



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, April 26, 2022

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 6:00 p.m.

ROLL CALL

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

INVOCATION

Apostle John L. Mohorn, Word of the Living God Ministries offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

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

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

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

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

APPROVAL OF AGENDA

Mayor Hardin announced that Item 15, will be stricken from Regular Agenda.

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

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that Item(s) 3, 5, 8, and 10, would be pulled for City Commission discussion.

A. PROCLAMATION

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

Mayor Rex Hardin proclaimed 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 accepted the proclamation.

This Proclamation 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 were called to speak:

NW Area Development Plans - Bonny Daise, 131 NW 15 Court, Pompano Beach, FL, stated that ever since the fence went up on Dixie Highway and NW 8th Court and NW 8th Street, she has been trying to find out what is going on in the community. However, no one seems to know what is happening. She wanted to know what is being built in that area.

Mayor Hardin responded that there is a development called Sonata, the Cornerstone Group partnering with the Community Redevelopment Agency (CRA), to undertake building a multi-family housing project. This will be an 8-story rental along Dixie Highway with 3-stories in the back on the larger parcel, subject to the developer’s change in plans. For NW 8th, 10th and 3rd, there will be a town home community, but he is unsure if these will be rentals or fee simple.

Ms. Daise expressed concern for parking, as well as drainage for the development planned, especially on NW 15th Street.

Mayor Hardin encouraged Ms. Daise to contact the City Manager’s Office to assist in providing her with information on these projects.

National Safe Boating Week - Michele Kerrigan, Supervisor, Sea Tow, Fort Lauderdale, 3001 W. State Road 84, Fort Lauderdale, FL, spoke on an upcoming national event, which is called Safe Boating Week. This will take place May 21, 2022 through May 27, 2022. This week serves as a kickoff to the summer boating season by promoting safe boating practices. She then provided a brief history of the United States Coast Guard report on boating accidents.

She concluded that they must continue to educate the boating community to help save lives. The Sea Tow Foundation also has a sober skipper campaign, which aims to eliminate boating under the influence. Therefore, she is requesting the City of Pompano Beach to get involved with promoting National Safe Boating Week with 4 requests;

- 1) The City uses its social media page as a platform to bring awareness to Safe Boating Week.
- 2) Promote wear your life jacket to work day, which is on May 20, 2022. This is a fun, educational way to heighten life jacket awareness, and to post self-pictures on social media.

- 3) Promoting the sober skipper by power washing the stencil, “sober skipper” at 14th Street.
- 4) Promoting Sea Tow Fort Lauderdale Safe Boating Day to be held Saturday, May 21, 2022 from 8:00 am to 11:00 a.m. at the 14th Street ramp in conjunction with the Sea Tow Fort Lauderdale and Coast Guard Auxiliary Division III. They will do complimentary vessel checks on that day along with safe boating handouts, courtesy of Sea Tow Fort Lauderdale.

In closing, Ms. Kerrigan hopes the City of Pompano Beach will promote Safe Boating Week. She then distributed loaner life jackets for the Commission to wear on May 20th along with the sober skipper bracelets.

Home Repair Program for Seniors - Mary Phillips, Push Forward Realty, 164 N. Powerline Road, Pompano Beach, FL, expressed concern with the home repair program. She indicated that as a real estate broker, people are complaining to her about the City’s home repair program. Some are saying the City will not allow them to get their homes repaired because of the worth of their house. She mentioned that some of these people who are now on retirement and are on fixed income, cannot afford to repair their roof that may be 10 years old, as their insurance will increase significantly. She mentioned that Broward County has a program in place to assist residents in Coconut Creek and wanted to know if the City may be able to acquire such a program for its senior citizens who want to age in their place.

Answers to Atlantic Boulevard/Dixie Highway Traffic Issues - Ken Arnold, 1849 E. Atlantic Boulevard, Pompano Beach, FL, stated that he was present approximately one month ago when the traffic issues outside of City Hall was discussed. At that time the Mayor had asked the Consultant to take notes to answer the questions of the residents, which were approximately 35 questions. He said he never heard the answers and wondered if those answers were provided.

Mayor Hardin mentioned that the questions were addressed after the Consultants made their presentation.

Mr. Arnold mentioned some people talked about the density of the road, and the times were specifically questioned. Therefore, he wanted to know in the discussion of expanding Pompano Beach's population, when will it stop to say the City is over its budget or over its population.

Botanical Garden at McNab House - Mr. Arnold mentioned that he serves on the Recreation Advisory Board and right before COVID-19 they had a meeting with the Community Redevelopment Agency (CRA) and they talked about the McDougald House, and the McNab House going up at the park. At the time there was some discussion that the park on the south side was going to be saved, compared to the house and the open area to the north. The Advisory Board had a meeting last week and it showed the entire park being a botanical garden, which was a surprise to him. Nevertheless, he believes the Commission needs to speak with the people in the area to get their views as few people want the botanical garden in the area.

Mayor Hardin suggested that Mr. Arnold get with the City Manager about the questions concerning the traffic. As it relates to the McNab House, that is still in motion and moving through the process. There are no firm decisions that have been made from the Commission level as to what will happen over in the area. There have been discussions about park facilities versus botanical gardens but no firm decision has been made yet.

Affordable Housing in the City - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that the City has been inundated with new rental units. He said the cost of the rent for these units are becoming significantly high, and have become more difficult for those people who live and work in the City of Pompano Beach. They will not be able to afford staying in an \$1,800 or \$2,000 per month rental unit in the area. In addition, he inquired what is being done with the single-family housing. He said often times the land is given to a developer, and the City helps with some form of infrastructure and the houses are still \$280,000 to \$300,000. When the City starts gifting individual developers, a cap should be put on the amount that they can charge a resident versus a charge for non-residents. He is uncertain this can be done but suggested that the City make a request to cap individuals being charged for homes.

Finally, Mr. Phillips suggested that the City take a look at how many rental units are allowed to be built in the area. He is not too averse to the units, but it is the cost of the rental units to the people who live in the neighborhood that he opposes.

Traffic Issues in the Community - David VanderMost, 432 NE 4th Street, Pompano Beach, FL, stated that a few weeks after the decision was made to go forward with what was going to happen on Atlantic Boulevard and Dixie Highway, approximately 90% of residents were opposed to it. He distributed a picture of an accident that happened a couple of weeks later in front of the Pompano Beach Middle School. He mentioned that a young man was cutting through going down 4th Street, and minutes prior to school being dismissed, he lost control of his car, hit a phone pole, and 2 parked cars, one of which had to be cut apart to get the people out. If the accident had happened about 4 to 5 minutes later, the kids would have been out and the scene would be much more terrible. Therefore, he urged the Commission to reconsider what they plan to do at Atlantic Boulevard and Dixie Highway, and explained his reason. He said there is the need for speed humps to be raised higher in the area, as well as installed instead of being removed. He concluded that someone will get hurt with the cut through traffic that is happening in the area.

Mayor Hardin mentioned that he is aware that they are having problems with the pickup at Pompano Beach Middle School, and he has actually spoken with the Broward Sheriff's Office (BSO), as well as Comr. McMahon has spoken about this to try to deter this whenever possible.

Creating Websites for District Commissioners - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, inquired if there is an update to his request regarding the websites for District Commissioners and everybody, as well as E. Pat Larkins history being shown on these websites.

Mayor Hardin indicated he does not have an update; however, he may check with the City Manager's Office and find out on where they are on this matter.

Mr. Thrower wanted to see a website that will be able to post not just the history of what is happening in each individual District, but to post the progress that is happening in each District as well.

Broward Sheriff's Office (BSO) Response to 911 Calls - Mr. Thrower stated that this past Sunday, there was a newspaper article about BSO and their lack of response to a 911 call in the City of Deerfield Beach. He wanted to know how this will affect the City and prior problems that the City has had with 911 calls.

Mayor Hardin mentioned that the City has been tracking any issues of that sort. The Fire Chief is very engaged in that and requested that Mr. Thrower meet with the City Manager's Office who will be able to get him the information on that matter.

Mr. Thrower opined that the City should get pro-active to avoid a similar incidents from happening in the City of Pompano Beach.

Mayor Hardin indicated that he has insisted that 911 be operated properly. It is operated by BSO, so he may want to meet with the City Manager's Office or Chief Brocato and he could inform him about the results that the City of Pompano Beach has had to date.

Parking for the McNab House Project - Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated that she spoke with "Sara" who is running the basketball program, and she said it was never in the plans for the basketball courts and tennis to stay. Ms. Gaviola indicated that when she looked at the picture of the proposed McNab House and the Botanical Gardens, she did not see where the parking would be. She was curious, because the first floor of the restaurant has seating for 42 people inside and 144 outside. She asked where these people will go if there is a storm when there is only room for 42 people on the inside. There is a total of 118 inside seating and 150 out. Then there is the tea house which is 53 in and 28 out, then a classroom of 48 in and 0 out. In addition, there is an event space in the building of 120 in and 84 out and potentially another 180 for event seating. Altogether there is 339 in and 442 outside, which totals 781, with 2 people in a car, she wanted to know where people will park. She suggested that before the City starts sending out Request For Proposals (RFP), it should think about where people will go. If people have no place to park, the restaurant will fail. Proper planning should be given before spending so much money on this project.

Plans for McNab Park - Kay Johnson, 213 SE 23rd Avenue, Pompano Beach, FL, stated she is concerned about the McNab Park because it has been over 2 years, and since COVID, it appears everything is delayed. She complained that the residents were never informed and kept in the loop. She supports Mr. Arnold's comments earlier, where a lot of these projects were planned but the public was not informed. More people should be informed that they would have to give up the other half of the park for a botanical garden. They are planning to put up another building there, as well as a tea house, which is too much for the park. In sum, she does not support keeping the whole park as botanical gardens. Instead, she would support keeping half the park to be utilized as a park, and allow the restaurant to do their thing, and keep the other half of the amenities to play tennis. So, people could go to the restaurant to have lunch later, then play basketball afterwards, and then have a drink. Overall, she believes the plans are too big for the area, and that perhaps the City should step back and reassess the entire situation.

Policing Election Fraudulent Activities - Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, stated he is concerned that the E. Pat Larkins election site is not safe for people to go vote without being threatened. He concluded that the only way some people were able to get into office is by ballot harvesting. Governor DeSantis has given the BSO officers time to pursue crimes other than to come out to the election sites to deal with people cursing and arguing with a candidate about other officials. He thanked the governor for doing what he is doing to free up the BSO officers to fight crime instead of dealing with unruly voters at the election sites. He is happy that there will be election policing to help to stop the ballot harvest, voter fraud, and

illegal activities going on in District 4.

C. CONSENT AGENDA

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

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)

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

Enactment No: RES. No. 2022-121

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)

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

Enactment No: RES. No. 2022-122

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)

Comr. Eaton pulled the item for Commission discussion. She indicated that she has had some discussions with Major Adkins in the past, and they could consider this as a regional recreational destination, and it is reasonable because it is Pompano Beach and Lighthouse Point. She understands the reason for the Interlocal Agreement. However, there is a situation in District 2, where the Walmart, which could be considered a regional destination, and where people from Lighthouse Point, Deerfield Beach and Pompano Beach all use the facility yet, when BSO is called to respond to an incident, those deputies do come out of Pompano Beach and from those assigned to District 2, which takes them off the street. Perhaps the 3 cities could contribute to the processing of some of those incidents, instead of the onus being entirely on Pompano Beach. In sum, she wanted to bring attention on how these cities could work together as a region.

Vice Mayor Perkins inquired what are the resources listed in the agreement.

Mark Beaudreau, Recreation Programs Administrator, responded that the item is for the new agreement. The current agreement will expire at the end of May. There are no additional resources, so it is the deputies that are currently working. There will be no additional fees, so they will be responding to the Exchange Club Park.

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. 2022-123

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)

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

Enactment No: RES. No. 2022-124

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)

Comr. Floyd pulled the item for Commission discussion for further clarification.

Jeff Lantz, Parking Manager, stated that for this particular property, an interlocal agreement was entered into September 2020 and was heard at the Community Redevelopment Agency (CRA) on April 19, 2022, which was approved. The intent is to turn this property into a mobility hub. They will continue to work with Baxter Woodman on this process. Until that time, they plan to open it up for monthly parking for people in the area, as well as construction workers for the Mayla project. He mentioned that the City will pay the CRA \$15,000 per year from the monthly parking fees.

Comr. Eaton indicated that the parking requirements for CRA's do not require every project in a downtown urban area or CRA community or redevelopment area because generally it has the beach with the community parking lot, the City parking lot and future plans for parking lots. There are not the same requirements for restaurants and the idea is that people will park at a public parking lot and are moved via the Circuit or just getting people to walk on the street being tourists or just going to certain places to stop into shop or go to a restaurant.

Comr. McGee pointed out that this is one of the multiple parking solutions that the City is looking into to accommodate employee parking, and offsite valet parking for when there are bigger events and different venues. Sometimes they are all broken up in different agenda items, but they are all feeling the parking woes and are trying to stay on top of thinking as far ahead as possible about parking, transportation, and moving people around as the City becomes more popular.

Greg Harrison, City Manager, indicated that there is a typo correction to where it says SW 20th Avenue it should be SE 20th Avenue, since it is west of federal Highway.

MOTION: A motion was made by Comr. McGee, seconded by Comr. Eaton to modify SW to SE. The motion carried unanimously.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2022-125

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)

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

Enactment No: RES. No. 2022-126

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)

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

Enactment No: RES. No. 2022-127

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)

Alison Fournier, a member of the public requested to pull the item for Commission discussion. Ms. Fournier, mentioned that the item is for an application of a penny tax grant money for the next phase of Atlantic Boulevard. She mentioned that on February 22, 2022, when the public met to talk about the traffic on Atlantic Boulevard, she heard about the poor choices that the Commission had. It was a choice between losing County money or ignoring the will of the people. She stated that this item shows the future plans for another section of Atlantic Boulevard in 2026. She wants to know when will the Commission learn. Again, they are asking the County for money, this time \$10 million for a plan that has some serious flaws. She asked if anyone looked at the drawing, and took a tape measure to go over to Atlantic Boulevard to look at these proposed changes. She did. She found out that the plan for Atlantic Boulevard now between Cypress Road and NE 18th with future lanes that are 1½ feet narrower than they are currently. The proposed 10-foot-wide travel lanes in the drawing are narrower than the standard 11 foot recommended by Florida Department of Transportation (FDOT). In reality, if someone leaves Garden Isles with a boat on a trailer heading to the 14th Street ramp they would cause a traffic jam going down Atlantic Boulevard, because they would take up 2 lanes.

Continuing, Ms. Fournier indicated that the sidewalks are 50% narrower with no setback to the existing buildings. Most troubling in the drawing is the parking lanes. The parallel parking is reduced from 9½ feet to 7 feet wide. It is already difficult and dangerous when you exit your car when parallel parked on Atlantic Boulevard in this section. She stated that part of the vehicles will end up in the travel lane creating a problem for buses, cars and trucks that need to travel. She knows there is very limited space to work with here and she knows that they are trying to squeeze a lot in by adding a bike lane and adding landscaping, but the drawing does not work. The picture is not practical and it does not work.

Finally, she mentioned that the penny tax was to improve accessibility and relieve traffic problems. The City plans to spend \$20 million of grant money to do opposite of that in the Dixie Highway and Atlantic Boulevard corridor. When you start with bad plans such as this one and submit them to the County, sometimes you get stuck with the bad plans. It is hard to go backwards once the money is granted. She urged the Commission to analyze what is being proposed, to slow down and submit a drawing to the County that is realistic, something that works, something that meets the minimum FDOT's standards for widths, and something that actually improves safety and the City can successfully execute.

Mayor Hardin enquired if the statement that this proposal does not meet FDOT minimums is accurate.

David Recor, Director, Development Services Department, responded that he does not believe that is entirely accurate.

Mayor Hardin mentioned that it was also stated that the City prioritizes dollars over the people, and wanted to

personally say that does not take place at all.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that he has a personal relationship with a number of Commissioners and he likes them. Sometimes he may have opinions that deviate from some of the Commissioner's. He has found what the prior speaker, Ms. Fournier has stated and indicated to be troubling in terms of the amount of traffic that the City continue to invite or try to get a handle on. He enquired if there are any committee structures that would hear these creative ideas prior to them appearing before the Commission.

Mayor Hardin mentioned it works through staff. He indicated that the idea has been vetted publicly for a number of years, and staff actually drew up the application.

Mr. Phillips mentioned that even though this has been vetted for a number of years, when we get to the stage that we are possibly implementing, that they would look at the sign of the times and the days because things do change. In addition, the Commission would look at allowing the creation of a committee or currently may be in place to just review these plans. Often times the concern, and even for tonight, it is said, although staff is competent, and operating for the City, which is a good thing, and there are times another component is needed to make it 2-pronged, the City and the Residents. He suggested that since the City is growing with a number of developments going on, there are a lot of concerns, and the information is not getting out. So, he suggested that they find one of the many committees to review some of the stuff, which has been done in the past.

Mr. Phillips expressed his concerns on how traffic is being dealt with here, especially since there has been so much development.

Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated that she believed what was said in response to Ms. Fournier's statement, "I don't believe that to be entirely accurate." She thinks this is vague without a yes or no answer, and suggested that they look into it.

Mary Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that she does not think the community knows what is being discussed. The residents do not get to see the backup, but the Commission does get the backup. Ms. Fournier had a piece of paper to say why it would not work. However, Ms. Phillips wanted to know if they could see this information on the screen for the roads. She wanted to know if the roads will be increased or decreased. She wanted to know what is the scenario behind the item.

Mayor Hardin responded that it is a completed streets project for east Atlantic Boulevard. He then asked Mr. Recor to do a presentation to the public.

Mr. Recor stated that the agenda item before the City Commission is straight forward. An internal working group was established and this project was identified as a potential project for funding for the surtax funding cycle this year. In order to meet the eligibility requirements for funding, a Resolution is required to accompany the submission to the Metropolitan Planning Organization (MPO). There is a graphic included in the backup material that Ms. Fournier identified, which includes the cross sections that are based largely off the regulating diagrams that were included in the form-based code following adoption of the ETOC (Eastern Transit Oriented Corridor) Land Use Map Amendment, and then the Transit Overlay District (TOD) following it.

Mr. Recor mentioned that it is important to note that there are no lane eliminations as a result of the project. He displayed an overhead of the graphic that showed the proposed cross sections vary. Also, in the backup material it shows a graphic that includes the entire length of improvement from Cypress Road to NE 18th Avenue.

Mary Phillips, Pompano Beach, FL, asked what is the purpose behind the project.

Mr. Recor responded that the intent of the project is to enhance multi-mobility and accessibility to improve resiliency, to reduce overall traffic congestion while improving the City's safety by reducing vehicle, pedestrian and bike crashes. This is taken from the criteria from which the City is submitting the application for funding.

Mayor Hardin reiterated that it is a complete streets project which the City is applying for funding from the surtax money to make this possible. If it is approved for funding, there will be many steps that will be involved, to include design by engineers. This is not a design but rather a conceptual drawing.

Mayor Hardin concluded that there will be more public input for sure.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, wanted clarification as to the example provided on Okeechobee Boulevard. He argued that the example used, some areas are extremely crowded, while in other areas it is not. He also wanted to ensure that the reference to NE 18th Avenue is correctly stated.

Mr. Recor confirmed that it would be from Cypress Road to NE 18th and SE 18th Avenue/Atlantic Boulevard.

Mr. Skversky indicated that about a month ago almost everybody was against the reduction in the lanes, which was put back to its original state and allowed traffic to flow much better. So, something like this will not improve quality of life.

Mayor Hardin mentioned that this project is for a complete streets project going from Cypress Road to NE/SE 18th Avenue.

Mr. Skversky concluded that this item should be tabled to be looked at more closely prior to moving forward with it.

Kay Johnson, 213 SE 23rd Avenue, Pompano Beach, FL, asked for clarification on the item. She wanted to know if the top graphic being displayed is for the proposed versus the bottom with the 4 lane roads.

Mr. Recor explained that they are both proposed cross sections of Atlantic Boulevard. There are sections that provide for on-street parking and there are aesthetic improvements that include street trees that will be planted in street and planter wells, so it deviates. It is depicted on the entire illustration that is included in the backup. There will be turn lanes and no lanes will be eliminated.

Ms. Johnson is thankful the way it is currently, and does not want to see it made worse as it relates to traffic. She urged staff and the Commission to think about the people who live in the City and not the tourist, who will

definitely add to the traffic congestion.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, he recalled that 3 years ago the Commission went to the FDOT and purchased land that is roadways from FDOT, which may be Atlantic Boulevard and Dixie Highway. These were put under City control so FDOT regulations no longer applied, but City regulations would apply for the structure of those transportation lanes. He asked if the changes proposed are being put on to roads that are now controlled by the City, which in the past would have been FDOT roads, which they would not have allowed these changes.

Mayor Hardin mentioned that the City can do things outside of the FDOT or federal regulations on local roads.

Greg Harrison, City Manager, corrected a statement made by Mr. Terwilliger that the City paid FDOT \$5 to \$6 million to acquire the roads. He explained the arrangements made between the City and FDOT was for the resurfacing of the roads and the maintenance of the road.

Douglas Hughes, 641 SE 6th Avenue, Pompano Beach, FL, stated that he has young kids that love to travel to the McNab House, which is a great property. Overall, he loves what the Commission is doing with the City. He is happy with his road being paved, but he argued it was not necessary. He had paid \$10,000 for his driveway but by repaving the road his driveway was ruined, which is now being repaired. However, he was very angry with the process. He mentioned that the City did not need to spend all that money on repaving in a time when the country is going through difficult financial times. He suggested that the money could be wiser spent in improving the vacant plazas on Atlantic Boulevard and Dixie Highway.

Mr. Hughes asked about the width of the parking lanes.

Mayor Hardin responded that it is yet to be designed completely. He then asked Mr. Recor for the proposed size of the parking along the side of the street.

Mr. Recor responded on the cross section being proposed it is a 7-foot parking, which currently it is a 9-foot parking. He said they are working with a 100-foot right-of-way that will include bike lanes.

Comr. McGee went over some of the concerns expressed earlier. She indicated that before the City is able to move forward on a plan like this, it means consultation with traffic engineers, parking minimums as far as standard vehicle size, etcetera, etcetera, down the road.

Mr. Recor responded that is correct.

Comr. McGee stated that with all the traffic information provided recently on the different traffic flow, the general consensus of the professionals is that narrowing lanes lowers the speeding through, which was one of the concerns that would then lead to hopefully less accidents of which the City's intersection is above average. Also, this would deter fewer pedestrian accidents and lead more in the direction of safety.

Mr. Recor responded that these statements are correct.

Continuing, Comr. McGee indicated that it is the City's goal to create a thoroughfare that does bring in the private sector, people who want to open businesses, have restaurants, etcetera along this way. So, that is what leads to eliminating the vacancies. Most of the people that she speaks with are excited to see what have been done on the beach, what has been done in East Village, and to go out to Untapped, the Green Market and all the things that are being done in the City. All these plans have been worked on, there are professionals on advisory boards that the Commission work with to make them be as best as they can. Moving the bike lane into the sidewalk is for safety. She wanted to negate the idea that the Commission is not considering every aspect of safety, and flow in transportation. There is a lot of factors to bring in together to make this happen. The surtax money which is collected separately, if the City could qualify, and give this money to make the City streets better, it would be a great direction to go in. Notwithstanding, there is a lot more work to be done with this, but she believes it is a necessary project.

Comr. Eaton stated that the existing right-of-way is 100 feet currently, and pointed out that there is a 5-foot setback first from the building or the property and then there is a 5-foot sidewalk and a 5-foot bike lane, and she does not expect the Tour de France going down the streets 24/7. In addition, there is a 3-foot median plus a 1-foot curbing and 7 feet of parking. So, that is 15 feet of essentially a pathway or a flat surface of walk way, 5 feet of that is a bike lane, then there is another 4 feet plus 7 feet and 11 feet and 26 feet from the traffic lane. The difference between the top and the bottom illustration is that in some cases there will be turning lanes because they are needed and in other places there are no turning lanes, so there will be a larger median. So, where you do not need parking there will be street trees.

In sum, Comr. Eaton mentioned that all the City is seeking is grant dollars for a street improvement project, which is a good direction to go in.

Comr. Floyd stated that she likes what both Comrs. McGee and Eaton said earlier, however, when Ms. Fournier spoke and Mr. Recor said he "Doesn't believe it is entirely accurate" that was enough room for her to doubt. Therefore, she made a motion to postpone the item to take a closer look, seconded by Vice Mayor Perkins

Mr. Harrison mentioned that this is a conceptual that goes with the application to the MPO. When this project is awarded, if it is, and then it is designed by a professional engineering firm, then at that time the City can "get down into the weeds about the feet and the inches of every little single space here." The graphic is for the application, which MPO requires to provide them with an idea of what the money would be used to accomplish. He wanted to make that clear to everyone that a lot of time was spent on this to have this accompany the application.

Vice Mayor Perkins indicated that she would like to see some of the funding for NW 6th Avenue, NW 3rd Avenue and NW 27th Avenue for transportation.

Mr. Harrison mentioned that they could look into that.

Mr. Recor pointed out that the MPO will announce its project ranking on June 1st, so time is of the essence.

Vice Mayor Perkins indicated had they known ahead of time about this they could have had the streets she just

named submitted. Looking at the backup, it states, "Staff has identified," which means staff did this on their own without any input from the Commission.

Comr. McGee pointed out that the MPO in approving projects has a revolving project submittal, so other streets identified can also be conceptualized and submitted as projects as well throughout the year.

Mr. Recor responded that is correct.

MOTION: A motion was made, Seconded by Vice Mayor Perkins to postpone the item until the next City Commission meeting, which is May 10, 2022. On roll call the motion failed with Comrs. Eaton, McGee, McMahan and Mayor Hardin voting No and Vice Mayor Perkins and Comr. Floyd voting Yes.

A motion was made by Commissioner Floyd, seconded by Vice Mayor Perkins, that the Consent Agenda/ Resolution be POSTPONED. The motion failed by the following vote:

**Yes: Floyd
Perkins
No: Eaton
McGee
McMahon
Hardin**

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
McGee
McMahon
Hardin
No: Floyd
Perkins**

Enactment No: RES. No. 2022-128

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)

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

Enactment No: RES. No. 2022-129

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)

Ed Phillips, a member of the public requested pulling this item for City Commission discussion. Mr. Phillips indicated that he wanted to use this item as a springboard into his earlier concerns expressed about how the City is allotting land for affordability, and how it appears not to be serving its purpose. In addition to that, he would like to propose, because the community is beginning to have a significant number of housing in some of the areas due to passing of family members, and those houses are vacant for 3-5 years, which include the Rome's house, the other is Joe Smith's house, that the City at some point look into how it can facilitate purchasing some of those houses, not specifically the ones mentioned, but houses that have become foreclosed on and be able to sell those back at an affordable rate to people living in the neighborhood. He would qualify that statement by saying it could be given to people who actually live in the City some type of discount for those purchases. In relation to the current item, Mr. Phillips asked what are the plans for this.

Alexander Goldstein, Program Compliance Manager, Office of Housing and Urban Improvement, (OHUI), stated the main purpose of this was to address the current market situation and the affordable housing crisis that is on hand. The item was brought before the Commission because they found the need to expedite the process to purchase these homes because the developers and investors and new residents coming into Florida are purchasing these properties at an alarming rate and then they become unaffordable. The OHUI goal is to secure as much affordable housing income restricted, affordable workforce housing in this community as best they can and to make them affordable to all the vulnerable residents of the City. These houses that are foreclosed upon, if the proper funding is available they would like to go ahead and purchase those and revitalize the area, as well as making these homes affordable to low to moderate income Pompano Beach residents. Also, he mentioned that the people purchasing these affordable housing properties, go through the City's First Time Homebuyer

program, where they recently increased the maximum award to \$50,000 for down payment and closing costs assistance.

Mr. Phillips likes what he is hearing from Mr. Goldstein and conceptually it is a good idea, however, his issue is the houses are going to be still over \$280,000-\$300,000. So, where possible, if there is wiggle room when the City secure these houses to sell back it would be capped to \$250,000 or under.

Mary Scofield Phillips, 384 NW 19th Street, Pompano Beach, FL, stated she likes the idea but there is a big problem in the City, because of the way they structure liens on properties. She then explained the process, which she believes need to change.

Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated that affordable housing is a big concern of hers and for so many other people present. One of the issues is the City is accelerating the problem and the way it is being done is to allow the building of all the new "luxury" projects. She mentioned that what one person may call "blight" is another person's home. She provided an example of the Innovation District to make her point of while values are going up, it is exasperating the affordable housing issues.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, inquired about the dollar amount under the current Resolution that is considered affordable housing, and what is the dollar amount considered to be income restricted affordable housing.

Mayor Hardin responded that amount changes every year as the County establishes those figures.

Mr. Goldstein stated that the figures actually come from the Housing and Urban Development (HUD) and they do fluctuate every year. For example, what would qualify as low income those figures were released late last week for the fiscal year 2022. It lays out who would qualify for these properties as far as income goes. As far as the price of the homes that is also a stipulation coming down from HUD the federal agency.

Mr. Terwilliger wanted to know the actual dollar amount that is considered affordable housing.

Mr. Goldstein mentioned that the ballpark for this year is approximately \$330,000 maximum.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that the FHA loan limit for Broward County is \$460,000.

Vice Mayor Perkins inquired when did the Mayor and Vice Mayor started executing contracts as mentioned in the Resolution.

Mr. Goldstein responded that this is the same as the NSP program, which they have been running and not all that money has been fully expended. They are just extending what they were doing with the older program to the current funded programs. The Commission has always approved these projects.

Vice Mayor Perkins indicated that the Resolution did not say the Commission, instead it stated the Mayor, Vice Mayor, City Manager and City Clerk.

Mark Berman, City Attorney, mentioned that the caption informs generally, and the specifics are in the actual document. It is the Mayor or Vice Mayor in the absence of the Mayor, which follows what the Code of Ordinances requires. The City Clerk, City Manager and Mayor sign all City official documents. In this way instead of going to a City Commission meeting and having to wait 2 weeks to get low cost housing out in the market, they can get it done and get a report that they will do quarterly to the City Commission so they can see exactly what happened. He reiterated that the Vice Mayor signs only in the absence of the Mayor.

Meeting went into Recess

Meeting Reconvened

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. 2022-130

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)

(Staff Contact: Phyllis A. Korab)

Phyllis Korab, Cultural Affairs Director, presented the item and stated that this is a request for Mayor Hardin to execute on behalf of the City, a Memorandum of Understanding (MOU) between the City of Sorrento, Italy and the City of Pompano Beach as friendship Cities. The Sister City program distinguishes the term Sister City and Friendship City by noting that Friendship City is less formal than a City Sister relationship. The City has an established Sister City program since 2013. There is 1 Sister City already in place, which is Termoli, Italy. The discussion has been to start with the friendship city relationship, before moving on to a more formal one with Sorrento, Italy.

Continuing, Ms. Korab mentioned that Tony Phillips President and Norma Phillips, Secretary of the Sister Cities program in Pompano Beach, as well as Mary Ann Ricolli who are all active in trying to make sure this is a successful program.

Tony Phillips, President, 2661 South Course Drive, Pompano Beach, FL, provided an update on the program. In 2013 a couple of Sister Cities were set up, which included countries such as Brazil, which is still in effect, and Argentina, which unfortunately did not last long. Currently, they do have an active Sister City in Termoli and plans are to visit the Sister City in Italy, but due to COVID everything has been put on hold. In the meantime, through the Vice President of Pompano Beach Sister Cities, Paul Vinicio, they were able to make a connection with Sorrento, Italy and the owner of the Excelsior hotel in Italy, Guido Florentino who was reactive in meeting with the Mayor. So, the Mayor of Sorrento has agreed to form a Friendship City to start partnership with them, which could be in education opportunity, which is the biggest, and in trade tourism, as well as in economics, the biggest producer of Limoncello. They are trying to get one of their distribution centers to open business in Pompano Beach.

Mayor Hardin thanked Mr. Phillips and his entire Sister Cities Committee for all their efforts.

Comr. McGee stated that this is an interesting concept and asked how does it get initialized in finding a Sister City/Friendship City.

Mr. Phillips responded that the first Sister City was in Termoli. The owner of Café Roma in the City of Pompano Beach was from Termoli. At the time, there was a conversation to look for a City that would meet the criteria being set up for a Sister City, that is beaches, tourism, etc., which started it, and with the help of the owner of Café Roma who worked in Termoli, a connection was made. He came to the City of Pompano Beach in 2018 with his family and staff and enjoyed Pompano Beach, so, they had a signing ceremony here. They look at different areas and try to find a Coastal City that has tourism and education, which is a big component as well. There are exchange students being set up, and they plan to send students from Pompano Beach to study in the summer in Italy.

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. 2022-131

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)

Carpelo Jeoboam, Assistant Building Official, presented the item and stated that this is the Second Reading of an Ordinance to create a separate permit fee for the installation of Photovoltaic Systems. There have been no changes to the First Reading.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2022-44

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)

Nathaniel Watson, Water Reuse Construction Department, presented the item and stated that the item is Second Reading of the Ordinance with one point of correction. At the last meeting Comr. Eaton had asked if the Amendment would impact her District. There is an aspect that impacts District 2 with regard to the South Florida Water Management District (SFWMD) irrigation measure. This is the only portion that will be impacting District 2, other than that the item remains unchanged.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated that he has the utmost confidence in the City staff and City Manager and everyone who work in this arena. Nevertheless, he is concerned with the management of traffic, development and water usage, since there is a significant amount of growth taking place in the City. On the water component, he read up on some of the backup material provided, however, he is not encouraged in what he is seeing, as there does not appear to be enough information provided to the public about the amount of usage and is the City tailoring its growth with projected water consumption. He asked if the City ever crossed Dixie Highway with reuse water connections.

Mayor Hardin responded that the reuse program is being expanded as quickly as possible as grant funding is received to support it.

Mr. Phillips is concerned that as the growth of the City continues, smart management is being exercised. In addition, he recalled that when there was a drought, and water consumption was low, fees had to be raised. He said those fees never did go down.

Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, stated that with regard to water conservation and irrigation, as projects come on, and they estimate the need for the water usage they may have, there ought to be a requirement for the developer to assist with the reuse water in equal amounts or more of water needed. Therefore, the developer’s water usage is not just dumped into the ocean but it can be utilized as reuse water to help with the preservation of the environment.

Comr. Eaton stated that in District 2, the only place that is piped is in the Highlands north of Sample Road. She learned that they are now taking part in the new reservoir at the northern Palm Beach County where the City will be able to do 2 million gallons per day or some incredible number. The City acquires commercial and multi-family units who irrigate to hookup to the reclaimed water system if they have the pipes to their property.

Mayor Hardin asked what is the planning horizon for the water and sewage needs.

Mr. Watson responded that the Utilities Department is a part of the plan in Development Review Committee (DRC) development of the City. Every major project that comes before the City the department requires that the developer provides a water consumption and wastewater discharge, which is accounted for in the City's planning. Also, as a result of this amendment upgrade, the City is requiring for large users to perform a study with regard to the impact to the system, so this is accounted for as well. The City is required to do this because SFWMD requires it. The City of Pompano Beach has always been a great steward with regard to the precious resource and will continue to do so. There are measures in Chapter 54 of the City Ordinance, where the department expands on the reuse system and does require that developers who have reuse available to that development connect to the system. So, every gallon of water saved with regard to reuse is water saved with regard to the precious potable water source. This is constantly being accounted for by the department.

Mayor Hardin indicated that he is aware that there are years out horizons that is being looked at with project growth and all that type of stuff with regards to meeting the water and sewer needs for the City. Also, a comment was made that water rates did not go back down after an increase in fees for water, during a drought period when usage went down because of water restrictions. He requested staff to investigate and provide the Commission a report on when it went back down. He is certain the fees did go back down.

Comr. Eaton stated that in 2025 the state is requiring the cease and desist of all outflow to the ocean, which is controlled by the County.

Comr. McGee indicated that if a person can hook up to the reuse she highly encourages them to do so. One of the big thing that the reuse water does help is to preserve the City's wells by further keeping back the salt water intrusion from the ocean. It does help in so many ways and still keep the grass watered.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2022-45

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)

Suzette Sibble, Assistant City Manager presented the item and stated that there have been no changes to the Ordinance since First Reading. However, she reiterated that should this item be passed this evening it would result in the estimated interest savings of \$2.2 million for the City.

Maureen Gaviola, Pompano Beach, FL, stated that stuff like this scares people. It was so many words but she did not know what it means. However, she is glad it saves money.

Ms. Sibble explained the way the Ordinance is worded is a legal requirement by the City's Bond Counsel. There is a memorandum in the backup material that attempted to break it down and simplify it. She agrees that it is complicated but experts such as City Attorney Berman and Bond counsel has been tasked to review it.

Comr. McGee gave kudos to staff for keeping their eyes out on ways to save the City \$2.2 million in interest.

Comr. Eaton asked for a brief synopsis of how the parking garage is doing vis and vis profits and losses.

Ms. Sibble responded that it is doing great and will provide a report to the Commission. It was predicted by this time the City would have gone beyond breaking even, which we have. The City surpassed expectations with all the activity going on in the Fishing Village.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2022-40

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)

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

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)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that the amendment to Chapter 98.02(M) is specific to the prohibited use of underwater spear fishing guns. They are still prohibited but this is to clarify the requirements to add the words “possess and carry” to use underwater spear fishing guns for the 2 reasons, which are the danger to the public on the beach being injured by an accidental or negligent discharge, and the danger to the bathers in the water when a fish is speared and the blood trail in the water is attracting other larger predatory fish.

Comr. McGee cited the wording in Section 98.02(M) and asked for clarification on how scuba divers who wanted to do spear fishing would get from their vehicle to the location they need to go spear fishing in the water.

Mr. Beaudreau responded that that a person would not be able to do that.

Mark Berman, City Attorney, clarified that the law has always been in place, and this item is just to clarify what is in effect. The issue is someone was carrying the fishing spear on the beach, which was not supposed to happen. There are other areas of the City other than the public beach or other beaches where a person could access the water for spear fishing, not to mention by boat.

A discussion followed among staff, City Attorney and the Commission regarding the carrying, possessing or using of spear guns on the public beach. The intent of the new language is not to have anyone carrying a spear gun on the public beach. The Commission believes this is over-reaching restriction on people’s ability to partake in this recreational sport.

Comr. McGee indicated that she would like to make a motion to have the language reviewed to find a happy medium to allow people to safely partake in a recreation of their choice.

Mayor Hardin read the law that says, “It shall be unlawful for any person to use underwater spear fishing guns, gigs, slings, bows or other types of guns, excluding firearms, which are subject to regulation under Chapter 794 Florida Statutes on the beach or in the waters of the public beach.” Further discussion followed regarding what is considered “waters of the public beach.”

Mr. Berman suggested that the Commission consider a motion to strike the item at this time, staff will take another look at the language and bring this back to the Commission in a form that maybe acceptable by the Commission.

MOTION: A motion was made by Comr. McGee, seconded by Comr. Eaton to strike the item until there can be a more defined wordings on what the beach waters are, defining how a person can safely traverse to get across to the waters. The motion carried unanimously.

A motion was made by Commissioner McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be

STRICKEN. The motion carried by the following vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

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)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that the current agreement will expire at the end of May, and this is the new agreement with the School Board to use their buses for recreational purposes only.

Comr. McGee mentioned she had no issues with this 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

E. NEXT SCHEDULED MEETING

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

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

Gregory Harrison, City Manager - CPR Education in Commission Chamber - Mr. Harrison announced that the week of May 15, 2022 to May 21, 2022 is EMS Week. Fire Chief Chad Brocato and company will be offering free CPR classes in the Commission Chamber Conference Room during this time. Invitation is to anyone wishing to learn how to conduct CPR.

Chad Brocato, Fire Chief, indicated this is the first time this will be done coordinated by their new Life Safety Educator, Jennette Williams. They plan to roll out something soft and to have this available for people when they attend the Commission meetings they can filter in. This is the first attempt at something such as this and will be just offering this for now and future plans is to have one at the Fire Prevention Week in October 9, 2020, as well as pass out smoke detectors. This is to do some positive things that facilitate fire safety education. He will be able to provide more information to place this on the website. This is not a CPR Class that a card will be awarded at the end. It is scheduled to last approximately 15 minutes. Also, it will be at no cost to the public.

Recognizing Suzette Sibble - Mr. Harrison recognized Suzette Sibble, Assistant City Manager, who took the lead on the refinance project that resulted in saving the City \$2.2 million, which is quite impressive. The Commission joined in recognizing this effort.

Construction Management Award - Mr. Harrison asked Horacio Danovich to explain the award the City received.

Horacio Danovich, Stegia, LLC, Consultant, stated that the City Manager is holding an award the City received for the Fishing Pier. It was a statewide application made to Construction Management Associates of America, who awarded the City as number 1, for the Construction Management best project. This was all a team effort in managing projects. This is a tribute to all those who worked on the Fishing Pier.

Mayor Hardin and the Commission congratulated the team for their efforts.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - Neighborhood Spots Clean up - Comr Eaton gave a shout out to Captain Stallings, Captain Torres and Major Adkins for taking back the City's streets, cleaning up some spots in the neighborhood, which was greatly appreciated by the residents.

Commissioner Cyndy Floyd - Comr. Floyd stated that her community will also be doing a Community Safety Day on June 11, 2022 at the McNair Park where CPR and Smoke Detectors will be offered.

911 Communications Issue - Comr. Floyd mentioned the issue with the 911 Operator. She mentioned that she received a call one night that no one was answering 911. However, she called the police and was able to get help for that person. Perhaps staff and the Commission could get together to get some sort of plan to ensure this does not happen in our City.

Websites for Commissioners - Comr. Floyd stated that the suggestion made earlier on the individual websites for the Commissioners is a good way to share upcoming events, photos, community updates, specifically within the districts for the constituents. She would like to know how she can get this going if possible.

Commissioner Andrea McGee - Congratulations to Pompano Chamber of Commerce - Comr. McGee congratulated Pompano Chamber of Commerce for a great event. Their annual Food and Wine was held at the Beach Marriott and this was just lovely. It was a good turnout and everything about it was nice.

Sea Food Festival - Comr. McGee congratulated the organizers of the Sea Food Festival. The event was great with good music and a wonderful turnout and an overall wonderful event. She also thanked staff for going beyond in helping out with both events, as well as the Broward Sheriff's Office (BSO). She heard from a number of persons of how people were just friendly and helpful.

Glass Posters in the Parking Garage - Comr. McGee reported that her building is currently doing concrete restorations so she is parking on the 5th floor of the City's parking garage. She has an idea that perhaps could be possible ways to help continue going forward with the parking fund in opportunities, as well as serve to inform the community. On the ramps there are spaces where some type of glass could be installed that can be changed out with wrappings for upcoming events such as music under the stars, as well as offer ad spaces to local businesses for any special event they may be having. It is an opportunity to inform and possible expand revenue. Perhaps staff could look into this to see what kind of cost and the benefits. It would be like a movie poster you see when you go out.

Commissioner Tom McMahon - 911 Call Center - Comr. McMahon mentioned that Vicente Thrower brought up a good point about the 911 call center earlier. He said he has also received some concerning calls about the 911 call center. He found out prior to coming back from recess, that the Sheriff was approached by the County Commissioners with concerns of the call center. They received 2.50 million calls a year to the call center. Originally, he was against the City joining the call center many years ago. He sees this as a top priority in the City of Pompano Beach. The City is an award-winning City when it relates to finances and all the new projects being done. We are not building for today but building for the next 50-60 years out. The call center should be looked at to be brought back home to the City's Public Safety Complex, and since we are in the middle of a renovation of the building, we should ensure we could carve out some space so the potential is available in the future. Things worked a bit better when the City had its own call center.

In sum, Comr. McMahon wanted to direct the City Manager's Office to find out what it would cost the City to bring the call center back to the City and to look at the other cities that has done this. He believes 2 other cities

in Broward County has gone to their own call centers. The City of Coral Springs has an award-winning call center.

MOTION: A motion was made by Comr. McMahon, seconded by Comr. Floyd that an investigation be done to create a call center for emergency dispatch and provide a report to the Commission on it. The motion carried unanimously.

Greg Harrison, City Manager, mentioned that they are on their way of filtering out the numbers and getting those costs for the Commission. In fact, he was on the path of making this a part of the budget process which they will be working on shortly.

Vice Mayor Beverly Perkins - Issues with Bulk Trash - Vice Mayor Perkins mentioned she is still having some concerns with the bulk pickup in the NW community. There is still bulk trash all over the community. She understands that in some parts of her district the bulk trash is picked up on Wednesdays and some Saturdays. She really needs help on how to get rid of this problem plaguing her district. The City is engaged in doing the Clean Streets, but this is not working for the neighborhood.

Notice Letters on Availability of Funding - Vice Mayor Perkins mentioned that she had indicated that the Office of Housing and Urban Improvement (OHUI) send out notices to the churches and organizations when Block grants are available for Emergency Home Repairs, and First Time Home Buyers Program. It has been some time ago, when she had mentioned that the housing department send letters out to fraternities, sororities, the churches, and the homeowners' association to inform them of when funding is available.

Mayor Rex Hardin - Memorial Day Celebration - Mayor Hardin announced that the Memorial Day celebration will take place on May 30, 2022 at the City of Pompano Beach Cemetery, parade begins at 10:00 a.m. from McNab Park and ends at the Cemetery.

Bulk Trash Issues - Mayor Hardin followed-up on Vice Mayor Perkins concerns with bulk trash issues. He said it is not only in District 4 but it is throughout the City. There is always issues of people putting out garbage piles at the wrong times and some illegal dumping also goes on. He thought the City had a mechanism in place where people could actually be fined for these violations, after being issued a ticket. He asked for a report on how many fines have been issued for the past 60 days. Also, what is the process in getting somebody fined for this violation.

Mr. Harrison stated that he is unaware of the 1-2-3 process, but he knows that this method is available for attempting to penalize the property owner for allowing bulk trash to be on their property pass a certain time. There is a warning issued initially, and if not taken care of then the trash is picked up and a fine issued to the property owner and bill them for time and expense to clean up the property.

Mayor Hardin stated that there was discussion earlier about the Atlantic Boulevard application for the Surtax. This is a complete streets project and part of the reasoning behind that is beautification of the City to improved the look of the City. This has been something that he has been particularly focused on. He thinks the residents like having a better-looking City. It adds better curb appeal for everything. However, he has an issue with signs that people put up everywhere for advertising. So, if it is tax time there are tax signs out there, or signs to

window tinting or sell a house. He is not referring to a garage sale sign. Instead it is the commercial type snipe signs. He has brought up this matter before, and he is unsure about the answer and how to do it, but he thinks everybody that works for the City of Pompano Beach should be empowered and part of their duty is to take those signs. It could be a building inspector or a public works employee or a City Commissioner.

A discussion followed on the process involved in allowing these signs in the right-of-way and the legality of removing them and how City employees could be empowered to remove these offending signs.

Comr. Eaton mentioned that there is a problem also with the shopping carts left all over the City, which should be allowed to be picked up as well. In addition, there is a problem with tires, but perhaps the City could investigate how these could be recycled.

Continuing, Comr. Eaton mentioned about the bulk trash issue, where in District 2 there are a lot of apartment buildings and perhaps they could come up with a process to allow for bulk pickup on commercial properties say once a month. This is something they are trying to get under control.

Mr. Berman advised that the shopping carts are regulated by State Statute and if these are taken off the streets we cannot charge to remove them, and we must give them back if we are aware of the owners. A fee cannot be charged for retrieve and store. In some cases we are retrieving for the commercial establishment and letting them pickup without the ability to charge.

Vice Mayor Perkins understands the situation with the signs and indicated that she has been picking up those signs for 6 years and the more they are picked up the more they seem to reappear.

Mayor Hardin reiterated that it would be good for as many people to be engaged in this cause. If there is a central number to contact similar to a 911 call, it may make a difference.

City Clerk Hammond announced the 2 speakers who wanted to address the commission at the end of the meeting withdrew their requests.

Mayor Hardin indicated that perhaps we could add on the agenda right before adjournment additional audience to be heard.

G. ADJOURNMENT

The meeting was adjourned at 8:58 p.m.

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Asceleta Hammond
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Asceleta Hammond, City Clerk

DocuSigned by:
Rex Hardin
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Rex Hardin, Mayor

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