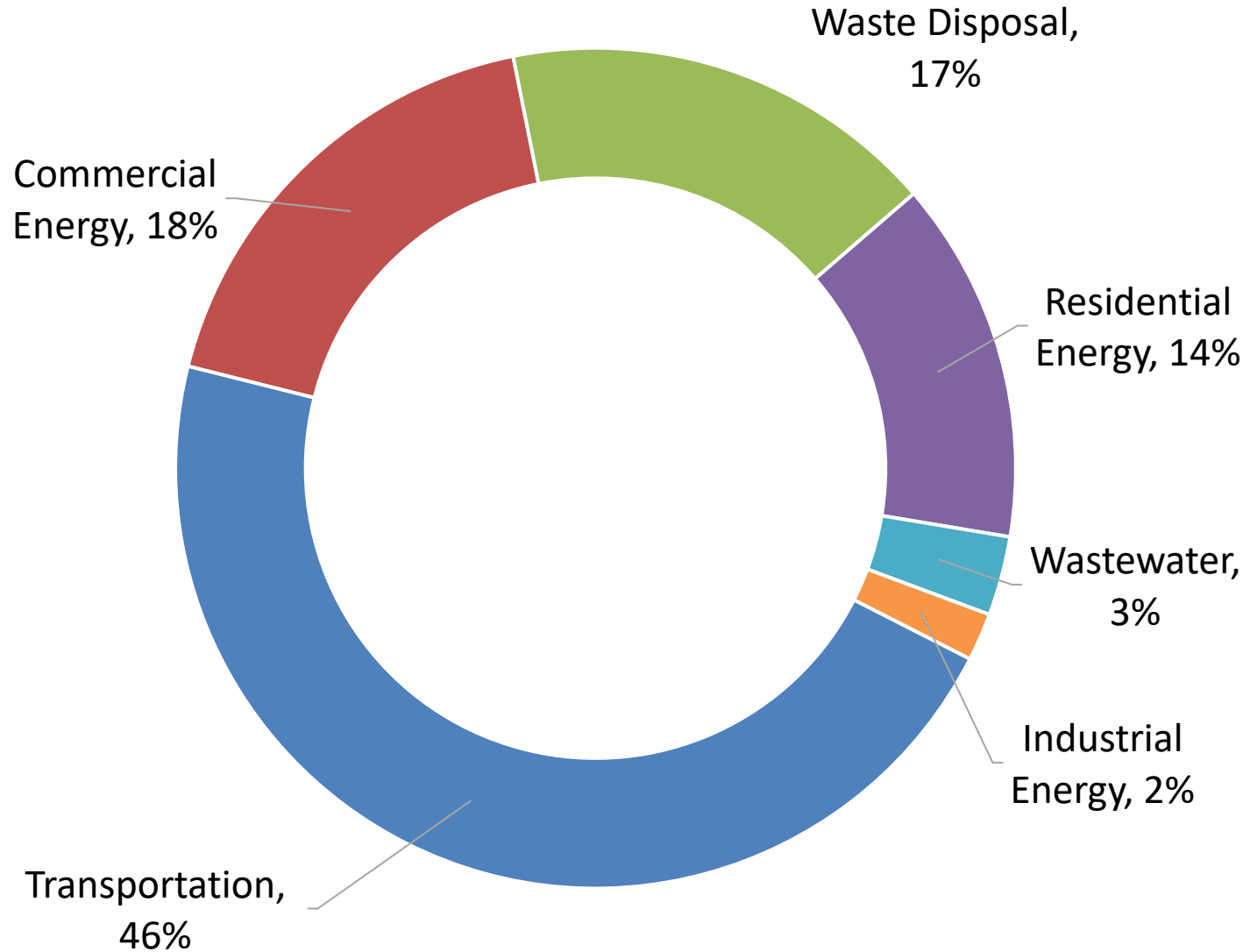
Baseline – Focus Area Recommendations

- » General Recommendations
 - Improve sustainability data management with annual updates
 - Implement Phase 3 of Work Plan
- » Climate and Resiliency
 - Establish schedule for GHG Inventory updates
 - Implement Phase 2 of Work Plan
- » Resource Conservation
 - Submeter major process-related energy end uses
 - Energy audits and Cx for selected facilities
- » Material Management
 - Develop sustainable procurement protocol
 - Improve waste diversion rates
- » Land Use and Transportation
 - Improve Fleet management data
 - Consider enrolling Airpark in ACA program
- » Equity and Outreach
 - Require sustainability training for staff
 - Reduce health insurance costs
- » Policy and Economics
 - Establish Sustainability Revolving Fund

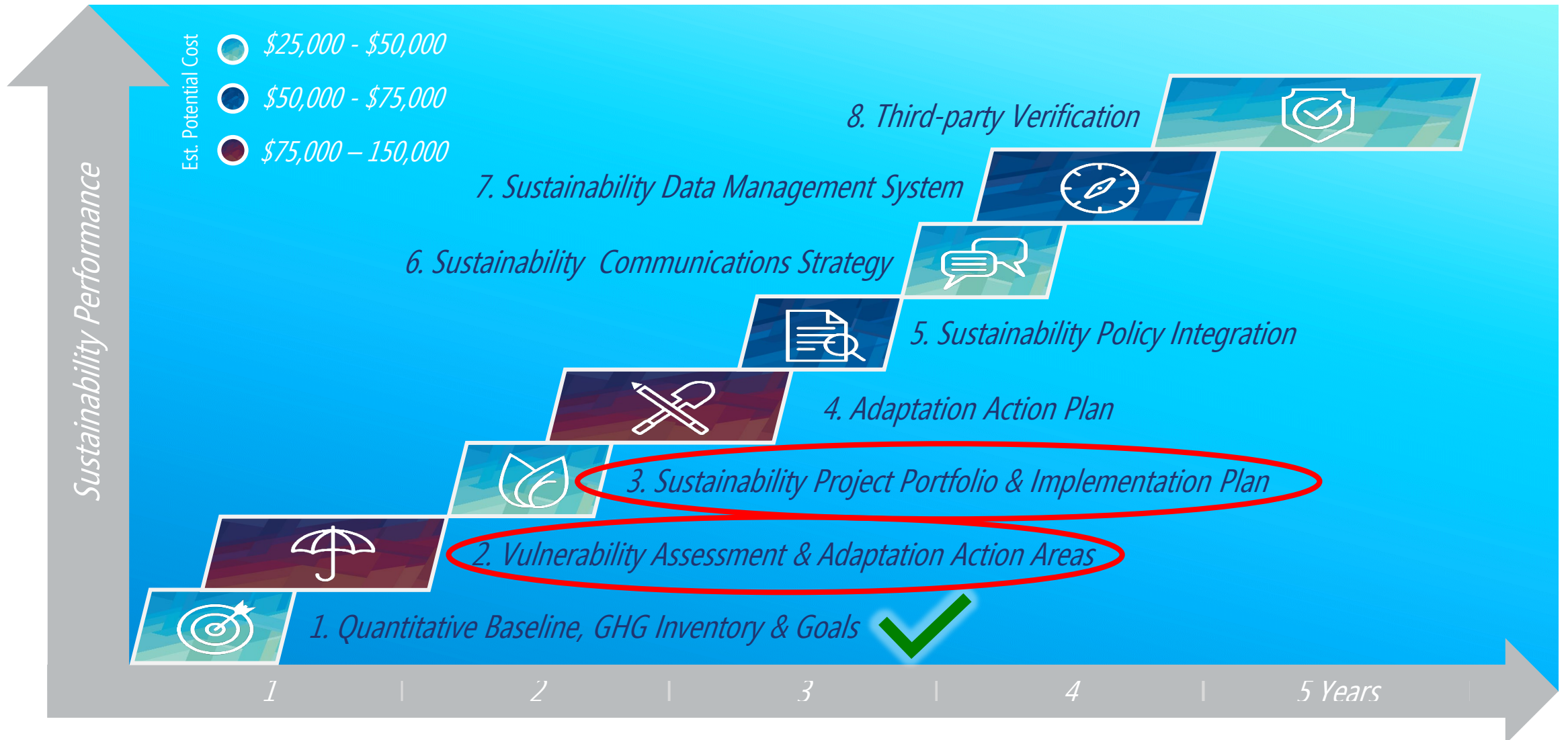
GHG Inventory

- » Community emissions were 1,376,874 mtCO₂e in 2019
- » LGO emissions were 6,423 mtCO₂e
- » Transportation & the City Fleet are the largest emissions sources
- » Forecast shows opportunity to reduce emissions through transition to greener vehicles

Community GHG Inventory Results by Emissions Source



Next Steps



Thank you!

BEN MOORE, AICP, LEED
AP O+M
*PROJECT MANAGER & RS&H
SUSTAINABILITY LEADER*

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