

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, July 12, 2022

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

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

INVOCATION

Bishop Charles Ross of Judah NOW Church offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[22-419](#) Regular City Commission Meeting Minutes of June 28, 2022

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

APPROVAL OF AGENDA

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Agenda be APPROVED AS

PRINTED. 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 9, would be pulled for City Commission discussion.

A. PROCLAMATIONS

[22-487](#) Recognizing Sea Tow Fort Lauderdale During National Safe Boating Week

Michele Kerrigan, Director of Operations for Sea Tow Fort Lauderdale, accepted a proclamation recognizing all the efforts in educating the public on safe boating practices during National Safe Boating Week.

This matter was READ AND PRESENTED INTO THE RECORD

VICE MAYOR BEVERLY PERKINS' STATEMENT

Vice Mayor Perkins requested permission from Mayor Hardin to read an open statement, and read as follows:

“Based on the traffic stop that I received, this was a traffic stop for alleged speeding, not a criminal matter. I complied with instructions from the officer. Ultimately, there was no ticket issued and I received a verbal warning. If any exchange on my part in the conversation with the police officer is perceived as being disrespectful, then I do apologize. Thank you.”

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:

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Emma Ellington, 137 NW 15th Street, Pompano Beach, FL, mentioned she was speaking on behalf of all women and not just Ms. Perkins. She stated that if we start apologizing, they will take away the last thing they think women have, and that is “Our right to free speech.” She mentioned that Pompano Beach is a great City and instead of picking up little things because someone said something, and thereafter resign or apologize, then people need to look at the past President, who called people “shit” and all kinds of stuff but he never apologized. She concluded that the emphasis should

be placed on getting people housing as there are a lot of things that need to be done in the Northwest corridor. Finally, she said we should not be gathering to “murder somebody’s name, or tear somebody down, for what cause.” She urged the City not to make this into a spectacle, "for this is what it is."

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Debra Campbell, 1950 NW 4th Court, Pompano Beach, FL, mentioned one of the 5 freedoms and protections of the First Amendment of the United States Constitution, is “free speech.” Another guarantee along with free speech under the First Amendment prevents government from requiring a person to say something that person does not want to or keeping a person from hearing or reading the words of others. She said she has known Vice Mayor Perkins since the late 80’s and she has eye witnessed several decades of her unwavering efforts to keep Northwest Pompano Beach a thriving and prosperous community. Many residents, clergy, business owners, elected officials and visitors can also attest to her passion and compassion for the City of Pompano Beach. To lead is an awesome responsibility, which requires prayer, a desire to see the success of others, some sleepless nights, and hours of research while also trying to reach the expectations of goals of the constituency as an office holder, even as you try to tend to your own personal goals.

Ms. Campbell concluded that rather than focussing on something negative, let us look at some of Vice Mayor Perkins civic accomplishments. Membership Chairperson NAACP for Broward, First President for Dr. Martin Luther King Memorial Committee in Pompano Beach, First Black Female Commissioner for the City of Pompano Beach, First Black Female Vice Mayor for the City of Pompano Beach \$6.4 million Fire Station completed at Esther Rolle Avenue. In conclusion, she asked that we do not throw stones of destruction, but rather sow seeds of togetherness for the betterment of the City of Pompano Beach.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Barbara Stern, Esq., Fort Lauderdale FOP, 800 E. Las Olas Boulevard, Fort Lauderdale, FL 33301, stated that she is the attorney for the Fort Lauderdale FOP Lodge 31, and the men and women who protect and serve “Our great City.” She acknowledged members of the union who are in attendance.

Continuing, Ms. Stern mentioned that Vice Mayor Perkins, as an elected official is not above the law, yet that is how she behaved when she came through “our City” on April 6, 2022. As publicized, officers Nabhan and Mathias lawfully pulled her over for speeding well above the posted speed limit in the area. She stated Vice Mayor Perkins’ behavior following the stop was deplorable and unbecoming of an elected official. She then provided details of the incident as to how the officers conducted themselves during the stop and Vice Mayor Perkins’ response as she drove away. She concluded that Vice Mayor Perkins as an elected official is held to a higher standard to uphold public trust and respect the law, which she broke the trust that day when she mentioned who she was as an elected official and her ties to BSO (Broward Sheriff’s Office). Although, Vice Mayor Perkins apologized today, it is a “day late and a dollar short.”

Mr. Stern stated that Vice Mayor Perkins owes “our law enforcement officers and all law enforcement officers an apology. As an elected official who believes they are above the law, you do not deserve to be in office or hold the title of Vice Mayor.” Therefore, she hopes the City of Pompano Beach will take the appropriate action. She stated that on that day she did attempt to abuse her power, and so in the interim she encouraged Vice Mayor Perkins to call the high-ranking member from BSO and ask to go on a ride along so she can appreciate the risk that the members of law enforcement face every day protecting her and the great City of

Pompano Beach.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Kendra Hayes, Pompano Beach, FL, stated that Vice Mayor Perkins does her job. She then related an incident she had with bug infestation in her apartment, and when no other Commissioner came out to assist, it was only Vice Mayor Perkins who showed up and addressed the situation. She concluded that Vice Mayor Perkins cares and does her job.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Lauren Cooley, 101 Briny Avenue, Pompano Beach, FL, expressed her disappointment in the recent exchange between Vice Mayor Perkins and law enforcement officers who pulled her over for speeding. She then relayed the incident that has been televised. She finds the language used by Vice Mayor Perkins to the officer to be unacceptable especially from an elected official who represents the residents of Pompano Beach. She understands everyone having a bad day, among other things, and while she is “not beating up on Vice Mayor Perkins,” she mentioned that the law enforcement officers risk their lives every day and everyone should be cognizant of this and especially those in City leadership. Since she believes Vice Mayor Perkins was disrespectful, she would agree that she commit to ride along with officers so she can see the value they bring to the community. She mentioned that a safe community is built with strong law enforcement. She wanted to inform the law enforcement in Broward County that Vice Mayor Perkins remarks do not represent or speak for the residents of Pompano Beach. In fact, they are appreciated and their safety is prayed for by the residents.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Kay McGinn, 2460 SE 5th Street, Pompano Beach, FL, former City Commissioner, stated it is nice to see everyone. She stated that she supports Commissioner Beverly Perkins. In the years she has known Commissioner Perkins she has been the most courageous, intelligent, caring and professional Commissioner. She is one of the best the City has ever had. She is proud to be her friend and knows that she is not only working for her district, but she works for all the districts in the City, which she has seen repeatedly. She thanked Vice Mayor Perkins for her participation.

Continuing, Ms. McGinn indicated that she watched the video regarding the incident, and there were a couple of things that she was concerned about. Her comments at the end were whispered , so she is unsure why everybody is so upset. Of course, it is the FOP who has promulgated the video, virally, and guess whatever their agenda is it has to do with the FOP, which has nothing to do with the officers, who were ;professional to a point. She relayed an incident when she was stopped by law enforcement and the officer was professional and did not yell at her to put her hand out the window.

In sum, she feels this is being blown out of proportion. The officers appear to be professional but was a little over the top with their yelling to her. She believes the officers in Pompano Beach and Deerfield Beach are more professional than in Fort Lauderdale. Ride along can be done any time in Pompano Beach and she is quite sure Vice Mayor Perkins has done so already. So, this will not make a big difference. She hopes that they continue to have good professional officers all around.

City Commission Behavior - Alison Fournier, 430 SE 6th Avenue, Pompano Beach, FL, stated that the perception of the entire Commission is troubling to her lately. She indicated that their behavior is magnified by the role and it feels like a race to the bottom. For a long time, she has seen disrespect to each other and at time towards citizens and now it feels like it is bursting outward. She then referred to a campaign surrogate for

Commissioner Tom McMahon fabricating a story online about her 6-year-old son referring to him as a bully. She felt this type of behavior of an adult defaming a 6-year-old on line warrants an apology especially when it involves a child.

Continuing, Ms. Fournier mentioned that Vice Mayor Perkins has been a voice for the residents often. So, she was disheartened to see the video. She understands that she will never know what it feels like to be her, when she gets pulled over. However, law enforcement and first responders deserve our unwavering respect and support. She hopes the officer receives a genuine heartfelt apology, and if he did not, she wanted to apologize to him as he was treated poorly while he was performing his job with the utmost professionalism.

In sum, Ms. Fournier stated that the Commission needs to clean up its act. She suggested that the Commission should institute a written code of civility and conduct, and term limits. Being a local politician is not a career, it is a calling, and maybe if the job was about what you can give, and not what you can get, then they would be doing better.

Running for Office and Issues with Policing - Tom Heinrich, 140 Cypress Club Drive, Pompano Beach, FL, stated he is a candidate for District 3, and he is running for Commissioner because of Tom McMahon. He said in Pompano Beach everyone is family and they need to start acting like family. He stated the reasons why he is running for office. He mentioned that he was attacked by a homeless person twice, but it was poorly handled by the BSO officers.

Continuing. Mr. Heinrich mentioned that the FOP action earlier is shameful, as this is not a forum to conduct a trial.

In sum, he criticized the way the police handle incidents such as his experience with the homeless person, as well as how they are handling the incident with Vice Mayor Perkins. He has set up a website called Cleanupbroward.us and invited anyone with a complaint in the County or the City against government to go to his website and he will see to it that it gets to the proper people for investigation.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that he is glad Vice Mayor Perkins apologized, and hopes this is over. He mentioned that some of the comments he read from the news channel were outrageous, which shows racism in these people, who hide online.

Feeding the Poor and Homeless - Mr. Skversky stated that last week when they were feeding the poor and homeless they had a 35% increase in that population. He concluded that this situation will get worse and the City needs to set up some food drives with the churches as people need help.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, stated he respects everyone on the dais, but for the past 3 months Vice Mayor Perkins' behavior has been deplorable. He then provided some incidents that would indicate her behavior. In sum, she is fit to be a citizen of Pompano Beach but her behavior does not represent the citizens of Pompano Beach. He respects Ms. Perkins, but not her behavior and how she behaves on the dais.

In sum, Mr. Phillips agrees with one speaker mentioning that Ms. Perkins needs anger management, and he would add as well alcoholic and addiction counseling.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that Commissioner Beverly Perkins is a good person who has worked for years to represent her community. He understands she made a mistake and she apologized for it. He thinks this publicity appears to be a political hit job because this is old news that happened months ago. He then provided a list of negativities he believes is corruption in the City of Pompano Beach, to include the City's budget and how money is spent.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Janice Simmons, 208 NW 15th Place, Pompano Beach, FL, stated that Vice Mayor Perkins has done a number of things in the community. She said since it appears that Vice Mayor Perkins is on "trial" today, she would like to call her first witness, Rex Hardin who has watched week after week how they tore Ms. Perkins character down. She then called her next witness Rhonda Eaton, who sees everything that Ms. Perkins comments on, and she throws it back to her face, and when she speaks she has a frown on her face. Her next witness is Tom McMahon who never agrees with Vice Mayor Perkins. Her next witness is the City Attorney who she accused to be part of the racism. The last witness is Mr. Phillips who she believes made the most degrading statements. Last but not least, is the police from the City of Fort Lauderdale.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - V. Perkins, Miami, FL, thanked the members on the dais for keeping the residents safe. She enquired from them if they have been racially profiled, because she has been many times. She referred to the phrase, "making a mountain out of a mole hill" and while there are no mountains in Florida there are plenty of mole hills. The mole hills are the ones who take unimportant events and make them seem severe. This incident is over pitched, it is making a drama out of a crisis, and it is "nit picking and making a fuss." This is being magnified and acting to pile it on. This is overstretching and gone too far to harass one elderly mother, and that "Your revenge has nothing to do with the elderly."

In sum, Ms. Perkins mentioned that in her hometown district they need businesses, and affordable everything. It is time for racial relations to happen and all persons on the dais should be included. Also, she mentioned that love is a pain killer and you cannot teach a person how to hate somebody they love. She concluded that this is a public lynching.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Quenton Thompkins, 436 NW 15th Street, Pompano Beach, FL, stated that this is very disturbing and it appears that Ms. Perkins is on "trial." He is concerned because not only does this come into his community it comes to one of the elderly people in their community that has to be disturbed for something she does not even know about as this is her child on "trial." He is aware that Ms. Perkins may have said something that was not agreed with but everyone has said things that was not agreed with at one time or another. Nevertheless, he mentioned this incident happened months before, and wanted to know why it is just being released to the public.

Mayor Hardin clarified that the City Commission or the City did not call the news media, and there is no "trial" here. The City Commission is just listening to Audience to be Heard.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that this incident happened since April. Notwithstanding, he has been accused and all the other Commissioners have been accused of something, and it does not always appear to be. He argued that the FPO system should work fairly and not to be a bully situation to decide on how and when they want to use it to come out against somebody. In sum, he mentioned that there are so many different ways this incident could be handled. He is still baffled that the incident took place in April and they are just now bringing this to light.

Vice Mayor Perkins Incident with the Fort Lauderdale Police - Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, mentioned that a number of people do not like Ms. Perkins because she voices her opinion, also she fights for the people in her community. She is the best person for their community since E. Pat Larkins' time. She accused 2 of the Commissioners of being racist because they do not vote for anything that Vice Mayor Perkins wants them to vote on.

In sum, she mentioned that Vice Mayor Perkins apologized but if she was in her place she would not apologize. She maintains that this is a racist act.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1-8 and 10-11, without City Commission discussion.

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

1. [22-459](#) Approval to award Bid E-21-22, Asphalt, Picked-Up As-Needed, to the lowest responsive and responsible bidder, Ranger Construction Industries, Inc., as the primary supplier, and to Weekley Asphalt Paving, Inc., as the secondary supplier, for annual open-end contracts, at an estimated annual cost of \$225,736.00.
(Fiscal Impact: \$225,736.00)

(Staff Contact: Robert McCaughan)

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

2. [22-453](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND UTILITY SERVICE PARTNERS PRIVATE LABEL, INC. D/B/A SERVICE LINE WARRANTIES OF AMERICA;

PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Revenue - \$0.50 monthly per account, aggregated and paid annually)

(Staff Contact: A. Randolph Brown)

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

Enactment No: RES. No. 2022-174

3. [22-477](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2022-89, RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS FOR THE RENTORIA INC. PLAT FOR THE POMPANO BEACH SENIOR ACTIVITY CENTER PROJECT; APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO TAKE THE NECESSARY ACTIONS TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AUTHORIZING THE MAYOR AND CITY MANAGER TO APPROVE THE FINAL FORM AND CONTENT OF THE INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH; AUTHORIZING THE PREVIOUSLY APPROVED EXPENDITURE OF NECESSARY FUNDS TO PROVIDE FOR THE REQUIRED IMPROVEMENTS CURRENTLY ESTIMATED TO BE FORTY THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS (\$40,835) IN THE AGREEMENT EXHIBITS, WHICH SHALL SERVE AS SECURITY FOR THE IMPROVEMENTS ASSOCIATED WITH THE AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Fernand Thony/Horacio Danovich/James Saunders)

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

Enactment No: RES. No. 2022-175

4. [22-411](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE POMPANO BEACH FIRE RESCUE STRATEGIC PLAN FOR 2023-2027; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Steve Hudson)

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

Enactment No: RES. No. 2022-176

5. [22-486](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF MUNICIPAL LIENS BETWEEN THE CITY OF POMPANO BEACH AND BARBARA L. CHICK TO RESOLVE PENDING CITY'S FORECLOSURE ACTION AGAINST 3233 CANAL DRIVE AND 3237 CANAL DRIVE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: To receive \$20,000.00 for municipal lien settlement)

(Staff Contact: Fawn Powers)

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

Enactment No: RES. No. 2022-177

6. [22-460](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE CITY'S OFFICIAL LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

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

Enactment No: RES. No. 2022-178

7. [22-461](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE CITY'S OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

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

Enactment No: RES. No. 2022-179

8. [22-438](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY OF ERCOLANO, 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 ERCOLANO, ITALY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Phyllis A. Korab)

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

Enactment No: RES. No. 2022-180

9. [22-464](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE SEVENTEENTH JUDICIAL CIRCUIT COURT OF FLORIDA RELATED TO THE OPERATION OF A COMMUNITY COURT TO ADDRESS THE NEEDS OF AT-LARGE, HOMELESS AND LOW-LEVEL FIRST TIME AND REPEAT MISDEMEANANTS AND MUNICIPAL ORDINANCE OFFENDERS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan/Cassandra Rhett)

Comr. Eaton pulled the item for City Commission discussion and stated that the City continues to find new and innovative ways to deal with some of the vagrants and homeless problems, abuse, and all that goes with it. She believes the City of Pompano Beach may be the only City doing something like this, and wanted to get an overview on this.

Cassandra Rhett, Housing and Social Services Manager, responded that this is a community court that historically assists individuals experiencing homelessness, and it is a diversion system that will also help with social services.

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. 2022-181

10. [22-474](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2022-170 AND APPOINTING GWENDOLYN LEYS TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

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

Enactment No: RES. No. 2022-182

11. [22-475](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2022-171 AND APPOINTING JAMES DAISEY TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceletha Hammond)

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

Enactment No: RES. No. 2022-183

D. REGULAR AGENDA**12. 22-440 P.H. 2022-70: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE SECOND AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY FOR THE CONSTRUCTION OF SEGMENT 2 OF THE DIXIE HIGHWAY/ATLANTIC BOULEVARD STREETScape IMPROVEMENTS AT A GUARANTEED MAXIMUM PRICE OF \$45,632,432, TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR AN AMOUNT UP TO \$13,921,600 IN PROJECT FUNDING UNDER THE COUNTY TRANSPORTATION SURTAX PROGRAM, AND TO AUTHORIZE THE PROPER CITY OFFICIALS TO MAKE NONSUBSTANTIVE AMENDMENTS WITHOUT FURTHER COMMISSION APPROVAL AS MAY BE REQUIRED BY BROWARD COUNTY FOR PROGRAM FUNDING, NOT INCLUDING THE GUARANTEED MAXIMUM PRICE, AND TO PROVIDE COPIES OF SUCH AMENDMENTS TO THE CITY COMMISSION AND CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$45,632,432.00)

FIRST READING: JUNE 28, 2022

(Staff Contact: Suzette Sibble/Horacio Danovich)

Horacio, Danovich, Stegia LLC, Consultant for the City and the Community Redevelopment Agency (CRA), presented the item and stated there are no additional changes to the item, since First Reading.

The following persons spoke in opposition of the Project:

- 1) Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, urged the Commission to stop the project and if they have to use it, which he disagrees, then they should pay for it over 8-12 years and not 30 years.
- 2) Alison Fournier, 430 SE 6th Avenue, Pompano Beach, FL, inquired if it is indeed 2 lanes or 3 lanes going westbound on Atlantic Boulevard and the intersection of NE 1st and Atlantic Boulevard. Also, she inquired about the lengthening of the turning lane on Atlantic Boulevard onto Cypress Road southbound.

Joaquin Vargas, Traf Tech Engineering, 8400 N. University Drive, Tamarac, FL 33321, responded that he does not have the exact lengthening, but it is being lengthened as much as possible with the constraints that they have, and estimate it to be able to accommodate an additional 4-5 vehicles.

- 3) Sheri Ricard, 501 SE 3rd Terrace, Pompano Beach, FL, stated that she commutes to get to her job in Boca and must make a left hand turn from Cypress Road onto Atlantic Boulevard, and each morning it is a nightmare.
- 4) Tyler Ziontz, 1124 SW 2nd Avenue, Pompano Beach, FL, stated that he supports development and growth but it has to make sense, however, the current project does not, and he provided his reasons. In sum, he suggested tabling the item and the Commission go back to the drawing board and listen to the residents of Pompano Beach and rethink the plan. Build a downtown with an area that everybody can go to, but within the foot print that works and does not slow the City down.
- 5) Dianne Orofino, Garden Isles, 410 SE 6th Avenue, Pompano Beach, FL, stated that the lane reductions on Atlantic Avenue do not work. She asked that the Commission prove to the residents that the plan will work before construction begins.
- 6) Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, stated that almost all the people in the area are against this project.

The following persons spoke in support of the project:

- 1) David Hall, 290 SE 8th Court, Pompano Beach, FL, thanked the Commission for voting unanimously to approve the intersection project. It has been redone and redeveloped after listening to the people of Pompano Beach. In sum, all the improvements combined will end up making the project and the area significantly better.
- 2) Jocelyn Jackson, Pompano Beach, FL, stated that in the City of Delray Beach they have changed their roads to make way for development, in the City of Fort Lauderdale they reduced Sistrunk Boulevard to 2 lanes, and it is moving sufficiently. The biggest deal in this case is to get to change, which is inevitable. Development is taking place, and will continue to happen. She supports development and so she supports the project.

Mayor Hardin noted that the City Commission did listen to the public and on numerous occasions there were public hearings. There were a lot of angst and agitation with the plastic poles, but he was glad it was done. It made for a better project, the Commission listened to the public, the project was fine-tuned, and while there are some people still not happy with it, but by going through the process, changes were made, and it made the project better. This will be a positive project especially for the Northwest. He thanked staff for going through the process with the plastic poles and for making all the changes.

Comr. McGee indicated that some people are still confused because there are a lot of different information going out since the beginning of the process. She recalled the first time she had to sit down with the consultants and how she “ran it through the ringier,” because she did not get it in the very beginning. The plan that went out with the cones did not work. The Commission listened and altered the plan several times. In sum, there is so much potential for this amazing City, which for a long time did not have much being done as it relates to development. The Commission has been listening to the residents and have been working to get this to be the

best plan for downtown Pompano Beach. Therefore, she is excited to be moving forward with this project.

Comr. Eaton stated that with any desire to redevelop, and to attract developers and businesses, and rental properties or condominiums, the streetscapes, that are pedestrian friendly, and the safeness of the roadways are the first things that cities can accomplish to attract progress. She thanked the staff for all the work that was put into this as they tested continually to come up with a good project.

Comr. McMahon stated that a lot of misinformation is out there on social media, Facebook and things of that nature. Actually, there is a post that says he champions this project. This is misinformation as the project started 20 years ago. He mentioned that millions of dollars were invested on the beach, but now that they want to develop west of Dixie Highway a small majority of people do not want it. He said this is his 4th year in office and the Commission receives emails on just about every project along with information to attend meetings. Furthermore, none of the members of the Commission supported the original layout of the project, and they demanded that staff make the necessary changes, which they did. It is very clear on the City's website, which is the first item on it. The first plan, they removed 8 lanes, but will now only remove 1 lane. If someone wants to know about the plan for Atlantic Boulevard the facts are on the City's website for the public's viewing.

Continuing, Comr. McMahon mentioned that as it relates to the "evacuation" concept, which most everyone goes to, the traffic engineer who designed this is the same person who designed Monroe County's Evacuation Zone, so, he is keen in understanding on how an evacuation works. If there was a mass evacuation all lanes on Atlantic Boulevard would be turned around to go westbound.

In sum, the misinformation being circulated is unfortunate, because this is a project that will change the entrance to the community. He agreed with Comr. McGee that prior nothing was happening in Pompano Beach and while many residents did not want the beach developed, it has been and people living on the beach have restaurants that they can walk to, as well as to be safer. So, he fully supports the new plan that eliminates 1 lane and makes it the same as it is from Atlantic Boulevard, and currently from Cypress Road, to the beaches with 2 lanes in both directions.

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. 2022-55

13. [22-481](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY

OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPAÑO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC. FOR THE KESTER PARK IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,963,578.15)

(Staff Contact: Fernand Thony/Horacio Danovich)

Horacio Danovich, Stegia LLC, City Consultant, presented the item and stated that it is an item for the Kester Park improvements. He presented a map that provides the location of Kester Park, which is a small park. The City over time, has made some improvements, but in the G.O. Bond, additional improvements were included for this park. He then explained the steps taken to do the improvements and the funding that will be used to take care of it. He also, provided the specific contract details for the project. See **Exhibit 1** attached for the Overhead Presentation presented by Mr. Danovich.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he appreciated Mr. Danovich's presentation on local preferences and suggested that the City makes this a standard practice for all the projects, and put it online as this is good stuff.

Mr. Thrower inquired if the park will be available to hold events such as picnics.

Mr. Danovich responded that this is the western half of the park, and on the eastern part there are more facilities. There will be pavilions wherein picnic events can still take place.

Mr. Thrower indicated that this is a good project.

Tyler Zientz, 1124 SW 2nd Avenue, Pompano Beach, FL, commended the City for going forward with this project, and the citizens did vote for the G.O. Bond Issue for this, and for every advancement that is made towards the parks and recreation namely for the children, but to also ensure that other opportunities are available for picnics and other events to take place. He enquired about the batting cages and was told that this would be east of the northwest field. He suggested that staff do a better job at outreach so the residents who utilize the parks are made aware of what is happening.

Comr. McMahon stated that Kester Park improvements have been much needed for 25 years. He is excited to see the project moving forward. There were 2-3 outreach meetings done at the Civic Center, and the original design was modified and changed. One of the biggest improvements for the residents in that neighborhood is the LED lights that will make a tremendous difference. The only thing that was discussed at the meeting but was not included in the plan, was the splash pad, so if any extra funds could be realized for this it would be good. He thanked Mr. Danovich for his hard work to get the price down to a reasonable number, and to change contractor, is not easy, so this is much appreciated. He fully supports this project.

Comr. McGee enquired if there is still a playground area for the picnickers.

Mr. Danovich responded there is on the east side, which was recently upgraded.

Vice Mayor Perkins is happy to see a local construction company on this project. She then enquired on the date that Apollo Park will commence.

Mr. Danovich responded that the Apollo Park, which is the ultimate Sports Park, is currently being negotiated for the GMP (Guarantee Maximum Price) with the contractor. He is expecting to bring an agenda item to the City Commission for their review and approval in September 2022.

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. 2022-184

14. [22-410](#) **P.H. 2022-69: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO MODIFY PERMITTED FENCE HEIGHTS IN STREET SIDE YARDS AND THROUGH LOTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JUNE 28, 2022

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that it is the Second Reading for an Ordinance to change some of the development standards for the perimeter fencing, and corner through lots. There have been no changes since First Reading.

Comr. McMahon mentioned that he is happy to see the change because he heard from several residents about their concerns living on a corner lot. They would have to move their fence back 4 feet, as well as require a lower fence, so for the residents living on those corner lots, it will provide the privacy and the much needed change in the Ordinance to allow the residents to choose what they would like to do with their property, and not necessarily what the City is deciding to do. Also, he mentioned that Comr. Eaton has been a big champion for this cause for a long time.

Comr. Eaton concurred with Comr. McMahon's comments. She mentioned that she initiated this code amendment change, and she thinks it is fair to the end lots, and a number of people in her District 2, will be very pleased to see the change.

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. 2022-56

15. [22-458](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING THE POLICY TO LIMIT THE ALLOCATION OF FLEX UNITS FOR PROPERTIES ELIGIBLE FOR BROWARD COUNTY AFFORDABLE HOUSING DENSITY BONUSES FOR THE CITY OF POMPANO BEACH AND DIRECTING IMPLEMENTATION OF SAID POLICY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that at the last Commission meeting a Flex Resolution for Captiva Cove III was brought before the Commission. They had used one of the County's policies that gave density bonus for affordable housing. The City was able to reduce the amount of flex units they needed from 108 to 5. These policies are a great way for the City to save on its flex units, so, this policy is being brought forward for the Commission's consideration. She then provided details on the County's 2 policies (2.16.3 & 2.16.4) for their Land Use Plan, that gives density bonuses for affordable housing. **Exhibit 2** attached provides the details.

Comr. McGee enquired about the amount of years they commit to having the different income restricted units.

Ms. Dolan responded 30 years.

Comr. McGee enquired about the County/City's plan for replacing the housing that would be lost when these units time out.

Ms. Dolan responded that there is no plan for that and explained how the process works.

Comr. McGee mentioned that she is uncomfortable with the comment made in Ms. Dolan's presentation about the carrot concept not coming before an elected body with something as important as flex units for affordable housing. Other than a bonus for developers she asked about the thought behind that.

Ms. Dolan responded that they are trying to create a "carrot" to encourage, because currently all the benefits go to the City, where it saves flex units and gives deed restricted affordable housing.

Comr. Eaton understands the 30-year process provides that the developer could not sell the property for 30 years.

Ms. Dolan responded no, they can sell the property any time, however the deed restrictions on those units is for the 30 years.

Mayor Hardin mentioned that it is important to have "carrots" because otherwise nobody would ever utilize the policy, and the City would not get any affordable units. The County has been pushing this impetus behind getting this affordable bonus used.

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. 2022-185

16. [22-448](#) **P.H. 2022-76: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE RANKING ORDER FOR RFP E-15-22 FOR TRENCHLESS REHABILITATION AND PIPE BURSTING TECHNOLOGY; AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE HIGHEST-RANKED COMPANY, MURPHY PIPELINE CONTRACTORS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$3,000,000 per year (construction))

FIRST READING: JULY 26, 2022

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Director, Utilities Department, presented the item and stated this is the bid selection from the RFP (Request for Proposal), and the Second Reading of the contract. Due to advertising time constraints, staff has reversed the order of the Readings for this item. Also, the contract has been modified that lowers the maximum amount annually from the \$5 million into \$3 million. This revised contract is ready for the next Reading.

Continuing. Mr. Brown explained the pipe bursting technology and the cost effectiveness and efficiencies of the process.

Comr. McMahon was impressed with the technology when Mr. Brown showed it to him about a year ago. Kudos to Mr. Brown and his team for being ahead of the game when it comes to infrastructure, unlike some of the neighboring cities.

Mayor Hardin enquired why this technology was not used in the Lyon's Park project.

Mr. Brown explained that in this project they were moving pipes from the back of the yards to the front of the yards, and would be the wrong application for this project.

Comr. Eaton asked about how much it would cost per residence. She requested that Mr. Brown send her an email on the cost.

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. 2022-57

17. [22-454](#) **P.H. 2022-72: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE LIVE! RESORTS POMPANO PD PLAN AS PERMITTED BY SECTION 155.3604., "PLANNED COMMERCIAL/INDUSTRIAL (PCD)," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCE, TO PROVIDE A MODIFIED SIGN CODE FOR ALL PROPERTY AND DEVELOPMENT WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss)

Meeting went into Recess

Max Wemyss, Assistant Coordinator, Development Services Department, presented the item and stated that the LIVE! Resorts PCD district, which is approximately 280 acres bounded by Powerline Road and Race Track Road, and the existing site of the Isle Casino. Most recently, this was amended by Ordinance 2021-02. The PD (Planned Development) District in general is intended to encourage the use of innovative and creative designs to provide a mix of employment generating uses. The development standards can be modified for PD districts that includes sign regulations as part of the PD plan, if it is consistent with the general purpose of the PD and the Comprehensive Plan. Given the size and scale of the anticipated development of the Live! Resorts PCD, it is warranted that a special sign plan be established for the LIVE! Resorts PCD. This will result in larger signs and more signs that may include advertising signs or sponsorship signs that are consistent with the vision that has been painted by the developer. The type of signage expected to be seen exist on the site. Any of the signs that would be approved as a result of this amendment, will be required to go before the Architectural Appearance Committee for a master sign program approval, if it were part of a multi-tenant development, if it included any off-premise messaging, or if it was on a common area of the PD district, such as along the roadways or within an open space or amenity area.

Additionally, no sponsorship signs nor advertising signs, no dynamic lit signs would exist within that southern 300-foot buffer that was important to the Cypress Bend neighborhood to be maintained. Staff has found that the proposed Text Amendments are consistent with the Comprehensive Plan and PD zoning and the other text amendment review standards. Staff has worked with the applicant to create regulations that staff is comfortable implementing.

Continuing, Mr. Wemyss stated that the Live! Resorts Pompano implementation was designated as a high priority in the 2021 and 2022 Strategic Plan, and the application has received a recommendation of approval from the City's Planning and Zoning Board on June 22, 2022 with conditions. Those conditions have been incorporated into the Text Amendment as presented tonight. In addition, Mr. Wemyss indicated that he has a very thorough and lengthy analysis presentation, which would compare the signs proposed with what is typically permitted within the City's sign code. In the interest of time and possibly to avoid duplication, he thought it to be appropriate to invite the applicant to present their proposed sign code and paint the vision.

Debbie Orshefsky, Esq, representing the applicant, introduced Corey Long, Development Director, John Lutz, Sign Designer and Consultant with Selbert Perkins Design, and Michael Vonder Meulen from Keith. Ms. Orshefsky stated it has been a long time since they presented this to the Commission and at the time they did not have pictures to share that really showed what was approved in that PCD and how it came to life. Therefore, she wanted to provide an update and incorporate within that, some of the signage aspects that will be displayed. All signs depicted today would not otherwise be permitted under the City's code. **Exhibit 3** attached provides details of the layout of the district.

In sum, Ms. Orshefsky indicated that all the pieces come together to be a Village Green leading to a 12-15 acres for central park surrounded by food and beverage, entertainment retail and all sorts of activities that the

signage will allow someone to understand when they first come in what activities are going on, where is it happening, and want to know if they are in a unique and special place. It must be understood how the vision came together. She mentioned that one of the things that the sign plan will allow them to do is to have not just the Live! identification, but they will have residential buildings, different kinds of food and beverage and other activities. There will be other hotels and they will all need signage, and because virtually every building in the development is a 4-sided building. You will need to do creative things with the back of house, which created a requirement to be able to have more building signage on 4 different sides. Street art will be included and they are informational signs. The City's code does not address this, but they want to be able to educate people who are walking/driving through about the different things going on and the vibrancy of the community.

Continuing, Ms. Orshefsky mentioned that they built a basic concept into the plan, which is that the regulations in what is identified as the non-shaded area is called the exterior zone and those have greater regulations and certain specific limitations. The interior zone has a different set of requirements, unless it is on a public right-of-way the City does not regulate it, but they included a graphic showing which of the roadways are going to be public rights-of-way. She provided examples of specific Live! signs, which will be located throughout various locations pursuant to the sign plan that is being presented to the City Commission today.

Mr. Wemyss indicated that the City's largest monument sign can be 16 feet tall. Therefore, these signs are clearly seeking something larger than that. This PCD was going to require a sign plan. There is a reason for the City's PCD's as they are intended to be unique so it makes sense that this sign plan is warranted, and should not be consistent with the general code.

Comr. Eaton asked for an example of an advertisement or sponsorship signs.

Ms. Orshefsky responded that they are talking about something a little different. Sign codes typically talk about the activity and the business operation that is going on at that location for example P&Z Bank. What the PCD in particular the Live! facility, it will have a sponsorship for example, Mercedes Benz is going to sponsor the activities in the Village Green for the month of October. There will be signage about Mercedes Benz sponsors, or Mercedes Benz Concert in the Village Green, and so forth. There will not be a Mercedes Benz dealership, nor will they be permitted or want one, but because it is an off premise business, they need to create this sponsorship category.

Vice Mayor Perkins asked if they know how many signs are involved.

Mr. Wemyss responded a lot of the standards are designed so that on the exterior of the site there are limitations. Mostly, they are focused around the points of entry if they are free standing signs. If they are building signs they are limited to the tenant's space for the number of buildings. There is not an easy way to say specifically how many signs will be permitted as a result of this code. In addition, from the right-of-way the free-standing sign setback is a minimum of 4 feet, which is consistent with the City's code, and these would be along Powerline Road or Race Track Road.

Comr. McGee asked about the signs around the perimeter that light up about events coming, is there anything in place to buy hours so it is not too bright for the residents in Palm Aire.

Mr. Wemyss mentioned some of the feedback that was received at the Planning and Zoning Board meetings, that any master sign program the Architectural Appearance Committee (AAC) would approve would be required to include information about sign content, and the brightness of any infrastructures. There is no specific limitation in the code but that information has to be provided for the program, and then ultimately found to be agreeable by staff and the Board.

Ms. Orshefsky mentioned that they will be required to have a photometric plan for any sign that has illumination.

Comr. Eaton indicated she sees the logic in creating a sign code for PCD and the need for it.

Mayor Hardin asked about the proposed Ordinance before the Commission today, does it conflict in any way with what has been done in the City. For example, the City does not allow billboards and asked if this program would allow billboards.

Mark Berman, City Attorney responded that yes it allows for billboards or off premises signs. He mentioned that he reviewed the code and had certain concerns about content neutrality, and those changes have been made to the code. Also, he requested that upon condition of approval of this, that the City be indemnified by Pompano Live! Resorts for any litigation or any claims that are made with regard to the sign code, and they have agreed to do it. There is a draft in place and he will inform the Commission by the next Reading of the Ordinance.

Mayor Hardin indicated that even though the City is indemnified, he would hate for parts of the City sign code to be ruled invalid because the Commission passed the proposed sign code, thus opening the door for potential lawsuit from a billboard company.

Mr. Berman indicated that was a concern of his as well. Anytime exceptions are made to the code you can potentially weaken the code.

Mayor Hardin expressed concern about the potential dollars of a lawsuit as well as the result of a lawsuit. He said the City works long and hard to get rid of billboards. So, he does not want to see any form, shape or manner that the City opens up for additional billboards in Pompano Beach no matter who is developing in our City.

Ms. Orshefsky understands the concerns being expressed, but they are not planning to put billboards. However, what they can do is to ensure that the sponsorship signs, which are sounding like billboards, would need to have some contractual relationship with an ongoing operation within the Live! PCD. So, they are not coming in to advertise something that has nothing to do with Live! She would be happy to work with the City Attorney to tighten the definition of the sponsorship sign to having this contractual relationship with the operator for a facility within the PCD.

A discussion followed among the Commission and Ms. Orshefsky regarding the sign regulations specific to the PCD versus any other areas within the City.

Mayor Hardin asked why this item did not go before the AAC.

Mr. Wemyss responded that they would not typically go to the AAC for a Text Amendment. If they were establishing a design manual or something like that it would warrant the AAC input. The main thing here is regulation, which the Planning and Zoning Board provided input on, and so did staff.

Ms. Orshefsky mentioned that they have presented illustrative pictures but they are not designed. Other than the gateway signs she could not tell which signs will go where until they have final site plans on the different components of the development. They will work closely with the AAC when permitting time comes about because they will have to then show them the landscaping, where does it fit in, and how does it relate to the building being done.

Mayor Hardin mentioned that he is not totally convinced on this and one of the reasons is the ambiguity. Some of the pictures provided in the backup he understands. Nonetheless, he would prefer a bit more specificity, which he understands at this stage it is difficult to provide.

John Lutz, Selbert Perkins Design, stated that they are proposing 2 pylon signs. They have one in the current program that they are working out with the streetscape. One will be located at the corner of Powerline Road and Race Track Road, and this is the main identity for the project. The rationale for the digital screen is because they did not want to do a big strip mall sign with every tenant in the district. They wanted to do something more special that works with the soul of the project that have been working with the streetscape. They wanted to do just the identity with a screen that can then advertise the different tenants on there. There would also be an opportunity for events, and there is a big stage at the Entertainment District where they would want to do an event sign. He indicated that Powerline Road is a huge road and 50 feet when setback as far as it is, when you put it in scale, it is appropriate for the size of the road in terms of the scale of the sign.

Continuing, Mr. Lutz mentioned that they have 8 locations on Powerline Road and 8 on Race Track Road for monuments, so that would be for Live! monuments at the bottom or the top golf monument that is a little smaller. In terms of free standing around Powerline Road, there are 8 plus 2 potential pylons. He explained the reasons why the monuments cannot follow the current City code. He concluded that they have worked hard to design a sophisticated streetscape design so it will be integrated into the streetscape, and as mentioned earlier by Ms. Orshefsky it is not final, and they are still working on it. When it gets completely worked out they will present it to the AAC.

Mayor Hardin indicated that he will have further discussions on this and requested that Mr. Lutz work with City Attorney Berman with the initial issue he mentioned earlier.

Comr. Eaton also commented on the size of the signs that they are requesting outside of the current code.

Comr. McGee also commented on the billboard effect for the proposed signs and how they can keep people informed on upcoming events. There is a need for more specifications or definitions for the proposed signs.

Ms. Orshefsky mentioned that they are taking notes of the various concerns mentioned by the Mayor and Commissioners and will be working to address those concerns. Therefore, when they return they will be able to

highlight where the off premise sponsorship type activities have been to ensure the Commission is comfortable with the protections being built in.

Comr. Floyd asked that she be included in the further discussion regarding this matter prior to Second Reading.

Meeting Reconvened

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

18. [22-467](#) **P.H. 2022-73: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY THE CORRESPONDING CHART TO PROPERLY DESIGNATE DISTRICTS AUTHORIZED FOR DRIVE-THRU SERVICE; AND AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REFLECT SAID ADDITIONAL USE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the Text Amendment is to allow accessory drive-through facilities in the B-2 Community Business zoning district. The code currently does not permit drive-throughs in B-2. Additionally, it further restricts drive-through facilities if they are within 100 feet of residential district, and if they are in the Atlantic Boulevard Overlay District. Drive-throughs are not permitted in any Transit Oriented District, leaving very few areas in the City that are B-2 that would be affected by this change. The Planning & Zoning Board unanimously recommended approval of the Text Amendment at their June meeting.

Mayor Hardin asked what prompted this action for a change.

Mr. Keester-O'Mills responded that there are a couple of properties zoned B-2 that have had non-conforming drive-throughs that have not come down, and there have been some interests to do drive-through surfaces of

existing closed facilities.

Mayor Hardin asked Mr. Keester-O'Mills to check into the City preempting drive-through convenience stores.

Comr. McGee believes this is a good move forward and provided her reasons.

Comr. Eaton commented on the zoning map where often a B-2 is adjacent to a B-3, so, she would not have a problem with the proposed Ordinance.

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

19. [22-478](#) **P.H. 2022-71: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THREE-YEAR LABOR AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS, LOCAL 1549 OF THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND THE CITY OF POMPANO BEACH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$8.76M over three years)

(Staff Contact: Brian Donovan/Ed Beecher)

Brian Donovan, Assistant City Manager, presented the item and stated that the City and the Fire Union Local 1549 have negotiated a 3-year agreement to commence October 1, 2022. The proposed agreement includes provisions for pension plan changes, additional holiday hours, pay grade changes, and cost of living increases. In consideration of these proposals the Fire Union has agreed to no cost of living increase in the first year of the agreement and is allowing the City to collect an additional \$617,000 per year in Chapter 175 monies that will go towards any additional pension enhancements. Finally, the Fire Union voted in favor to ratify the agreement - 152 voted in favor and 2 voted not in favor. If the Agreement is approved, staff will bring it forward at a later time with any changes to be made to the Code of Ordinances.

Alison Fournier, 430 SE 6th Avenue, Pompano Beach, FL, stated this is a chance to do something good with this item, and it is time to take care of the people that take care of us. She mentioned that the City asks much from our first responders and they answer every day, so they deserve to be taken care of.

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

20. [22-480](#) 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. 1 IN THE AMOUNT OF \$ 2 5 7 , 6 8 3 . 0 0 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND TETRA TECH, INC. FOR ENGINEERING SERVICES RELATED TO THE REPLACEMENT OF THE ABANDONED PRODUCTION WELL NO. 3 SERVING THE RAW WATER SYSTEM ROUTE TO THE LIME SOFTENING WATER TREATMENT PLANT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$257,683.00)

(Staff Contact: Randolph Brown)

A Randolph Brown, Director, Utilities Department, presented the item and stated that this is a Work Authorization to replace drinking well #3 that was drilled in 1950. This has served the City well, but due to some State regulations and the age of the well, they are moving it to another part of the property. This will produce 2,100 gallons per minute for the supply and will last approximately another 70 years.

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. 2022-186

21. [22-431](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SHARRA AARONIAN TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2025 PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Sharra Aaronian, *Incumbent* - District 5

(Staff Contact: Asceletha Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name SHARRA AARONIAN. Mayor Hardin nominated Sharra Aaronian. The motion carried unanimously.

Enactment No: RES. No. 2022-187

22. [22-471](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING COREY STANISCIA TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

Corey Staniscia, Incumbent/Alternate 1 - District 1

Donald Totter, Incumbent/Alternate 2 - District 1

Carlton Gillespie - District 1

Frank N. Sellers, Jr. - District 3

Charles MacMichael - District 5

(Staff Contact: Asceletha Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name COREY STANISCIA. Commissioner McGee nominated Corey Staniscia. The motion carried unanimously.

Enactment No: RES. No. 2022-188

23. [22-472](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPOINTING **DONALD TOTTER** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

PLEASE REFER TO FILE ID NO 22-471 FOR APPLICANTS.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name DONALD TOTTER. Commissioner McGee nominated Donald Totter. The motion carried. by a unanimous voice vote.

Enactment No: RES. No. 2022-189

24. [22-483](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **BARBARA ARMBRISTER-BOYNTON** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 11, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Barbara Armbrister-Boynton, **Incumbent** - District 5

Mona Silverstein, **Incumbent** - District 5

Jacqueline Reed, Alternate 1 - District 2

James Morehead, Alternate 2 - District 3

Alecia Daniel-Hall - District 2

Carmen Jones - District 4

Karen Moreland - District 4

Quenton Thompkins - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name BARBARA ARMBRISTER-BOYNTON. Vice Mayor Perkins nominated Barbara Armbrister-Boynton. The motion carried unanimously.

Enactment No: RES. No. 2022-190

25. [22-484](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MONA SILVERSTEIN TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 11, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2022-483 FOR APPLICANTS.

(Staff Contact: Ascelela Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name MONA SILVERSTEIN. Vice Mayor Perkins nominated Mona Silverstein. The motion carried unanimously.

Enactment No: RES. No. 2022-191

26. [22-485](#)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name KAREN MORELAND. Mayor Hardin nominated Karen Moreland. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2022-192

27. [22-469](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ALBERT HILL TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Albert Hill, ***Incumbent*** - District 4

Walter Clark, ***Incumbent*** - District 5

Phillip J. Schulte, Alternate 1 - District 3

James Daisey - District 1

Carlton Gillespie - District 1

Tanya Manfredi - District 1

Monifa Aruwajoye - District 4

Lucretia Hicks - District 4

Marcus A. McDougale - District 4

Karen Moreland - District 4

Shelton Pooler - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and insert the name ALBERT HILL. Vice Mayor Perkins nominated Albert Hill. The motion carried unanimously.

Enactment No: RES. No. 2022-193

28. [22-470](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WALTER CLARK** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JULY 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 2022-469 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name WALTER CLARK. Commissioner Floyd nominated Walter Clark. The motion carried unanimously.

Enactment No: RES. No. 2022-194

E. ADDITIONAL AUDIENCE TO BE HEARD

Asceleta Hammond, City Clerk confirmed that there were no additional speakers for Audience to be Heard.

F. NEXT SCHEDULED MEETING

Mayor Hardin announced the next scheduled meetings are as follows:

July 18, 2022 at 9:00 a.m. - City Commission Budget Workshop

July 26, 2022 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

Suzette Sibble, Assistant City Manager - Setting the record straight on the Dixie/Atlantic Boulevard Project - Mrs. Sibble commented on the item approved earlier regarding Dixie/Atlantic Boulevard. She implored the public to feel free to access the June 28, 2022 City Commission Meeting, Agenda Item 5 video. Staff did not go through the exercise of doing the comprehensive PowerPoint presentation, but it had a lot of great information, and setting the record straight. It provided information about the final optimized design, smart growth, economic impact to the City, and safety. She then provided details on the financial aspect of getting this

project started.

Fire Department Golf Tournament - Mrs. Sibble announced that the Fire Department will be holding its first annual golf tournament at the City's golf course. This will be held on September 9, 2022, and she has some flyers to pass out on this. They are looking for sponsors at different sponsorship levels. This will go towards a great cause, which is the Benevolent Community Assistance Fund and will be utilized to fund a number of good causes to include funding the William "Bill" J. Elliott Scholarship fund, as well as local youth leagues, Children's Burnt Foundation and families in need. Anyone interested can call the Fire Department at 954-786-4695 for additional information.

Mark Berman, City Attorney - No Report.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - No Report.

Commissioner Cyndy Floyd - Clean Streets Initiative Event - Comr. Floyd announced that there will be the Clean Streets Initiative that will take place on July 21, 2022 in District 5.

Commissioner Andrea McGee - Rotation of Vice Mayor - Comr. McGee mentioned that she does not want to "beat a dead horse" but she wanted it to be on record with her disappointment of the actions in the video of Vice Mayor Perkins. At the time she nominated Commissioner Perkins as Vice Mayor she had a lot of faith in the fact that she has been on the Commission for so long, and continued to be elected, and would continue to hold her position in politics in general no matter what level. We should be holding ourselves at a higher standard. It is a honor, and a responsibility, and so she wanted to express her disappointment on that.

She wanted to make a motion on something that she has contemplated since she became a Commissioner, in the way the City handles its Vice Mayorship and made a motion that the Commission alter the City Charter to rotate annually the Vice Mayorship throughout the Commission so everyone gets to share in the responsibility and the honor as well as the extra responsibilities of the office. Another concern she had with what has happened, is the role of Vice Mayor and what that means. She then elaborated on her thoughts regarding this matter.

Continuing, Comr. McGee made a motion, that at the soonest available election, considering this must go through the public, that a Charter change be done to rotate the position of Vice Mayor along with any type of wording someone in their first year, skipping and coming back. Also, look at other cities to see what they have in place, should an unfortunate situation ever come up again. She clarified that they would rotate each year similar to how the County and other cities do it.

Mayor Hardin asked how this would work.

Mark Berman, City Attorney responded that it would have to go to the voters, because it is in the Section 9 of the Charter that specifies how the Vice Mayor is selected. This would have to be rewritten and go before the voters at the next available opportunity. He could bring back to the Commission a few versions or a version

that the Commission could amend or modify to their liking, if directed to do so.

Mayor Hardin mentioned that perhaps the motion should be to direct the City Attorney to come back with the appropriate language some options for language to create a rotation situation for Vice Mayor.

Comr. McGee responded yes, and also explore how early this can get onto a ballot.

Comr. Eaton stated she understands that currently, in the Charter, it sets out a term of 2 years.

Mr. Berman responded correct. He stated Section 9 states, "At the first meeting after the regular annual election, the Mayor and City Commissioners shall elect by ballot a Vice-Mayor..." and sets that up for 2 years until the next election.

Mayor Hardin stated there is a motion on the floor to direct the City Attorney to come back with some wording, possible options for rotation of the Vice Mayor position to be put on a future ballot, which has been seconded and is up for discussion.

Vice Mayor Perkins asked Comr. McGee to repeat her motion and what it is based on for rotation.

Comr. McGee mentioned that even before her getting on the Commission and watching other forms of government and the rotation of it, she thinks it is a better format, in that it shares the responsibility, the honor, and the figuring out of knowing Roberts Rules of Order. Also, she knows it is more responsibility on the Vice Mayor with ribbon cuttings, appearances, and things like that. This way no Commissioner is overburdened throughout the time. It creates a nice rotation and she found out that multiple cities do it as well as the County, which she thinks make for a better governance.

Vice Mayor Perkins wanted to ensure for the record that her traffic stop had nothing to do with the City and is not related to the City. There is no legal piece to it as there was no ticket involved. It is more of a political process.

Comr. McGee indicated that when she saw the video she wanted to state her disappointment in the actions. She has not behaved in that manner towards an officer or she thinks it is proper for anyone especially in their positions when they work with and for us to do that. She would love for all politicians across the board to hold themselves to a higher standard, and especially here in Pompano Beach. The fact that it unfortunately went nationally, does reflect on everyone, as a Commission, as a City, and everything and they work so hard to make Pompano Beach amazing and awesome and a place everyone wants to be.

Comr. McMahon enquired if the Board chose a new Vice Mayor every year/six months, could they do that with the current Charter.

Mr. Berman responded no not with the current Charter.

Comr. McMahon wanted to know as a Commission that appoints the Vice Mayor could they not change that.

Mr. Berman reiterated that they appoint the Vice Mayor and if they needed to change that it would have to be for feaisance, for improper conduct, for various reasons that would have betrayed the Commission's confidence in the person appointed. It cannot be changed now, unless there is a reason.

Comr. McMahon asked if the incident of the traffic stop and the Commission's disappointment with the action taken was not enough of a reason to reappoint a Vice Mayor.

Mr. Berman responded that it would have to be a determination that the City Commission would have to make. The power of removal is incident to the power of appointment, and the power of appointment is found in Section 9. You can remove and appoint when the person appointed as in any manner for any cause of loss of confidence upon the strength of which he or she was appointed. In other words, violation of the trust placed in them. There has to be a notice, hearing and an opportunity for that person to respond. The Commission has the authority to make a change if there is a valid reason as he stated earlier. If they have the power to appoint, they have the power to remove if certain keystones have been reached and the position has been violated in any way, but they have the opportunity to get noticed, a hearing, and an opportunity to respond, so there has to be due process as well.

Comr. Floyd understands about the higher standard requirement as expressed by Comr. McGee, however, if a person is responding with a "F" word after an experience such as a stubbed toe, it is different from when a person calls out someone with the "F" word without that type of provocation, therefore, she finds it a little harsh to strip someone of their title when he or she has a couple of months left in the position.

Comr. McGee explained in detail the reason behind her making the motion and that the incident with Vice Mayor Perkins is a separate issue from her motion. The motion perhaps would not come into effect until 2024 for the forward movement of Pompano Commission so that there is a rotation with parameters in case there is a serious issue. So, instead of going by seniority or popularity or any other subjective parameters for assigning a Vice Mayor, it would be a set rotation unless there is an extenuating circumstance.

MOTION: A motion was made by Comr. McGee, seconded by Comr. Eaton to direct the City Attorney to come back with some language to propose a Charter change and put it on the ballot for changing the selection of Vice Mayor to a rotation basis yearly for a one-year term each. The motion carried as follows:

**Yes: Comr. Eaton
Comr. McGee
Mayor Hardin**

**No: Comr. Floyd
Comr. McMahon
Vice Mayor Perkins**

The motion failed.

Jocelyn Jackson, Pompano Beach, FL, stated she had an encounter with Vice Mayor Perkins, and Comr. Eaton and the encounters were not good. Her space was violated and she did not like it, so it could have taken

her out of character. She stated that those sitting on the dais are held to a higher standard. It does not justify because they sit on the panel that they can do and treat people like they want. She agrees with an Ordinance put in place to rotate the position and term limits need to be in place across the board, as well as some type of Ordinance to reprimand those in office.

Thundra King, 124 NW 15th Street, Pompano Beach, FL, stated that she is appalled with the conversations that has gone forth earlier. She understands when you take office there is a job to do and you should hold yourself at a higher standard. But no one sitting on the dais can say every job they have had they have served perfectly in that position and that they have never made a mistake or never been unprofessional. She believes to “cut someone head off” due to watching a 1-minute video is appalling to her.

In sum, she does not think all the great things that have been done by Vice Mayor Perkins that the decision should be made to “behead her” for a 1-minute video that the media gets likes of.

Mayor Hardin pointed out this motion is for the future for the rotation of Vice Mayor, which will have to go before the public to be voted on.

Coletta Clemens, Pompano Beach, asked Comr. McGee to repeat her reason for the 1 year versus 2-year rotation of Vice Mayor.

Comr. McGee explained that it is standard in some cities that do the rotation. In fact, they even do it for Board appointments, for different Florida Leagues, MPO (Metropolitan Planning Organization), different cities do it and the County even rotates its Mayor. She reiterated that prior to becoming a Commissioner she would have selected the rotation model as the better model for Vice Mayor for multiple reasons, which she provided.

Ms. Clemens asked if the suggested rotation annually is enough time for this position.

Comr. McGee responded yes.

Ms. Clemens mentioned that she would agree to a 2-year rotation versus a 1-year and provided her reasons. In sum, this did not come about until a video surfaced about Vice Mayor Beverly Perkins, and opined that she did not say an explicit word to the officer. She said it aloud but felt it was not directed to the officer.

Mandie Striggles, 1871 NW 5th Terrace, Pompano Beach, FL, stated that if this is critical, the stuff that she has heard coming from each one on the dais just do not start with the Vice Mayor but all members of the Commission to include the Mayor. She then provided her reasons why she felt each one should serve one-year terms. In sum, she felt if the Commission is going to be “straight laced” about things to include the motion that is on the floor and changes several times, then they should make it fair across the board.

Comr. Eaton indicated that the Vice Mayor has no more power than any other person on the Commission. The Mayor has just one vote, but the mayor is the figure head of the City and the Vice Mayor is the most important second position in the City. It is important that someone who is the Vice Mayor takes the position seriously, and she agrees to rotate on an annual basis.

Vice Mayor Perkins asked who is considered to run the City, would it be the Mayor or City Manager.

Mr. Berman responded that the City Manager runs the City. The Mayor has the same power and authorization as any Commissioner and he also runs the meetings. He is the figurehead of the City. Any running of the City goes through the City Manager, who takes his direction from the Commission. The City of Pompano Beach does not have a strong Mayor..

Vice Mayor Perkins opined that the Mayor should run every 2 years just like a Commissioner. If it was a strong Mayor then she could understand every 4 years. So, she would not have a problem in rotating the Vice Mayor in that case.

4th of July Celebration - Comr. McGee thanked staff for an amazing 4th of July Day festivities at the beach. The bands were excellent and the show was amazing. Great job done by all, as well as she heard a lot of complementary words about City staff and BSO (Broward Sheriff's Office) and how everyone interacted. Great holiday to celebrate our freedoms.

Commissioner Tom McMahon- Lyons Park Drainage - Comr. McMahon stated that he has been working with the City Engineering Department on the Lyons Park drainage stormwater and waste water project. He received a few complaints and went out to the site and noticed that the construction site was not as organized as he had thought it would be. He spoke with the engineers and learned about the depths of the pipes. This is one of the largest storm drainage projects being done in the history of Pompano Beach, and quite complex. It is causing problems for people getting to and from home in the neighborhoods, trash pickup and things of that nature. They have addressed a lot of the concerns already, but he is requesting the City Manager's office to keep a "close eye" on this project and have a list set up of the various complaints and if the contractor is addressing the concerns. If the streets are going to be torn up then a notice should be given to the residents of the area to inform them that they will not have a street. He referred to an incident where he was driving through the construction area and found a shovel under his truck that was left in the street. So, the construction site needs to be cleaned up better. The contractor needs to do a better job, and asked that the City Manager's Office ensure the complaints are documented and the contractor is doing everything they are supposed to be doing. A contract this large, part of their job is to communicate with the residents. If there is no budget for communication then the City's communication team should take over in getting the message out as to who to call for issues that are being experienced during the construction process. People are getting home after City Hall is closed and, on a Friday, or Saturday when they are having an emergency situation they do not know who to call. Also, he heard that there were at least 4 gas lines that got broken during the construction project. It is important to get contact numbers posted for the residents so that they know who to call and when in an emergency situation.

Vice Mayor Beverly Perkins - Tractor Trailers Parking Issues - Vice Mayor Perkins stated that she has been receiving quite a few complaints regarding tractor trailers being parked in the area, especially on NW 15th Street, Powerline Road and Martin Luther King Jr. Boulevard. She mentioned that when she gets the calls she normally call Captain Stallings and they go out and place stickers on these trucks/trailers. She was hoping an Ordinance could be put in place to penalize these drivers for more than \$40 so it would work as a deterrent for repeat offenders. She believes some of these drivers do live in the Community, which is all right to park their vehicle, but it is how long and where they are parked that is causing the residents to complain about the parking

of these vehicles.

Mark Berman, City Attorney, stated that it is in the code but the fines he could look at to see if that could be increased or perhaps there may be some physical changes that could be made to limit that parking. He can work with Major Adkins of Broward Sheriff's Office (BSO) to see if they can come up with some improvements for this matter.

Major Wayne Adkins, BSO, mentioned that there is an Ordinance 71.07 that deals with commercial vehicle parking on City right-of-way, but the problem is it is just a parking citation, which is a \$45 fine. There is no provision in there for the vehicle to be towed unless they go under the impoundment Ordinance 70.13, but they would have some type of immediate public safety concern. The truckers know what they can and cannot do based on their commercial driver's license. Most times when the Farmer's Market area is filled up, there are other truck stops that they have to pay to park, so a \$45 parking citation is part of the way of doing business to be able to park on the side of the road.

Continuing Major Adkins mentioned that they just finished a 30-day operational plan for Districts 4 and 5 that ended July 5, 2022. They cited over 75 trucks in those areas, which obvious there is a big concern. He will work with Mr. Berman to come up with some type of increased fine to deter these trucks from parking in the neighborhoods.

Mayor Hardin asked if there is any reason the fine could not be increased to say, \$150.

Mr. Berman responded, "Not unless there is some conflict in State law that limits what amounts they City can do." Therefore, they will have to check into this matter to determine what is allowed.

Mayor Rex Hardin - National Attention of video involving Vice Mayor Perkins - Mayor Hardin stated that he would like to address the issue that received a lot of input during Audience to be Heard, which is the national attention that the City has received based upon a video of a traffic stop for Vice Mayor Perkins. He does not condone the language that was used. Of course, he is not a nun himself. In the situation that was depicted on the video, he does not condone the type of language that was used, which is really secondary. However, the problem he has with this incident is that she identified herself as Beverly Perkins, Vice Mayor of the City of Pompano Beach and then exercised her free speech, which is within her rights to do that, and he understands and accepts it. But, he supported and voted in favor of Commissioner Beverly Perkins to become the Vice Mayor of the City of Pompano Beach. It is a fact, that we all have stuff in our personal life to include himself, which they are not proud of. Nevertheless, in his capacity representing the City of Pompano Beach, he does everything he can to make sure the City is represented well. What he viewed on the video reflected badly on the City of Pompano Beach and that is where he has a problem. He is disappointed when he first heard about it and further disappointed when he saw the video. It was not what she said but that she identified herself and brought this type of notoriety on our City. While he appreciates Vice Mayor Perkins apology made earlier, this should not have happened. There is very little that can be done about it, it is history but the damage was done. Publicly, he wanted to apologize for the behavior of his Vice Mayor that caused the kind of "dust up" that is seen portrayed on the video. He has been informed by email and other communication means, by numerous folks that it is disappointing, it hurts his feeling for the City and he wished it had not happened. Finally, he told Vice Mayor Perkins that this was uncalled for.

H. ADJOURNMENT

The meeting adjourned at 5:12 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk

EXHIBITS

G.O. POMPARNO!



KESTER PARK IMPROVEMENTS

CITY COMMISSION MEETING

JULY 12, 2022

AGENDA ITEM 13

G.O. POMPAÑO!



LOCATION MAP



CONTRACT DETAILS

- **Construction Manager at Risk (CMAR):** Shiff Construction & Development, Inc.
 - No. 2 firm Shiff replaced No. 1 firm (unable to come to terms and large workload)
- **Design team:** Bermello Ajamil and Partners.
- **Guaranteed Maximum Price (GMP):** \$2,963,578.15 including \$134,771.49 in contingency funds.
- **8-month construction schedule** from mobilization. Anticipated completion: Spring 2023.
- **Main subcontractors:** MUSCO (sports lighting) – Cutting Edge (site development).
- **66.7% Local Participation** (exceeds 15% target).

CONTRACT DETAILS (CONT'D)

Project's initial scope

- “Modernizing this 26-year old park by expanding the playground, open fields, ball fields, replacing dugouts and installation of perimeter fencing.”

Design considerations/scope modifications

- Added batting practice cages
- Significant drainage improvements (ponding conditions in the outfield areas).

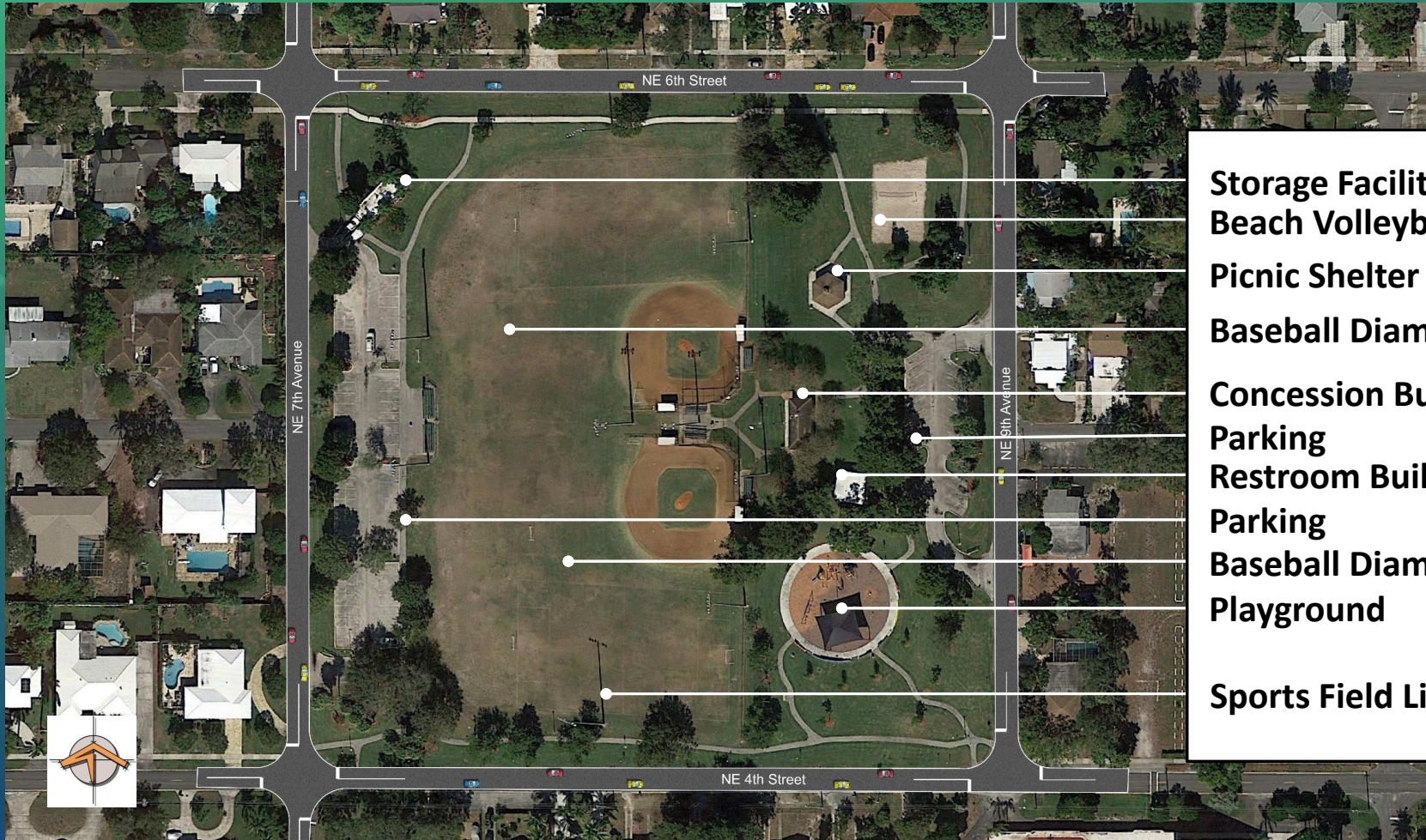
Cost increases

- Furnishings/special equipment (dugouts, bleachers, shade structures, etc.) prices are much higher than anticipated (over 30% unit price increases compared to 12 months ago).
- Drainage improvements (\$400k added to budget).
- Fencing in the outfield (\$80k added to budget).

Kester Park – Existing Conditions

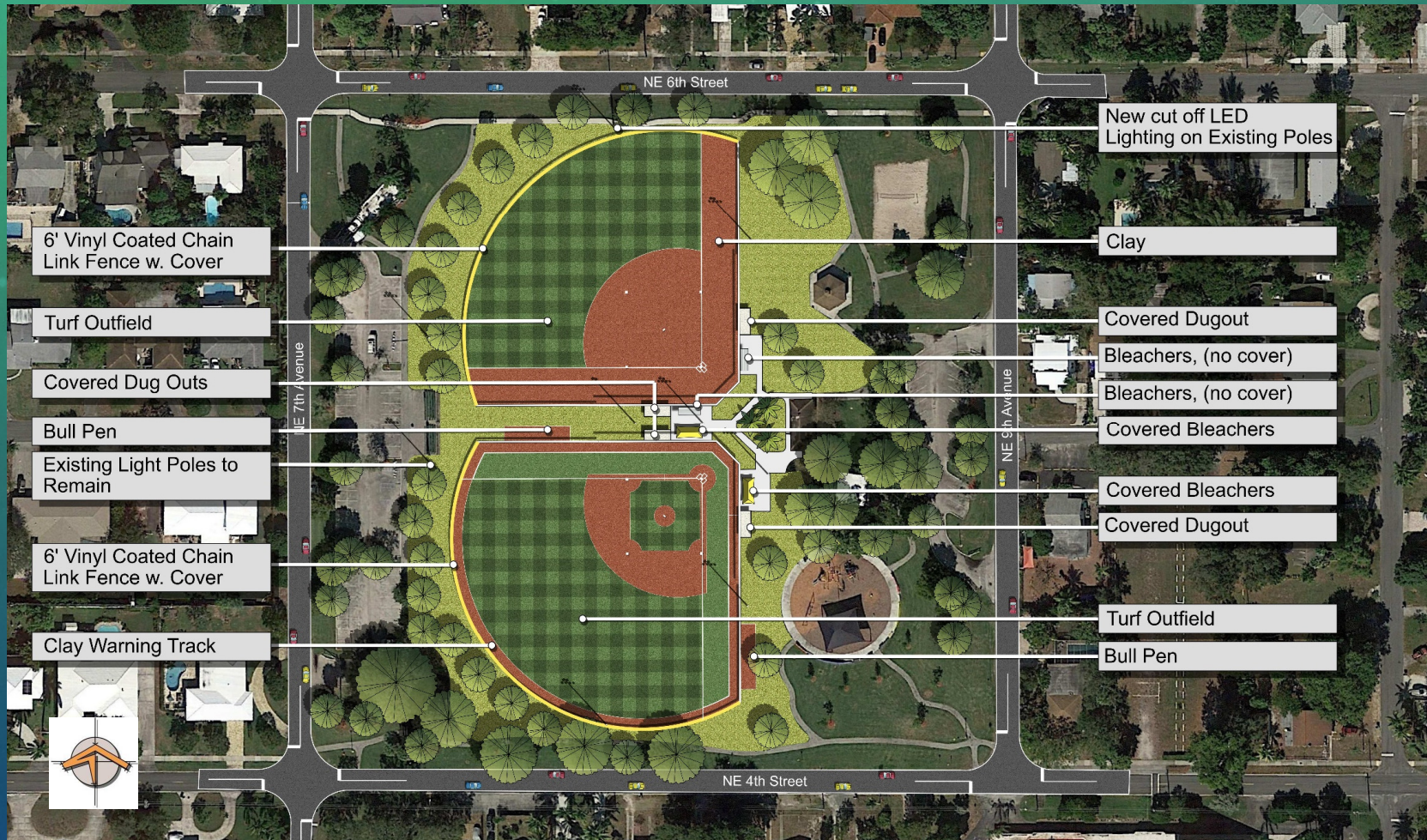


Kester Park – Existing Conditions



- Storage Facility**
- Beach Volleyball Court**
- Picnic Shelter**
- Baseball Diamond**
- Concession Building**
- Parking**
- Restroom Building**
- Parking**
- Baseball Diamond**
- Playground**
- Sports Field Lighting**

Kester Park - Proposed Renovations





Proposed Flex/Redevelopment Unit Policy City Commission July 12, 2022

County Bonus Per 2.16.3 and 2.16.4

- 2.16.3 - Multifamily in residential or commercial land use category (commercial must be less than 10-acres to utilize flex units)
- 2.16.4 - Mixed Use in Commercial land use category on designated roadway. Does not require flex units to be awarded density.

Bonus Formula for both policies:

- 6 bonus units for every 1 moderate income unit (14.3%)
- 9 bonus units for every 1 low income unit (10%)
- 19 bonus units for every 1 very low income unit (5%)

Must be Deed Restricted to affordable level for 30-years



2022 Income Limits and Rents by Family Size Broward County

2022 Income Limits and Rent Limits for Broward County

Median Income: \$82,100

Source: Florida Housing Finance Corporation

Percentage Category		Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
	20%	12,700	14,520	16,340	18,140	19,600	21,060	22,500	23,960	25,396	26,847	317	340	408	471	526	580
Extremely Low	30%	19,050	21,780	24,510	27,210	29,400	31,590	33,750	35,940	38,094	40,271	476	510	612	707	789	871
Very Low	50%	31,750	36,300	40,850	45,350	49,000	52,650	56,250	59,900	63,490	67,118	793	850	1,021	1,179	1,316	1,451
Low	80%	50,800	58,080	65,360	72,560	78,400	84,240	90,000	95,840	101,584	107,389	1,270	1,361	1,634	1,887	2,106	2,323
Moderate	120%	76,200	87,120	98,040	108,840	117,600	126,360	135,000	143,760	152,376	161,083	1,905	2,041	2,451	2,830	3,159	3,484

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change.

Updated schedules will be provided when changes occur.

HUD Release and Effective Date: 4/18/2022

<https://www.floridahousing.org/owners-and-managers/compliance/income-limits>

POLICY:

Except for the Dixie Highway Corridor, any property eligible to generate entitlements via policy 2.16.3 or 2.16.4 can be allocated no more than 50 flex/redevelopment units without using policy 2.16.3 or 2.16.4. This policy can be waived at the City Commission's discretion at a duly noticed public hearing. Any project choosing to use policy 2.16.3 will request flex units through the site plan approval process with approval by the Planning and Zoning Board.

Note: Per Broward County policy, properties with a commercial land use over 10-acres must use Policy 2.16.4 or a comprehensive plan amendment to generate the residential entitlements for their project. Commercial properties over 10-acres are not eligible for flex/redevelopment units.

Added incentive:

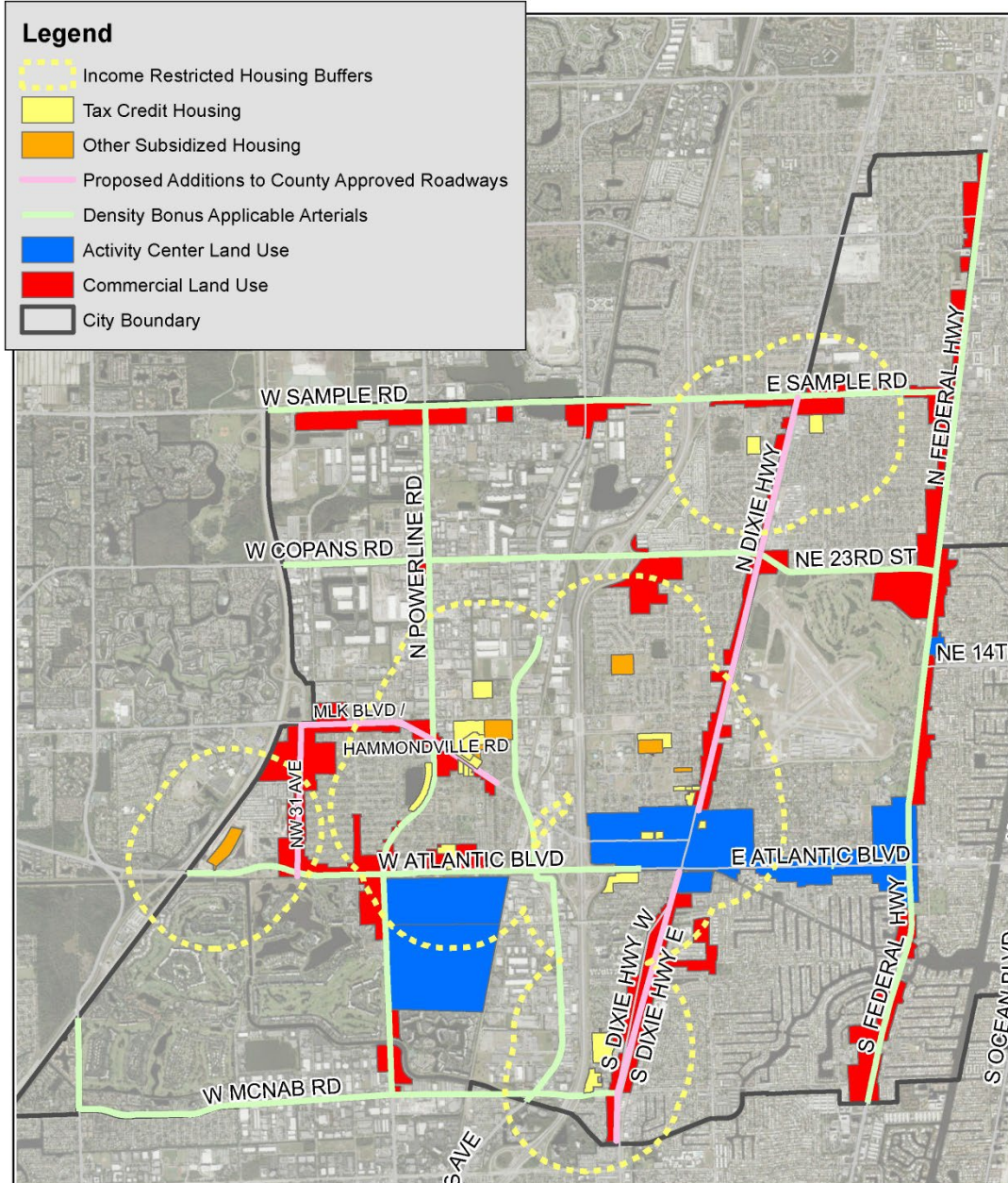
Any project using policy 2.16.3 that requires a flex unit allocation can receive those units through the site plan approval process (P&Z only) vs. current process of P&Z and City Commission approval.

Flex/RD Unit Savings if County Policies are Used

Luxury Turnpike Apts	in for DRC			-357	0	-54	0	Eligible for 2.16.3 or 2.16.4 (in CRA)
Covenant Gardens	in for DRC			-40	0	-94	0	
Gateway Luxury Apts	PreApp			-128	0	-222	0	Eligible for 2.16.3 or 2.16.4 (in CRA)
4211 Federal Hwy	Discussions with staff			-240	0	-462	0	Getting this density through PD rezoning - Eligible for 2.16.3 or 2.16.4
Oaks Country Club Palm Aire	Met with Management			-325	0	-787	0	Eligible for 2.16.3 (in Palm Aire)
2050 MLK	Discussions with staff			-175	0	-962	0	Eligible for 2.16.3 or 2.16.4 (in CRA)
ALLOCATION OF 500 RDU	4/5/2020				500	-962	-462	
1531-1537 N. Dixie Hwy (CRA)	Awarded CRA RFP				-10		-472	

Math using 50 unit limit and 2.16.3 or 2.16.4 where the Applicant can have 6 bonus units for every one deed restricted Moderate Income Unit:

Project	Request	Allocation using 1 flex and 6 bonus		Units Remaining Under Restrictive Policy
		Flex	Bonus	
Luxury Turnpike Apts	357	51	306	752
Covent Gardens	40	40		712
Gateway Luxury Apt	128	18	110	694
4211 N. Federal Hwy	240	34	206	659
Oaks Country Club Palm Aire	325	46	279	613
2050 MLK	175	25	150	588
1531-1537 N. Dixie Hwy (CRA)	10	10		578
	1,275	225	1,050	



- Proposed Flex Policy is Consistent with Mixed Income Housing Policy adopted March 22, 2022 – Ordinance 2022-36

Questions/Discussion

Flex Requests and Inquiries Map

1. Luxury Turnpike Living Apts –
1350 NW 31st Avenue
357 units – 8.13 acres
2. Covent Gardens –
90 and 140 NW 27th Avenue
40 units
3. Gateway Luxury Apt –
950 N. Powerline
128 units – 4.2 acres
4. 4211 N. Federal Highway –
240 Units - 2.3 acres
5. Oaks Country Club –
3701 Oaks Clubhouse Dr.
325 Units – 10.8 acres
6. 2050 MLK –
175 Units, 3.8 acres
7. 1531-1537 N. Dixie Hwy –
10 units

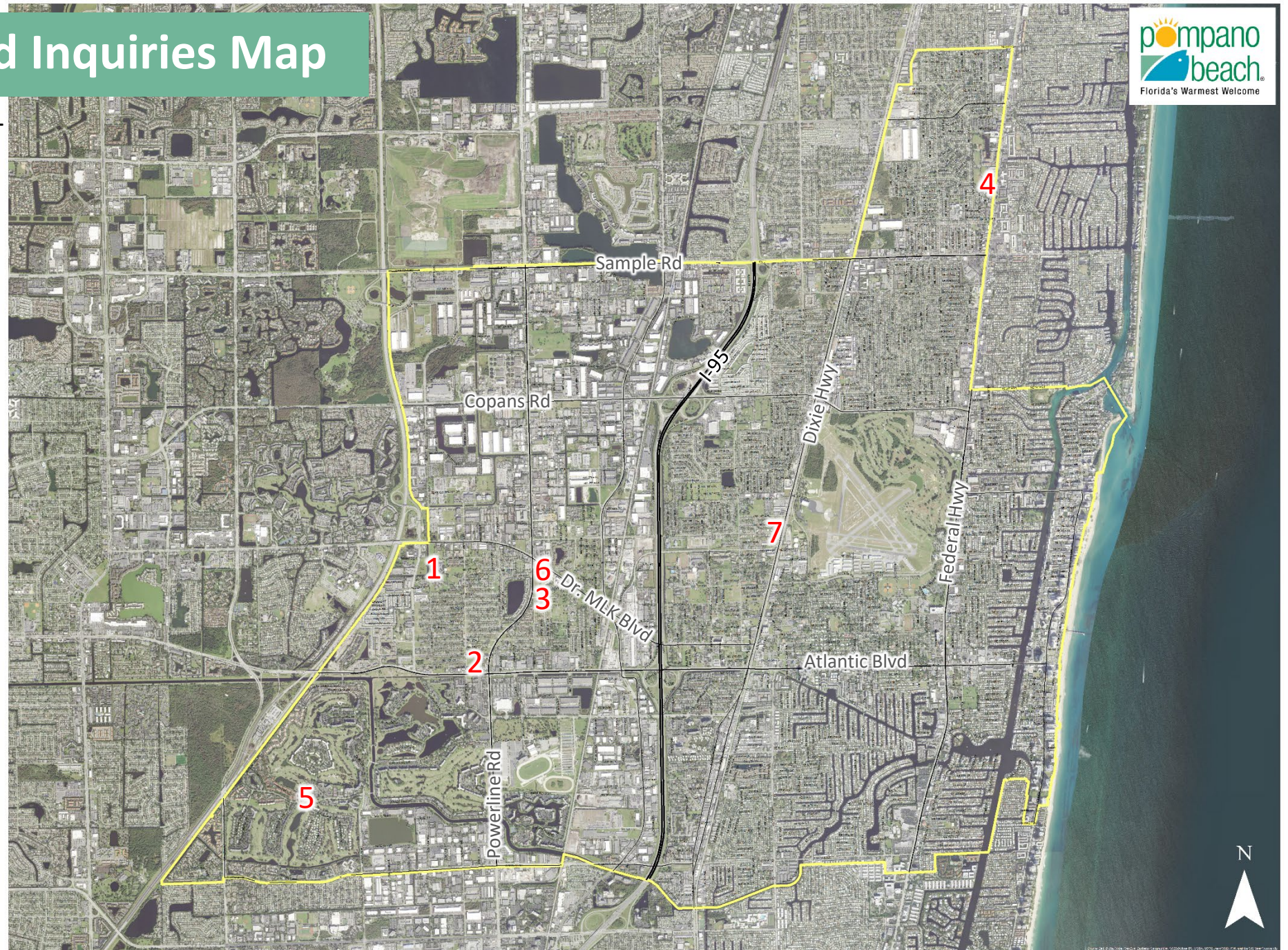


Exhibit 3





















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APPENDIX A – Sign Types – Illustrative



Figure 1: A-Frame Sign



Figure 2: Animated Sign



Figure 3: Art & Amenities



Figure 4: Awning Sign



Figure 5: Banner Sign



Figure 6: Sponsorship & General Advertising Sign



Figure 7: Blade/Projecting Sign



Figure 8: Directional/Pylon Sign



Figure 9: Canopy Sign



Figure 10: Pylon Sign with Changeable Copy Sign, Manual



Figure 11: Pylon Sign with Changeable Copy Sign, Digital



Figure 12: Flat or Building Sign, Channel Letter Sign



Figure 13: Blade / Projecting Sign



Figure 14: Art, Amenities, Environmental Graphics & Storytelling



Figure 15: Directional Freestanding Sign





Figure 18: Monument Sign



Figure 19: Painted Building Sign



Figure 20: Pole Sign



Figure 22: Blade / Projecting Sign



Figure 23: Pylon Sign



Figure 24a: Roof Sign



Figure 24b: Roof Sign



Figure 25: Sponsorship Sign



Figure 26: Window Sign

APPENDIX B – Exterior & Interior Signage Zones



APPENDIX C – District Signage Design – Illustrative



Figure 27: District Pylon Sign





Figure 29: Secondary District Monument Sign



Figure 30: District Gateway Sign



Figure 32: District Direction / Wayfinding