

City of Pompano Beach

**City Commission Meeting
Commission Chamber**

*100 West Atlantic Blvd.
Pompano Beach, FL 33060*



Agenda

Tuesday, April 26, 2022

6:00 PM

City Commission

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

*Gregory P. Harrison, City Manager
Mark Berman, City Attorney
Asceletta Hammond, City Clerk*

GOVERNMENT IN THE SUNSHINE

The State of Florida pioneered the concept of "Government in the Sunshine," and, accordingly, all meetings of the Pompano Beach City Commission - except those to discuss labor negotiations and litigation strategy, are open to the public. The Commission welcomes the involvement and participation of the citizens.

PROCEDURE

The City Commission has adopted Robert's Rules of Order, Newly Revised.

CITY COMMISSION MEETING TIMES

The City Commission meets two (2) times a month:

Second Tuesday of the month: City Commission Meeting - 1:00 p.m.

Fourth Tuesday of the month: City Commission Meeting - 6:00 p.m.

ADDRESSING THE CITY COMMISSION

"Audience To Be Heard" is scheduled for a thirty (30) minute period at the beginning of the City Commission Meeting, and will be continued to the end of the meeting for those speakers who were not heard during the initial thirty-minute period. All persons interested in speaking during "Audience To Be Heard" must fill out and submit a request form to the City Clerk prior to the call of order of the meeting. Speakers will be limited to three minutes to speak on any matter, which is NOT on the Regular Agenda, or removed from the Consent Agenda, and are requested to approach the podium and state his/her name and address and, if appropriate, the organization they represent, for the record. A request form can be found on the last page of the Agenda program.

ACCESSIBILITY

If you require the services of a Sign Interpreter, please notify the City Manager's Office at (954) 786-4601, 24 hours in advance. Should you require any other assistance to attend or participate in the meeting, please contact the City's ADA Coordinator at (954) 786-4626 at least 24 hours prior to the meeting.

NOTE: Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

*The Honorable Rex Hardin
Mayor, Presiding*

ROLL CALL

Asceleta Hammond, City Clerk

INVOCATION

*Rev. James Smith
New Jerusalem Missionary Baptist Church*

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

- [22-278](#) Regular City Commission Meeting Minutes of March 22, 2022
- [22-338](#) Regular City Commission Meeting Minutes of April 12, 2022

APPROVAL OF AGENDA

CONSENT AGENDA DISCUSSION

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

A. PROCLAMATION

[22-342](#) **Asian American and Pacific Islander Heritage Month**

Mayor Rex Hardin will proclaim May 2022 as Asian American and Pacific Islander Heritage Month in the City of Pompano Beach. Ms. Takeata King Pang, Executive Director of the Women’s Foundation of America will accept the proclamation.

B. AUDIENCE TO BE HEARD

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

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

C. CONSENT AGENDA

1. [22-310](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND 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 AT THE MAIN PUBLIC BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive \$3,000 as compensation for use of the main public beach.)

(Staff Contact: Mark A. Beaudreau)

2. [22-312](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND 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: The city will receive \$4,125 as compensation for the use of N. Ocean Park.)

(Staff Contact: Mark A. Beaudreau)

3. [22-326](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MUTUAL AID AGREEMENT AMONG THE CITY OF LIGHTHOUSE POINT, FLORIDA, CITY OF POMPANO BEACH, FLORIDA, AND THE BROWARD SHERIFF'S OFFICE RELATING TO EXCHANGE CLUB PARK; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

4. [22-331](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THREE SETTLEMENT AGREEMENTS AND RELEASES RELATING TO THE SETTLEMENT OF THE LAWSUIT AGAINST CVS HEALTH CORPORATION AND CVS PHARMACY, INC. (CVS), AND TEVA PHARMACEUTICAL INDUSTRIES, LTD (TEVA), AND ALLERGAN FINANCE, LLC, ALLERGAN SALES, LLC, ALLERGAN USA, INC. AND ALLERGAN LIMITED, (ALLERGAN), AS PARTIAL SETTLEMENT OF THE ONGOING OPIOID LITIGATION CASE; APPROVING AND AUTHORIZING THE CITY ATTORNEY TO EXECUTE ALL DOCUMENTS PERTAINING TO THIS SETTLEMENT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Estimated amounts to be paid to the city as settlement of this portion of the opioid case: CVS: \$221,000; TEVA: \$89,000; and Allergan: \$61,000.)

(Staff Contact: Mark E. Berman)

5. [22-320](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT FOR TRANSIT HUB AND PARK AND RIDE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE PROPERTY LOCATED ON SW 20th AVENUE WEST OF FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$15,000)

(Staff Contact: Jeff Lantz)

6. [22-330](#) 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 PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO CITY PLACE, LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$4,500)

(Staff Contact: Jeff Lantz)

7. [22-321](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 11 IN A NOT TO EXCEED AMOUNT OF \$217,260.00 PURSUANT TO THE CONTINUING CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE CIVIL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Air Park Cost Share: \$43,452)

(Staff Contact: Steven Rocco/Tammy Good)

8. [22-336](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING AND ENDORSING A SUBMITTAL FOR TRANSPORTATION SURTAX FUNDING; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/ David Recor)

9. [22-337](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AFFIRMING THAT THE HOUSING CONSTRUCTED BY HABITAT FOR HUMANITY OF BROWARD FOR LOW-INCOME PERSONS IS CONSISTENT WITH LOCAL PLANS AND REGULATIONS; AUTHORIZING THE CITY CLERK TO FILE THE RESOLUTION WITH THE STATE OF FLORIDA; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

10. [22-341](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE MAYOR OR VICE MAYOR, CITY CLERK AND CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY CONTRACTS FOR THE PURCHASE AND/OR SALE OF REAL PROPERTY TO BE USED FOR INCOME RESTRICTED AFFORDABLE HOUSING, AND AUTHORIZING THE CITY MANAGER, OR IN HIS ABSENCE AN ASSISTANT CITY MANAGER, TO EXECUTE ON BEHALF OF THE CITY CLOSING DOCUMENTS FOR THE PURCHASE AND/OR SALE OF REAL PROPERTY TO BE USED FOR INCOME RESTRICTED AFFORDABLE HOUSING AND; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Alexander Goldstein)

D. REGULAR AGENDA

11. [22-325](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY OF SORRENTO, ITALY, AS A FRIENDSHIP CITY AND AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING ACCEPTING THE INVITATION TO ESTABLISH A FRIENDSHIP CITY AFFILIATION WITH THE CITY OF SORRENTO, ITALY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)



Strategic Plan Initiative

(Staff Contact: Phyllis A. Korab)

12. [22-298](#) **P.H. 2022-47: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO MODIFY PERMIT FEES FOR PHOTOVOLTAIC SYSTEMS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: APRIL 12, 2022

(Staff Contact: Carpelo Jeoboam/Michael Rada)

13. [22-267](#)**P.H. 2022-53: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.02, "WATER DISTRIBUTION; GENERAL," TO PROVIDE ADDITIONAL REQUIREMENTS FOR CONNECTION TO AND USE OF THE CITY'S WATER SYSTEM; AMENDING SECTION 50.03, "WATER TARIFF," TO MODIFY RATES AND CHARGES; BY AMENDING SECTION 50.04, "INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE," TO PROVIDE FEES FOR TERMINATION OF SERVICE TO COVER COSTS; BY AMENDING SECTION 50.05, "CONSERVATION," TO PROVIDE INTENT AND PURPOSE, DEFINITIONS, TO MODIFY IRRIGATION REQUIREMENTS AND PROCEDURES, AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION; BY AMENDING SECTION 50.08, "RECONNECTION AFTER CUTOFF," TO MODIFY PROCEDURES FOR RECONNECTION; BY CREATING SECTION 50.09, "BROWARD COUNTY WELLFIELD PROTECTION MUNICIPAL CODE - ARTICLE XIII," TO ADOPT THE COUNTY'S PROVISIONS FOR WELLFIELD PROTECTION; BY AMENDING SECTION 50.11, "PRIVATE WATER SUPPLY," TO MODIFY REQUIREMENTS; AND BY AMENDING SECTION 50.13, "CAPITAL RECOVERY FEES," TO PROVIDE FOR A WATER CAPITAL RECOVERY FEE CREDIT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 12, 2022

(Staff Contact: Nathaniel Watson/A. Randolph Brown)

14. [22-279](#)**P.H. 2022-52: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE ADVANCE REFUNDING AND DEFEASANCE OF ALL OF THE OUTSTANDING TAXABLE CERTIFICATES OF PARTICIPATION (PARKING GARAGE PROJECT), SERIES 2015; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION OF, A 2022 GROUND LEASE; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION OF A MASTER TRUST AGREEMENT TO PROVIDE FOR THE ISSUANCE FROM TIME TO TIME OF SERIES OF CERTIFICATES OF PARTICIPATION; APPROVING THE FORM, AND AUTHORIZING THE EXECUTION OF A SERIES 2022 SUPPLEMENTAL TRUST AGREEMENT, SUPPLEMENTING THE MASTER TRUST AGREEMENT, TO PROVIDE FOR THE ISSUANCE OF NOT EXCEEDING \$25,500,000 IN AGGREGATE PRINCIPAL AMOUNT OF REFUNDING CERTIFICATE OF PARTICIPATION, SERIES 2022 (FEDERALLY TAXABLE) EVIDENCING AN UNDIVIDED PROPORTIONATE INTEREST OF THE OWNER THEREOF IN BASIC RENT PAYMENTS TO BE MADE UNDER A MASTER LEASE-PURCHASE AGREEMENT (PARKING MASTER LEASE PROGRAM) BY THE CITY OF POMPANO BEACH, FLORIDA; APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS TRUSTEE UNDER THE MASTER TRUST AGREEMENT, AS SUPPLEMENTED AND AMENDED FROM TIME TO TIME; APPROVING THE FORMS, AND AUTHORIZING EXECUTION OF, A MASTER LEASE-PURCHASE AGREEMENT (PARKING MASTER LEASE PROGRAM) AND LEASE SCHEDULE NO. 2022 THERETO; APPROVING THE FORM, AND AUTHORIZING EXECUTION OF, AN ASSIGNMENT OF LEASE AGREEMENT; APPROVING THE FORM, AND AUTHORIZING EXECUTION OF, AN ASSIGNMENT OF GROUND LEASE AGREEMENT; APPROVING THE FORM, AND AUTHORIZING EXECUTION OF, AN ESCROW DEPOSIT AGREEMENT AND APPOINTING THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A. AS ESCROW AGENT THEREUNDER; AWARDED THE SALE OF THE SERIES 2022 CERTIFICATE TO TRUIST BANK PURSUANT TO A NEGOTIATED PRIVATE PLACEMENT; AUTHORIZING ALL REQUIRED ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2022 CERTIFICATE AND ADVANCE REFUNDING AND DEFEASANCE OF THE OUTSTANDING SERIES 2015 CERTIFICATES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Present value savings of approximately \$2.2 million over the remaining life of the refunded certificates or approximately \$200,000 per year)

FIRST READING: APRIL 12, 2022**(Staff Contact: Suzette Sibble)**

15. [22-297](#) **P.H. 2022-54: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.076, "MEMBERS," TO PROVIDE FOR REMOVAL FOR CAUSE OF BOARD MEMBERS BY THE CITY COMMISSION FOR CONSISTENCY WITH OTHER PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: N/A)

***This item will be stricken from the Agenda for further study.**

(Staff Contact: Mark A. Beaudreau)

16. [22-299](#) **P.H. 2022-54: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO CLARIFY REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

17. [22-304](#) **P.H. 2022-56: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, PROVIDING FOR THE USE OF SCHOOL BUSES FOR CITY RECREATIONAL PURPOSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

E. NEXT SCHEDULED MEETING

May 10, 2022 at 1:00 p.m. - Regular City Commission Meeting

May 24, 2022 at 6:00 p.m. - Regular City Commission Meeting

F. REPORTS

City Manager

City Attorney

City Clerk

City Commission

G. ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2021

Beginning Balance

\$12,000.00

**CITY OF POMPANO BEACH, FLORIDA
AUDIENCE TO BE HEARD
REQUEST FORM**

NAME: _____

TITLE: _____

COMPANY: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ EMAIL: _____

PHONE: _____ FAX: _____

EACH SPEAKER IS LIMITED TO THREE (3) MINUTES

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

SUBJECT YOU DESIRE TO SPEAK ON:

NOTE: THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK PRIOR TO THE CALL TO ORDER OF THE MEETING. THE CITY CLERK WILL CALL RESIDENTS AND/OR TAXPAYERS, TO INCLUDE AUTHORIZED REPRESENTATIVES FOR PERSONS PERMITTED TO BE HEARD, AS WELL AS EMPLOYEES OF THE CITY TO SPEAK FIRST. OTHERS DESIRING TO SPEAK WILL THEREAFTER BE CALLED TO SPEAK, EXCEPT WHEN THE PERSON IS A USER OF THE CITY'S WATER OR SEWER SYSTEM AND WISHES TO BE HEARD ON A MATTER RELATED TO THE CITY'S WATER AND/OR SEWER SYSTEM.