



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

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

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

Tuesday, June 8, 2021

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

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

APPROVAL OF MINUTES

[21-587](#) Virtual City Commission Meeting Minutes of May 25, 2021

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 SUBMITTED. 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 3 would be pulled for City Commission discussion.

A. SPECIAL PRESENTATION

[21-574](#) Unity in the Community Presentation

Mike Blangor, Unity in the Community President, presented the City Commission with a plaque in appreciation of the City's continued support of Unity in the Community Family Fun Day.

Mike Blangor, Unity in the Community President stated that this is their 10th year Anniversary, which was held virtually. He stated that the City has always been supportive, therefore, he had two plaques he would like to present to Mayor Hardin. One for last year, because they did not have the opportunity to present the plaque. They will continue to work closely with the City to stay together. He thanked the City for all their years of support.

Mayor Hardin stated that the City Commission owes the Committee a debt of gratitude for all they do each year to put this event together, Unity in the Community, which was an idea started many years ago. The City is partnering with the Committee in keeping the Community together.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

[21-573](#) Presentation on the Dixie Highway/Atlantic Boulevard

Horacio Danovich, General Obligation Bond & Innovation District Director, made a presentation on the Dixie Highway/Atlantic Boulevard traffic pattern change.

Horacio Danovich, G.O. Bond and Innovation District Director, provided a brief update on the plan to make some changes to the intersection of Atlantic Boulevard and Dixie Highway. He said one of the things that was planned for is to create a downtown that was conducive to integrating all modes of transportation, from cars to pedestrian, as well as buses and bicycles. People will be able to navigate the area, especially the intersections to get from one point to another safely and within a reasonable amount of time. They wanted to create an environment at that intersection that is conducive to help and ensure everybody can use it. In addition, they wanted to ensure it provided for pedestrian and bike friendly designs. Also, they wanted to reduce the crosswalk crossing length to provide safety and pedestrian circulation. This will also provide opportunity for additional landscaping and additional shading, which is currently non-existent. They will reduce the width to

provide for traffic calming. The design team came up with a plan, which is what he provided in the backup that they will use to educate the public on what it would be like to navigate that intersection once construction is completed. He then explained that it is customary to prepare the intersections with flexible posts to delineate the roadways and people can get used to what the pattern would be like. The concept will be introduced "little by little" as this will be an important change. He then highlighted a few things with the pattern that will be seen, which is detailed in the backup of this item. The proposed timing will be 14 weeks out, because they have to obtain authorization from the government agencies and get the plans completed. In addition, they have to order the flexible plastic dividers and these will be labor intensive maintenance due to people trying to cut through. The transition period would take approximately 6 weeks.

Mayor Hardin asked if the barricades are going to happen at the same time or will they phase it in. Also, the timing of the lights, in some situations such as north bound Dixie Highway they will go from two turn lanes to one, so would the turn signal be extended to allow for additional traffic to move through there.

Mr. Danovich responded that with regard to the installation of the flexible poles, they will be done at the same time. The plan will be put in place from day one. With respect to the timing of the signal that will be coordinated. Therefore, whatever adjustments need to be made will be done.

Comr. McGee stated that with traffic lights there is technology that senses cars and change accordingly. She asked if the City will be utilizing technologically based sensors and such for the timing or will there be a set timing that can be adjusted.

Mr. Danovich responded that this is one of things that he is hoping that the City will be able to get through the surtax. The surtax has a Countywide plan to convert all the traffic signals to become a "smart signal", which is not in this plan. This is something that is hoped for from the County to install these smart signal devices. Nevertheless, he will be checking into whether this could be done sometime in the future.

Mr. Danovich reported that the goal is to start disseminating this information "little by little" in anticipation to the date. So, in the next couple of months they will start posting on the City's website, as well as put it on the dashboards as they currently do on the G.O. Bond every month. If message boards are adequate those will be put in as well particularly west of 6th Avenue.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PRESENTATION

[21-575](#) Presentation of the City of Pompano Beach Comprehensive Annual Financial Report, Single Audit Reports and Management Letter for the fiscal year ended September 30, 2020 and the results of the annual audit by Marcum LLP, Independent Certified Public Accountants.)
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, stated that Florida Statutes require that the City have an audit of its financial statements as prepared by the finance staff, which is a 200-page document attached as backup material. To communicate the results of the audit as well as make other communications is Moises Ariza, Partner for Marcum LLP.

Moises Ariza, Marcum LLP, stated that they serve as external Financial Auditors for the City of Pompano Beach for the fiscal year ended September 30, 2020. He presented the Comprehensive Annual Financial Report (CAFR), which was released to the City Commission on May 28, 2021, as well as it has been included as part of the agenda package. He then provided an overview of certain sections of the report.

Mr. Ariza referred to printed page 1, where there is the Independent Auditor Report, which is part of the document that they produced. The document is mostly put together by the City's finance team; however, certain sections belong to the external auditors of the City. On page 1 there is the Independent Auditor Report.

The first paragraph refers to what they have audited, which is the financial statements of the City of Pompano Beach for the fiscal year ended September 30, 2020. The second paragraph titled, Managers Responsibility, refers to what the City Management and Finance Department are responsible for in preparing this document and do so by following United States General Accepted Accounting Principles also known as US GAAP. The third paragraph titled Auditor's Responsibility, refers to what Marcum, as the external auditor, has audited and their responsibility. He indicated that they are responsible for providing opinions on the financial statements and this is done by following two sets of standards. General Accepted Auditing Standards and Government Auditing Standards. They do follow Government Auditing Standards due to the requirements set forth by the State of Florida Auditor's General.

On page 2, Marcum's Opinion paragraph, which reads as follows: "In our opinion based on the audit and the report of other auditors, the other auditors are for the General Employees' Pension Plan, which Marcum does not audit. However, they do audit the Police and Firefighters' Pension Plan. The financial statements refer to above present fairly, in all material respects, the respective financial position of the City as of September 30, 2020 and the respective changes and financial position." This in essence is a "clean opinion," it is an unmodified opinion and it is the only opinion the elected City officials want to be associated with. He offered congratulations to the elected officials, the City management, and the Finance Department for receiving a clean opinion. When it comes to a financial audit, this is the highest regard that an organization would want to receive from an external auditor. Aside from the Auditor Report.

Mr. Ariza indicated that the document is almost 200 pages, and suggested that the Commission read from page 4 through to page 19, which is the Management Discussion Analysis. This section was put together by the Finance Department team, and it summarizes all the current year activities of the City, and provides a comparison against prior year activities. So, it shows in a quantitative manner what changed, not only at the government financial but the underlying fund level. It also provides qualitative information of what is causing the changes, that is the justification or explanation for the changes.

Continuing, Mr. Ariza indicated that on May 28th they also released their compliance reports, which he provided an overview of certain sections of the report. The first heading on page 1 is the Independent Auditor's Report and Internal Controls of financial reporting. This report is in the quarters of Government Auditing Standards. The purpose of this report is to explain what an internal control deficiency is, and there are two sets. One could be a material weakness, which is of high concern, and there could be a significant deficiency. As mentioned in their report, during the audit they did not identify any deficiencies in internal controls that they considered to be material weaknesses and they had no significant deficiencies. Based on Government Auditing Standards he is not at liberty to report any findings to the Commission in a verbal manner or outside the document. Rather, he is required by the guidelines to report such findings in writing. Compared to the City's peers, they audited approximately 40 municipalities in South Florida and about 250 across the United States, and it is not usual not to have any recommendations or findings. So, it is uncommon to end their audit and have no item to report to the Commission. So, he congratulated the City of Pompano Beach for this clean audit.

Mr. Ariza stated that they are required to do a single audit because the City received over \$750,000 of both federal and state grants and are required by those agencies to dissect the grant activities. For federal awards the City expended and received \$5.8 million, which were tested, and for State awards \$4.1 million. Therefore, for fiscal year 2020 the City reported approximately \$10 million of federal awards. As auditors, they conducted a risk analysis and select what is considered high risk grants which were tested and reported on page 9. They tested the Community Development Block Grant (CDBG), the State Housing Initiative Program (SHIP) and the Wastewater Treatment Facility Construction. He stated that the single audit is more in depth due to the reporting of internal controls. The internal controls complied and as noted on page 9 there were no findings or questions of cost required to test internal controls, compliance requirements, and if any funding was received and used to pay or acquire some type of equipment not allowed by the grant, they would report this as a finding.

Additionally, along with the Compliance Reports, on May 28th Mr. Ariza reported that they issued a third document, which is their communications to those charged with governance. Anything that falls outside the CAFR or the single audit will be communicated in this document. This summarizes whether they had encountered any difficulties in performing the audit or any disagreements with management on how to record a transaction. With the pandemic situation and much of the audit field work having to be finalized in a remote manner, he is pleased to report that the City management and the Finance Department's to include Mr. Jean-Pierre and his team, were able to provide them with all the information in a secured electronic manner, so, they received all documents requested as part of the audit. He thanked the City for the cooperation and allowing them to be of service.

Mayor Hardin thanked Mr. Ariza for his clean opinion of the City's finances. He congratulated City Manager Greg Harrison, Finance Director Andrew Jean-Pierre and the entire staff of the City to once again, for

numerous times in a row, the City has received a clean unmodified opinion. This is indeed a testament to the good things that are continuing to happen in the City of Pompano Beach. As indicated previously, this is unusual on an annual basis and on a multi-year basis, so he would put Pompano Beach up against many other communities.

The Presentation was READ AND PRESENTED INTO THE RECORD.

SPECIAL RECOGNITION

Mayor Hardin recognized State Representative Patricia Williams who was attending the meeting. He thanked State Representative Williams for all her services in Tallahassee and stated that she is always welcome “in this house.”

C. AUDIENCE TO BE HEARD

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

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

The following persons spoke:

Sale of Christ Church United Methodist, Inc. Properties - Camlyn Craig Brown, Federal Highway, Pompano Beach, FL, stated she wanted to speak at the June 1, 2021 Special Meeting. She called in early to register but unfortunately, she completed the forms for the wrong meeting. When she tried to get this corrected to attend the Zoom meeting she could not get anyone to assist her to get on to the meeting. Consequently, she felt disenfranchised because she was unable to speak on the subject of the sale of the Christ Church United Methodist properties. While she is aware now is not the time, she wanted to exercise her right to speak prior to the vote.

Mayor Hardin indicated that unfortunately a vote has already been taken regarding the subject matter. However, Mayor Hardin requested that City Attorney Berman meet with Ms. Craig Brown to discuss the situation to determine what type of disenfranchisement may have happened in her experience.

Ms. Camlyn Brown was insisting to speak prior to the voting on the item, which she was told the item has been discussed and voted upon already.

Mark Berman, City Attorney, stated that he is unaware of what problem Ms. Craig Brown experienced. However, other people did participate and actually this was a second meeting regarding the subject item. The first meeting the description needed to be made better, which was done, the item publicized and everything was done in terms of public notice. The second meeting opened up more opportunity for others to speak on the item. There may have been some technical issues on Ms. Craig Brown's part on the second meeting, nevertheless, others were able to speak on the item with no technical issues. He will be happy to speak with her after the meeting, however, at this point what has been done cannot be undone. In sum, the public had the opportunity to participate and the meeting was legally noticed.

Renaming Streets and Facilities - Vicente M. Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he wanted to speak on the issue of renaming City streets and facilities. He believes the renaming ordinance will be coming before the City Commission at its next meeting. He stated it is important that the Commission realizes and accepts that a number of family members and people that built the northwest area, have passed away during the past year. A number of legacy people such as Woodrow Wilson and Dorothy Jones have passed away, and the residents in the area would like to have the right not to go through a committee, but to follow a legitimate process to have the right to name streets, etc. in the northwest area that preserves the legacy of that community. He would be against turning this over to any other committee outside of a process that allows residents to justify why they would want to name a facility or street after somebody. He mentioned that on NW 6th the City did the brick paving program on the recommendation of the prior Community Redevelopment Agency (CRA) people and those bricks have not been pressure cleaned or properly maintained. A lot of money was spent on these brick pavers, which should be properly maintained. Therefore, he hopes when the proposed ordinance comes before the Commission it is not made difficult to name places and streets for people that helped to build the communities within the City. There should be a right for a transparency process not lengthy and similar to what is already in place.

Traffic Issue - Mr. Thrower understands that another 2,000 units will be put in the Innovation District and the Isle Casino will put another 4, 000 units on their property, which will create a traffic problem where at least three districts will be directly affected - Districts 3, 4 and 5. He suggested that an in-depth conversation needs to take place on what Horacio Danovich proposed in his presentation earlier.

Neighborhood Lights - Mr. Thrower thanked the City Commission and the City Manager for the lights in their neighborhood, which makes the place look like daylight at night. The residents appreciate these lights.

Additional Youth Programs - State Representative Patricia Williams, 1565 NW 7th Avenue, Pompano Beach, FL, stated that she is coming before the City Commission as a concerned citizen not as a state representative. She reported that on Saturday, June 5, 2021, at the corner of NW 6th Avenue and 15th Street there were 6-7 young kids hanging out. One of the younger kids, perhaps age 10-12 years old had what appeared to her to be a gun. She was unsure what type of gun it was which caused her some concern. She was asking if there are any additional activities or programs that the kids could get involved with to stay off the streets. Summer is approaching and gun violence is on the rise and this is concerning. As the City's state representative, she is willing to partner with the City to see if there are programs that can be offered to assist the kids that will be out of school during the summer. She is proposing a youth council program to bring the young people together to provide ideas of what they would like to do to keep them busy and off the streets.

Mayor Hardin appreciated State Representative Williams' concern and her offer of help. His concern is with the observation of the youth having what appears to be a gun, which he hopes that she was able to engage the Broward Sheriff's Office (BSO) to try and look into this. Consequently, Mayor Hardin instructed City Manager Harrison to reach out to State Representative Williams after the meeting and share with her whatever programs that are coming up for the youths. In addition, they could consider together what else that can be done to assist the youths. Investigating guns on the streets is very serious business and should not be happening and especially with children.

E. Wegman, NE 11th Avenue, Pompano Beach, FL, thanked the City Commission for their services. She also thanked Comr. Floyd for her questions asked and hope to speak with her some other time. She indicated that because of her close attention paid to her neighborhood she knows a little more about what the prior speaker, Ms. Craig Brown was speaking about. She mentioned that Ms. Craig Brown was frantically calling her about the June 1, 2021 meeting, but she could not assist as she was trying to get on the meeting herself. She actually called the City Manager's Office and it was the staff from his office that sent her the link, even though she had explained that she wanted to speak on several different topics. Ms. Wegman alleged that it was the City Manager's Office that sent her the wrong link in the first place. Apparently, the staff in the City Manager's Office had assisted her to get on an earlier advisory board meeting, but there was a mix up with the numbers for the different meetings.

In sum, Ms. Wegman complained that there were technical glitches for citizens that had a right to speak before the vote. Therefore, she suggested that the prior meeting should be rescinded to allow other people to speak on the item when it comes before the City Commission.

D. 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 Perkins, seconded by Commissioner McGee, that the Consent Agenda be APPROVED. The motion carried unanimously.

1. [21-586](#) Approval to piggyback the City of Tarpon Springs, Florida, contract 200076-B-JL for as-needed purchases of "Sodium Hypochlorite" from Odyssey Manufacturing Co., in an estimated annual amount not to exceed \$288,000.00.
(Fiscal Impact: \$288,000.00)

(Staff Contact: Phil Hyer)

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

2. [21-561](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO

BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY FOR INSTALLATION AND MAINTENANCE OF BUS SHELTERS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2021-206

3. [21-570](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING RESOLUTION NO. 2008-189 WHICH GRANTED THE ALLOCATION OF SIX FLEXIBILITY UNITS FOR A PROPOSED TOWNHOUSE DEVELOPMENT ON THE HIGHLAND OAKS PLAT PB 179 PAGE 135B LOCATED AT 921 NW 3RD AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Vice Mayor Perkins pulled the item for City Commission discussion and indicated that this is a buy-out provision to be used to meet affordable housing requirements. She spoke with staff and the developer briefly on this matter. She suggested tabling the item because the Highland Oaks has exchanged hands so many different times and she has never sat down with the new developer to discuss this matter with them. Therefore, she would move that the item be postponed until the next City Commission meeting of June 22, 2021 so she could have some time to talk with the developer regarding the building of these town houses. Comr. McGee seconded Vice Mayor Perkins' motion to postpone.

Mayor Hardin asked staff if there is any urgency to the matter, which Ms. Dolan responded no.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Consent Agenda/ Resolution be POSTPONED until June 22, 2021 City Commission meeting. The motion carried by the following vote:

Yes: Floyd
 McGee
 McMahan
 Perkins
 Hardin

No: Eaton

Enactment No: RES. No. 2021-207

4. [21-589](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OFFERING A TEMPORARY PARKING CITATION AMNESTY PROGRAM FORGIVING LATE FEES FOR DELINQUENT CITATIONS DURING A 61-DAY PERIOD PRIOR TO THE IMPLEMENTATION OF THE BARNACLE IMMOBILIZATION SYSTEM; SETTING REQUIREMENTS FOR PARTICIPANTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$60,000)

(Staff Contact: Suzette Sibble)

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

Enactment No: RES. No. 2021-207

E.. 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.

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

5. [21-562](#) **P.H. 2021-76: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TEN BY TEN FOOT UTILITY EASEMENT LOCATED AT FIRE STATION 52 ON THE SOUTHEAST CORNER OF SW 27TH AVENUE AND THE CANAL ADJACENT TO ATLANTIC BOULEVARD AND COMMONLY KNOWN AS 10 SW 27TH AVENUE; PROVIDING FOR SEVERABILITY; 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 this is a City initiated request to abandon a 10 x 10-foot utility easement by Keith Inc. on behalf of the City of Pompano Beach. The easement provides access to an electrical vault that is above ground and is being relocated and upgraded due to the new interior construction at the fire station. The new vault location will be determined by FP&L and a new easement will be provided to FP&L. This proposed easement vacation will enable renovations to be done at fire station 52.

There was no public input on the item.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

6. [21-568](#) **P.H. 2021-77: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A REMNANT PORTION OF THE RIGHT-OF-WAY WITHIN THE PREVIOUSLY ABANDONED NW 6TH COURT RIGHT-OF-WAY LOCATED ADJACENT TO THE SONATA PROJECT ON THE WEST SIDE OF DIXIE HIGHWAY BETWEEN NW 6TH STREET AND NW 8TH COURT; PROVIDING FOR SEVERABILITY; 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 this is a request to abandon a remnant right-of-way with the Sonata project left over from the 2008 abandonment of NW 6th Court. The remnant consists of 32.25 square feet and is located on the southwest corner of the mixed-use project. The Applicant is proposing in partnership with the Northwest Community Redevelopment Agency (CRA). A flex allocation for 100 units was approved for this project on October 22, 2019, and the site plan was approved on January 27, 2021, as well as the Plat was approved on March 23, 2021. All approvals required the abandonment.

There was no public input on the item.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

END OF QUASI-JUDICIAL PROCEEDING

7. [21-571](#) Approval to award Bid E-11-21, Water System Interconnect Upgrades to the lowest

responsive and responsible bidder, Southeastern Engineering Contractors, Inc., at a cost of \$642,890.00.

(Fiscal Impact: \$642,890.00)

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated this is for the City Commission to approve a bid award to Southeastern Engineering Contractors, Inc., in the amount of \$642,890.00 for upgrades to four water system interconnects. The City has a total of six interconnects, two of which have previously been upgraded. These interconnects provide redundancy, which is an alternative water supply. In the event the City's water supply or distribution system were comprised in any way these interconnects will provide for water service to our customers. Staff received four proposals ranging from \$642,000 to \$1 million and Southeastern Engineering was the lowest bid, as well as they have previously performed work in the City. In addition, per the City's agreement with the County and Fort Lauderdale, they would be covering fifty percent of these costs. Also, the Utilities Department secured a grant in the amount of \$287,000.00. Therefore, the City will spend a total of less than \$50,000.

There was no public input on the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

8. [21-569](#) Consideration of bids received in response to surplus real property Invitation for Bids 21-01 to sell the real property located at 1207 E Atlantic Boulevard, Pompano Beach, FL 33060, also identified as Broward County Property Appraiser (BCPA) folio 4842 36 00 0360, along with staff recommendation.

(Fiscal Impact: Revenue from sale of real property)

(Staff Contact: Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item and stated that the property is located at 1207 East Atlantic Boulevard, which was the former Pompano Beach Library moved over next to the Cultural Center. The property was declared a surplus on February 23, 2021 as per Resolution 2021-71, and an invitation for bids 21-01 was issued on February 24, 2021, to surplus the property with bids due on April 22, 2021. The invitation for bids was advertised in the Sun Sentinel newspaper, posted on the real property webpage on the City's website, advertised on the commercial real estate website LoopNet and notices were

emailed to 1,163 bidders registered to receive surplus real property bid notices. Ms. LeMasurier indicated that she called 21 individuals that expressed interest in the property as well to advise them of the invitation for bid that had been issued. Two bids were submitted and received in response to the invitation for bids, one from 7th Avenue Properties LLC, in the amount of \$750,000.00 and Timothy Hernandez submitted a bid for \$1 million on behalf of himself and Todd Jensen as the principals of Pompano Library Partners LLC, a limited liability corporation which has not yet been formed.

The City's Development Services Department reviewed both bids and provided a memorandum noting elements of the conceptual plans submitted with both bids, which did not meet the requirements of the zoning code and were included in the backup material. The rendering was displayed provided by 7th Avenue Properties, LLC. They are proposing a mixed-use project with 5,580 square feet of retail space and 48 residential units with 83 parking spaces. The parking is a mix of on-street parking and a parking garage. The residential units consist of 17 studio units, 21-bedroom units and 11 2-bedroom units with an estimated capital requirement cost of \$18 million to develop the project. Included in the bids were floor plans, which Ms. LeMasurier displayed in her overhead presentation. She then provided the process involved for site plan approval.

Continuing, Ms. LeMasurier stated that the other bidder, Timothy Hernandez is proposing a mixed-use project with 2,210 square feet of retail space, 54 residential units and 93 parking spaces on behalf of his proposed limited liability corporation. The parking is a mix of on-street parking, a parking garage, surface parking and 28 satellite parking spaces to be located on the City's property at 100 NE 13th Avenue, which was the parking lot for the former library. This will take place through a lease negotiated with the City as allowed for in the bid specifications. Mr. Hernandez has proposed a lease payment of \$1.00 per year for this 13,986 square foot city-owned parcel. The residential units in the project consists of 29 1-bedroom units and 25 2-bedroom units. Ms. LeMasurier provided an overhead view of the renderings submitted for the project. Revisions of several elements of the proposed building configuration in order to meet setback, landscape and parking requirements will be required per site plan approval or relief must be granted from the zoning code. In addition, Mr. Hernandez submitted an Exhibit A - Terms and Conditions of the proposal with six exceptions to the purchase contract section of the bid specifications. These are a period of 12 months following the inspection period to obtain site plan approval for not less than the proposed 54 dwelling units, and 2,000 square feet of commercial space, and County plat approval or no platting determination letter from Broward County Planning Council before closing on the purchase of the property, within 30 days after receiving those approvals. The purchase contract allows for a 90-day as is closing for the sale of the property. The bid specifications state the City is selling the property as is, with a deed restriction requiring the purchaser apply for the necessary development permits within two years of the date of sale. The bid specifications do not allow for any contingencies such as the development approvals prior to closing or closing beyond the 90-day contract effective date for the purchase of the property.

Based on the requested contingencies, the City cannot guarantee as a condition of the sale of the property that Mr. Hernandez can develop the project with the proposed 54 dwelling units and 2,000 square feet of commercial space while still meeting the code requirements. At the conclusion of the requested 12-month period, to obtain the required approvals there is no certainty that the project would be developed. Mr. Hernandez proposed the seller, in this case, the City, pay for Title Insurance and Documentary Stamps on the purchase price and Mr. Hernandez's legal fees. The purchase contract section of the bid specifications allows

for the successful bidder to obtain a title commitment, title insurance and survey at the purchaser's expense, and state the purchaser will pay the cost of the Documentary Stamps on the Deed, the cost of the recording of the Deed, and the cost of their own attorney's fees. Granting any of these requests with exceptions, will materially change the bids specifications and provide Mr. Hernandez with an unfair advantage in contract to the other bidder, 7th Avenue Properties, LLC who submitted no exceptions to the bid specifications with their bid.

After reviewing the bid submitted with the City Manager Greg Harrison and the Assistant City Manager Suzette Sibble, it is recommended the award for invitation to bid 21-01 be made to 7th Avenue Properties, LLC for a purchase price of \$750,000.00, as this bid appears to be the highest and best bid as it more closely conforms to the bid specifications, it has more certainty of being developed and substantial conformance with the conceptual site plan submitted by the bidder and in a more timely fashion.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, spoke in opposition of Mr. Hernandez being granted the bid and supports staff's recommendation.

Ms. Palvini, 971 SE 22nd Avenue, Pompano Beach, FL, spoke in support of Mr. Hernandez being granted the bid due to his prior developments on the beach.

Todd Jensen, 401 Center Street, Jupiter, FL, stated he is a partner with Tim Hernandez on the submittal and he has a copy of letters he distributed through the City Clerk for the Commission. He indicated that they wanted to point out a few things that they felt in staff's review, they did not adequately address for the Commission. First, they are offering to pay more money, which is \$1 million for the site. While they have conditions that on approvals they expect those approvals to be done in approximately 12 months. Also, their proposal has less lot coverage and more green space. The foot print of the building in their plan covers approximately 43% of the site. The 7th Avenue proposal covers about 80% of the site. In addition, Mr. Jensen stated that they have 13% of their site devoted to public open space, while the competing proposal has no open space. Mr. Jensen's plan allows more green space on the site and facilitates an implementation of a more functional stormwater management system. They also provide a green courtyard along Atlantic Boulevard and could buy a signature public art installation and space for outdoor dining. Their project did not include a structured parking garage, so the cost is considerably less, so presumably renting of their property would be less than the competing one. Moreover, Mr. Jensen stated that their units are larger and their proposal has the smallest units totaling 29 units are 803 and 825 square feet, and they have units as large as 1,200 square feet, whereas the 7th Avenue proposal has much smaller units between 450 and 580 square feet.

In conclusion, Mr. Jensen believes overall their plan is more compatible with the Old Pompano neighborhood and the principals of this entity has significantly more experience developing similar properties in South Florida than their competition.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, spoke in support of Mr. Hernandez if he gets rid of the exceptions that he proposed because his bid is significantly higher than his competition.

Mariano Gomez, stated that he represents 7th Avenue Properties, and believes that they submitted the best bid of serving at every single point of the process and the rules. He indicated although this was not required, they provided a schedule for the construction of what they proposed. He said he is the face and a smile for their

proposal and looks forward to a favorable resolution from the Commission.

Comr. McGee asked if either of the developers are allowed to waive affordable housing credits/fees.

Ms. LeMasurier responded that staff would not be able to waive any provisions of the zoning code. Therefore, they would have to either build the affordable units or they would have to pay the “in lieu of fees.”

Comr. McGee asked about the on-street parking that they have configured in the bid and wanted to know if this is allowed by code to be counted to their overall parking situation.

Ms. LeMasurier responded that she was aware that they had noted in the development services review memo with regard to the diagonal parking on the north part of the project, and that would not be allowed by code. As far as the on-street, she is unfamiliar with those requirements. It was noted that the parking as proposed, by Mr. Hernandez team, would not meet the parking requirements. The off site parcel they are proposing to lease for a dollar could only be used to support the retail parking and not any of the proposed residential units.

In response to Comr. McGee’s question on allowance for exceptions in the bid, Ms. LeMasurier responded that there is no provision that allows for exceptions to the bid specifications. Bids are supposed to be submitted in conformance to all specifications.

Mark Berman, City Attorney, indicated that Comr. McGee looked at him with her question, but they were astutely answered by staff, Ms. LeMasurier. However, he pointed out that Section 253 (c) of the City’s Charter, requires that the Commission accept the bid of the highest and best bidder and reject any and all bids. Highest and best bid meaning a clear intent that highest is not always the best. So, it is not strictly a price so it is highest and best.

Mayor Hardin indicated that the City Commission has the right to reject all the bids, if they so desire. To actually accept the bid by Mr. Hernandez and company would not be feasible as it does not meet the specifications of the bid. The Commission cannot engage in a negotiation as was suggested earlier by one speaker.

Vice Mayor Perkins asked if there is a master plan in place for Atlantic Boulevard entering into the beach. She is curious to know if the Commission wants apartments on Atlantic Boulevard or businesses or a mixture.

Ms. LeMasurier responded that this comes into play with the Land Use Plan Amendment that was done and the rezoning to Transit Oriented (TO) and the East Overlay District. Those are all guided by a series of regulating plans and they have density designations and use designations. This property has a split, where it allows a higher height and a higher density number of dwelling units on the south half of the property. The north half which abuts a residential single-family home neighborhood, has a lower density. This would give an idea of the use for it. Mixed-use is allowed by the designation but it is not required. So, it could be developed as just commercial. The City’s hope is to see someone take this and in the spirit of the zoning code develop it as a mixed-use project that it has the entitlements for.

Comr. Eaton stated that the ETOC (East Transit Oriented Corridor) was intended to bring retail at the bottom

to enliven the street and the bonuses if residential is desired, it can conform to the Overlay District. Comr. Eaton opined that the 7th Avenue project has the better amount of retail on the first floor that would help to enliven the street area and offers a nice shaded sidewalk patio type area. She recalls that the City would also want to bring development projects towards the street. Overall, she likes the 7th Avenue project better and would vote for that bid.

Ms. LeMasurier clarified that the renderings displayed earlier is conceptual in nature, and there maybe revisions. So, there might be changes in building breaks, changes in setbacks, landscaping, a change to the number of units. In sum, it would need to be a mixed-use project and while there may be some variations to the final project versus what is being shown now, they will need to either meet the code or get relief from the code. The purchase contract incorporates the bid specifications and the bid as well to bind them to those terms and conditions.

Mayor Hardin asked what would happen if they do not comply after two years? Could the City just “cut them a check and take back ownership.”

Ms. LeMasurier responded the City could have a reverter, where the City could pay them what they paid for the property and take the property back.

Mayor Hardin cautioned staff to ensure that in two year’s time, if nothing is happening and the property is sitting there with the City wondering what to do and legal is saying there is nothing that can be done and the City cannot sue to take back the property. These are things to think about prior to signing the document and returning to the City Commission for future action to be taken. He also asked for the value amount for the parking lot across the street.

Ms. LeMasurier responded that the property was appraised for approximately \$350,000 a few years ago. Therefore, it should rent for approximately \$25,000 per year going by current market value.

Comr. McGee reminded the newest bidder to Pompano Beach to reach out to the City Commission who are all available to speak with them and help to make all the buildings the best they can be, which is the ultimate goal, to ensure success and that people would want to move in residential or business.

Comr. McGee made a motion, seconded by Comr. Eaton to direct staff to move forward with the 7th Avenue Properties, and accept their bid.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Item for Consideration/Discussion be ACCEPTED.

A motion was made by Comr. McGee, seconded by Comr. Eaton to direct staff to move forward with the 7th Avenue Properties, and accept their bid. The motion carried by the following vote:

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

9. [21-457](#) **P.H. 2021-75: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CORRECTING ERRORS ON THE FUTURE LAND USE MAP BY MODIFYING THE MAP TO REFLECT THE PROPER LAND USE DESIGNATIONS FOR THE PROPERTIES LOCATED AT 950 SOUTH CYPRESS ROAD AND 540 EAST MCNAB ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 25, 2021

(**Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of the Land Use and Zoning Map errors correcton for two properties. One located at 950 South Cypress Road and the other at 540 East McNab Road. There have been no changes since First Reading.

E. Wegman, Pompano Beach, FL, inquired as to what the City is doing about the land use, and what both properties are being changed from and changed to.

Ms. Dolan mentioned that neither one of these changes affect the use of the property. The land use on the church is now CF (Commercial Facility) and it should not have been.

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: Floyd
 McGee
 McMahan
 Perkins
 Hardin

Absent: Eaton

Enactment No: ORD. No. 2021-67

10. [21-538](#) **P.H. 2021-66: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., LAKDAS/YOHALEM ENGINEERING, INC., MASTER CONSULTING ENGINEERS, INC., AND WGI, INC., FOR CONTINUING CONTRACT FOR STRUCTURAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 25, 2021

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated this item along with the next three items are for a five-year professional contract with various disciplines, and there have been no changes since the First Reading.

There was no public input on the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-68

11. [21-541](#) **P.H. 2021-67: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC., COMPASS POINT SURVEYORS, PL, COLLIERS ENGINEERING & DESIGN, INC., CRAIG A. SMITH & ASSOCIATES, INC., CRAVEN, THOMPSON & ASSOCIATES, INC., ENGENUITY GROUP, INC., KCI TECHNOLOGIES, INC., KEITH AND ASSOCIATES, INC., MCLAUGHLIN ENGINEERING COMPANY, AND MUNSON DESIGN & CONSULTING, INC., FOR CONTINUING CONTRACT FOR SURVEYING AND MAPPING SERVICES FOR

VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 25, 2021

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated there have been no changes since the First Reading.

There was no public input on the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-69

12. [21-536](#) **P.H. 2021-68: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DTM TECH, INC., PISTORINO & ALAM CONSULTING ENGINEERS, INC., SGM ENGINEERING, INC., AND TLC ENGINEERING SOLUTIONS, INC., FOR CONTINUING CONTRACT FOR MECHANICAL AND PLUMBING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 25, 2021

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated there have been no changes since the First

Reading.

There was no public input on the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-70

13. [21-537](#) **P.H. 2021-69: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND AEM TECHNICAL SERVICES, INC., E SCIENCES, INCORPORATED, GFA INTERNATIONAL, INC., GLE ASSOCIATES, INC., AND TERRACON CONSULTANTS, INC., FOR CONTINUING CONTRACT FOR ENVIRONMENTAL TESTING SERVICES FOR VARIOUS CITY PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 25, 2021

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated there have been no changes since the First Reading.

There was no public input on the item.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-71

14. [21-528](#) **P.H. 2021-74: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND GIANNETTI CONTRACTING CORPORATION FOR THE LYONS PARK STORMWATER AND WASTEWATER IMPROVEMENTS PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$17,659,117.70)

SECOND READING: MAY 25, 2021

(Staff Contact: Matthew Kudrna)

Matthew Kudrna, Project Manager, Engineering Department, presented the item and stated that this is the First Reading for the Lyons Park stormwater wastewater improvement project and there have been no changes since the last meeting.

Raymond Burger, 1610 SW 5th Avenue, Pompano Beach, FL, stated that he is flabbergasted over the whole project. The City is moving the problems from Lyons Park to Boulevard Park Isles and he asked if they are going to raise the seawalls.

Mayor Hardin stated that he was aware of the email that was sent out stating that there will be massive flooding and things of that nature. Perhaps a little more explanation can be done on what will be dealt with in the Boulevard Park Isles area as opposed to Lyons Park.

Mr. Burger explained that they will build two pipelines, one on 4th Avenue and one on 5th Avenue. They will have a 5-foot 6-inch pipe down the middle of the street that empties in the canal at the end. He said they are already experiencing king tides, waters going over the seawalls, submerging the docks and so forth in the area. Any kind of tropical rainfall at high tide they will be under water.

John Sfiropoulos, City Engineer, stated that the engineer has already looked at these concerns and the 48 inch outfalling will increase the level by 1 inch and the 66 inch will increase the level by 3 inches. The canals are opened to the sea and they are tidally influenced and the levels are really affected mainly by storm surge and sea level rise and so forth. In sum, the seawalls will not be raised because it is not part of this project.

Mr. Burger asked if they can raise their seawalls as part of this as well.

Mr. Sfiropoulos responded that the City had many challenges with this project in obtaining an easement that was needed for the outfall and this particular property owner was willing to give the City the easement. In fact, the City had a whole matrix of options, so the benefit far outweighs this private boat ramp. The outfall will have to be installed anyway, so they are just restoring it with concrete.

Mayor Hardin understands what the City Engineer is saying is that by having the outfall at that location it will increase the height of the water in that area by 3 inches.

Mr. Sfiropoulos responded that during peak storm events they said it would be approximately 3 inches for the entire canal area.

Mayor Hardin asked for a definition on the "entire area." However, Mr. Sfiropoulos indicated that he will have to get the answer for this from the Consultant Engineer who did the hydraulic modeling of it. Mayor Hardin suggested that Mr. Sfiropoulos meet with Mr. Burger about this issue and show him that information from the engineer.

Mr. Sfiropoulos indicated that this project has been designed and approved by all the regulatory agencies, and the one thing they do look at is the impacts of water quality and quantity.

Mr. Burger concluded that this appears to be a disaster in the making in this instance.

Mayor Hardin is hoping that the City can assure Mr. Burger that this is not the case. Therefore, he encouraged Mr. Burger to meet with Mr. Sfiropoulos on this.

Matt O'Brien, 1600 SW 5th Avenue, Pompano Boulevard Isles, Pompano Beach, FL, asked about the readings of the items taking place because one reading was done already and this is the Second Reading.

Mayor Hardin explained that it was done this way because of the advertising and deadlines and things of that nature.

Mr. O'Brien asked if there will be an additional reading on this.

Mayor Hardin explained that this constitutes the second of two readings, even though it is listed as First Reading. So, this will be voted on as the final hearing.

Mr. O'Brien stated that the City is spending \$17 million and he noticed the clean street placard out there. He would love to see some form of enforcement, because people are blowing their yard waste and everything else into the storm drain systems. Besides, that should be barricaded to be protected from these actions. Notwithstanding, the drains are clogged by these type of actions.

Continuing, Mr. O'Brien understands that a 9 ½ feet diameter pipe running into a pinch point that is located

between the end of 6th Avenue and SW 18th Court, which is the narrowest part of the canal system. It is three fingers that run into one and it happens to be located right next to the C-14 fresh water dam outlet, which is something that has not yet been discussed. First it was said to be 3 inches initially from one pipe and 1 inch from another pipe, which is 4 inches total. However, what is not counted is at the same time the rains fall every community west of Pompano running their fresh water down C-14, and when they open up the dams is when they really get over the wall flow as far as water pressure. So, now the City will be loading all of Lyons Park water into that pinch point where it meets with the C-14 fresh water dam and it would make sense to run it east across South Cypress at least in any of the 3 canals that end right at Cypress. Any easement needed would be minimal at best. Second, if they divided it and split it up so that it is not going through that single pinch point right at the C-14 fresh water dam. Moreover, he does not understand why they would run pipe all the way down 5th Avenue which will exit perpendicular to the wall adjacent or across from it. He would suggest that they run the pipe underneath the Condominium at the end of 5th and 6th Street canal out at McNab, and not tear up the entire street to go perpendicular when it could be kept with a flow out towards C-14 to point it in the right direction.

Mayor Hardin understands the arguments for or against this project but originally the City did look at getting the water to go out across Cypress Road, but an easement could not be obtained for this. He also asked Mr. O'Brien to provide his information so that Mr. Sfiropoulos can also meet with him to provide his facts and figures. They have looked at different options and any questions that he may have will be answered and everyone will get the full knowledge of the ramifications of this project.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if the pipe would be approximately 64 inches wide; however, it was confirmed to be 66 inches.

Mr. Sfiropoulos explained that it will mainly be submerged and it is not a pressurized pipe, it is low gravity and very low flow. There will also be a riprap there to assist with any potential turbidity. He also indicated that there are Pollution Retarding Baffles (PRB), and skimmers that will be installed to stop debris from getting into the canal. Part of the design includes swales that are also going to capture the material before it ends up in the outfall pipe.

In sum, to carry out work for this project will present accessibility challenges initially for the residents, but they will be working to mitigate these issues. They will still provide access to driveways for mail deliveries and garbage pickup.

Mr. Skversky asked if the boat ramp will be for just that one homeowner.

Mr. Sfiropoulos responded it will be for that homeowner only. This is not a public boat ramp. This was built for him in exchange for an easement that was needed for the project.

Comr. McMahon indicated that he is willing to meet with the residents to hear their concerns and will also meet with Mr. Sfiropoulos to see how this will impact the rest of the community. Lyons Park is well under water and floods every tropical storm that comes through. However, the City will make sure that when this is fixed other persons in their communities are not affected. Therefore, everybody will have to work together to figure out a solution and if design changes need to happen they need to happen. This has been an ongoing project for many

years and they have worked with the residents to assure them that they are not creating a negative impact to their community. During the construction there will be a bad situation because this is the result of putting such big pipes in the ground. However, staff has assured that they will work through this with the residents to ensure that major problems are not caused further down the street.

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 roll call vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2021-66

15. [21-566](#) **P.H. 2021-78: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE BUTLER GROUP OF SOUTH FLORIDA, LLC TO PROVIDE SCHOOL CROSSING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: FY 22 - \$782,292.00)

(Staff Contact: Scott Moore)

Scott Moore, Recreation Manager, Parks and Recreation Department, presented the item and stated that this is a First Reading for a service contract with the Butler Group to provide crossing guard services.

There was no public input for the item.

Vice Mayor Perkins asked if this item had come before the City Commission prior.

Mr. Moore responded that the bids came before the City Commission prior.

Comr. McGee indicated at the time the bids were discussed, Comr. McMahon had brought up putting the City's logo on the vests for the guards and asked if that was doable.

Mr. Moore responded yes, they are working on that to get those vests to them.

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

16. [21-580](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **FRANK DESIDERIO** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MARCH 22, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Frank Desiderio, Incumbent - District 5
Harry Diamond, Incumbent - District 3
Woodrow J. Poitier, Incumbent - District 4
Emma Ellington, Incumbent - District 4
Phyllis Smith, Incumbent/Alternate 1 - District 5
Predrag P. Jovanov - District 3
Eve Lewis - District 3
Velma Flowers - District 4
Quenton Thompkins - District 4
Danika Jackson - District 5
Dedrick Watkins - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name FRANK DESIDERIO. Commissioner McGee nominated Frank Desiderio. The motion carried unanimously.

Enactment No: RES. No. 2021-208

17. [21-581](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HARRY DIAMOND** TO THE EMERGENCY

MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2024; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-580 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 HARRY DIAMOND. Vice Mayor Perkins nominated Harry Diamond. The motion carried unanimously.

Enactment No: RES. No. 2021-209

18. [21-582](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WOODROW J. POITIER** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 26, 2024; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-580 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 WOODROW J. POITIER. Vice Mayor Perkins nominated Woodrow J. Poitier. The motion carried unanimously.

Enactment No: RES. No. 2021-210

19. [21-583](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **EMMA ELLINGTON** THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 26, 2024; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-580 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 EMMA ELLINGTON. Vice Mayor Perkins nominated Emma Ellington. The motion carried

unanimously.

Enactment No: RES. No. 2021-211

20. [21-584](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **PHYLLIS SMITH** TO THE EMERGENCY MEDICAL SERVICES 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, 2024; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-580 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 PHYLLIS SMITH. Mayor Hardin nominated Phyllis Smith and Commissioner Floyd nominated Danika Jackson. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Hardin

No: Floyd
Perkins

Enactment No: RES. No. 2021-212

21. [21-585](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DANIKA JACKSON** TO THE EMERGENCY MEDICAL SERVICES 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, 2024; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 21-580 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and insert the name DANIKA JACKSON. Vice Mayor Perkins nominated Danika Jackson. The motion carried unanimously.

Enactment No: RES. No. 2021-213

F. REPORTS

Greg Harrison - City Manager - Corrected Information for Audience to be Heard Speaker - Mr. Harrison corrected the records about the statements made about his office sending the wrong information to Ms. Craig Brown on the morning of June 1, 2021. Specifically, Audrey Suttle in his office sent an email at 8:30 a.m. that morning with the correct information. After the City Manager's Office was notified of the problem, immediately, the corrected information was sent to Ms. Craig Brown. Sandra King, Communications Director informed that there is no link, but rather it was just a phone number that was provided. Everyone else using this phone number did get through that day. So, if it worked for others, staff is unsure why it did not work for one person.

Information on Black Businesses - Mr. Harrison indicated that in the City Commission email and mail boxes, there is a report that staff put together specifically, the Color Bird brochure by Dahlia Baker with regard to Black businesses in Pompano Beach. After looking at the information, Mr. Harrison indicated that he is available to answer any questions that the Commission may have regarding this information.

Trash Cleanup in the Northwest Area - Mr. Harrison stated that on June 10, 2021 in conjunction with the work he has been doing with Vice Mayor Perkins, they have divided District 4 and part of District 5 into grids that will be controllable on one day cleanups. Therefore, on June 10th they will start on Atlantic Boulevard to NW 15th Street and then east of the I-95 and west of Dixie Highway. This will be communicated in the northwest area so people would know that they are coming through and will be hauling everything that they can put out on the curb. They are asked to get out in their yards and pick up all the trash, place them in bags so that they can be picked up from the curb. Also, they will pick up any large items such as refrigerators, washing machines, etcetera.

Birthday Wishes - Mr. Harrison announced that on June 1, 2021, it was Comr. McGee's Birthday and he, along with everyone else, wished her Happy Birthday.

Mark Berman - City Attorney - No Report.

Asceleta Hammond - City Clerk - No Report.

Commissioner Rhonda Eaton - Comr. Eaton stated it is good to be back in-person for the meetings. No Report.

Commissioner Cyndy Floyd - Renaming of Streets/Facilities - Comr. Floyd stated that there are a number of places her Mom would tell her about along Martin Luther King Jr. Boulevard a.k.a. Hammondville Road. However, most of those places are now gone. Therefore, she would like if the City could allow for a easier way to rename streets and facilities after the pioneers, rather than making it harder to do so. For example, she used to hear her Mom refer to places such as the Johnson Taxi Stand and the Esther Bloom Hair Salon and so forth.

Commissioner Andrea McGee - Welcome In-Person Meeting - Comr. McGee welcomed Comr. Floyd

to her first in-person meeting.

Dune Re-nourishment - Comr. McGee thanked Representative Chip LaMarca who was out this last weekend helping with the Dune re-nourishment and planting, as well as ensuring that the new sea oats go in. There will be another Dune Planting this weekend at A1A and NE 7th Avenue. The Audubon Society and the Youth Environmental Alliance are doing an amazing job in helping to re-nourish and build up the City's Dune system and making the beach even more beautiful. Also, they are resilient to storm surges and hurricanes and protecting property and the erosion. There is a litter situation that Mr. Skversky alluded to earlier. Perhaps stricter enforcement could be put in place for littering and to find ways to get people to comply with placing their litter in the trash cans.

Historical Brochure - Comr. McGee stated that she visited the City of St. Augustine and obtained a brochure guide for that City, which has historical points of reference in it and suggested that perhaps the City of Pompano Beach could get together with the Historical Society, and come up with some sort of publication to be available for people visiting the tourism locations or throughout the City. People could pick up these publications from several City locations and learn more about the historical background of the City. In sum, it would be great to expand upon and highlight the history of the City of Pompano Beach. Comr. McGee stated she would provide a copy of the information she has to Sandra King, Communications Director for her to peruse.

Commissioner Tom McMahon - Comr. McMahon stated it is great to be back in-person and it is exciting.

Disenfranchised Resident - Comr. McMahon stated he was concerned to hear earlier about the disenfranchised situation of not hearing the public. He believes every member of the Commission does a great job in communicating with the residents. Therefore, he urged the residents to pick up the phone and call their Commission's offices, or email them all of their questions and concerns. If there is something coming up on the Agenda and they are not able to get signed up in time, speaking to each Commissioner on a one on one basis is just as good as speaking to them in the Chamber at the podium. He reiterated that the residents can call him, email him, and get information from social media which is on the City's website. He said the role of the Commission is to listen to the residents in the City. He is looking forward to having more in-person meetings.

Vice Mayor Beverly Perkins - Roundabouts on NW 6th Avenue - Vice Mayor Perkins stated that since 2016, she has been complaining about the roundabout on NW 6th Avenue. It is not well kept and the landscaping has no flowers. Perhaps if some lights or reflectors could be placed around them so it is better seen at night. Also, the blocks need to be leveled and pressure cleaned.

Clean up of Adopt-A-Street - Vice Mayor Perkins asked City Manager Harrison if he could do something to promote the Adopt-A-Street clean up she had assisted to put in place during the early 90's. For those people who have signs, could we get them to clean up their area once or twice a month, and for those who want a street offer them to Adopt-A-Street as well.

Mayor Rex Hardin - Mayor Hardin welcomed everybody back to in-person meetings. He said this is much better than looking at people on a TV screen. Also, it is good to see people face to face at the microphone.

Financial Audit Report - Mayor Hardin congratulated the City as well as the City Manager and his staff for the financial work that they get done for the City and the great honors achieved. The auditors pointed out earlier, that it is rare for a City to get a completely unqualified opinion, which is a clean opinion. The City of Pompano Beach has had this position for numerous years now. It is truly a testament to a top-notch staff and a well-run City. Again, thanks to City Manager Harrison and congratulations to everybody involved in that financial audit. Great job.

G. NEXT SCHEDULED MEETING

The next scheduled meeting will take place on June 22, 2021 at 6:00 p.m. in the City Commission Chamber.

H. ADJOURNMENT

The meeting adjourned at 3:08 p.m.

DocuSigned by:
Asceleta Hammond
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Asceleta Hammond, City Clerk

DocuSigned by:
Rex Hardin
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Rex Hardin, Mayor

DocuSigned by:
