



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

*Rex Hardin, Mayor*  
*Andrea McGee, Vice Mayor*  
*Alison Fournier, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Rhonda Sigerson-Eaton, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Kervin Alfred, City Clerk*

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Tuesday, November 14, 2023

1:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

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

#### ROLL CALL

**Present:** Commissioner Alison Fournier  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Rhonda Sigerson-Eaton  
Vice Mayor Andrea McGee  
Mayor Rex Hardin

#### INVOCATION

Father Michael Garcia of St. Colman Catholic Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

#### APPROVAL OF MINUTES

[24-51](#) Regular City Commission Meeting Minutes of October 24, 2023

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.**

**APPROVAL OF AGENDA**

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Agenda be APPROVED AS SUBMITTED. The motion carried unanimously by voice vote.**

**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 3 would be pulled under the Consent Agenda for City Commission discussion.

**A. SPECIAL PRESENTATION****[24-50](#) Award Presentation by Smart Growth Partnership**

Horacio Danovich, Stegia LLC, introduced Nadia Locke, Chair of the Recognition Committee from Smart Growth Partnership, who congratulated the City and presented the Smart Growth Excellence award for the Pompano Beach Youth Sports Complex Park, located on the former Elks Lodge property. Ms. Locke briefly spoke about the purpose of Smart Growth Partnership, stating that their mission is to educate and advocate for the incorporation of smart growth principles into new developments and helping to create communities where people desire to live. She then recognized Kim Pearson, Former Pompano Beach Urban Forester, who is also a member of Smart Growth Partnership.

Ms. Pearson spoke about the protection and preservation of tree canopy in park facilities. She too congratulated the City on its achievement.

Ms. Locke recognized Mariann Winfield, member of the Recognition Committee from Smart Growth Partnership who was also in attendance.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**[24-53](#) Design Award Presentation for the Youth Sports Complex Park**

Horacio Danovich, Stegia LLC, introduced Jeet Singh, who was present on behalf of Jeffrey Huber of BROOKS & SCARPA, to present the Fort Lauderdale Chapter of the American Institute of Architects award for the design of the Pompano Beach Youth Sports Complex Park.

**The Special Presentation was READ AND PRESENTED INTO THE**

## **RECORD.**

### **B. AUDIENCE TO BE HEARD**

Mayor Hardin announced that it was time for “Audience To Be Heard”. The following speakers were called to speak before the Commission:

**Joe Naegele, 430 SE 8th Avenue, Pompano Beach, FL**, spoke about a property next door to him that seems to operate as a short-term rental. He read various definitions of motel and boardinghouses. He also reviewed the Special Magistrate fines against the property. Lastly, Mr. Naegele asked the City Commission why they cannot shut down the operation at the property.

City Manager Harrison stated the Special Magistrate operates as a separate legal body. He informed Mr. Naegele that it is not appropriate to present his questions regarding the subject property before the City Commission, rather he should present his concerns to the Special Magistrate.

City Attorney Berman stated vacation rentals are regulated by State Statute. He then offered to meet with Mr. Naegele to further discuss the Statute.

**Caress Owens McGill, 305 NW 32nd Avenue, Pompano Beach, FL**, spoke about human trafficking. She recommended options including press conferences, education, and creation of a task force to address the issue. Ms. Owens McGill indicated that Florida is ranked within the top 3 states in the country for human trafficking.

City Manager Harrison asked Ms. Owens McGill to connect with Mr. Bosworth to learn more about how the City is partnering with BSO to address the issue.

**Sarahca Peterson, 4354 NW 9th Avenue, Pompano Beach**, thanked Vice Mayor McGee for the nomination to the Public Art Committee. Ms. Peterson briefly commented on the inactivity of the Cultural Arts Committee, stating that she would like to see it revived again.

### **C. CONSENT AGENDA**

Mayor Hardin requested a motion to Approve/Adopt Items 1, 2 and 4 without City Commission discussion.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda. The motion carried by a unanimous voice vote.**

1. [24-61](#) Consideration of a request by John C. Guest II to transfer ownership of Block 9, Lot 6, Plots 3 and 4 in the North Lawn back to the City of Pompano Beach.  
(Fiscal Impact: \$800.00)

(Staff Contact: Robert McCaughan)

**A motion was made by Vice Mayor McGee, seconded by**

**Commissioner Sigerson-Eaton, to approve the Consent Agenda. The motion carried by a unanimous voice vote.**

2. [24-11](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE PROGRAM SUBRECIPIENT AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND BROWARD PARTNERSHIP FOR THE HOMELESS, INC., COVENANT HOUSE FLORIDA, INC., CROCKETT FOUNDATION, INC., THE RUSSELL LIFE SKILLS AND READING FOUNDATION, INC., LIGHT OF THE WORLD CLINIC, INC., SECOND CHANCE SOCIETY, INC. AND WOMEN IN DISTRESS OF BROWARD COUNTY, INC.; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$140,000.00 Fiscal Year 2023-2024 CDBG Allocation)

(Staff Contact: Alexander Goldstein)

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2024-29**

3. [24-52](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR MAINTENANCE MEMORANDUM OF AGREEMENT (MMA) BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, FOR THE INSTALLATION OF SOLAR-POWERED IN-ROAD CROSSWALK LIGHTING ASSEMBLIES AND ASSOCIATED SPECIFIED EQUIPMENT WITHIN THE RIGHT-OF-WAY OF STATE ROAD A1A; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$1,000 annually)

(Staff Contact: Robert McCaughan)

Vice Mayor McGee expressed excitement for the lighted crosswalks. She asked staff to revisit the location at the 16th Street intersection to determine if two crosswalks are necessary.

Robert McCaughan, Public Works Director, acknowledged Vice Mayor McGee's point. He agreed it is odd that the two crosswalks are located so close together. He said he will ask FDOT to take a second look at this intersection.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments on the item.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Consent Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: RES. No. 2024-30**

4. [24-58](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE REVOLVING FUND AMENDMENT 2 TO LOAN AGREEMENT SW062460 BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda. The motion carried by a unanimous voice vote.**

**Enactment No: RES. No. 2024-31**

#### **D. REGULAR AGENDA**

##### **QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 5 and 6 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

5. [24-17](#) **P.H. 2024-08: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO 10-FOOT WIDE RIGHTS-OF-WAY LOCATIONS ON THE WEST SIDE OF NE 26TH AVENUE AND A FIVE-FOOT WIDE RIGHT-OF-WAY ON THE EAST SIDE OF NE 26TH AVENUE, NORTH OF NE 13TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2023**

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated this is the second reading of the request to abandon a portion of NE 26th Avenue north of NE 13th Street. There have been no changes to the Ordinance since the first reading.

Mayor Hardin invited the Applicant, the public and the Commission to provide input on the motion. However, no one came forth to provide further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Quasi-Judicial be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-08**

6. [24-60](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE PHOENIX GOLF CAR PLAT LYING NORTH OF THE INTERSECTION OF ATLANTIC BOULEVARD AND NW 31ST AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, introduced the item stating this is a proposed Plat for a vacant 1.7-acre property located north of an existing Popeyes fast-food restaurant at the corner of Atlantic Boulevard

and NW 31st Avenue. The subject property has a land use designation of commercial and zoned B-3. The Plat note limits the parcel to 9,660 square-feet of commercial use. A Site Plan was approved on April 26, 2023 and the proposed Plat was unanimously recommended for approval at the August 23, 2023 Planning & Zoning meeting, with two conditions, which have been met. Staff also recommends approval of the request.

Mayor Hardin opened the floor for public input.

Caress Owens McGill, 305 NW 32nd Avenue, Pompano Beach, FL, who was placed under oath, inquired of the location of the proposed site in relation to the Plat, to which Ms. Dolan referred to an aerial view of the property, stating that the property is north of the existing Popeyes fast-food restaurant. Ms. Owens McGill inquired whether the plans for the proposed site can be disclosed to the public at this time. Ms. Dolan replied the site will be used as a Golf Cart Sales and Maintenance Facility. She also offered to provide Ms. Owens McGill a copy of the Site Plan via email and she further indicated the proposed Plat has no residential units associated with it.

Mayor Hardin closed public input and invited further Commission discussion on the item. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Quasi-Judicial be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: RES. No. 2024-32**

**END OF QUASI-JUDICIAL PROCEEDING**

**7. [24-08](#) P.H. 2024-06: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEDICAL DIRECTOR AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RICHARD J PALEY MD LLC FOR MEDICAL CONSULTING AND ADVISORY SERVICES FOR POMPANO BEACH FIRE RESCUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$70,000)

**FIRST READING: OCTOBER 24, 2023**

(Staff Contact: Chad Brocato)

Steve Hudson, Interim Fire Chief, stated there have been no changes to the Ordinance since the last reading.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-09**

8. [23-775](#) **P.H. 2024-09: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.02, "WATER DISTRIBUTION; GENERAL; BY MODIFYING THE COST TO TEST WATER METERS; BY AMENDING SECTION 50.03, "WATER TARIFF," BY DELETING SUBSECTION (D) IN ITS ENTIRETY AND REPLACING SUBSECTION (D) TO PROVIDE FOR MODIFIED RATES AND CHARGES; BY AMENDING SECTION 50.04, "INITIAL FEES AND DEPOSITS FOR NEW WATER SERVICE," TO MODIFY FEES FOR INITIATION OF WATER SERVICE; BY AMENDING SECTION 50.08, "RECONNECTION AFTER CUTOFF," BY MODIFYING CHARGES FOR DISCONNECTION AND RE-ESTABLISHMENT OF WATER SERVICE; BY AMENDING SECTION 50.12, "CHANGE SERVICE INSTALLATION COSTS," TO MODIFY FEES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2023**

(Staff Contact: A. Randolph Brown)

Randy Brown, Utilities Director, stated his presentation from the last meeting has not changed. He then introduced Elaine Conti of Raftelis Financial Consultants, Inc., who will provide an update on the financial analysis.



Ms. Conti gave a brief presentation, which summarized the following: Overall Rate Increases Needed; Stormwater Rate Adjustments per Month; Customer Service Fees; Water and Sewer Capacity Fees (Capital Recovery Fees); Current Assessment Method - Meter Size; Alternative Assessment - Gallons per Day; Alternative Assessment - Impacts; Alternative Assessment Considerations. Attached as **Exhibit 1** is a copy of Ms. Conti's presentation in its entirety.

In regards to the capacity fees (the one-time charges for new developments) also known as the capital recovery fees, Mayor Hardin confirmed that they did not recommend any changes. Ms. Conti replied that is correct.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Comr. Fournier thanked staff for doing the exercise of taking another look at the fees in order to see the results.

Comr. Moss referred to Slide No. 2 in the presentation, wherein he inquired about North Springs ID. Mr. Brown replied it is part of the district of Coral Springs.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-10**

9. [24-41](#) **P.H. 2024-10: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 51, "SEWERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 51.05, "WASTEWATER TARIFF," TO MODIFY RATES AND CHARGES FOR SEWER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2023**

**(Staff Contact: A. Randolph Brown)**

Randy Brown, Utilities Director, stated this is the second reading of the Ordinance for waste water tariff.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-11**

10. [24-43](#) **P.H. 2024-11: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION, OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 53, "STORMWATER MANAGEMENT", BY AMENDING SECTION 53.12, "STORMWATER FEES," TO MODIFY MONTHLY FEES FOR STORMWATER SERVICES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2023**

**(Staff Contact: A. Randolph Brown)**

Randy Brown, Utilities Director, stated this is the second reading of the Ordinance for the storm water tariff. He noted they are currently out there checking the stormwater system, ahead of the rainstorm that was forecasted this week.

Mary Vicory, 1629 SE 2nd Street, Pompano Beach, FL, stated she is confused about the stormwater management. She said in the area where she lives, they did not have extra water in their yards until the City redid the sidewalks and repaving. She noted her neighbor also experiences flooding often now.

Mr. Brown asked Ms. Vicory to connect with staff so they can reach out to her.

Bernadette Lucas, 751 NW 17th Terrace, Pompano Beach, FL, expressed concern about the water on her street. She said they do not have proper drainage in her neighborhood. She asked for her road to be leveled

higher, so the stormwater does not sit in their driveways.

Mr. Brown asked Ms. Lucas to connect with staff so they can reach out to her.

Mayor Hardin closed public input and invited further Commission discussion on the item. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-12**

11. [24-42](#) **P.H. 2024-12: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 54, "REUSE WATER AND CROSS-CONNECTION CONTROL," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 54.05, "CONNECTION CHARGES AND RATES," TO MODIFY RATES AND CHARGES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: OCTOBER 24, 2023**

(Staff Contact: A. Randolph Brown)

Randy Brown, Utilities Director, stated this is the second reading of the Ordinance for the reuse water tariff.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**Enactment No: ORD. No. 2024-13**

12. [23-743](#) **P.H. 2023-89: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 70, "GENERAL PROVISIONS," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 70.11, "ILLEGALLY-PARKED VEHICLES," TO PROVIDE FOR THE USE OF ELECTRONIC PARKING ENFORCEMENT TECHNOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: Jeff Lantz)**

Jeff Lantz, Parking Manager, introduced the Ordinance, stating that the proposed item would allow staff to investigate technology to assist with parking enforcement. He then went on to describe the benefits of parking enforcement technology, noting that it has made great strides to assist cities nationwide. Lastly, Mr. Lantz stated that additional language will be added to the City's Code to allow the use of technology to aid parking enforcement within the city.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Comr. Moss asked for further information about the technology.

City Attorney Berman said the proposed Ordinance would allow for the changes in electronic technology as it evolves. He added the code is written specifically for how a ticket is issued. The proposed Ordinance is general in nature and will prevent Mr. Lantz from returning to the City Commission frequently to ask for an amendment each time the technology changes.

Comr. Fournier said the Ordinance feels vague. She asked why they did not wait until they have a proposed system. Mr. Lantz said it is not for anything particular, but he is anticipating changing technology. Comr. Fournier stated she is worried about unintended consequences.

Mayor Hardin asked if new technology would result in savings. Mr. Lantz replied yes, it could be used in lieu of staff, if needed.

Vice Mayor McGee agreed with Comr. Fournier and would prefer it comes before the City Commission when a

specific technology is being proposed.

Comr. Perkins asked if Mr. Lantz would come before the City Commission when a new technology is decided upon. Mr. Lantz replied that he would discuss with City Management. Comr. Moss said if they passed the Ordinance, the answer is no.

Comr. Moss asked if they were giving up some of their authority. He said there are many unknowns that make him uncomfortable.

Suzette Sibble, Assistant City Manager, said it is highly likely they would return to the City Commission with information about new technology. She further stated they always let the City Commission and the public know when they are rolling out new initiatives.

City Attorney Berman stated this is just procedural should the City Commission decide to instruct staff.

Vice Mayor McGee would like to know more information about any specific technology before deciding.

Comr. Moss asked if they could rewrite the Ordinance to outline that any new technology be brought before the City Commission. City Attorney Berman replied affirmatively.

Mayor Hardin asked for clarification on the Ordinance. City Attorney Berman said the Code does not allow an issuance of a parking citation through use of electronic equipment. It must be viewed by an officer and placed on the vehicle. Mr. Berman offered to add language to the Ordinance about a review process by the City Commission.

Vice Mayor McGee reiterated she would want to know the specific technology, particularly around cameras.

Comr. Sigerson-Eaton asked when was the last time the Ordinance was amended. City Attorney Berman replied there were changes to parking but nothing to the enforcement method since he has been in office.

Comr. Sigerson-Eaton stated there are cameras everywhere; so, to be able to generate a fine or fee by electronic means is becoming more common.

Comr. Moss agreed with Comr. Sigerson-Eaton about cameras in public areas.

City Attorney Berman said he can add language to address the concerns.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Fournier, that the Ordinance / Regular Agenda be POSTPONED to the January 9, 2024 City Commission Meeting. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Sigerson-Eaton

McGee

Hardin

**Absent:** Perkins

13. [24-59](#) **P.H. 2024-14: (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 CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CUTTING EDGE INDUSTRIES INC. TO PROVIDE LANDSCAPE INSTALLATION AND MAINTENANCE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Cost will be determined on a project by project basis.)

**(Staff Contact:** Dr. Tammy Good/Brian Donovan)

Brian Donovan, Assistant City Manager, stated that several months ago the City issued a Request for Proposal (RFP) for landscape services. The City received a response to the RFP which was then presented and approved by the Commission. Therefore, the proposed Ordinance is a Contract with the one respondent, Cutting Edge Industries, Inc. and the terms of the Contract will match the RFP that was issued. There is no set cost associated with this item as cost will be determined on a project by project basis; however, any project over \$200,000 will be brought before the City Commission for approval.

Mayor Hardin opened the floor to public input and invited further Commission discussion on the motion. However, no one provided further comments.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

14. [24-55](#) **P.H. 2024-15: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 34.009, "CITY'S LOGO," TO PROVIDE RESTRICTIONS ON USAGE OF THE CITY'S DESIGN MARK (LOGO) OR WORD MARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Mark E. Berman)

City Attorney Berman introduced the item and highlighted the main points of the Ordinance, which are as follows:

(A) No one other than city officials and staff may utilize any adopted City Design Mark (Logo) or Word Mark for any purpose unless such has first been authorized by the City Commission or its designee.

(B) No adopted City Design Mark (Logo) or Work Mark may be utilized on any products, goods or services offered or which may be offered for sale, resale or other commercial use, unless approval for same has first been obtained from the City Commission or its designee.

(C) No adopted City Design Mark (Logo) or Word Mark may be utilized by any candidate for election or re-election to any city or other elected office on or as part of their election campaign materials, other than as depicted in photographs of city officials taken during the course of performance of their official duties.

Lastly, Mr. Berman said he worked to capture in the Ordinance previous matters that caused issues in the past, nonetheless he is willing to make any modifications as the City Commission sees fit.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Mayor Hardin expressed appreciation for the item and he thanked Mr. Berman for keeping the Ordinance broad in scope and not narrowing it down to more than what was intended.

Comr. Fournier inquired about enforcing the Ordinance and whether, upon termination, city employees returned uniforms and other items containing the City's logo. She also asked what would happen if the items are given to Goodwill. City Attorney Berman responded, stating that he believes departments take back those items upon termination. With regard to enforcement, he did not add provisions of Section 10.99 to the Ordinance as the violations are not punishable by arrest or fines. He then outlined enforcement methods for violations of the Ordinance by employees, private companies, or elected officials. He noted the logo has been trademarked and is protected pursuant to Federal law.

Comr. Fournier asked if they are creating a situation where a designee has to approve the City logo on

everything. City Attorney Berman replied, stating that the intent of the Ordinance is to ensure the City's logo is being used appropriately and not used in the stream of commerce nor for one's personal advantage. In sum, Comr. Fournier expressed that she is not in favor of passing this Ordinance as it has no enforcement provisions and can have many interpretations.

Vice Mayor McGee asked if there is a definition in the Code of what constitutes use of the logo. City Attorney Berman said yes.

Mayor Hardin stated that, "Florida Warmest Welcome" is trademark protected along with the City's Service Mark. They are both protected by Federal copyright laws.

**A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be APPROVED FIRST READING. The motion carried by the following roll call vote:**

**Yes:** Moss

Perkins

Sigerson-Eaton

McGee

Hardin

**No:** Fournier

#### **E. ADDITIONAL AUDIENCE TO BE HEARD**

Mayor Hardin asked if there were any additional speakers signed-up to speak under Audience to be Heard, to which City Clerk Alfred replied there were none.

#### **F. NEXT SCHEDULED MEETING**

Mayor Hardin announced that the next scheduled meetings are as follows:

December 12, 2023 at 1:00 p.m. - Regular City Commission Meeting

January 9, 2024 at 1:00 p.m. - Regular City Commission Meeting

January 23, 2024 at 6:00 p.m. - Regular City Commission Meeting

#### **G. REPORTS**

##### **City Manager's Report:**

No report.



**City Attorney's Report:**

No report.

**City Clerk's Report:**

City Clerk Alfred requested the City Commission leave their tablets for an update.

**Comr. Fournier's Report:**

Comr. Fournier reported on several items: First, she thanked the Parks and Recreation Department for their work on youth sporting events this fall season. She also thanked the Department for the Kester Park Family Fun Day event. Second, she stated that Veterans' Day was celebrated over the weekend; therefore, she thanked all veterans and those who were in attendance for their service. Thirdly, she indicated she received a message from Drew at Y-100 regarding a turkey giveaway in Pompano Beach on November 18th. She urged the public to take advantage of the turkey giveaway. Next, Comr. Fournier reported on an event she hosted in the Commission Chambers yesterday for the Girl Scout Troop. She said the Girl Scouts earned a local government badge for their participation in the event. They also discussed local issues and voted on two mock Resolutions. The first Resolution designated the Thin Mint Cookie as the official cookie of Pompano Beach. The second Resolution is the adoption of a Library Reading Program as the official Girl Scout project. She thanked Assistant City Manager Earl Bosworth and City Clerk Alfred for their assistance in hosting the event.

Finally, Comr. Fournier spoke about short-term rentals. She recommended an online training for property managers regarding the City Ordinance. She also recommended revisiting noise monitors for short-term rentals, both of which she requested support from the City Commission.

City Attorney Berman stated the Noise Ordinance is already being written up. He said he will confirm with city staff that property managers already receive information regarding the City's requirements during the registration process; nevertheless, he will further review information about noise monitors. Mayor Hardin asked if it is lawful for the City to require short-term rental owners to watch an online training, of which Mr. Berman said he would need to look into it further. Vice Mayor McGee also agreed with the online training video concept.

In closing, Comr. Fournier announced upcoming Holiday events, such as the Yuletide Parade and she urged everyone to check the event calendar online for all other events. She wished everyone a Happy Thanksgiving.

**Comr. Moss' Report:**

Comr. Moss congratulated everyone involved in the Drone Show event. He said it was incredible. He also recognized Strategic Communications Admin Sandra King, for her efforts with helping the event to appear on the front page of the Sun Sentinel newspaper. He was informed that it was easier to get in and out of the Barrier Island this year than last year.

Comr. Moss wished everyone a Happy Thanksgiving.

**Comr. Perkins' Report:**

Comr. Perkins acknowledged her mother's 92nd birthday and wished everyone a Happy Thanksgiving.

**Comr. Sigerson-Eaton's Report:**

Comr. Sigerson-Eaton wished everyone a safe and Wonderful Thanksgiving.

**Vice Mayor McGee's Report:**

Vice Mayor McGee thanked staff and BSO for the Drone Show. She said it was a beautiful tribute to the veterans. With some adjustments with traffic flow, she believes the event will only get better and better. Additionally, she urged everyone to check the City's website and Facebook page to stay up-to-date with all upcoming events. Lastly, she wished everyone a safe and Happy Thanksgiving.

**Mayor Hardin's Report:**

Mayor Hardin asked who won the chili cookoff. Comr. Fournier replied BSO won the chili cookoff, but Fire Rescue won the kickball game. Next, he congratulated Comr. Fournier on her event with the Girl Scouts yesterday. Mayor Hardin also commented on the Drone Show event, stating it is getting better and better; and lastly, he announced the following upcoming events: 1) Light-up MLK on November 18th at 5:00 p.m. 2) Yuletide Parade on December 7th at 6:30 p.m. 3) Tree Lighting/Music Under the Stars Holiday Special at the Great Lawn on December 8th at 6:00 p.m. 4) Breakfast with Santa on December 9th at 9:00 a.m. at the Emma Olson Civic Center. 5) Green Market on 2nd and 4th Saturday of every month, and 6) Old Town Untap on 1st Friday of each month.

Lastly, Mayor Hardin wished everyone a Happy Thanksgiving.

**H. ADJOURNMENT**

The meeting adjourned at 2:40 p.m.

DocuSigned by:



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Kervin Alfred, City Clerk

DocuSigned by:



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Rex Hardin, Mayor

DocuSigned by:



## Exhibit 1

# City of Pompano Beach Utilities Department

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Review of Proposed Rates and Customer Impacts



# Agenda

- Summary of 10-24-2023 presentation
- Update on capacity fees

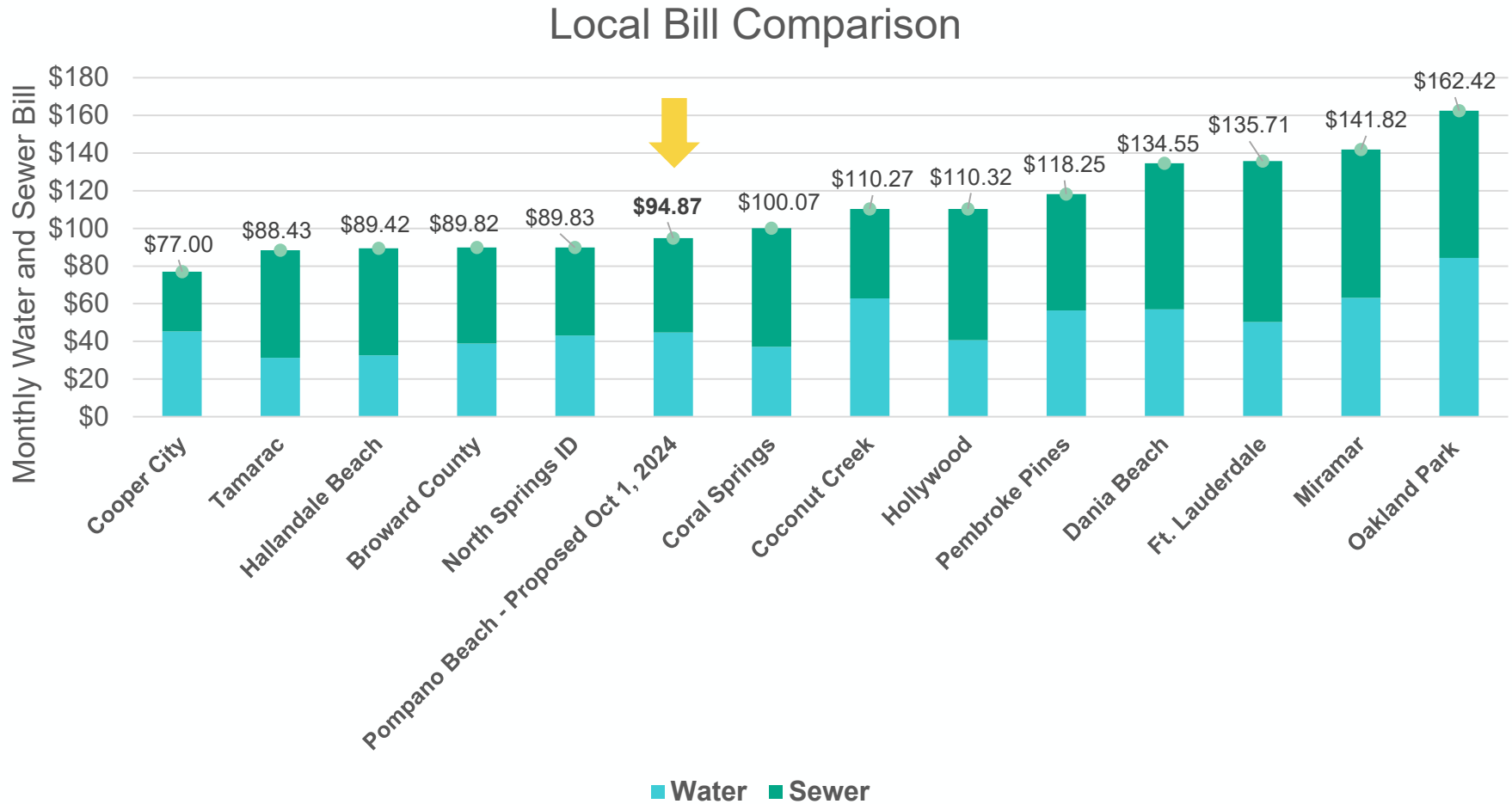


# Overall Rate Increases Needed

| Year                                                                                                                       | FY 2025<br>October 1,<br>2024 | FY 2026<br>October 1,<br>2025 | FY 2027<br>October 1,<br>2026 | FY 2028<br>October 1,<br>2027 | FY 2029<br>October 1,<br>2028 |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Water Rates</b>                                                                                                         | <b>9.50%</b>                  | <b>9.50%</b>                  | <b>9.50%</b>                  | <b>9.50%</b>                  | <b>9.50%</b>                  |
| <b>Reuse Rates</b>                                                                                                         | <b>12.00%</b>                 | <b>12.00%</b>                 | <b>12.00%</b>                 | <b>12.00%</b>                 | <b>12.00%</b>                 |
| <b>Wastewater Rates (1)</b>                                                                                                | <b>4.00%</b>                  | <b>4.00%</b>                  | <b>4.00%</b>                  | <b>4.00%</b>                  | <b>4.00%</b>                  |
| <b><i>Dollar Increase to Average<br/>Single-Family Customer<br/>Monthly Water/Sewer Bill<br/>(using 8,000 gallons)</i></b> | <b>\$5.82</b>                 | <b>\$6.24</b>                 | <b>\$6.76</b>                 | <b>\$7.29</b>                 | <b>\$7.85</b>                 |
| <b><i>% Change in Water/Sewer Bill</i></b>                                                                                 | <b>6.5%</b>                   | <b>6.6%</b>                   | <b>6.7%</b>                   | <b>6.8%</b>                   | <b>6.8%</b>                   |

*(1) Applied to fixed monthly charge and volumetric rates for all customer classes except multi-family fixed monthly charge.*

# Local Comparison for Average Single-Family (using 8 kgal with 3/4" meter)

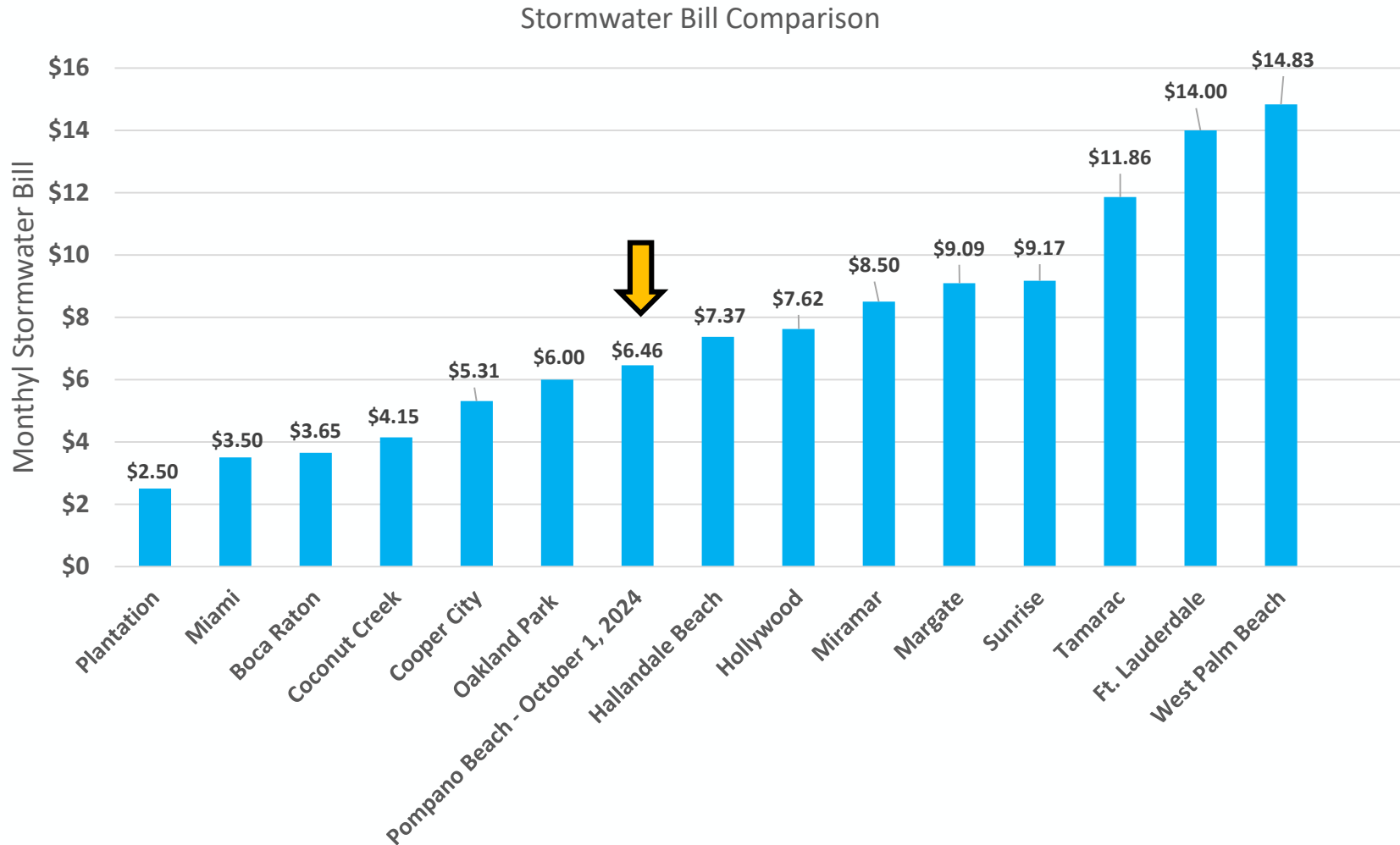


# Stormwater Rate Adjustments per Month

|                             | FY 2024              | FY 2025              | FY 2026              | FY 2027              | FY 2028              |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <b>Stormwater</b>           | <b>9.5%</b>          | <b>9.5%</b>          | <b>9.5%</b>          | <b>9.5%</b>          | <b>9.5%</b>          |
| <b><i>Dollar Change</i></b> | <b><i>\$0.56</i></b> | <b><i>\$0.61</i></b> | <b><i>\$0.67</i></b> | <b><i>\$0.74</i></b> | <b><i>\$0.81</i></b> |
| <b><i>Rate per ERU</i></b>  | <b><i>\$6.46</i></b> | <b><i>\$7.07</i></b> | <b><i>\$7.75</i></b> | <b><i>\$8.48</i></b> | <b><i>\$9.29</i></b> |

Rate adjustments needed to support debt issues for previous capital improvements and additional capital projects to be identified from upcoming master plan study.

# Stormwater Rate Comparison





# Customer Service and Capacity Fees

# Customer Service Fees

- Last rate increase was in FY 2000
- Update miscellaneous fees on **January 1, 2024** to reflect cost of providing service

# Water and Sewer Capacity Fees (Capital Recovery Fees)

- Updated analysis indicates capacity fees should remain at the same level
- **Next step** – evaluate the impacts of assessing the fee differently

# Current Assessment Method – Meter Size

| Current Assessment Method<br>– Meter Size | Water Capital Recovery Fee | Wastewater Capital<br>Recovery Fee |
|-------------------------------------------|----------------------------|------------------------------------|
| ¾"                                        | \$985                      | \$545                              |
| 1"                                        | \$1,675                    | \$928                              |
| 1 ½"                                      | \$3,252                    | \$1,801                            |
| 2"                                        | \$5,224                    | \$2,893                            |
| 3"                                        | \$9,857                    | \$5,458                            |
| 4"                                        | \$16,461                   | \$9,116                            |
| 6"                                        | \$32,823                   | \$18,177                           |
| 8"                                        | \$52,537                   | \$29,095                           |
| 10"                                       | \$75,603                   | \$41,869                           |

# Alternative Assessment – Gallons per Day

| Potential Assessment Method | Water Use - Gallons per Day (GPD)         | Water Capital Recovery Fee | Wastewater Capital Recovery Fee |
|-----------------------------|-------------------------------------------|----------------------------|---------------------------------|
| Cost per gallon per day     |                                           | \$3.28/gallon              | \$1.82/gallon                   |
| Single-Family ¾" meter      | 300                                       | \$985                      | \$545                           |
| All Others                  | Estimated gallons per day (GPD) water use | GPD X \$3.28               | GPD X \$1.82                    |

# Alternative Assessment – Impacts

## *EXAMPLES from actual new developments*

| <b>Customer Type</b>                            | <b>Total Capital Recovery Fees Paid based on Meter Size</b> | <b>Actual Gallons per Day Water use (GPD)</b> | <b>Fee under alternative assessment – water and wastewater</b> | <b>Variance</b> |
|-------------------------------------------------|-------------------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------|-----------------|
| Commercial customer with 8" meter               | \$81,632                                                    | 16,000                                        | \$81,600                                                       | -\$32           |
| Multi-Family customer with <i>two</i> 8" meters | \$163,265                                                   | 21,000                                        | \$107,100                                                      | -\$56,165       |
| Commercial Customer with 4" meter               | \$25,577                                                    | 13,000                                        | \$66,300                                                       | \$40,723        |
| Multi-Family customer with 4" meter             | \$25,577                                                    | 16,000                                        | \$81,600                                                       | \$56,023        |

# Alternative Assessment Considerations

- **Revenue impacts** - Changing the assessment could result in increased revenues but it depends on the type of development
- **Impacts on fees paid by new development** - Commercial development would more than likely have increased fees while multi-family development could have decreased fees.
- **Administrative burdens** – This approach requires more upfront information to calculate the fee, and monitoring, as you would have to audit accounts after a year to “true-up” the fee. This would require additional staffing to monitor usage, make annual adjustments, and developer tracking, all of which would be paid for by any gains from changing methodology.



# Thank you!

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704 936 4436 / [econti@raftelis.com](mailto:econti@raftelis.com)

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