

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Barry Moss, Vice Mayor

Rhonda Eaton, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Ascelela Hammond, City Clerk

Tuesday, December 10, 2019

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 6:01 p.m.

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Andrea McGee
Commissioner Tom McMahon
Commissioner Beverly Perkins
Vice Mayor Barry Moss
Mayor Rex Hardin

INVOCATION

Reverend James Smith of New Jerusalem Missionary Baptist Church offered the invocation

PLEDGE OF ALLEGIANCE

Led by Ascelela Hammond, City Clerk

APPROVAL OF MINUTES

[20-168](#) Regular City Commission Meeting Minutes of November 12, 2019

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

APPROVAL OF AGENDA

Mayor Hardin announced that item 26 will be postponed until January 28, 2020, and items 24, 29, 44, 45, 46, 47, and 48 will be postponed until January 14, 2020.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that items 2, 6, 7, 11 and 13 would be pulled for City Commission discussion.

SPECIAL RECOGNITION

Mayor Hardin recognized and honored the presence of former City of Pompano Beach Mayor and current Broward County Commissioner Lamar Fisher. He indicated that it was good to have him attending our City Commission meeting and that he is always welcome to join the City's Commission meetings.

A. SPECIAL PRESENTATION**[20-73](#) Presentation of the City's Award of Excellence**

The City of Pompano Beach won the Award of Excellence from the City-County Communications and Marketing Association (3CMA) in the category of Community Visioning or Branding for its G.O. Pompano! marketing campaign. Mayor Hardin presented Sandra King, Communications Director for the City of Pompano Beach with the award.

This matter was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS**[20-128](#) National Day of the Horse**

Mayor Hardin proclaimed December 13th as National Day of the Horse in Pompano Beach. Marcia Kehl, Chair of the Sands and Spurs Advisory Board accepted the proclamation on behalf of the board.

This matter was READ AND PRESENTED INTO THE RECORD.

[20-129](#) Arbor Day

Mayor Hardin proclaimed December 10th as Arbor Day in the City of Pompano Beach. Wade Collum, City of Pompano Beach Urban Forester accepted the proclamation.

This matter was READ AND PRESENTED INTO THE RECORD.

C. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.

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 were called to speak:

Law Enforcement in the Northwest area - Kim Mitchell, 609 NW 8th Avenue, Pompano Beach, FL, expressed her concern regarding the City’s inability to provide a safe living environment for the residents in the northwest section of Pompano Beach. She mentioned that she provided to the Commission a statistic data report of the surrounding cities and the City of Pompano Beach that shows the need for more policing and law enforcement. This report indicates that Pompano Beach has the highest crimes when compared with the surrounding cities. She cited an experience she had previously and when she asked the officer why did it take them so long to respond to her call, she was told that they were short of manpower. Therefore, Ms. Mitchell urged the Commission to make allowances in the budget to allow for recruitment of more law enforcement officers in high crime areas.

Update on Naming Rights of City Facilities - Mike Skversky, 1620 SW 5th Avenue, Pompano Beach, FL, stated that over fourteen months a group was employed to name buildings, paying them \$10,000 per month and asked if they are still employed by the City.

Mayor Hardin clarified that this was about the naming rights for all the facilities throughout the City and directed him to check with Suzette Sibble, Assistant City Manager to provide him with an update.

City to provide jobs to some homeless residents - Mr. Skversky indicated that sod is being laid at the Pompano Beach Community park and enquired as to why the City is hiring a company to lay sod, when there are many homeless people around the City who could be used to do this job at half the price currently being paid to do this job. He indicated that other cities throughout the country are doing this. He said currently there are quite a number of residents in the City that are living from pay check to pay check and can barely make ends meet. Therefore, he suggested that the City should try to get some of these people to work.

Mayor Hardin suggested that Mr. Skversky contact the Human Resources Director, Eddie Beecher to discuss the issue.

1508 North Ocean Boulevard Project - Jeanie Schermesser, Pompano North Beach Alliance Inc., 1620 N. Ocean Boulevard, Pompano Beach, FL, stated that on July 23, 2019, at the second reading, the Commission voted 4-2 to approve the PDI (Planned Development Infill) for the 1508 North Ocean Boulevard project known as the Twin Towers located next to the public beach park. She complained that this project is out of character with the surrounding neighborhood and many local residents do not want it. She indicated that it appears the Commission's minds are already made up prior to hearing the residents' input on the items on the agenda. Nonetheless, Ms. Schermesser indicated that the Pompano North Beach Alliance was and is still against the construction of the Twin Towers project and explained the reasons. She mentioned that the group has started a campaign to stop the overdevelopment of PDI's and urged other residents to support their cause.

Status Report on Dr. Mack's Survey - Dr. Robert Stanley, Pastor, Hopewell Missionary Baptist Church, 3535 Sahara Springs Boulevard, Pompano Beach, FL, on behalf of a number of pastors thanked the City Manager Greg Harrison for making the Citywide revival a success and for waiving the cost. He indicated that recently he was asked about the survey done by Dr. Wilhelmina Mack. He recalled that the dais had agreed that the results from that survey would be implemented. There were concerns whether Dr. Mack should do it as opposed to City staff doing it. The conclusion was that the staff would execute the results of the survey. Therefore, he enquired about which staff member has been assigned to the survey, as well as the status of where they are in executing the results.

Mayor Hardin confirmed that the City Manager has been acting on parts of the survey. Actually, at the last Commission meeting some contracts were approved for certain street lighting in two different neighborhoods, which was part of Dr. Mack's report to improve the lighting. As it relates to other items from the report, he would defer to the City Manager to respond on this. Therefore, he suggested that Dr. Stanley meet with the City Manager to get an explanation on who is doing what.

Dr. Stanley indicated that one of the things surrounding the survey was that this is not one of those surveys that was not going to amount to anything. The reason would be because the City was responsible for executing it, and that it would not be filed in "file number thirteen," which he was assured then that it would not. If no one is assigned to implementing the results then it would appear to be filed in file number 13.

Mayor Hardin explained that the City Manager is ultimately responsible as he answers to the Commission. However, there is staff that he directs and they take care of various items. The lighting project that he mentioned earlier is one of such results.

Dr. Stanley referred to some of the residents that were standing with him in agreement, they are all concerned about what they are hearing tonight because there are no definite details being communicated.

Greg Harrison, City Manager, indicated that there are numerous staff members that has been assigned projects that originally got started from the strategic plan that "this body" put together prior to Dr. Mack's study, which some of the things that are in that study are duplicates of what was already in the strategic plan. In addition, a number of these projects do take time to execute. Nevertheless, he will be glad to sit down with him and his

group to go through and give a report on what is being discussed.

Dr. Stanley indicated that perhaps a monthly report of the status of the survey results would be in order. He said the residents present with him are a fraction of the people who were involved in the survey and there are many others who were involved that have expressed their concerns regarding this issue.

Mayor Hardin indicated that they will request a report from the City Manager on this issue and Dr. Stanley would be included with the response. He indicated that parts of the report are being acted upon.

Comr. Perkins indicated that several people have contacted her on the same issue. She is aware that the City is doing quite a few things in the northwest district. However, they are not seeing or feeling it and the community wants results. Some of the same problems discussed at the time of the survey, such as prostitution is still taking place. Therefore, she supports Dr. Stanley's suggestion to get a monthly report to determine what is being done, and the completion of the results of the survey of what the residents want to see changed or improved in the community.

Update on 2020 Census - Andy Cherenfant, Chair Local Count Committee, 43 S. Powerline Road, Pompano Beach, FL, provided a brief update from the Local Count Committee, which was appointed in regard to the 2020 Census for the City of Pompano Beach. They held six public meetings to date. They have reviewed the census data from 2010 and identified areas in the city that have been designated difficult to enumerate where the results and response from the census were extremely low. In addition, the committee has been identifying community leaders and trusted voices within the hard to reach community areas to get the message out that the information submitted on the census is protected and secure. Moving forward, the community will be focusing on the census completion, the marketing plan include printed materials from the official census website to be placed at the community centers throughout the City. Also, advertisements will be done regarding the census and the upcoming issues in the Tradewinds and local community media. The distribution of information materials to the diverse communities will be held throughout the City, and a website has been created with information about the 2020 Census. The website is pompanobeachfl.gov/census2020. He urged the community to be on the lookout for postcards inviting everyone to respond to the census between March 12 - 20, 2020, all residents are asked to participate in this.

Finally, Mr. Cherenfant announced that they do have monthly meetings held in the City Commission Conference Room every first Monday of the month at 6:00 p.m. and urged every resident to come out to the meetings to assist in how they can get the word out to the various communities.

G.O. Bond issue - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, complained that the taxpayers are put at \$325 million in principal and interest for debt in the next 30 years with the G.O. Bond. He mentioned that the City Commission had mentioned that the City would educate but not advocate for the "economic debacle called the G.O. Bond." He opined that the marketing award the City received earlier confirmed that the G.O. Bond issue idea was sold to a small number of voters to put the City into 30 years of debt to spend on projects some he considers not useful. Therefore, he urged the Commission to educate not advocate for the March election, and suggested that the residents vote no on all items.

Overdevelopment in the City - Mr. Terwilliger complained about the unwise overdevelopment by placing

large number of housing units on small parcels of land, which is harming adjacent homeowners and stressing the City's infrastructure. He mentioned that the Pompano North Beach Alliance is trying to assist in preserving the City as the master planners had envisioned it and zoned accordingly. Therefore, he urged Hidden Harbor and Palm Aire residents to take note, as their neighborhoods could be changed forever. Also, he asked these residents to reach out to the Pompano North Beach Alliance for assistance to challenge the zoning being proposed, which are imposing upon the taxpayers.

Overdevelopment Issue - Thelma Sonler, 215 NE 24th Avenue, Pompano Beach, FL, complained that what is being done to the City is "horrible." She indicated that they do not want to live in a canyon. They want to have green grass and trees not cement and asphalt and millions of cars.

Reuse Water - Ms. Sonler enquired about the reuse water as she understands that she does not have to get hooked up because her house was built in the fifties. Since she does not have the hook up for it, she should not be required to pay for the service.

Mayor Hardin explained that this is an availability charge.

D. CONSENT AGENDA

Items 1, 3-5, 8-10, 12. and 14 were Approved/Adopted without City Commission discussion.

1. [20-141](#) Jesus Lebron is Requesting to Transfer Ownership of Block 6, Lot 30, Plots 3 & 4, to the City of Pompano Beach.
(Fiscal Impact: \$5,359.62)

(Staff Contact: Robert McCaughan)

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

2. [20-126](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NW 17TH STREET BETWEEN NW 7TH TERRACE AND NW 5TH AVENUE TO A DUAL DESIGNATION OF NW 17TH STREET AND SCOTT STREET WITH NW 17TH STREET TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$500.00 provided by requester)

(Staff Contact: Robert McCaughan)

Mayor Hardin pulled the item for City Commission discussion. He was unsure if any member from the family

was present. However, he received a letter that was emailed to him earlier today, from the Scott family street naming, which he read into the record.

“Thank you for honoring our family with the renaming of 17th Street to Scott Street. The Scott family can document being the first family to move into the subdivision of Liberty Park Estates in November 1960. The Scott family has maintained the residence there as the children all grew up and many moved away. The matriarch of the family, Ms. Lilly Beatrice Brown-Scott, continues to reside there at 510 NW 17th Street, it remains the family home for gatherings throughout the years and over the past 59 years. Seven children, fifteen grandchildren and five great grandchildren consider 510 NW 17th Street to be the site of their family home and it will remain so far into the future. We cherish our longtime neighbors like the Adams, Spencers, Hunters and Reids who have also made this street their home for many years. We are honored to be able to establish this legacy for present and future generations of Scott to be proud of. Sincerely, the Scott family.”

Ed Phillips, 340 NW 19th Street, Pompano Beach, FL, stated that he has seen Ms. Scott through the years originally from Blanche Ely High School, where she worked in the cafeteria. She is currently a member of the Mount Calvary Baptist Church and she has been part of some of the other churches in the area. She is a beloved person, a hard-working individual and she has a heart of gold. Therefore, he commended the City for recognizing an individual such as Ms. Scott.

Comr. Perkins asked Ms. Lilly Scott to stand to be recognized as one of the pioneers of the City and thanked her.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-69

3. [20-156](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, ACCEPTING A GRANT IN THE AMOUNT OF \$184,000 FOR AN AIR PARK ACCESS ROAD AND SECURITY GATE, AND CONFIRMING THE CITY’S CONTRIBUTION IN AN AMOUNT OF \$46,000; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$46,000)

(Staff Contact: Robert McCaughan/Steven Rocco)

Enactment No: RES. No. 2020-70

4. [20-161](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO SUBMIT GRANT APPLICATIONS IN AN AMOUNT NOT TO EXCEED \$15,000.00 TO BROWARD COUNTY, FLORIDA, COASTAL DUNE GRANT PROGRAM, FOR THE PURPOSE OF OBTAINING FUNDS FOR THE PURPOSE OF PLANTING VEGETATION ON THE BEACH FOR SAND DUNE RESTORATION; CONFIRMING THE CITY'S CONTRIBUTION IN AN AMOUNT NOT TO EXCEED \$15,000.00; AND, IF AWARDED, AUTHORIZING THE CITY MANAGER TO ACCEPT THE FUNDS AND EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Up to \$15,000)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2020-71

5. [20-107](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO PIGGYBACK OFF THE GSA SERVICE AGREEMENT FOR INFORMATION TECHNOLOGY EQUIPMENT, SOFTWARE AND SERVICES CONTRACT NO. GS-35F-408AA, AND APPROVING AND AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE THE SERVICE AGREEMENT FOR SOFTWARE SUBSCRIPTION AND IMPLEMENTATION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND E-BUILDER, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$190,931.03)

(Staff Contact: Matthew Kudrna/Tammy Good)

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

Enactment No: RES. No. 2020-72

6. [20-103](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO

BEACH AND THE DISTRICT BOARD OF TRUSTEES OF BROWARD COLLEGE,
FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Earl Bosworth/Dahlia Baker)

Mayor Hardin pulled the item for City Commission discussion, as well as Comr. Perkins for Ed Phillips.

Mayor Hardin indicated that he thinks this is a great item for the City of Pompano Beach. Also, there were representatives from Broward College who wanted to inform the City about this wonderful partnership that they are about to embark upon with the City.

Earl Bosworth, Assistant City Manager, introduced President Gregory Haile from Broward College.

Gregory Haile, President, Broward College, thanked the Commission, as well as County Commissioner Lamar Fisher for the opportunity to bring, what he thinks is the best opportunity for people to transform their lives, and that is through education. He provided a brief background of his position with Broward College, for the past eighteen months when he started with the college. He mentioned that the college faces a few challenges such as transportation, technology, for people to find time to go to post-secondary education, and perhaps the most challenging, to change the possibilities, which a number of people do not believe exist. Mr. Haile provided a brief overall picture of what the Broward College hopes to achieve as it relates to providing post-secondary education in regions within the County that needs it most. So, with the collaboration of agencies such as the City of Pompano Beach, they will be able to provide these services.

Continuing, Mr. Haile provided statistics that indicate the areas of greatest need for this level of education. He mentioned how they have developed a number of partners to assist with providing the necessary post-secondary education needed within Broward County, and how they have decided to utilize the resources available and overcome the challenges of acquiring ideal locations, without constructing buildings that are essential to reach those regions that are requiring the educational service. There are agencies such as the Boys and Girls Club, the County libraries, the YMCA, Broward County Housing Authority, and the Jack and Jill Children Center. In addition, they added eight locations in the heart of those communities within the municipalities.

Mayor Hardin expressed appreciation for all that Broward College is providing to assist the residents within the City's boundaries.

Comr. Perkins indicated she had pulled the item for Ed Phillips.

Ed Phillips, Pompano Beach, FL, stated that he realizes the item could be helpful to the communities and so he thanked Comr. Perkins for pulling it. He indicated that there are a couple of concerns specifically with those residents earning \$20,000 per year or less, they would need the ability to work and get paid or some scholarship component infused into the program. In addition, the in-reach part of what Mr. Haile is trying to do. There are people within the City that is constantly in contact with various component of the City's residents. Dahlia Baker, Sharon Stone-Walker, Reverend Rich, Dexter and others who have been working within the communities on various opportunities should be contacted to assist the City with this type of program. Crime and some homelessness can be reduced by putting these people to work and to give them an education. So, through this program it is important to determine what kind of scholarship can be offered, as well as what type of training or certification programs or workshops that can be designed for some of these people. Nevertheless, he believes the partnership program is great for the City.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, stated that she has mixed feelings of disappointment and excitement at the same time with the numbers presented by Mr. Haile. She is excited that the program will allow people the opportunity to go back to school, which will allow them to obtain a great job. Ms. King suggested that Broward College work closely with the advisors of the mini schools that is in the surrounding areas to get a grasp on those students prior to getting out of school, to let them know they can go to college even if they do not have the money. Therefore, it is incumbent on everyone to change these negative statistics that loom over the communities. The way to do this is to offer people hope and an opportunity for a better job and better living in the City of Pompano Beach.

Kim Mitchell, 609 NW 8th Avenue, Pompano Beach, FL, stated that everything mentioned earlier is good, however, she has worked in the education system for over thirty years and the problem she sees is reaching the children getting out of high school. She indicated that not everybody is "college material." The ones that are not college material are the ones that seem to end up on the streets selling drugs or doing something else. Therefore, they need to determine how they can go into the high schools to get them to college.

Mikelange Olbel, Pompano Beach, FL, stated that as a resident of Pompano Beach he appreciates this kind of initiative from Mr. Haile. So, as the Executive Director of Community Based Connection, he offered their services and asked that they allow them to assist with the beacon of hope for the community.

Vice Mayor Moss believes this is a wonderful program and encourage them to keep moving forward. He enquired as to where the numbers came from about 33% of people in zip code 33069 having post-secondary education.

Mr. Haile responded from the Florida Career Access Network (FCAN), which uses the census tracking, taken ten years ago.

Vice Mayor Moss is surprised about the numbers because of the 15,000 people who resides in Palm Aire, with zip code 33069, of which approximately 90% of them have post-secondary education.

Comr. McGee asked if they would get the students ready for job placement and would go through the entire process for that.

Mr. Haile responded yes and explained that they want to get to a point where they could bring in the business community as well because they want to get to a point to determine what jobs could be tied to the backend of this. They will have workshops, workforce training, resume development, and things that are fundamental to ensure students are prepared.

Comr. Eaton stated it is an innovative step without having to build buildings, instead they are utilizing municipalities, such as the City of Pompano Beach, infrastructures, civic buildings, etc. and she will be happy to support it.

Mayor Hardin indicated that he pulled the item to highlight it because this is a fantastic idea. In addition, the people who interact and work with the residents within the community such as Dahlia Baker, Sharon Stone-Walker and so forth, will be a great resource to assist in this effort. He appreciates the effort being put forward in this regard and look forward to the partnering, which will make it all happen.

Mr. Haile indicated that as it relates to the cost, in year one they were able to serve 689 individuals and for year two they have added 300 additional individuals which will be at no cost to the individuals. They will continue to work on partnering with high schools, the Boys and Girls Clubs, and all types of organizations that have a multi-generational impact model as well, and there are several more that time did not afford him to go into at this time.

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

Enactment No: RES. No. 2020-73

7. [20-137](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, TO PROVIDE A PROGRAM COORDINATOR AT BLANCHE ELY HIGH SCHOOL TO ACQUIRE AND OVERSEE THE ACQUISITION OF PAID INTERNSHIPS FOR 11TH AND 12TH GRADE STUDENTS TO FULFILL NATIONAL ACADEMY FOUNDATION COMPLETION REQUIREMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$33,000.00)

(Staff Contact: Erjeta Diamanti)

Comrs. Perkins and McGee pulled the item for City Commission discussion.

Comr. Perkins indicated that the idea is great but enquired about the process of getting to this point.

Erjeta Diamanti, Budget Manager, responded that this is a non-profit organization. The School Board had applied through the non-profit sponsorship program through the \$300,000 that the City Commission approved to distribute to the non-profits that serve the City of Pompano Beach residents. Therefore, this is the last contract that the City Commission will approve for that particular application. She explained the timeline that the School Board took to review the contract; therefore, this was not ready in October.

Comr. McGee also thinks this is a great idea and she enquired why the School Board is not paying for this service, as they seem more appropriate to do so.

Ms. Diamanti explained that the program is eligible and the School Board applied for it. Therefore, the scoring committee that reviews all applications found this program to be useful for the children in the Blanche Ely High School and recommended staff process the application for City Commission's consideration and approval.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, spoke in disagreement regarding the City providing funds for this program for the School Board and expressed his reasons for disagreement. Therefore, he agrees with Comr. McGee that this action appears to be "backwards" because the school board should fund its own programs.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, spoke in favor of the City providing this type of funding to the School Board and provided his reasons for the City agreeing to assist the children.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, spoke in disagreement regarding the City providing funds for this program and provided his reasons for disagreement.

Doug Gordon, 525 N. Ocean Boulevard, Pompano Beach, FL, enquired if Blanche Ely High School has Guidance Counselors.

Mayor Hardin responded he is unsure but most schools do have these counselors.

Mr. Gordon spoke in disagreement regarding the City providing funds for this program and provided his reasons.

Mayor Hardin indicated that the budget year commenced on October 1st so this item appearing at the end of the calendar year has nothing to do with spending of money.

Comr. Perkins expressed concern with the Broward County School Board as to how they are treating Markham Elementary School, which is located in her district. The school has been needing a roof for over fifteen years. She was told by the principal that the way to bring the grades up for the school is the ability to place the children in other classrooms as currently the roof is leaking and a large amount of students have to be placed in one classroom. Nevertheless, this is a good program and she will support it. However, her concern is the process in which this is executed and urged staff to communicate better with the district commissioner on

projects similar to this, because she did not know anything about this until she saw it on the agenda.

Vice Mayor Moss asked at the time the decision was made regarding the non-profits did staff publish those contracts that would be awarded.

Ms. Diamanti responded yes and that the contracts being recommended were described in the backup of the item on the October agenda.

Comr. McGee understands this process is new this year, and there is a learning curve involved as it relates to ranking and approving the non-profits. However, she wanted to reiterate that this appears to be a backward flow and a sort of double dipping from the School Board and it is something she believes the City should not be paying for.

Mayor Hardin enquired whether the School Board pay for this particular service in other schools within the County.

Ms. Diamanti responded she is unaware of this action and this information was not provided in their application.

Mayor Hardin requested that staff research to determine whether other schools are participating in this type of program provided by the Broward County School Board.

Comr. Perkins indicated that during the budget process a lot of information is brought before the Commission regarding the non-profits. However, the next time items similar to this is coming before the Commission, she requested that staff make her aware of it. Additionally, Comr. Perkins mentioned that she would desire to see an educator overseeing this type of project to ensure it is in line with what they are trying to do.

Mayor Hardin understands the program is about paid internships for high school kids. Therefore, if the name "Broward County School Board" was taken out of the equation and put in another non-profit organization's name it would still be the same service. Therefore, the funds cannot be used for other purposes such as fixing a roof of a school.

Comr. Eaton indicated that she can see both sides of the equation and this is the first time that the City Commission has this item coming before them for consideration and approval. She concurs with the Mayor's rationale that if this was under some other title name it would be great given what was passed prior regarding "Broward Up." Therefore, she would support the program that is assisting children who need the service.

Comr. McGee agreed it is a great program and if it was done under another philanthropy agency it would be acceptable. However, her concerns is that this item being a subset of Broward County School System, which is already paid for by taxpayers, another philanthropy agency would not have received funds yet for the services. Therefore, "a can of worms would be opened" where once this is done others would follow. Consequently, Comr. McGee made a motion to postpone the item until answers more specific are obtained. The motion died for lack of a second.

Vice Mayor Moss indicated that if the City Commission do not vote on this item then the program would not

happen and the people who will get hurt from this would be the children who need this type of service.

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

Enactment No: RES. No. 2020-74

8. [20-138](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN APPROPRIATIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY SHERIFF'S OFFICE TO SUPPORT THE SUMMER G.R.E.A.T PROGRAM IN PREVENTING YOUTH VIOLENCE, GANG PARTICIPATION, ANTI-BULLYING AND THEIR LEGAL CONSEQUENCES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$15,000.00)

(Staff Contact: Erjeta Diamanti)

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

Enactment No: RES. No. 2020-75

9. [20-131](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SIDEWALK EASEMENT AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

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

Enactment No: RES. No. 2020-76

10. [20-164](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF LIENS BETWEEN THE CITY OF POMPANO BEACH AND 7TH CAVALRY CORPORATION TO RESOLVE CITY'S PENDING FORECLOSURE ACTION AGAINST 608 MARTIN LUTHER KING JR. BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,862.50)

(Staff Contact: Fawn Powers)

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

Enactment No: RES. No. 2020-77

11. [20-169](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TEMPORARILY OFFERING A PERIOD OF PARTIAL AMNESTY FOR CODE ENFORCEMENT LIENS AND SETTING A REDUCTION FORMULA AND SCHEDULE FOR PAYMENT OF ACCRUED CODE LIENS; SETTING REQUIREMENTS FOR PARTICIPANTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Approximately \$2,000 for letter notification to property owners.)

(Staff Contact: Andrew Jean-Pierre)

Comr. Perkins pulled the item for City Commission discussion. She indicated that she was happy to see the item on the agenda and enquired about the plans to offset the cost for liens.

Andrew Jean-Pierre, Finance Director, responded that staff is recommending that the City Commission authorize the program. This program was done approximately ten years ago, and at that time 496 property owners participated in it. Approximately 420 owners actually brought their property into compliance during that time. He provided a detailed explanation on how the process would work.

Mayor Hardin recalled at the time this was done, the City wanted to create a sense of urgency so people would get their property in compliance, which is why the program exist.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, indicated the program was done in 2010, and recalls approximately one thousand cases were processed in the City of Pompano Beach that amounted to over \$1 million in fines, which Mr. Jean-Pierre confirmed as correct.

Mr. Skversky enquired about the area with the most violation. He was referred to contact the Code Enforcement Department to provide him with that information.

Comr. Perkins enquired whether this would be advertised on the City's website, newspaper, and so forth so the residents would be aware of the program.

Mr. Jean-Pierre responded yes, and that staff plans to advertise in the various media, as well as mail out notices to property owners with an open lien. In addition, if the addresses are hard to determine they will utilize social media to get the word out.

A motion was made by Vice Mayor Moss, seconded by Commissioner

Perkins, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Enactment No: RES. No. 2020-78

12. [20-158](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCPETING THE CONVEYANCE OF REAL PROPERTY FROM E.G. BROWN LLC, TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan)

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

Enactment No: RES. No. 2020-79

13. [20-84](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MARQUIS PARTNERS, LTD. TO BUILD A 100-UNIT AFFORDABLE HOUSING DEVELOPMENT AT 1850 DR. MARTIN LUTHER KING, JR. BLVD., TO PROVIDE FINANCIAL ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$607,750 IN THE FORM OF A \$407,750 GRANT AND \$200,000 LOAN WITH RECAPTURE PROVISIONS AND TO ACCEPT THE DECLARATION OF RESTRICTIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$607,750 NSP Funds)

POSTPONED FROM NOVEMBER 12, 2019

(Staff Contact: Vince Wooten)

Comr. Perkins pulled the item on behalf of Ed Phillips for City Commission discussion.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, expressed concerns about growth in the City and that smart growth is not given much attention. He mentioned that once the MLK Boulevard corridor was considered an "Education Corridor." However, he would not like it to become a "Concrete Corridor," which currently, it appears to be turning into one. He believes the area should be kept as a residential community with affordable housing, rather than a multi-family housing and the City should redefine affordable housing. He is not against the project, but he is against the building of multi-family housing. He indicated that someone in the County has a "wheel" which does not need to be reinvented, which could assist the City with defining affordable housing for working people.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, enquired if this was the City Commission

approved project located next to the Broward Sheriff's Office (BSO) substation on MLK Boulevard. He spoke in support of the project.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, enquired about the definition of affordable housing as mentioned in the backup material. It indicates there will be "100 units of affordable housing." Therefore, he wanted to know the dollar amount attached to the affordable housing.

Vince Wooten, Program Compliance Manager, Office of Housing and Urban Development, responded that under this development agreement, the threshold is an average of sixty percent of area median incomes, which is how they will maintain affordability and with a restrictive covenant agreement.

Jasmin Baldwin, 2100 Hollywood Boulevard, Hollywood, FL, developer representative, stated that the units that will be developed would be affordable for a fifty-year term based on the financing they are receiving from the state and the county. At lowest, there are some units being underwritten for 30% of AMI and 10% of the units will be allocated to extremely low-income populations. Additionally, the one bedroom for a 60% unit is averaging at \$886. The two bedroom units, which there are 44 units, rent will be \$1,066 for the sixty percent units and \$347 for the 30% units, which will be rented to extremely low income residents. The income limits will depend on how many occupants are in the household. The range for extremely low-income units renting at \$286 to \$400. The maximum income for that household for one person is \$17,700, and for the 60% units not listed, is close to \$35,000 for one person.

Jeannie Schermesser, 1620 N. Ocean Boulevard, Pompano Beach, FL, complained about the type of developments happening in the City and voiced her disagreement with the developers' plans.

Comr. Perkins stated that she will support the project, but pointed out that this is not a housing project for seniors. She indicated one of the reasons they planned the senior activity center to be located there was to accommodate the senior housing planned for the area. In addition, because of the project the current substation will be torn down and moved to the Collier City area on NW 27th Avenue. Therefore, she is requesting that the City Manager find a location and funding to replace the substation in District 4.

Vice Mayor Moss enquired if the project is opened to any one of any age to reside in the units.

Ms. Baldwin, replied yes and it would be defined as a family development. They are targeting populations 55 and older as there is a broader market instead of limiting it to 62 and older.

Vice Mayor Moss asked if someone 24 years old and living by themselves could rent one of the units, to which Ms. Baldwin replied yes, "they would not be restricted."

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-80

14. [20-170](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATION OF A NOT TO EXCEED AMOUNT OF FIVE HUNDRED DOLLARS (\$500.00) FOR THE HOLIDAY PARTY AND DINNER CO-SPONSORED BY COMMISSIONER EATON AND THE CRESTHAVEN CIVIC ASSOCIATION, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to Exceed \$500.00)

(Staff Contact: Greg Harrison)

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

Enactment No: RES. No. 2020-81

E. REGULAR AGENDA

15. [20-90](#) **P.H. 2020-12: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.03, "WATER TARIFF," TO PROVIDE FOR INCREASES TO RATES AND CHARGES FOR WATER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM NOVEMBER 12, 2019

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating that each year the City's rate consultant conducts rate analysis of the Utility, for stormwater, wastewater, reuse and drinking water. As these analyses are done each year, they work to ensure that the utility is paying for itself and for the services it provides to our customers. These customers include City of Pompano Beach, City of Lighthouse Point and City of Lauderdale-By-The-Sea. As the rate analyses are done and plans made for Capital Improvement Projects (CIP) and the work done, they plan for sustainability, long-term provisions to ensure services needed are in

place, they are dependable and reliable when needed. In addition, those customers that have economic difficulties are considered as the rates are developed. Finally, he indicated that the rate consultant, Elaine Conti from Raftelis Financial Consultants, Inc. (RFC) would make a presentation that will include items 15, 16, and 17.

Elaine Conti, Raftelis Financial Consultants, Inc. mentioned that she appeared before the Commission in the year 2017, when they looked at a five-year planning period. At that time, the rates previously presented to the Commission was approved. This was 4.25% for water for a five-year period per year, reuse water was 4.25%, and wastewater was 3%. She indicated that across the nation water rates increased approximately 5% annually over the past two decades and wastewater at 5.5%.

Ms. Conti indicated that they are requesting a modification to those rate adjustments for several reasons, which she pointed out how they relate to Capital Projects on the water and wastewater systems. A copy of the presentation is attached as Exhibit 1.

Jerome Susduski, 101 NW 21st Street, Pompano Beach, FL, complained that the water rates are high and the pressure is getting lower. It is costing him too much to water his lawn. However, he is pleased to reside in Pompano Beach.

Mayor Hardin advised if anyone is experiencing water pressure issues at their homes or facilities, feel free to reach out to the public utilities staff so they can check into it to determine what problems exist. He urged the residents not to hesitate to let staff know about problems with the water pressure or sewer system.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, commended the Utilities department for doing a tremendous job. At least, the City is not experiencing some of the issues other cities are dealing with especially the City of Fort Lauderdale. However, he questioned the projections and asked if these are for future development or current use by current customers.

Mr. Brown responded that the revenues expended would be towards the C-51 reservoir, or for the current and future needs of the public.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated he is pleased they are addressing the cost. He enquired whether the increase of \$5.64, is per week or per month.

Ms. Conti responded that it is per month for someone using 8,000 gallons per month.

Mr. Thrower urged the City Commission to consider the seniors who are on fixed income and to ensure that they would not have to choose between paying for their medication versus paying for their water supply.

Mayor Hardin indicated that he had prior discussion with Mr. Brown about potential assistance for those who cannot pay these bills. Currently, the City is exploring different ways it can assist those residents experiencing problems to pay their water bill.

Mr. Brown indicated that later in the meeting he would provide the various centers where the City's customer

service representative can recommend residents to go for assistance.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, asked if the consultant was referring to the Enterprise Fund as the fund balance.

Ms. Conti responded that it is the water, sewer, and reuse Enterprise Fund.

Mr. Phillips concluded that perhaps the City Commission should rethink raising the rates this year.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, understands rates will go up every year for things such as water and sewage, but the numbers presented are alarming. He then asked a number of questions as to what caused the increase of capital expense over time.

Mr. Brown indicated one of the major things they had to work on was one of the deep wells that collapsed on the inside and it had to be replaced.

Doreen Wallen, 954 NE 26th Avenue, Pompano Beach, FL, stated that her water usage is 5,000 gallons and she is paying \$102.58, to include paying for the reuse water. She enquired about the excess money that people pay for access to the reclaimed water, although they do not use it. She suggested that the City look at alternative measures such as desalination with the salt water rising.

Mayor Hardin indicated that this is an expensive process and hopes the City would not be faced with that alternative. In addition, he clarified that reuse water is paid for only in the areas that it is being utilized.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, pointed out that on the five year projected amounts there is an increase of 4.25% as a baseline. In 2018, inflation was only 2.8% so this is a net gain of approximately 1.5%, which is raising the rates above inflation. He suggested that citizens who are paying and need to pay the current rates by changing the mathematical formula that would be adjusted to take the pressure off the current customers. Therefore, the impact fees could be increased for all of the new construction, and to raise it significantly so the new development pay for the infrastructure that they will be utilizing, in addition to what the current residents have already paid for. In sum, let the impact fees pay for all the new charges and let the current water rates for the local citizens stay the same.

Natasha Grant, 1931 NE 1st Terrace, Pompano Beach, FL, asked if the rates are increasing by \$5.00 next year and in 2021 would be increased by another \$5.00.

Ms. Conti responded that is correct.

Ms. Grant spoke at length of the reasons why she does not agree to the increased rates.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked about how many people work in the water department and he was told 117. He understands that the biggest waste in the City comes from the water department; hence, he suggested that salaries could be cut from the water department by 25%, which could pay for the increased costs. In addition, there is reference of a \$1.3 million for Old Pompano Infrastructure,

which was on the G.O. Bond issue and asked why the current presentation has included it.

Horacio Danovich, CIP & Innovation Director, explained that the Old Pompano project was not in the G.O. Bond Issue. The project was partially funded through the Capital Improvements program. The Utilities department was asked to contribute towards the improvements that were made for the utilities to improve water, sewer, drainage, and so forth.

Mr. Borden asked if the debt service component side was up 54% and requested an explanation for it.

Ms. Conti indicated that it was a “pass through from Broward County,” and explained the process of debt payment components. In sum, the City receives a bill from Broward County that must be paid for wastewater.

Mr. Brown further provided a list of Broward County’s investments being made to their reuse treatment system that they are selling to other cities and Palm Beach County. The increases were communicated to the City in September 2018 and September 2019.

Flora May Latham, 1516 NW 7th Terrace, Pompano Beach, asked if the water is treated. Mr. Brown indicated that they sent out an educational brochure on the backflows and the importance of a backflow device if you have one. If a resident does not have one it is not an issue. She indicated that she is on low fixed income and cannot afford the increases in the water, sewer and reuse fees.

Jeannie Schermesser, 1620 N. Ocean Boulevard, Pompano Beach, FL, disagreed with the increases and mentioned that with overdevelopment, more stress will be placed on water and wastewater usage. She encouraged the Commission and staff to think about everything instead of item by item, and to think holistic, and sustainable development.

Jack Burnworth, 221 SE 12th Court, Pompano Beach, FL, stated he received a similar notice regarding the backflows in the City, which is owned by the City. Residents should be mindful of what the City must do to keep the integrity of the water and wastewater services.

Mr. Brown explained that it was an educational notice regarding the backflow explaining how they are maintained and who pays to maintain them. It is a proactive action taken by staff to ensure that no cross connection issues are experienced, which could shut down the City’s operation for days, as experienced in Galveston, Texas.

Mr. Brown provided information for those residents who are experiencing financial difficulty on how they could get assistance to pay their water bill. He mentioned that the City’s customer service representatives refer users to other charitable organizations, and they make payment plans for those residents who cannot make the initial payments to keep the water on. In addition, they refer residents to Family Success Centers, as well as 211 Broward. Most recently, the City staff has been studying other cities who have a “round up program” where a customer who participates in this program can round off paying their bill. For example, a bill of \$22.50 can round off and they pay \$23.00. The funds collected through this program would be put towards a charity that would save the money and distribute it to those customers that are in need. Currently, this is being studied to determine the availability of the software to make this happen.

Comr. Eaton recalls at the beginning of the year when the Force Main was broken, and she realized what had happened, as well as the magnitude of fixing it and getting it fixed, shows what a great country we live in. In addition, to have the luxury to turn on our taps freely and have water to flush out toilets, and so forth, which is dependable with a great deal of confidence, as well as knowing the water supply is being protected. Most recently, there have been talks about sea level rises and salt-water intrusion, which is crucial to the City's operation and maintenance of our water supply. She concluded that the City will never make people go without water for those who cannot afford the increases, but the increases have to be done to keep the City's potable water supply and to protect the aquifers by the use of the reclaimed water. Water is essential for life, and if a resident can afford the extra dollars to irrigate his/her lawn with reclaimed water this would assist in saving the planet and the wells in Pompano Beach.

Comr. McMahon stated he received phone calls in reference to the increase in fees. However, once he had a meeting with the department and understood the need for the increase, it was clear that it was something that had to be done. He suggested that the department could have educated the public more on why and how this happened by a video or some sort of educational tool. The \$7.7 million expense is quite a big expense to take on. Therefore, communication to the residents on how the City arrived here, and that the rates will be decreased over time, all needed to happen much better than it did. The other expense of \$1.3 million for Old Pompano infrastructure, the \$325,000 for Habitat, and the unforeseen increase from Broward County of 26%, which the City has no control over their billing, as well as treatment of the sewage all contributed to the increased rates. He understands the need for the increase and therefore, he will support it.

Comr. McGee agrees with Comr. McMahon regarding educating the public. She has taken the advantage of a learning curve to know what the infrastructure is like from the Utility department. Going through different forums with other cities and throughout the state, the City is proud of its utility department. In fact, they just received an award for the reuse program. At the ceremony, it was mentioned that the City put through over 22 billion gallons of water through the reuse plant. In addition, when you witness the salt intrusion line you can see specifically where Pompano Beach is taking a proactive stance to try to keep the salt water from coming into the wells. So perhaps, it would be good if staff could increase outreach through the City's website to the residents, so they can see how proactive the City is to maintain a quality of life, as well as being in the forefront of providing water supply services.

Continuing, Comr. McGee indicated that she has attended multiple meetings where Pompano Beach has been singled out for how well its infrastructure is maintained, and how forward thinking we are, which the City could "gloat" a bit about.

Mayor Hardin agreed that the City should "gloat" as Pompano Beach has a great water and sewer system and Enterprise Fund to do a great job for the residents. He thanked Mr. Brown and City Manager Harrison for all the efforts they have made.

Mayor Hardin enquired what would happen if the Commission decides they will not raise the rates and to keep it same.

Mr. Brown responded that the City would be unable to purchase the water rights to the C-51 canal, where the

City is looking for its sustainable future supply from the west because of salt-water intrusion. In addition, the City would be in violation of its own code for not replenishing the reserves in the system, which serves in times of emergency. As well as, the City would be unable to pay its bills to Broward County. Finally, all the pipes and equipment would degrade if the employees were unavailable to maintain them.

Mayor Hardin mentioned that there was an interesting suggestion of raising rates on new developments, which they would pay all the increased bills, and wondered if that is legal to do.

Mark Berman, City Attorney, responded that most likely not. He indicated that the new developments have to pay impact fees and their share of the impact they have on the water and sewer systems, as well as other systems. As far as the rates they pay, it should be congruous with the rest of what the City pays. The answer then is yes and no.

Mayor Hardin stated he is concerned about the information shared by a prior speaker about the social services process applications. People do need help and when they reach out for help they are limited to once every six months. He mentioned that the City should be more sensitive to those who need help and something should be put in place to monitor and to determine what the needs are. While it is a difficult number to come up with, staff needs to consider this. Prior to the City engaging in the round up program, Mayor Hardin suggested that perhaps the City could set up a meeting with the County to see whether any of their programs could help those residents that may need assistance with paying their water bill.

Finally, Mayor Hardin offered kudos to City Manager Harrison and Mr. Brown for their efficient and innovative efforts to keep the rates at a “bargain” when compared to other cities such as Fort Lauderdale, Hollywood and Pembroke Pines.

Comr. Perkins stated that she is against the increased rates for the water. On Thanksgiving Day, one of the pioneers of the community expressed to her that he could not afford to pay a higher water bill, and she sympathized with him. She knows this is a unique City, but when it needs things the money is realized because they know how to find it. Therefore, if these bills need to be paid, staff should come up with other ways to get the money instead of continuing to ask the residents to pay more and more.

Mayor Hardin indicated that due to the timing on this issue, the Commission needs to declare an emergency second reading and hear it tonight.

Emergency Second Reading

A. Randolph Brown, Utilities Director, presented the item stating it is second reading of the ordinance and he has no additional comments.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, reiterated his question regarding impact fees and asked Mr. Brown how much the City is charging a developer for impact fees for a new unit for water, and sewer.

Mr. Brown responded that it varies with the size of the service that is requested, because it is not all one size

tap.

Mr. Berman advised it is not legal to charge impact fees, because it must be a reasonable rational nexus to the development. There is no one standard charge to everybody, therefore each project must be looked at individually. If it is not a rational nexus and there is not a formula for that, it will be an illegal tax. The City is not authorized to create taxes only the legislature is authorized to do so. All of the impact fees are evaluated based upon the development and upon the nexus that it will have on the City's water system.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED First Reading. The motion carried unanimously with Commissioner Perkins voting No.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be declared Emergency Second Reading. The motion carried unanimously.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2020-09

16. [20-91](#) **P.H. 2020-13: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 51, "SEWERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 51.05, "WASTEWATER TARIFF," TO PROVIDE FOR AN INCREASE IN THE MONTHLY RATES AND CHARGES FOR SEWER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM NOVEMBER 12, 2019

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating that this is part of the companion items for the rate studies and increases for the wastewater system.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, asked why this is referred to as a “Tariff” when it is a tax.

Mr. Brown responded it is a service fee for work done.

Mr. Skversky complained about the various fees that are increased that is impacting some residents who are on low fixed income.

Mayor Hardin indicated that due to the timing on this issue, the Commission need to declare an emergency second reading for this item.

Emergency Second Reading

A. Randolph Brown, Utilities Director, presented the item stating it is second reading of the wastewater tariff increase.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED First Reading. The motion carried unanimously with Commissioner Perkins voting No.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be declared Emergency Second Reading. The motion carried unanimously.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2020-10

17. [20-92](#) **P.H. 2020-14: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH 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 PROVIDE FOR INCREASES IN CERTAIN RATES AND CHARGES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM NOVEMBER 12, 2019

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating this is an increase for the rate analysis study for reuse, which was spoken on during the previous presentation made for item 15.

Mayor Hardin indicated that due to the timing on this issue, the Commission needs to declare an emergency second reading for this item.

Emergency Second Reading

A. Randolph Brown, Utilities Director, presented the item stating it is second reading of the proposed ordinance.

Mayor Hardin asked if Mr. Brown has ever recommended the City increase its rates if there was any need for it.

Mr. Brown responded no sir.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED First Reading. The motion carried unanimously with Commissioner Perkins voting No.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be declared Emergency Second Reading. The motion carried unanimously.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Regular Agenda/ Ordinance be ADOPTED. The

motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2020-11**18. [20-93](#) P.H. 2020-11: (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 FOR CAPACITY ALLOCATION IN PHASE 1 OF THE C-51 RESERVOIR BETWEEN THE CITY OF POMPANO BEACH AND PALM BEACH AGGREGATES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$9.2 Million State Revolving Fund)

POSTPONED FROM NOVEMBER 12, 2019

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating this is for a purchase of allocation from the C-51 reservoir for future capacity and needs. This will allow the City to be sustainable and protect against the salt-water intrusion. It will provide two million gallons per day of drinking water from the C-51 reservoir that will be managed by the Water Management District and will convey water to the City's wellfields for recharge of the western wellfield. In addition, this will allow the City to continue use of the current treatment methodologies and avoid building new treatment processes, which will be for the Floridian system or desalt that will be more expensive to the repairs.

Vice Mayor Moss considers this critically important for the welfare and future of the City. This will provide two million gallons per day. He enquired about how many gallons are currently being used.

Mr. Brown responded that typically 15.4 million gallons per day of drinking water.

MEETING RECESSED

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

19. [20-171](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND STAFF TO SUBMIT A CHARTER SCHOOL APPLICATION TO THE BROWARD COUNTY PUBLIC SCHOOL DISTRICT TO OBTAIN THE REQUIRED APPROVALS FOR A POMPANO BEACH MUNICIPAL CHARTER SCHOOL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** Suzette Sibble)

MEETING RECONVENED

Suzette Sibble, Assistant City Manager, presented the item stating this is to request City Commission approval for staff to move forward with submitting an application to the Broward County Public School District to authorize the creation of a Municipal Charter School. The purpose of the presentation is to educate the public about the Charter School concept, as well as why a Municipal Charter School is being recommended at this time.

The attached Exhibit II provides the content of the presentation, which includes the following titles:

- 1) Application Team
- 2) What is a Charter School?
- 3) Why a “Municipal” Charter School
- 4) PBMCS School Culture and Program
- 5) Reading on Grade Level will be Our Focus
- 6) Growing Our Own Excellence
- 7) Strategy for Growing Our Own Excellence
- 8) FAQs
- 9) Timeline for Application Approval

Michael Moskowitz and Scott Brenner spoke in support of the concept of a City Charter School and provided their reasons. Mr. Moskowitz suggested a consideration of a modification of the application. He mentioned that there are other City operated Charter Schools that are good examples to look at, to include Pembroke Pines, Coral Springs, Aventura, and Hialeah. He then provided a brief background on the efforts made to get a Charter School in Pompano Beach. He mentioned that significant experts were retained to look at the analysis for the need of a Charter School for Pompano Beach. For instance, a market study was done, several meetings with School Board Representatives, Pembroke Pines City Manager Charlie Dodge, Community Leaders, and

the Business Community. A draft was done on the first application, as well as the concept has been worked on for over a year. He submitted a letter from Octavio J. Visiedo.

Mr. Moskowitz suggested that the City proceeds with the current application as suggested by the experts for Grades K through 8, or proceed with two applications. The additional application would be for Grades 6 - 12.

Tundra King, 124 NW 15th Street, Pompano Beach, FL asked if the information was provided to the Community as to the need for a Charter School in the City. She is not against the Charter School but there are many questions she would have on how the kids are selected. Finally, Ms. King suggested that the information be provided to the various communities throughout the City.

Mayor Hardin responded that the Commission, several months ago, directed the City Manager to investigate the matter. However, he is aware that community members are aware up to this point but he is unsure if it was widely publicized. He mentioned that this is the beginning steps and the application is the first process.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, wanted to know what will it cost to bring the capital assets necessary to create the school. In addition, what will it cost the taxpayers on an annualize basis to subsidize operations of the school. He recalls the City getting out of the school business a few years ago and questioned why we want to get back into one. Nevertheless, he thinks this is a great idea but just not at the expense of the tax payers.

Mayor Hardin stated that there will be a complete financial analysis but at this point, that is not yet available.

Gregory Harrison, City Manager, stated that as Ms. Sibble explained earlier, this is the "First drop in the Bucket" which is the application process. The City does not need a 20 year financial Performa at this stage.

Mayor Hardin indicated that the goal is to keep this operation revenue neutral.

Magic Nico Davis, 2901 South Palm Aire Drive, Pompano Beach, FL, stated that he is a part owner of an alternative school, which is similar to charter schools. He said charter schools do not compete with the public schools but rather they collaborate. In sum, Charter Schools bring up graduation rates in public schools and they take the students that need individual education programs. He spoke in favor of the Charter School.

Reese Stigliano, Pompano Beach, FL, President of the Santa Barbara Homeowners' Association, stated that they are in favor of the Charter School. In addition, they would be in favor of the additional application for the Grades 6-12.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, stated that generally he is in favor of Charter Schools, which most are private. However, he is unfamiliar with Municipal Charter Schools and asked for an example on how this school would differentiate itself from the public schools.

Ms. Sibble indicated that the City would have direct control in terms of the Commission serving as the governing board for the Municipal Charter School. This provides the flexibility and autonomy for a limited controlled amount of students. This will be for the good intentions of the residents and the students who will be

encouraged to succeed at all levels. The desired curriculum would be the Cambridge level.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, wanted to know the process after the application is submitted.

Mayor Hardin explained that the application would be submitted to the Broward County School Board for approval. If not approved the City has the option to abandon the idea or appeal to the Florida Division of Education.

Mr. Thrower indicated that he would not want to see the City's current elementary schools affected by any Charter School.

Vice Mayor Moss mentioned that for three years, he tutored at Pompano Beach Elementary School and currently, he assists kids and reads to kids at the Jan Moran Learning Library in Collier City. The real need in the City is for elementary schools, because if kids do not get to reading average up to grade level, by the time they reach third grade they will not make it to high school. Therefore, he will be supporting this endeavor.

Comr. Eaton stated that she is excited in moving forward on this endeavor. The City has been held back due to lack of good educational schools, because people would move out to better school districts, as this is important for people relocating, keeping property values marketable, and so forth. She agrees this move should be an impetus for the School Board to step up to the plate for the public schools in the City. Overall, the citizens of the City would benefit from this Municipal Charter School, therefore, she will support it.

Comr. McGee indicated that there is a need for the program and the City can benefit from it. As a realtor and friends with a number of kids in different levels of school, she is aware that young parents are shopping for real estate and school simultaneously and making choices based on the availability of good schools for the kids to attend. This is a great step for the City to take. Based on the comments made earlier regarding the process going through the School Board, she would not be opposed if allowable, for the two application to be submitted and questioned if this is doable.

Mark Berman, City Attorney, responded that legally the answer is no at this point, because there is a resolution for one application. A motion could be done to amend. Whether this should or should not be done is up to the presenters.

Gregory Harrison, City Manager, stated that he would not recommend submitting two applications. The City already based all of the projections for success based on starting K1 to 6 and incrementally on the slide that Ms. Sibble made in her presentation. The purpose is to succeed and to be able to get started on this, which means after each year to get A rated scores from the children attending the school. Upon realizing the success, there will be a progression to move ahead and elevate to the higher grades.

Comr. McMahon commended staff for doing a great job and for bringing in great experts. He recognized Dr. Smiley who was his principal, who did many amazing things for Pompano Beach and Blanche Ely High and he is excited to have her on as part of the team moving forward. Overall, he believes the City is making the right decision.

Comr. Perkins reiterated what she said the first time the item came before the Commission. She is concerned about the existing schools that are already in the City of Pompano Beach and the under-enrollment that the Charter School could possibly cause. In some schools in Broward County, the Charter Schools have caused many schools to merge and this is concerning to her. In addition, originally, the City was planning to accommodate Grades 6-12 and she sat in a meeting when this was considered and wondered why the change occurred.

Mayor Hardin clarified that the original motion of the Commission was to direct the City Manager to investigate creation of a Charter School for Pompano Beach.

Dr. Don Hooper mentioned that he met with Comr. Perkins and they talked about the grades and had expressed concerns as to how it would look for the principals at the middle and high schools and she was unsure she would support the 6-12.

Comr. Perkins indicated that she never had a problem supporting it.

Continuing, Dr. Hopper stated that everything he has heard earlier is “spot on.” The City does need ultimately a K through 12 to be very successful here, it will be a Cambridge school, as well as it would be where the graduates could go ahead and get 45 hours credit at any public university in the State of Florida. Additionally, it would be to get the industry’s certification that would be coming through the program or they could perhaps continue their work with an industry certification and work their way through to a higher education, if they so choose. Or, that would be their career path and they come out of school with an Associate Degree, industry certification and as a Cambridge school would be able to get there.

Dr. Hooper stated that the single biggest predictor of success for a student regardless of the socio economic condition is reading on grade level at Grade 3. He then explained in detail how to grow the excellence of a Charter School.

Comr. Perkins indicated that when an item as this is brought before the public, people would ask hard questions for information. Therefore, as this process proceeds more needs to be done to reach out to the community and get their input as to the Charter School. Additionally, there is a need to provide the public with the purpose of the Charter School and how it would affect the existing schools so everybody would be informed as to what is going on.

Mayor Hardin is excited for this step for the City of Pompano Beach for the long term, which will pay huge dividends for the community for years to come. He thanked Mr. Brenner for first bringing this topic to him about a Charter School. Now that he is more knowledgeable on the Charter Schools, he believes this is a great opportunity for the City to do better. He firmly supports it and appreciates all the input. He thanked staff, the consultants, and Pembroke Pines for being so forthcoming with all the information they have gleaned throughout the years performing as an A rated Charter School. This is not the time to talk about location; however, he is confident staff will work that out. Therefore, he will fully support this effort to get the Charter School opening and to deliver for the residents.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-82

20. [20-106](#) P.H. 2020-16: (PUBLIC HEARING 2ND READING)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTIES LOCATED AT 2700 GATEWAY DRIVE AND 1441 SW 27TH AVENUE, POMPANO BEACH, FLORIDA, IDENTIFIED BY FOLIO NUMBERS 4942-04-00-0391 AND, AND 4942-04-09-0010, RESPECTIVELY, AS BROWNFIELD AREAS PURSUANT TO SECTION 376.80(2)(A), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: Chris Clemens)

Chris Clemens, Economic Development Manager, presented the item stating this is the second reading of the Belmont Porten brownfield resolution, which is an industrial property in Gateway Lakes. There has been no changes between the readings and staff recommends approval.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-83

21. [20-68](#) **P.H. 2020-10: (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 MASTER SUBSCRIPTION AND SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,100)

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: Suzette Sibble/Karen Santen)

Gregory Harrison, City Manager, presented the item stating this is second reading for the software that the City uses to track grants and apply for them. This is a renewal and continuation of the use of the software.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2020-12

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 21-28 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.

22. [20-118](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE BW ANDREWS PLAT LYING ON THE NORTHWEST CORNER OF ATLANTIC BOULEVARD AND THE ANDREWS AVENUE EXTENSION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item stating that the applicant is requesting plat approval for the BW Andrews Plat. The subject property has never been platted and is currently vacant. The proposed plat is comprised of one parcel with an additional parcel for some right-of-way dedication for North Andrews Avenue. The plat is restricted to a convenience store, service stations for a WaWa with a maximum of 16 fuel stations. The site plan for the property was approved on April 24, 2019. The 2.2 acres site is located at the Northwest corner of Atlantic Boulevard and Andrews Avenue extension. The Planning and Zoning Board recommended approval of the plat and all conditions have been met.

Matthew Scott, Esq. 14 SE 4th Street, Boca Raton, FL, representing the applicant had no comments but said he would answer any questions.

Comr. Perkins asked if there would be any affect to the train tracks, because there is a jammed up area when a train is passing with traffic backed up almost to the overpass of the I-95. She enquired how would the location of this station assist or hinder the traffic.

Mr. Scott indicated that during the site plan and planning process they established that there would be only one driveway on Andrews Avenue and another driveway on Atlantic Boulevard. These complied with the County engineering requirements for where driveways could be located, as well as the length of the driveways. There were no concerns raised in relation to train traffic during the review process. The Planning and Zoning Board approved the site plan unanimously without traffic being impacted negatively by the project. He confirmed that there is a traffic light at the intersection of Andrews Avenue and Atlantic Boulevard.

Vice Mayor Moss stated he is unsure Atlantic Boulevard needs another gas station. The Commission have spoken about trying to upgrade the level of services for the citizens. In addition, this is in close proximity to the Innovation District. This is just one more gas station and convenience store in a sea of gas stations and convenience stores.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be ADOPTED. The

motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Hardin

No: Moss

Enactment No: RES. No. 2020-84

23. [20-148](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING A LETTER OF NO OBJECTION FOR A PLAT NOTE AMENDMENT FOR THE PARAMOUNT PARK PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item stating the applicant is requesting to increase the square footage of the warehouse use on the Paramount Park Plat by 5,000 square feet. The original note was for 65,000 square feet to be included on the plat, which was recently approved by the City Commission on October 22, 2019. The applicant has decided to increase the square footage to 70,000 square feet to include the Mezzanine plan for the interior of the structure. The increase does not affect the plat recommended for approval which was unanimously approved by the Planning & Zoning Board at their September 25, 2019 meeting. All conditions of the Planning & Zoning Board have been met prior to plat approval by the City Commission in October 2019.

Comr. Perkins asked if all the conditions have been met.

Ms. Dolan responded yes.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2020-85

24. [20-102](#) **P.H. 2020-15: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING GENERALLY AT THE SOUTHEAST CORNER OF NORTH FEDERAL HIGHWAY AND NE 16TH STREET ADJACENT TO THE EAST SIDE OF NORTH FEDERAL HIGHWAY AND NORTH OF NE 14TH STREET FROM B-3/PCD (GENERAL BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) AND M-1/PCD (MARINE BUSINESS/PLANNED COMMERCIAL/INDUSTRIAL DISTRICT) TO PD-I (PLANNED DEVELOPMENT-INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: David Recor/Scott Reale)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be POSTPONED until January 14, 2020 City Commission meeting. The motion carried unanimously.

AS A POINT OF ORDER

Comr. Eaton indicated that it is late and she would like to make a motion to suspend the meeting.

Mayor Hardin asked if the Commission could suspend the meeting at this time.

Mark Berman, City Attorney advised the Commission could suspend the meeting for good cause. However, the Commission could go until 11:00 o'clock. The procedure has been to determine and vote whether they wish to go one extra hour to midnight or not and then move the meeting until next morning at 10:00 a.m.

Comr. Eaton indicated that she could defer to the Commission and the applicant, do they want to get in fifteen minutes, because it is late and everyone is yawning.

Vice Mayor Moss asked if the Commission would be finished with this in twenty minutes. If they will not finish with it would the Commission want to stay until midnight, and if they do not want to stay until midnight why not go home now. Therefore, he made the motion to suspend the meeting at this point in time until tomorrow morning at 10:00 a.m.

Leonard Karam, 2791 NE 5th Street, Pompano Beach, FL, stated that the Commission has gone this far and they have been patiently waiting, and their item 27 is on the agenda and they would like to be heard.

John Clarksfelt, 1470 North Federal Highway, Pompano Beach, FL, stated that they are all away from their

families and he would appreciate if the City Commission could try and finish the meeting if possible. He mentioned that he had scheduled his time accordingly for item 27 on the agenda.

A motion was made by Vice Mayor Moss, seconded by Commissioner Eaton, to suspend the meeting until tomorrow morning at 10:00 a.m. The motion carried by the following vote:

Yes: Eaton

Moss

No: McGee

McMahon

Perkins

Hardin

25. [20-154](#) **P.H. 2020-23: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF NE 23RD AVENUE, SOUTH OF NE 16TH STREET, AND ABANDONING TWO REMNANT TRIANGULAR AREAS WITHIN THE PREVIOUSLY ABANDONED NE 15TH STREET RIGHT-OF-WAY; PROVIDING CONDITIONS FOR ABANDONMENT; 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 stating she just distributed the list of approvals associated with the project when they discussed this with the City Manager today. This is the Hidden Harbor project that is located north of Northeast 14th Street, south of Northeast 16th Street and east of Federal Highway. The purpose of the vacation is to allow a seven level elevated pedestrian walkway and 14,875 square feet of the building over Northeast 23rd Avenue. A portion of the sidewalk will no longer be part of the public right-of-way, but it will be replaced with a public access easement to retain the purpose and the function of the sidewalk.

Additionally, Ms. Dolan indicated that they will be abandoning the two small triangles that were left over when the City abandoned Northeast 15th Street sometime in the past. The presentation will focus on the sidewalk vacation and not the little triangles, which are now being cleaned up. She then went into the presentation relating to the master plan for the Planned Development (PD) that was approved by the Commission on first reading. Therefore, this was shown on that plan where there is a pedestrian crossover between the two side of Northeast 23rd and a portion of the building is in the right-of-way. As the project was being approved it was determined that those pieces of the building that encroach on the right-of-way the area had to be abandoned and they would give the City an easement to replace it.

Continuing, Ms. Dolan indicated that the approvals required is a schedule she just distributed. Notwithstanding, there are a lot of approvals associated with the project, which she commented on in details.

Mayor Hardin announced that he has had numerous ex-parte communications with the developer about the project over the course of a few years. Also, he has received numerous letters opposing it and some in favor of it, as well as emails.

Vice Mayor Moss announced that he has had numerous ex-parte communications with the developer and concerned citizens in the neighborhood regarding the project.

Comr. Eaton announced that she has had numerous ex-parte communications with the developer regarding the project, and emails both for and against.

Comr. McGee announced that she has had numerous ex-parte communications with the developer regarding the project, and emails for and against and phone calls to schedule meetings with the developer.

Comr. McMahon announced that he has had numerous ex-parte communications with the developer regarding the project, and have received phone calls and email for and against the project.

Comr. Perkins announced that she has had numerous ex-parte communications with the developer regarding the project, and have received numerous emails and phone calls.

Graham Penn, Esq., 200 South Biscayne Boulevard, Miami, FL, focused on the two elements that are coming the one for tonight and the other for next time, which is the license agreement and the abandonment/easement. Condition 1 of the draft rezoning that the Commission approved on first reading requires the license agreement that will be presented to the Commission next time. Condition 2 is the application that is before the Commission tonight, seeking abandonment of the portions of the sidewalk, as well as the triangles.

Mr. Penn stated that the vacation outside of the triangles relates to the two arcades in the plan on the east and west sides of the road off 23rd Avenue.

Mayor Hardin announced that they would take a brief recess from the item to determine if the Commission wants to continue its meeting until midnight.

MOTION: A motion was made by Comr. Perkins, seconded by Comr. McGee to extend the meeting until midnight. On rollcall all voted in favor of the meeting except Vice Mayor Moss.

Continuing discussion on the item.

Mayor Hardin recognized former Commissioner Barry Dockswell being present.

Barry Dockswell, 2880 NE 14th Street, Pompano Beach, FL, stated that he recognize that a lot of work has been done on the abandonment and the project which has been going on for years. He indicated that he feels strongly against the abandonment request and proceeded to provide his comments as to why he is against it. In

sum, he does not think the City should be abandoning anything that is in its right-of-way. Therefore, he hopes the developer can return with a much better project and not as overdone as the one being presented tonight.

Tim Galley, 2650 SE 5th Court, Pompano Beach, FL, thanked former Comr. Dockswell because he is in agreement with him “spot on,” and expressed disagreement of putting something over the sidewalk, and over a roadway.

Sharon Patchnick, 14th Street Causeway, Pompano Beach, spoke against the project, and agreed with the comments from the two previous speakers.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, mentioned many people who oppose the project are not present at this meeting. So, he asked on their behalf, because they have asked before, as the project would diminish their home values, that the City Commission take the opportunity to allow Hidden Harbor to be a small single-family residential neighborhood.

Jonathan Clarksfelt, 1470 North Federal Highway, Pompano Beach, FL, spoke against the project and provided his comments accordingly.

Alex Boardman, 2600 NE 19th Street, Pompano Beach, FL, spoke against the project and provided his comments accordingly.

Mr. Penn provided rebuttal and stated that this is not the City’s property, rather the right-of-way is an easement/dedication. Therefore, this is not taking a public property but is replacing a dedication with a sidewalk easement. Also, there was never an 87 unit project approved for the site or a residential development ever approved for the property prior to now. Finally, he spoke at length about former Comr. Dockswell's comments made earlier.

Comr. Eaton asked about the roadway, which was displayed as 26.8 feet wide.

Mr. Penn explained it is the roadway for cars to travel on, and the actual measurement between the two columns is 35 feet.

Comr. Eaton asked about the numbers of 24.10, 26.8 and 22.6 feet. Therefore, she assumed the 22.6 is the distance between the roadway and the vehicular area.

Mr. Penn clarified that the area that will remain right-of way is 35 feet in the middle.

Vice Mayor Moss indicated that Mr. Penn declared that it is not public property and that it is private property dedicated to the City and asked if that is correct.

Ms. Dolan responded that it is dedicated right-of-way and it is considered public property, which was dedicated from the private property. She mentioned that is how the City acquires its entire roads through dedications. Also, in response to Vice Mayor Moss’ question, she responded that the City has abandoned rights-of-way all the time. This is unique because the City is allowing a building to cross over the right-of-way,

which is the first time this is done in the City.

Vice Mayor Moss mentioned that in the presentation there was a description of perpetual non-exclusive easement and asked for the meaning.

Ms. Dolan responded that it means there will be the same functionality with the sidewalk currently existing, so people could still walk on it and there could still be utilities under it. There is no difference between the easement and the right-of-way.

Comr. McGee indicated this project has so many discussions and opinions; however, the new idea to Pompano of putting the residences over the sidewalk, is mostly talked about with concern, which would be her main concern as well.

Comr. Eaton stated that the concept is not new but only just in Pompano Beach because it has been done and is evident in the City of Boca Raton at Mizner Park.

Vice Mayor Moss stated his one concern is since this has never been done in Pompano Beach before, once it is done it sets a precedent and he does not know how they could say no to anyone else in the future that may want to do the same thing.

Mayor Hardin indicated that he was confused about the amount of encroachment on the right-of-way and this is concerning to him. Overall, he does not have a problem with the project but the encroachment on the right-of-way to the extent that is there is an issue. The walkway he does not have an issue with this. He originally thought there was living space at the ends of the walkway.

George Platt, 1512 East Broward Boulevard, Fort Lauderdale, FL, stated that he has talked about the concept before. Colonnade walkways are universal features. They are in San Marco square, and most recently he has seen them in San Sebastian. Over the top of those colonnade walkways people live or have their stores so it is not unusual. In sum, Mr. Platt indicated that they have been working with the City for the past four to five years to come up with a project that would work. They tried to address Mr. Dockswell's and other people's concerns about 16th Street by staggering it up, and doing it in a way that they cut down the number of units, and ensured they kept 23rd Street opened. They have done everything they possibly could do but the land they have does not lend itself to many different things. Currently, it is a vacant lot generating no tax base for the City of Pompano Beach. In the meantime, they are proposing an upscale project but they need the City Commission's help to get there.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Quasi-Judicial/ Ordinance be ADOPTED. The motion failed by the following vote:

Yes: Eaton
Perkins

No: McGee
McMahon
Moss
Hardin

26. [20-150](#) **P.H. 2020-24: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING BETWEEN S. OCEAN DRIVE AND BRINY AVENUE ON THE NORTH SIDE OF SE 4TH STREET FROM RM-20/AOD (MULTI-FAMILY RESIDENTIAL 20) TO RM-30/AOD (MULTI-FAMILY RESIDENTIAL 30); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until January 28, 2020, City Commission meeting. The motion carried unanimously.

27. [20-145](#) **P.H. 2020-25: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE WEST SIDE OF S. RIVERSIDE DRIVE ABUTTING THE INTRACOASTAL WATERWAY, NORTH OF SE 2ND STREET, COMMONLY KNOWN AS 117 S. RIVERSIDE DRIVE FROM RS-2 (SINGLE-FAMILY RESIDENCE 2) TO RM-45 (MULTIPLE-FAMILY RESIDENCE 45); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Max Wemyss)

Jean Dolan, Development Services Department, presented the item stating the subject property is located on the west side of south Riverside Drive abutting the intercoastal waterway, north of Southeast 2nd Street and is the southernmost property within the Atlantic Overlay District (AOD). The proposed project is for a seven-unit townhouse development, which includes the property to the north that already has an RM-45 zoning designation. The land use designation of the subject property is high which allows 46 dwelling units per acre. The subject property is .24 gross acres and the high residential land use category allows 11 residential units on the property. The applicant is requesting the size specific rezoning from RS-2 (Single-family Residential) to RM-45 (Multi-family Residential), which is 45 units per acre. The zoning designation is consistent with the high land use category. It would further limit the residential development to nine units on the subject property. To ensure compatibility with the RS-2 to the south, the zoning code requires a type "A" when com buffer, which is ten feet wide and 20 feet high vegetation. Generally, townhomes are considered consistent and compatible with single-family homes. The applicant intend to develop the conceptual site plan, which includes the subject

property and the property to the north. The project is for the seven three story townhome units.

Ms. Dolan concluded that the AOD is intended to encourage high intensity mixed use, walkable redevelopment. The rezoning to RM-45 is consistent with the intent of the AOD, and it is consistent with the land use designation that creates a developable parcel when combined with the property to the north. The proposed townhouse development includes the required type "A" buffer to effectively separate the development from the single-family zoning from the south, encourage development that meets or exceeds current building code requirements for finished floor elevations will be more resistant to flooding expected from sea level rise in the Riverside Drive area. The Planning & Zoning Board has recommended approval of the request.

Andrew Schein, Lochrie and Chakas, 1401 East Broward Boulevard, Fort Lauderdale, FL, stated that 117 South Riverside Drive is a context plan. There is a large commercial parcel going in on Atlantic Boulevard, which is 240 condominiums to the east. There is a vacant lot zoned single-family to the south and 18 units in a four-story building to the north. The code has only three criteria for rezoning. First, it is consistent with the future Land Use category. Second, it is consistent with any applicable goals, objectives and policies of the comprehensive plan. There is a policy in the comprehensive plan that requires residential densities of zoning districts to be consistent with the underlying comprehensive plan and future land use. Third, rezoning shall provide for an orderly transition of varying Land Use designations. Finally, this is adaptable with all other City adopted comprehensive plans.

Continuing, Mr. Schein stated that the item was passed unanimously by the Planning & Zoning Board but there were some public concerns and they have satisfied them. First, it was the number of units, which they plan to enter into a declaration of restrictive covenants to limit it to the seven units they are proposing. The second issue was the height, however, the declaration will limit it to the 46.50 feet in height which is the current plan.

Mayor Hardin declared that he had ex-parte communications with the attorney representing the applicant on this item concerning the particulars of the project.

Comr. McMahon declared that he had ex-parte communications with the developer and spoke with him about the project.

Comr. McGee declared that she had ex-parte communications with the attorney representing the applicant regarding the project.

Comr. Eaton declared that she had ex-parte communications with the applicant's attorney regarding the project.

Vice Mayor Moss and Comr. Perkins did not meet with anyone on the matter.

Doug Borden, Pompano Beach, FL, asked if they had a rendering of the project.

Mr. Schein responded that they did not include a rendering only because it is still going through the process for the Development Review Committee (DRC). Nevertheless, it can be requested from staff. He described what

it would look like.

Vice Mayor Moss referred to page 1 of 3 of the narrative to accompany the application, which states, "Constructing eight unit townhomes but it is going to be seven units."

Mr. Schein explained that originally the project started out to be eight unit townhome development but they could not make the eight work on the site due to the ingress/egress for fire access. Consequently, it was reduced to seven units after the DRC meeting for mostly due to fire comments.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

28. [20-144](#) **P.H. 2020-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE NORTH SIDE OF DR. MARTIN LUTHER KING, JR. BOULEVARD WEST OF POWERLINE ROAD; FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** David Recor/Max Wemyss)

Jean Dolan, Development Services Department, presented the item stating she just handed out a letter from the Civic Association because it did not come in time to be included in the backup. This is a size specific rezoning from B-3 (General Business) to B-4 (Heavy Business). The subject property is 4.03 gross acres located on the north side of the Dr. Martin Luther King, Jr. Boulevard (MLK Blvd.) just west of Powerline Road and east of the entrance to the Turnpike. The subject parcel is made up of three separate properties. The site plan was approved by the Planning & Zoning Board on October 23, 2019, subject to the rezoning and illustrates a 41,520 square foot warehouse/showroom with office/retail storefronts. The land use designation is Commercial (C) and the comprehensive plan does permit wholesale, storage, light fabrication, warehouse uses within the Land Use designation. The proposed zoning designation would allow for the proposed warehouse/showroom. The B-4 zoning is compatible with and provides a transition between the B-3 zoning to the east and south and the I-1 zoning to the north and west. A proposed site plan for the property is for the 41,520 square foot warehouse with the retail storefronts and the applicant proposes to provide a green landscape buffer along the front as it creates a retail commercial character along MLK Blvd.

Continuing, Ms. Dolan indicated that at the November 12, 2019 hearing the City Commission directed staff to discourage additional warehouse development along the gateway corridors into the City, which include Northwest 31st Avenue, Atlantic Boulevard and MLK Blvd. Staff provided a memo to the City Manager with an analysis and strategy to address this request, which will be coming before the Commission shortly. The site plan and rezoning request was submitted prior to the November 12th hearing. The project design does present a commercial character along MLK Blvd and the B-4 would be compatible with adjacent properties.

Mayor Hardin declared that he had ex-parte communications with the applicant representatives for the project.

Vice Mayor Moss declared that he had ex-parte communications with the applicant representatives for the project.

Comr. McGee declared that she had ex-parte and met with representative to get a rundown of the project.

Comr. Eaton declared that she may have had ex-parte communications with the applicant representative on the project but cannot recall.

Nectaria Chakas, Lochrie and Chakas, 114 East Broward Boulevard, Suite 303, Fort Lauderdale, FL, applicant representative of BTH Development Partners, who is under contract to purchase the subject property. She mentioned that she also met with Comr. Perkins as well. However, Comr. Perkins indicated that she did not meet with her.

Ms. Chakas mentioned that BTH Partners is under contract to purchase the property with the hopes of developing it. The property has been vacant for a number of years. She then provided a presentation outlining the zoning map. They are proposing a 41,520 square foot flex warehouse/retail/office building. She is aware of the sensitivity to warehouses on MLK Blvd. and they wanted to express that the way this building is designed for the property, it is not intended to become a distribution center, and provided details of what the design would be made up of. The project is consistent and will serve a logical transition from a heavier industrial uses to the north as it transitions to B-3 to the south.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that this is another warehouse that will be located on one of the City's main corridor, and asked about the restrictions that is a part of the project. Also, he indicated the project is located in District 4 and wanted to know when will the residents be told about the project.

Mayor Hardin asked why they did not meet with the public.

Ms. Chakas responded that they met with the Collier City Civic Association, which was closest to the proposed project site, and was unaware there was another association, which they will be happy to meet with them. As it relates to restrictions, they submitted as part of the backup information a declaration of restrictions where they have excluded approximately 30 uses that would otherwise be allowed under the B-4.

Vice Mayor Moss indicated that when the applicant showed him their plans they sent out the required letters

within the 500 feet radius of the proposed project site and that included almost a half of Esquire Lakes. Those residents received the letters and brought it up at the Collier City Civic Association meeting. Therefore, he asked the applicant to meet with the Collier City Homeowners' Association, which they did.

Comr. Perkins asked if Ms. Chakas knows her, and she replied yes. She explained that she met with Comr. Perkins at her office when they filed the application in March.

Comr. Perkins does not recall meeting with Ms. Chakas. Nevertheless, this project is located in her district and she would like to get some input from the community about this. In addition, she is not in favor of the project being changed from a B-3 to B-4.

Comr. Eaton recalls the project coming before the Planning & Zoning Board and it is substantially the same building it was then and that was before she was elected as a Commissioner over one year ago. It looks like a great job and she will support it.

Vice Mayor Moss indicated that he advocated for less warehouse projects, but this one was grandfathered in and they did everything they were asked to do.

MOTION: A motion was made by Comr. Eaton, seconded by Vice Mayor Moss to suspend the meeting until tomorrow morning at 10:00 a.m. The motion carried unanimously.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

END OF QUASI-JUDICIAL PROCEEDING

29. [19-487](#) **P.H. 2019-89: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4201., "GENERAL," TO CLARIFY LIMITATIONS OF PRINCIPAL USES INVOLVING SEXUALLY ORIENTED BUSINESSES; BY AMENDING SECTION 155.4224., "COMMERCIAL: SEXUALLY ORIENTED BUSINESSES," TO INCLUDE

CUSTOMARY ACCESSORY USES; BY AMENDING SECTION 155.4302., "GENERAL," TO CLARIFY GENERAL STANDARDS FOR ACCESSORY USES IN CONNECTION WITH SEXUALLY ORIENTED BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JULY 9, 2019 , JULY 23, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

FIRST READING: JUNE 25, 2019

(Staff Contact: Jennifer Gomez/David Recor)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until January 14, 2020, City Commission meeting. The motion carried unanimously.

30. [20-108](#) **P.H. 2020-09: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 30, "CITY COMMISSION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 30.02, "MEETINGS," TO MODIFY THE METHOD TO DETERMINE THE TIME OF DAY WHEN REGULAR MEETINGS SHALL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: Mark E. Berman)

MEETING RECONVENED

Mayor Hardin called the meeting back to order on Wednesday, December 11, 2019, at 10:01 a.m.

On Roll Call the Mayor and all Commissioners were present except Comrs. Eaton and McGee who arrived later for the meeting.

Mark Berman, City Attorney presented the item stating this is the ordinance that removes the termination of time from the City's ordinance so that the City Commission may alternate or change the time of Commission meetings by resolution to allow for easier amendments of time. In addition, there has been no changes since the first reading.

Mayor Hardin recognized Comr. McGee joining the meeting at this time.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, asked what is the intention on changing the

times of the meetings.

Mayor Hardin explained the next item would determine the time of the meetings.

Mr. Borden opined it is a bad idea to change the consistency of these meetings.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, asked for clarification on what this ordinance would do.

Mayor Hardin explained that it will allow the Commission to change the meeting time by resolution as opposed to by ordinance.

Mr. Thrower asked if this will allow for more input from the community and to vet this some more, to allow for the association meetings to get some clarity and have input on this type of action. He then provided some reasons why this change will not work for the working class people.

Mr. Berman clarified that he has been working with the City for approximately 24 years and this is just the third time since the meeting hours have been changed. He recalled that for years there was a day meeting and a night meeting. In fact, the County does have their meetings in the day. This item was heard at a night meeting and was fully vetted. This ordinance will take the time element out of the Code of Ordinances and allow it to be set by resolution. Some people in the audience at the first reading were in favor of it. Further, this allows for a simple process that does not cost time and money to advertise to change, especially if this process does not work and is not effective. Also, if it prevents people from showing up rather than helping, then it would be a lot easier to go with a resolution to change it back. Therefore, all that is being done through this matter is making it easier to adjust.

Mayor Hardin pointed out that there is a companion item dealing specifically with the meeting times.

Vice Mayor Moss indicated that the attendance at this meeting is not any reflection of anything other than the Commission went until midnight last night and this is a spillover from last night's meeting. If the Commission decides to change the time it will be posted like, every other meeting is and people will know about the meetings. In addition, there are senior residents who cannot drive at night so the time change would allow them to participate at one day time meeting. He cited last night's meeting as a perfect example if the meeting had started at 1:00 p.m. perhaps there would not be a need to have the meeting continue to the next day. He would rather sit for a longer period from 1:00 p.m. on, instead of breaking up the meeting at midnight only to come back the following morning. This could be done as an experiment and see how it goes, and if it does not go well, the Commission has the ability to change to any time they desire.

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

Yes: McGee
McMahon
Moss
Hardin

No: Perkins

Absent: Eaton

Enactment No: ORD. No. 2020-13

31. [20-122](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ESTABLISHING THE TIME OF DAY WHEN REGULAR CITY COMMISSION MEETINGS SHALL BE HELD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Mark Berman, City Attorney, presented the item stating this is the resolution referred to as the companion agenda item 30 discussed earlier. The resolution was established for City Commission regular meeting to be held at 1:00 p.m. on the second Tuesday of each month and at 6:00 p.m. on the fourth Tuesday of each month in the City Hall Complex. This will take effect at the first meeting of the year, January 14, 2020.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, mentioned that Vice Mayor Moss should remember that he represents the people and these meetings are not his to change, as he desires. He urged the City Commission to vote no on the amendment. He opined it is just another attempt for the Commission to limit citizen involvement and silence their voices. He mentioned that a large majority of people attending these meetings are working people and will not be able to attend these meetings with the consistency required to make the meetings successful and productive. He understands there are other people who are not working which comprises of senior citizens that would attend these meetings. However, majority of the people attending these meetings work from 9:00 a.m. to 5:00 p.m.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, indicate that he did not appreciate Vice Mayor Moss trying to “bully him and call his name out.” He said he has the right to object to things, and the Commission should be tolerable and understanding even if it is in disagreement of what they want as a community.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, spoke in opposition to change the meetings to be held in the day and provided her reasons why she believe the meetings should be kept at the current start time for 6:00 p.m.

Vice Mayor Moss responded that any bullying being witnessed today it was on the part of Mr. Thrower, who interrupted him while he was speaking earlier, and marched to the podium and threatened him. He said he represents African-Americans in Collier City and he represents more people than those in Collier City. Actually, the majority of the people he represents are senior citizens in both Collier City and Palm Aire.

Moreover, the attendance to today's meeting does not represent what they could/will be during the day if the Commission vote to pass this resolution. This meeting is an overflow meeting from last night and people were not aware of the meeting being held today.

Comr. McMahon indicated that he had initially made the motion to institute this change. He did not do this to silence people, or not to hear people's voice. Actually, he did it for the complete opposite reasons. People work at night and they do have children so having two options for both meetings, these people can decide which meeting to attend. There will be two meetings for the month one will be during day and one at night. The point was to encourage more people to attend the meetings. In terms of providing the local residents with information on how local government operates, that could be done at one of the civic centers. This could further explain what a first and second reading of an ordinance is all about, as well as what a resolution does and other such items that appear before the City Commission at these meetings. He suggested the City could look at having a bimonthly or monthly meeting to educate the citizens to better understand how the government operates.

Comr. McGee echoed most of what Comr. McMahon commented on earlier. She has also heard from the seniors who do not want to drive at night and also those parents with children who would find it more convenient to come while the children are in school. In addition, there are those night workers. So she would support trying this out where there are two meetings, one for the night and one for the day to see how it goes. She hopes it works and if it does not and the turnout is not what they thought it would be, it could be reassessed. It should not be a problem to try to get more people attending and engaged in the meetings.

Comr. Perkins indicated that if it is not broken she believes it should not be fixed. She has not heard any major complaints about the Commission meeting times. She has not received any complaints from her constituents to include the seniors regarding this matter. Notwithstanding, Comr. Perkins indicated that she would like to know the real reasons for wanting the change in meeting times. In addition, her big concern would be who would have the option for putting certain items on the agenda for the day and who would have the opportunity to put some items on the agenda for the night meeting. She is unaware of a big cry to change the meeting to the middle of the day.

Vice Mayor Moss stated that he has received complaints from his elderly constituents who mentioned that they cannot attend the meetings because they cannot drive at night. He reminded everyone that every Saturday he has a meeting at the Herb Skolnick Center to update people on what is happening with the agenda and answer questions that people may have. This takes place from 9:00 a.m. to 11:00 a.m. and invited everyone to make use of the opportunity and attend these meetings.

Comr. McMahon does not understand the comment of "what is not broken do not fix it." He said since he has been a commissioner the Chamber has only been filled once for a meeting. He would like to see fifty to sixty people to attend some of the meetings and some of the seniors could do this. He is available and accessible to everyone and his contact phone number is on everything. Therefore, he can be contacted and provided with input on how a citizen may feel about anything. Prior to the City Commission meeting, he is available on Monday and Tuesday to hear any citizen's concerns.

Mayor Hardin pointed out that what is being done now is possible because of what was done previously. The

Commission can set the times by resolution, which is a quicker way to do this. It was designed this way so that they could try to experiment. However, he is hearing from fellow commissioners that people has complained that they do not come to the meeting because of the time. Actually, there was an incident a few meetings ago, where there were some seniors present for an important topic on water, but because the meeting ran late the seniors could not participate because they got tired and went home. This is an acceptable test and if it works it would be great and if not they can go back to all nights. This in no way was meant to disenfranchise any one, and as Comr. McMahon pointed out this was more intended to increase participation. There are folks who do not drive at night but would want to attend the meetings. In essence, it may or may not work but if it does not, they can easily switch the times back now that a change has been made on the previous item.

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

Yes: McGee
McMahon
Moss
Hardin

No: Perkins

Absent: Eaton

Enactment No: RES. No. 2020-86

32. [20-88](#) **P.H. 2020-08: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.045, "DEFINITIONS," SECTION 34.057, "DISABILITY," AND SECTION 34.058, "PRERETIREMENT DEATH," TO PROVIDE FOR COMPLIANCE WITH CHAPTER 2019-21, LAWS OF FLORIDA; PROVIDING FOR CLARIFICATION TO EXISTING METHODOLOGIES AND PRACTICE FOR BENEFIT CALCULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: NOVEMBER 12, 2019

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director, presented the item stating this is the second reading of the ordinance. There have been no changes since the City Commission approved the first reading at its last meeting.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

Enactment No: ORD. No. 2020-14

33. [20-167](#) **P.H. 2020-20: (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 AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$670,830.00 - Approved and adopted in FY 2020 departmental budgets.)

(**Staff Contact:** Bobby Bush/Ed Beecher)

Ed Beecher, Human Resources Director, presented the item stating that the proposed ordinance is to modify a section of the Code of Ordinances, Section 34.107, "Position Classification Plan." This method is used to reflect any new positions and changes that were included and approved in the City's budget for the fiscal year. As well as from the result of the recently approved labor agreement with the IAFF. This action is ministerial in nature to amend the code to what have already been approved in the 2020 budget and approved by contract.

Mr. Beecher acknowledged staff and thanked Bobby Bush and the Human Resources staff for the work they have done on this item.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, asked why this has to be done.

Mr. Beecher responded that there is a requirement in the City's Code in Section 34 that says any changes to the classification and pay plan must come back to the Commission for their ratification by ordinance. These were changes made in the budget that the Commission approved them so the money is available. Subsequently, the City approved a labor agreement and the Commission has approved it. This is a process used by the City for approximately 25 years.

Mark Berman, City Attorney, explained that the positions/classifications are listed in the Code of Ordinances and any changes made to the Code of Ordinances must be amended to comply with those changes made.

Some of the changes made is through the budget process where additional and reclassification personnel are made. Therefore, this is to clean up the Code. Other changes are made due to union contracts and employment contracts, so this cleans up everything to comply with what has taken place at public hearings and discussion, as well as the Commission's consideration and approval.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

34. [20-120](#) **P.H. 2020-21: (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 LICENSE AGREEMENT AMONG THE CITY OF POMPANO BEACH AND THE POMPANO BEACH SEAFOOD FESTIVAL CORPORATION ALONG WITH THE GREATER POMPANO BEACH CHAMBER OF COMMERCE, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The City will sponsor the events by providing \$75,000 in-kind services.)

(**Staff Contact:** Mark A. Beaudreau)

Mark A. Beaudreau, Recreation Programs Administrator, presented the item stating that the first Seafood agreement came before the Commission in 1986, and thirty-three years later, it is going strong as ever. This is a three days musical and food festival in the Community Park. The term is five years with a not to exceed costs of \$75,000 in-kind services. This is part of the City's strategic plan and a great partnership and a wonderful event, that the City desires to continue.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, stated that when he first moved to Florida the Seafood was wonderful, which was held on the beach. Last year it was held off the beach and he asked if the event would be coming back to the beach.

Mr. Beaudreau responded not to his knowledge. John Good is content with the Community Park layout.

Mr. Borden suggested that they move the festival back to the beach because it just seem to be much nicer for the event to happen there.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, echoed Mr. Borden's sentiments to have the Seafood Festival back on the beach.

Comr. McGee, echoed the same sentiments of the two previous speakers to have the Seafood Festival back on the beach. It is a great event but many people were sad to see it taken off the beach but understood the reasons for it last year. However, there is definitely something special about having it on the sand.

Mr. Beaudreau confirmed that there is no language in the contract to address the relocation from the beach. Nevertheless, he will express to Mr. Good the desires of the people to move the Festival back to the beach.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

35. [20-157](#) **P.H. 2020-22: (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 LEASE AGREEMENT AND A RIDER TO LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND STRYKER SALES CORPORATION FOR LIFE SAFETY EQUIPMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Approximately \$80,335 annually subject to annual appropriation)

(Staff Contact: John Jurgle)

Frank Galgano, Assistant Chief, presented the item stating this is an agreement that will require an emergency second reading. This is a savings to the City of \$64,000 if the approval is pursued for this. This is for a piece of equipment that is needed and highly FDA regulated. In June 3, 2019, the Commission approved a maintenance agreement for the subject equipment. The contract will be extended for four years rather than a one-year agreement. This is budgeted but staff came to an agreement for four years with Stryker Medical and was able to save \$64,000. If this savings is not taken advantage of then the models will be much more expensive.

Mayor Hardin mentioned that it is great realizing a savings like this on equipment that is needed.

EMERGENCY SECOND READING

Frank Galgano, Assistant Chief, expressed thanks to the Contract Manager, Antonio Pucci and Mark Berman and his legal team for working hard for several months to realize this savings with this major corporation.

Mayor Hardin indicated the reason for the emergency second reading is to execute this item by December 31, 2019 to get these type of savings.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED First Reading. The motion carried unanimously.

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be declared Emergency Second Reading. The motion carried unanimously.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

Enactment No: ORD. No. 2020-15

36. [20-140](#) **P.H. 2020-19: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.9402., "EXCEPTIONS AND VARIATIONS," TO AMEND EXCEPTIONS AND VARIATIONS FOR DEVELOPMENT OF TWO-FAMILY DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(**Staff Contact:** David Recor/Max Wemyss)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that the City has many older non-conforming small platted lots in multi-family zoning districts with multi-family

neighborhoods. On these blocks they are approximately 50 feet wide and do not meet the minimum standards for a multi-family development or even a duplex development. Currently, if a request comes in to build a duplex or multi-family development, which will be consistent with the surrounding area the City's Code would limit them from doing that because the lots do not meet the minimum standards. The code amendment would allow to do up to a duplex. Therefore, it does not allow up to a maximum of what the surrounding neighborhoods but it is just for a duplex, to allow for one reasonable use. This amendment is a companion item to a next amendment on the agenda, which is a text amendment to City Code of Ordinances, Chapter 154, which creates an administrative procedure for flex. This will allow staff to make these exceptions on an administrative basis rather than go through the entire flex unit process, which requires DRC, Planning & Zoning Board and City Commission approval.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, asked about the example provided of an applicant wanting to build on one such non-conforming property, and the rationale behind allowing this.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, asked if any input was solicited from citizens who live around the area to determine their desire to see a park or a house.

Ms. Gomez responded that this is a text amendment that would apply to any similar situation such as this. So, no community meeting was held for this particular property. In addition, this property is not being rezoned.

Claude DaCosta, owner of the subject property mentioned earlier as an example of why amendments need to be done to the Code of Ordinances to allow the build out of duplexes that the current code does not allow development on these lots.

Mr. DaCosta indicated that he had purchased the lot approximately four years ago and had all intentions to build a duplex.

Comr. McGee asked about the 400 flex spaces that were zoned weirdly.

Ms. Gomez respond that they were not zone weirdly and explained they are non-conforming smaller lots that are throughout the entire City. So this subject property just happen to be one of the only things you cannot get a variance for, so it leaves those property owners stuck, so this intends to resolve that issue. This will not affect any single-family zoning districts.

Mark Berman, City Attorney, stated that the zoning code changed en mass and was completely rewritten. Even though it won an award staff has spent many years rewriting many portions of that code to cover glitches and problems that were created. This example is just a late comer that is finally being corrected.

Vice Mayor Moss said if this is a vacant lot in Collier City where other people come from other cities to dump things on it, then he is delighted that it is no longer going to be a vacant lot and new construction will be allowed to build to code and will add one more happy homeowner in the Collier City neighborhood.

Comr. McMahon thanked staff for coming up with this innovative way to fix these 400 lots. It is clearly a multi-family neighborhood. He apologized to the property owner who has been going through this issue for four

years, but he is happy that a resolution has been reached.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be APPROVED FIRST READING. The motion carried by the following vote:

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

37. [20-133](#) **P.H. 2020-17: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO ADMINISTRATIVELY REVIEW AND APPROVE FLEXIBILITY UNIT ALLOCATION REQUESTS FOR PROJECTS INVOLVING UP TO FOUR SINGLE FAMILY AND DUPLEX HOMES; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2424., "APPEAL," TO PROVIDE FOR APPEAL OF DECISION BY DEVELOPMENT SERVICES DIRECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that this is a companion item to the previous item 36. As stated previously, when there are flex unit allocations they are looking at large-scale multi-family developments, which has to go to the Development Review Committee (DRC), the Planning & Zoning Board and ultimately the City Commission. Therefore, for these small properties there will be one to two units maximum nothing more than a duplex that will create an administrative exemption to make it easier to build a single-family home or a duplex if a property owner is caught up in this type of scenario.

Doug Borden, 525 N. Ocean Boulevard, Pompano Beach, FL, stated to hear the back-story from the owner was important for him to hear. He sympathizes with the property owner who has been experiencing this issue for four years. However, he thinks it is important that the City continue to hear no matter how big or small these flex units and rezoning agenda items are that it is done in a public forum.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST

READING. The motion carried by the following vote:

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

38. [20-146](#) **P.H. 2020-18: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.3507., "LOCAL ACTIVITY CENTER (LAC)," TO INCREASE THE MAXIMUM BUILDING HEIGHT WITHIN JOHN KNOX VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating it is a text amendment to the zoning code to increase the maximum building height for the Local Activity Center (LAC) zoning district. The John Knox Village Inc. is the only area within the City that has this zoning designation. The subject property is approximately 65 net acres located at 651 SW 6th Street. The proposed text amendment will increase the maximum building height from 105 feet to 250 feet on the intensity and dimensional standards for the LAC zoning district. The LAC is both the zoning district designation and the land use category. If approved, the code amendment will serve two purposes, the first to bring the existing buildings that exceeds 105 feet into conformance and they would no longer be considered non-conforming to the code. The second thing would be to allow for renovation and future expansion of new development within John Knox Village not to exceed 250 feet. The applicant acknowledges that any future building exceeding 105 feet height in that zoning district may be subject to an air park obstruction permit.

Continuing, Mr. Keester-O'Mills stated that the review standard for a text amendment has been addressed by the applicant at the Planning & Zoning Board meeting held on November 18th. The Board recommended approval to the proposed text amendment with a vote of 6-1. They also recommended a condition that the buildings exceeding 200 feet in height will have a minimum setback of 200 feet from the right-of-way. The applicant has agreed to this condition and the ordinance reflects that change.

Andrew Schein, Locherie & Chakas, 1401 East Broward Boulevard, Pompano Beach, FL, stated that this is step one of a very long process. They are coming in with a full Master Plan for John Knox Village that will have to get approved by the Planning & Zoning Board and the City Commission.

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

Yes: McGee
McMahon
Perkins
Moss
Hardin

Absent: Eaton

39. [20-114](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GREG EICKHORN** TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Greg Eickhorn, **Incumbent** - District 3
George M. Abraham - District 3
Kenneth A. Campbell - District 3
Susan M. Gingerich - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name GREG EICKHORN. Mayor Hardin nominated Greg Eickhorn.

The motion carried unanimously.

Enactment No: RES. No. 2020-87

40. [20-151](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **HARRY DIAMOND** Mayor Hardin recognized and honored former Mayor Fisher currently Broward County Commissioner Lamar Fisher. He indicated that it was good to have him attending our City Commission meeting and that he is always welcome to join the Commission meetings. TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO SERVE A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2022; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Harry Diamond, **Incumbent** - District 3
Emma Ellington, Alternate 2 - District 4
Predrag P. Jovanov - District 3
Velma Flowers - District 4
Veronica Thomas - District 4
Quenton Thompkins - District 4
Phyllis Smith - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name HARRY DIAMOND. The motion carried unanimously.

Enactment No: RES. No. 2020-88

41. [20-152](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING EMMA ELLINGTON TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DANIEL HORAK; SAID TERM TO EXPIRE ON MAY 26, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 20-151 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee that the Regular Agenda/ Resolution be ADOPTED, and to insert the name EMMA ELLINGTON. The motion carried unanimously.

Enactment No: RES. No. 2020-89

42. [20-153](#) 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 TWO (2) YEARS; SAID TERM TO EXPIRE ON JULY 1, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 20-151 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED, and to

insert the name PHYLLIS SMITH. The motion carried unanimously.

Enactment No: RES. No. 2020-90

43. [20-155](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARY C. ANTOINE TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH, TO SERVE A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON DECEMBER 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Mary C. Antoine, **Incumbent** - District 1

Keith Haag, Alternate 1 - District 1

Claudia Mazzocchetti - District 1

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED, and to insert the name MARY C. ANTOINE. The motion carried unanimously.

Enactment No: RES. No. 2020-91

44. [19-651](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

APPLICANTS:

Willie Ruth Heath, **Incumbent** - District 4

Carmen Jones, **Incumbent** - District 4

Gary McLamore, **Incumbent** - District 4

Woodrow Poitier, **Incumbent** - District 4

Carolyn Rhone, **Incumbent** - District 5

Latoya T. Almonord, District 1

Lisa Ferreri, District 1

Mikelange Olbel, District 2

Michelle Rhoulhac, District 2

Charles H. Bechert, III, District 3

Monifa Aruwajoye, District 4
Marcus A McDougale, District 4
Mary S. Phillips, District 4
Shelton Pooler, District 4
Mandie Striggles, District 4
Joseph Wells, District 4
Andy Cherenfant, District 5
Doreen L. Malcolm, District 5
Clovis B. Nelson, District 5
Wayne Vereen, District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until January 14, 2020 City Commission meeting. The motion carried unanimously.

45. [19-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until January 14, 2020, City Commission meeting. The motion carried unanimously.

46. [19-653](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until January 14, 2020, City Commission meeting. The motion carried unanimously.

47. [19-654](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until January 14, 2020, City Commission meeting. The motion carried unanimously.

48. [19-655](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 10, 2019 , SEPTEMBER 24, 2019 , OCTOBER 22, 2019 & NOVEMBER 12, 2019

PLEASE REFER TO FILE ID NO 2019-651 FOR APPLICANTS.

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Resolution be POSTPONED until January 14, 2020, City Commission meeting. The motion carried unanimously.

F. REPORTS

Gregory Harrison, City Manager - mypompano app - Mr. Harrison stated that for residents that own an apple device, Sandra King and Matt Janes and staff have made a big improvement on mypompano App. Prior to now people have been having problems utilizing the app if they have an apple device. Mr. Janes have developed this in-house and it has saved the City \$10,000 per year.

Christmas Season Schedules - Mr. Harrison announced that since Christmas is coming around there will be a Community Redevelopment Agency (CRA) Board meeting next week. However, formal City Commission meeting will not take place on December 24th. Garbage and Recycling services on Christmas Day, December 25, 2019, will not be done. Those residents with extra trash between Christmas and New Year will need to bag it up and it will still be picked up even though it is in bags next to the containers.

Update from Tallahassee - Mr. Harrison stated that today is a busy day for three of the City's projects in Tallahassee. There is the Riverside Drive, McNab and the Fire Station 52 projects, which has been on appropriations request for the third year. They are moving through the Committees. This morning the Riverside Drive project was approved unanimously and the same thing for Fire Station 52. He has not heard anything yet on McNab but expect to come out fully from Committee to appropriations.

Core Team - Mr. Harrison indicated that the Core Team was discussed briefly at the Budget sessions. It was an idea that Major Adkins and he has been working on and were going to wait until the next budget year to start back on the Core Team. However, he worked with Erjeta Diamanti, Budget Manager and Suzette Sibble, Assistant City Manager to partially start that Core Team on January 1, 2020.

Major Adkins, Police Chief, Broward Sheriff's Office (BSO) provided details on this. He said earlier he had met individually with each Commissioner to discuss any issues within the districts. One of the common things talked about was what was being implemented on a temporary basis as a trial period called the "Core Team." This is a sergeant and four deputies doing community outreach and enforcement to bridge partnerships with the communities. This is a diversity oriented team that works with everyone within the community from kids to adults. They are also working towards driving down the wait time when calls are being placed. In conversation with Mr. Harrison they have agreed to move forward with this Team. Under the umbrella of the Core Team the homeless outreach will be brought in, the crime prevention CPTED deputies will be brought in along with the nuisance abatement deputy. So they will grow from a sergeant of four deputy team to a sergeant of eight deputies in addition to civilian support personnel. Finally, Major Adkins indicated that from time to time he will provide the Commission with reports on all the work that the team will be doing.

Mayor Hardin indicated that this is great news and a positive step forward in addressing some of the issues in the community.

Holiday Wishes - Mr. Harrison wished everyone a Merry Christmas and a Happy New Year.

Mark Berman, City Attorney - Update on the Wastewater Spill - Mr. Berman reported that on December 3, 2019 he attended a meeting at the Broward County Commission and at that time the County Commission authorized County staff to settle with Prince Contracting over violations of the County's environmental code relating to the breach of the City's Force Main in January of 2019. The state joined the

county settlement with the Prince Contracting firm to resolve the violations. The Final Order provides that Prince Contracting subcontractors will have no further liability relating to the incident. While Prince Contracting did not admit wrong doing as part of the settlement the final order requires them to pay penalties and costs of \$75,000 to the state, \$124,990 to the County. The final order has also require Prince Contracting to remove sand and sediment from the culvert at Northwest 15th Street and the C-1 canal. In August 2019, consultants coordinating with Broward County water control district completed their survey of the C-1 canal to identify sediment for removal to restore the pre-incident profile and elevation of the canal. The final order require that remediation are to be completed within 90 days of the US Army Corps of Engineers a issuance of the permit for the work. Also, in August 2019, the City's environmental consultants Taylor Engineering that the City hired to protect the interests of the citizens at the canals, and Dr. Anthony Janicki completed their analysis of sediment from the C-1 canal, Pompano canal and downstream of the G-57 structure in the tidal waterway. The City's experts have concluded the sediment contaminate concentrations were typical of urban canals and that the sewage incident did not produce a large volume of new sediment, which is good news. Water quality had return to normal conditions within a month or so following the January incident.

Continuing Mr. Berman reported that the state is now closing its files on the sewage incident without taking further enforcement action against the County, the City or anyone else. The final orders have satisfied and purported, by the insurers of the contractors and subcontractors. Pre-condition to their insurance policies to settle the City's claims. In May 2019, the City submitted a claim for damages totaling approximately \$2.8 million. At this time with no pre-condition as they have wanted to throw away. In place, the City is preparing to again consult with them to try to get this settled and if not to be prepared to litigate to cover our damages if the matter cannot be resolved amicably. With the contractors for full payment of the City's claim.

Holiday Wishes - Mr. Berman wished everyone a great holiday.

Asceleta Hammond, City Clerk - No Report.

Holiday Wishes - Ms. Hammond wished everyone a Happy Holiday, Merry Christmas and a Prosperous New Year.

Commissioner Rhonda Eaton - Holiday Wishes - Comr. Eaton wished everyone a Happy New Year, Merry Christmas and a wonderful holiday season.

Commission Meetings - Comr. Eaton stated that given the course of events, with medication, home alone with phone on vibration then it dies and with 52 missed calls this morning was not great. She do not believe that they should be sitting here this morning. This is not a court of law. Therefore, she urged her colleagues to do their follow up. They have to sit through explanations that they have with applicants because they attended the meetings and had that information. However, they have to sit and listen to Comr. Perkins who did not take her meeting and everyone had to listen to her have her meeting here on the dais for ten minutes, because she did not make the meeting with Mr. Hooper. Then there are people coming to ask questions by cross-examining staff. This is not a court of law. In sum, Comr. Eaton stated that they are not there to serve the public as an educational body. The backup is online and the public gets the backup the same time the Commission do. Yet, they have to sit and listen to residents ask probative questions to staff as they sit in the Commission meeting. If there are questions, those should be answer prior to a Commission meeting. They should not be sitting for the

edification of people who have the information who can simply call up. This is not a cross examination and the questions should be directed to the Mayor.

The Commission meetings are way too long. This is not a classroom or a court of law. The information is provided to the public and if they have questions regarding a matter they should seek out the answers prior to the meeting.

Commissioner Andrea McGee - Dunes Restoration - Comr. McGee thanked the Commission and staff for doing work on the Dunes restoration initiative and for moving forward with the grants. She heard from another condominium on the beach where the condominium itself will be moving forward in restoring their dunes as well. This works well together for the beach renourishment and keeping the beaches and coastline healthy and hopefully fighting the salt intrusion that is being done in other ways as well. She is excited to see this moving forward.

Yuletide on Atlantic - Comr. McGee thanked staff for a wonderful Yuletide on Atlantic, and Santa Claus was excellent.

Holiday Wishes - Comr. McGee wished everyone a Merry Christmas, Happy holidays and Happy New Year.

Commissioner Tom McMahon - Holiday Wishes - Comr. McMahon stated that he is one year into his position and many things have been accomplished in the City of Pompano Beach. He is excited that BSO is taking the steps to move forward with the Core Team in making some changes. The City is honored and blessed to have the Chief in place operating our police department. He puts his heart in everything.

Yuletide on Atlantic - Comr. McMahon commended staff for doing a tremendous job with Yuletide on Atlantic, light up MLK, and the holiday is here and staff has stepped up decorations and things like that across the board.

City Hall Lobby - Comr. McMahon said he was pleased to see the lobby in City Hall, which was nicely updated and much needed to bring City Hall up to date.

Appreciation - Comr. McMahon thanked staff for a good year down and look forward to next year.

Holiday Wishes - Comr. McMahon wished everyone Happy holidays.

Commissioner Beverly Perkins - Community Benefits - Comr. Perkins indicated that at the last Commission meeting she requested the City Manager to find out about the Community benefits and wanted to get an update on this.

Gregory Harrison, City Manager recalled that Mr. Thrower said he would bring copies from other cities that had community benefits ordinances to us, but he has not heard anything from him.

Comr. Perkins recalled asking the City Manager to look into what some of the other cities are doing across the

state as to how they have incorporated their community benefits into their cities.

Mr. Harrison says he will get this figured out by the meeting in January.

Mayor Hardin believes City Attorney Berman was exploring this information.

Mark Berman, City Attorney, stated to date he has found nothing in Broward County's community benefits, and is unsure that such a thing exist. He has looked at various codes throughout Broward County and there is no Community Benefits. The legality of such will be very difficult to make that possible. He will be happy to meet with Comr. Perkins to discuss the concept of what she has in mind and what would be permissible.

Comr. Perkins stated she was not requesting that he look in Broward County but rather to look around the United States. She is aware it exist but she do not know where and would ask the City Manager to check into this to see how it is handled by other cities in the United States.

Broward Health - Comr. Perkins reported that Broward Health is having a holiday meal distribution on December 19, 2019 from 10:00 a.m. to 3:00 p.m. at the Annie Weaver Health Center, 2011 NW 3rd Avenue, Pompano Beach. They will be serving meals to the community.

March of Dimes - Comr. Perkins thanked the City Manager for the March of Dimes advertisement in the booklet. There were many good representatives from the City of Pompano Beach. She thanked Comr. McGee, Vice Mayor Moss, Comr. Eaton, Shelley and Audrey for showing up. The March of Dimes honored her and eight other ladies to include Laura Jennings from Channel 10 news. She was happy to be a part of that event.

Holiday Wishes - Comr. Perkins wished everyone Happy Holidays.

Vice Mayor Barry Moss - Collier City Holiday Party - Vice Mayor Moss announced that the Collier City Civic Association will have their Holiday party tonight, December 10, 2019, and hope the residents of Collier City will show up.

John Knox Village Holiday Parade - Vice Mayor Moss reported that tomorrow, December 11, 2019, at 3:30 p.m. they gather for the John Knox Village Annual parade, which is a lot of fun.

Farewell Party - Vice Mayor Moss announced that Nick Lazazzara is reassigned to another Center and the residents will be hosting a farewell party for him tomorrow, December 11, 2019 between 7:00 p.m. and 9:00 p.m. at the Skolnick Center.

Personal Note - Vice Mayor Moss stated that on a personal note he would like to follow up with a conversation that started with Comr. Eaton. He says he shares her frustration. There is a lot of talk in the Chamber about respect but he reminded individuals that respect is a two way street. He believes being honest and frank with people is one of the nicest things you can do, it is the hallmark of a gentleman. When he tries to exercise this behavior here some people take this as being insulting. Tonight we heard a constituent say that because he has the unmitigated gall to disagree with him then he is disrespectful. Because he would not tolerate

being interrupted then he is disrespectful. Tonight, Mr. Thrower got up and in front of the dais and on television threatened him. Please understand that this commissioner will not tolerate that. As representatives for the people they should not be subjected to be disrespected, threatened, and insulted. Therefore, he will not tolerate these type of behaviors. Therefore, he is asking that Mr. Thrower stay away from him, as he does not trust him. He is a big man subject to emotional outbursts and he fears for his personal safety. If he does not stay away he will be forced to go to the court and get an injunction against him. Therefore, he wants him staying away and not speaking or calling him, as he fears for himself.

In sum, everyone is entitled to speak and express their opinion but it is not a coincidence that the same eight or ten people at every single meeting get up and ask questions that they should have known prior to the meeting, so they waste a lot of time.

Holiday Wishes - Vice Mayor Moss wished everyone Happy Hanukah, Merry Christmas, A Blessed Kwanza or whatever way you celebrate your universe and your God.

Mayor Rex Hardin - Holiday Events - Mayor Hardin thanked staff profusely for working on Light up MLK and the Yuletide Parade, they really were great events. It is exciting to see the turnout each time at these events as well.

Demise of Harold Abel - Mayor Hardin announced that Harold Abel, one of the icons in the community passed away. Comr. Perkins wanted to attend his funeral but had to be at the MDA. Mr. Abel did a lot of good in the community.

Mayor Hardin thanked a those people who assisted with the Dorian relief effort for the Bahamas. He said he did not want anybody to feel left out if he mentioned just a few. Nevertheless, he wanted to thank Dennis Freehold, Pastor Mohorn, Word of the Living God Ministries, Bethel AME Church, Ed Phillips, Carmen Jones, and Antioch Missionary Baptist Church. He appreciate Comr. Perkins bringing this up. He asked for forgiveness for those people he might have left out who worked diligently in this effort. However, there were many folks in Pompano Beach that opened their hearts and pocketbooks to assist with the Dorian Relief effort and it was not only those who received proclamations. He reminded folks not to forget them as there is still a lot of need. As our sister country he urged everyone to keep them in prayer.

Holiday Wishes - Mayor Hardin wished everyone Merry Christmas, Happy Hanukah, Happy Kwanza and all that kind of good stuff.

G. ADJOURNMENT

The meeting adjourned at 11:44 a.m. on Wednesday, December 11, 2019.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk

City of Pompano Beach Utilities Department

Review of Proposed Rates

December 10, 2019



Approved Utility Rate Adjustments

YEAR	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Water	4.25%	4.25%	4.25%	4.25%	4.25%
Reuse	4.25%	4.25%	4.25%	4.25%	4.25%
Wastewater	3.00%	3.00%	3.00%	3.00%	3.00%

- Nationally water and sewer rates have increased by 5.09% and 5.64% per year respectively from 1996 to 2018¹

- (1) AWWA/Raftelis 2019 Water and Sewer Rate Survey

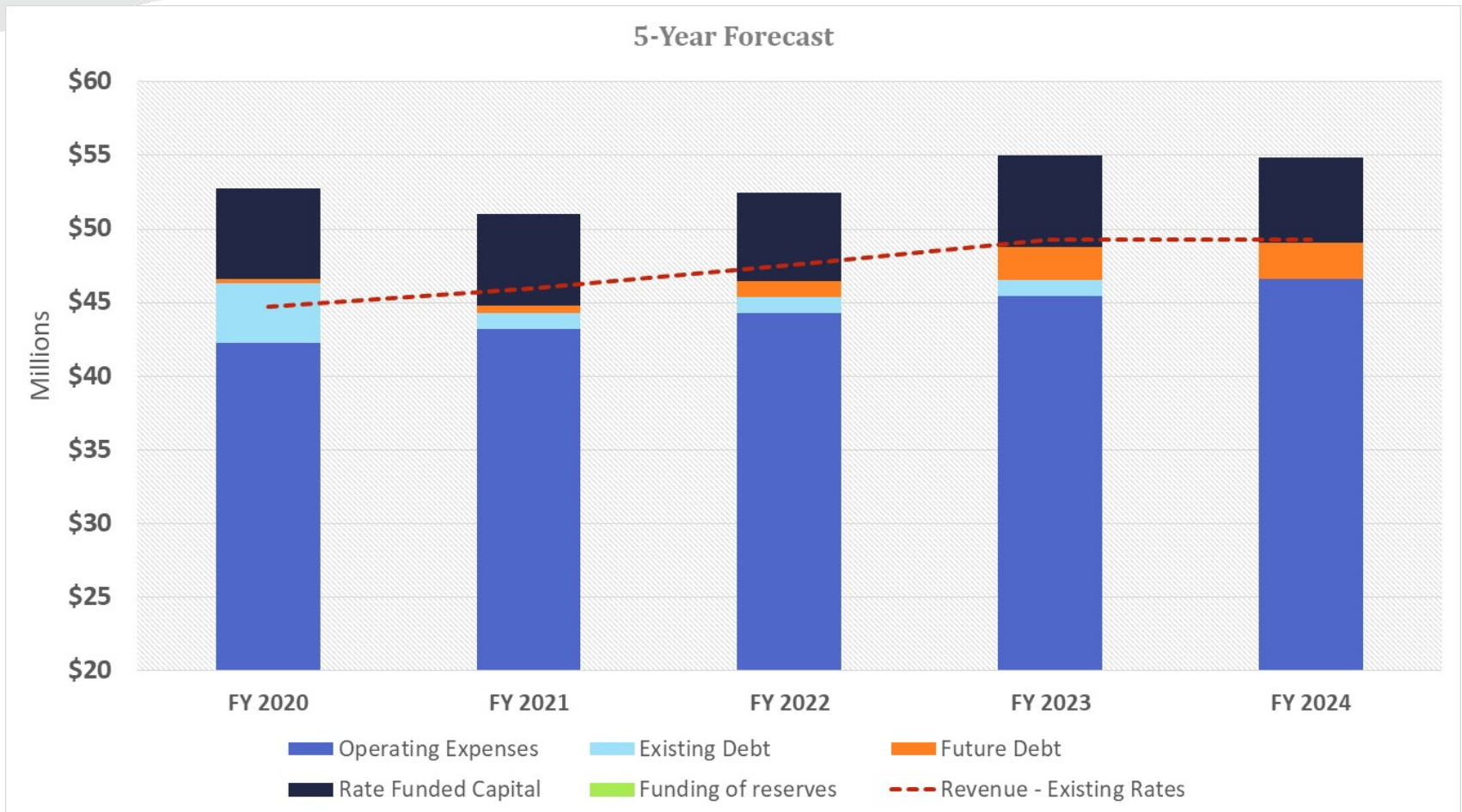


What Has Changed?

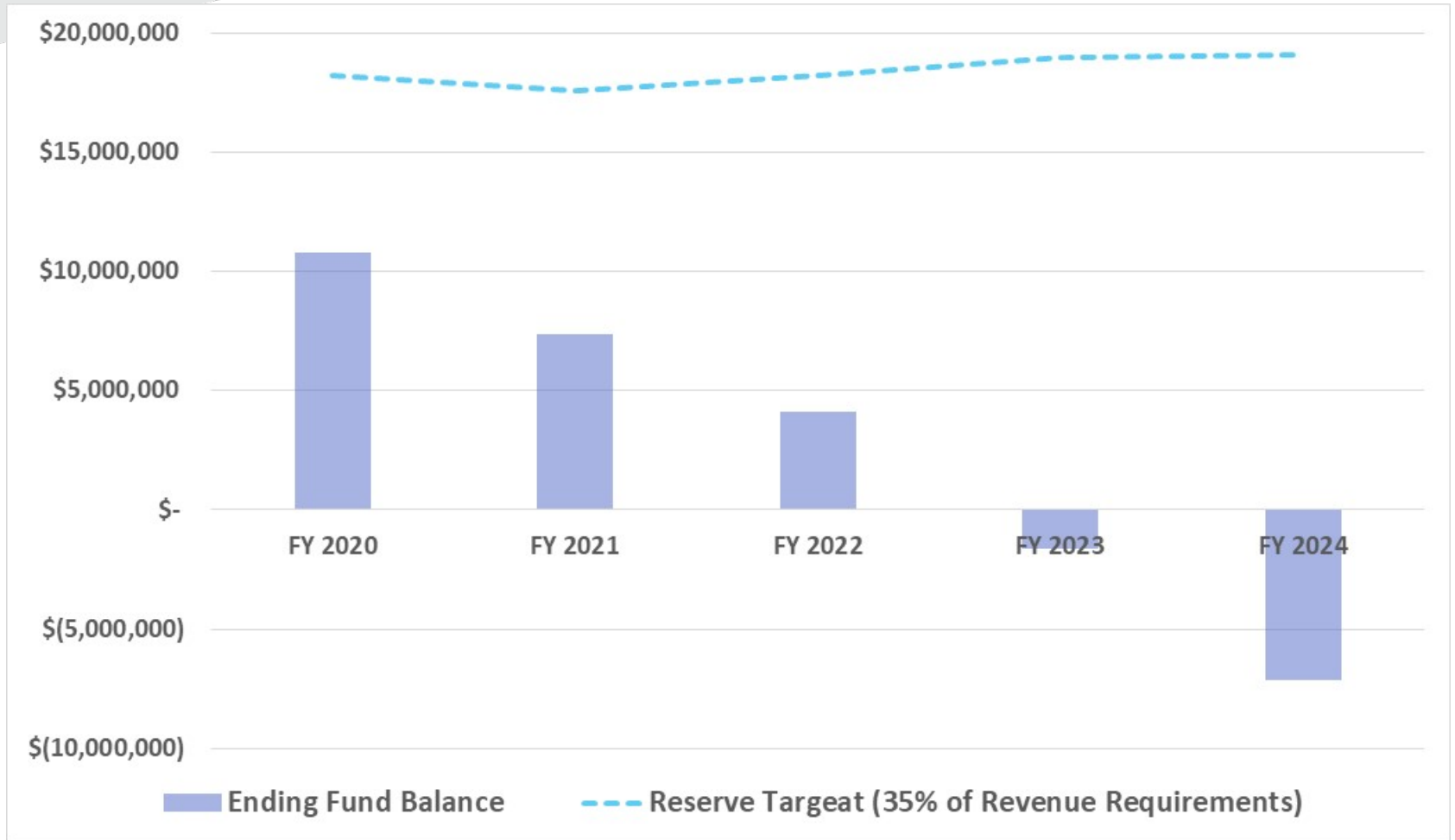
- Increased need for capital improvements
 - › City's water system
 - \$7.7 million deep well project (paid out of reserves)
 - Additional projects including a reservoir (water supply) and filter rehabilitation (water quality)
- Broward County's wastewater system
 - Debt service component increased 54% in FY 2019 and 6.8% in FY 2020
 - O&M rate increased 8.7% in FY 2019 and 4.3% in FY 2020



Revenue Sufficiency Under Current Rate Projections



Fund Balance Under Current Rate Projections



Proposed Utility Rate Adjustments

	Current	Proposed	Proposed	Proposed
YEAR	FY 2020 (Oct. 1, 2019)	FY 2020 (Jan.1, 2020)	FY 2021 (Oct. 1, 2020)	FY 2022 (Oct. 1, 2021)
Water	4.25%	6.00%	6.00%	4.25%
Reuse	4.25%	6.00%	6.00%	4.25%
Wastewater	3.00%	9.5%	9.5%	7.75%



Residential Single Family Customer Impacts for FY 2020



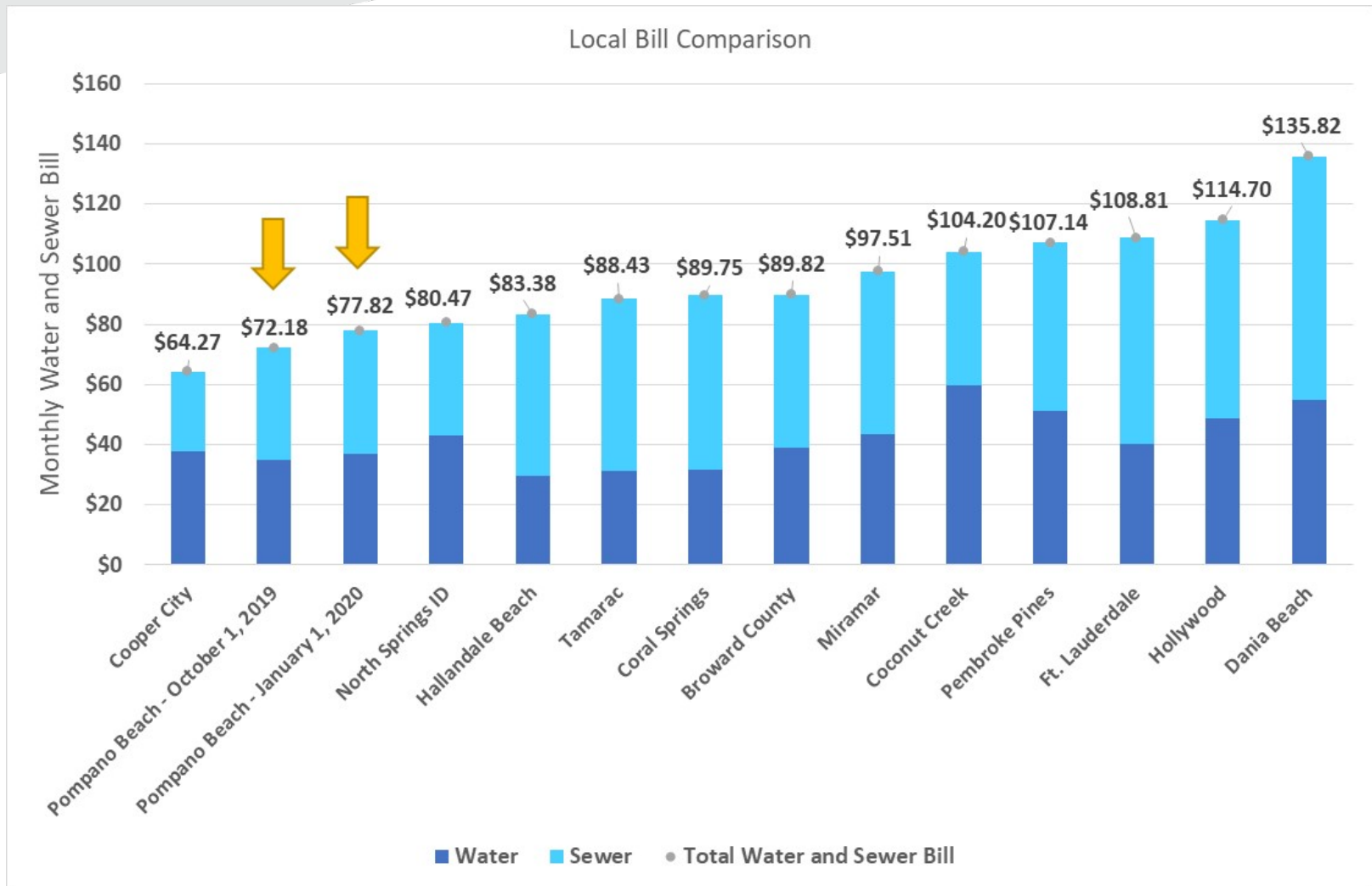
*Average single-family customer monthly water and sewer bill

- increased \$2.50 on October 1st
- will increase \$5.64 on January 1st

Total impact is \$8.14

*Average residential customer uses 8 kgal (1,000 gallons) per month of water

Local Comparison for Single -Family (using 8 kgal)



Customer Assistance

Utilities Customer Service

- Referrals to other charitable organizations
- Payment plans for high/unexpected bills

Customer Assistance Programs:

- **Family Success Centers**
 - › Provide case management services by partnering with the County's Human Services Department
- **2-1-1 Broward**
 - › Locate financial assistance through other agencies such as the United Way and the Salvation Army



Conclusions

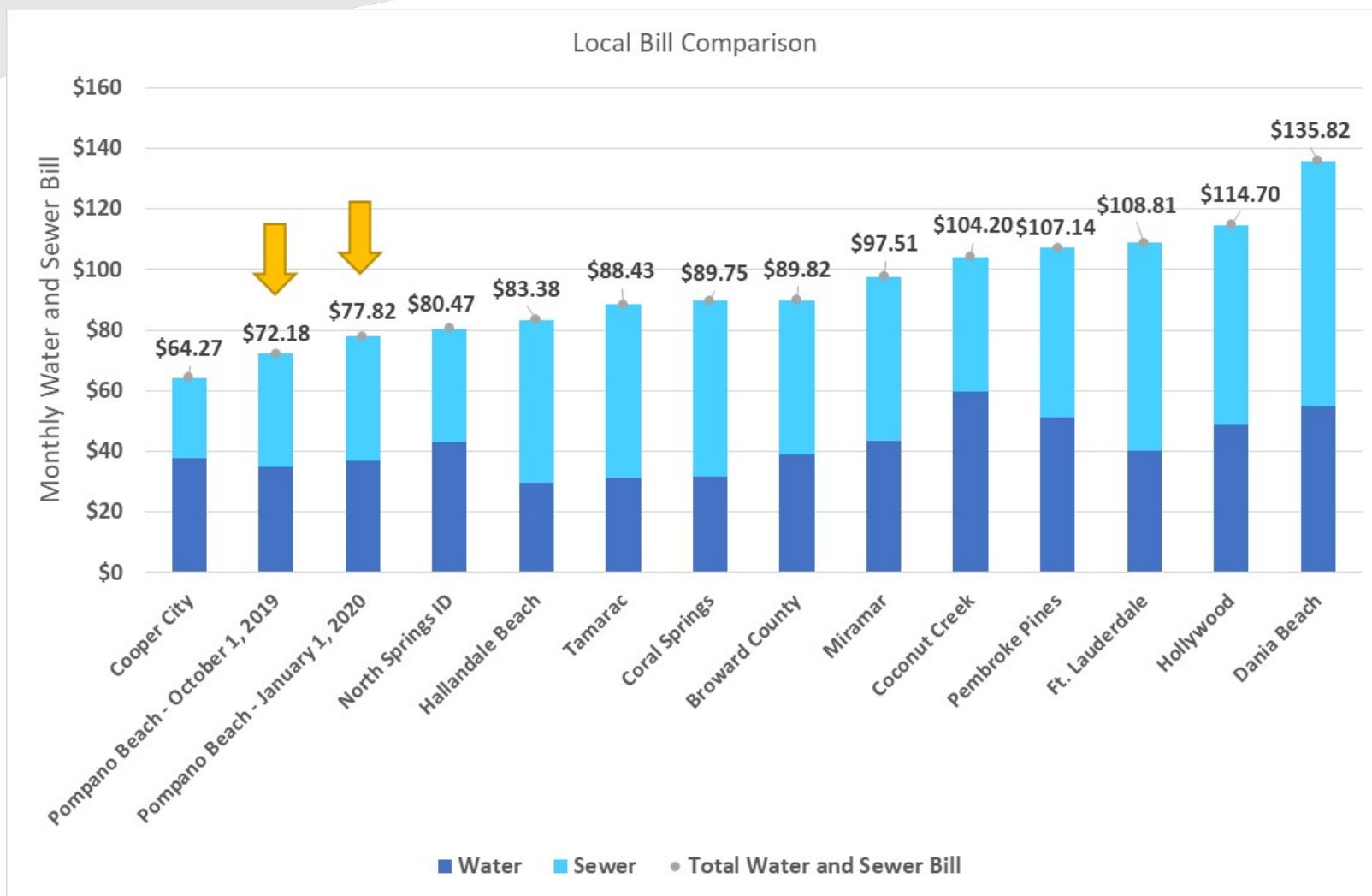
- The proposed rates are needed to ensure the financial viability of the water, wastewater, and reuse system
- The combined bill for the average customer continues to remain low compared to others
- The rate adjustments are subject to the availability of SRF funding and Broward County rate increases



Thank you



Local Comparison for Single -Family (using 8 kgal)





CITY OF POMPANO BEACH MUNICIPAL CHARTER SCHOOL ("PBMCS")

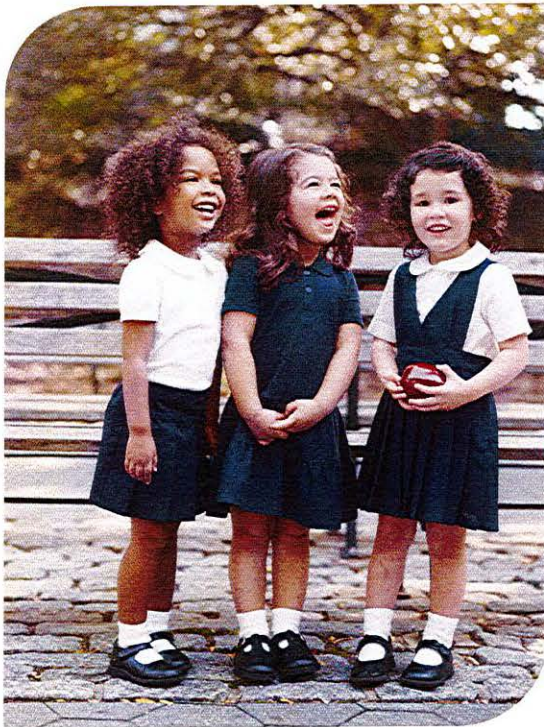
CITY COMMISSION MEETING
DECEMBER 10, 2019



Application Team

- **Dr. Don Hooper** – President, Center for Quality Leadership, (School Superintendent for 25 years-retired)
- **Dr. Earlean Smiley** – Served in many capacities in Broward County Schools, including 10 years as Deputy Superintendent (retired)
- **Dr. Leontine Butler** – Also served in many capacities in Broward County Schools over her 35 year career, including Deputy & Area Superintendent (retired)
- **Jonathan Bonilla** – Budget Analyst (10 years experience)
- **Lisa Mulhall** – President In Rem Solutions, Inc.

What is a Charter School?



- Part of the Public School System, but **independently operated**, which affords ***flexibility***
- Innovation – Research based Student Learning & Achievement (**emphasis on reading**)
- Governed by a performance contract (Charter) w/the School District
- Oversight by School District and FL Department of Education - Accountable for Academic & Financial Results; **Must** meet student achievement goals in charter.
- Required to have an annual audit by an Independent CPA



Why a “Municipal” Charter School?

- City Commission serves as governing board - allows autonomy for direction & accountability (curriculum, assessments, outcomes etc.) while providing governmental transparency;
- Enables parental choice by providing a prime quality and high performing school to meet the unique needs of Pompano Beach residents;
- Provides a ***tuition free*** alternative to costly private schools, saving parents substantial money by not paying for expensive tuition (\$22,000-\$35,000/year);



Why a “Municipal” Charter School?

- Mitigates the educational impact created by planned new residential units;
- Equips the City to attract companies offering significant salaries to its workers who have school age children and want an extraordinary and unique educational opportunity for their children; and
- Pompano Beach will be taking the lead in innovative educational methods that will assist Broward Schools by providing an “exemplary model of excellence” that can be emulated for all Pompano Beach students and throughout the school district.



PBMCS School Culture and Program

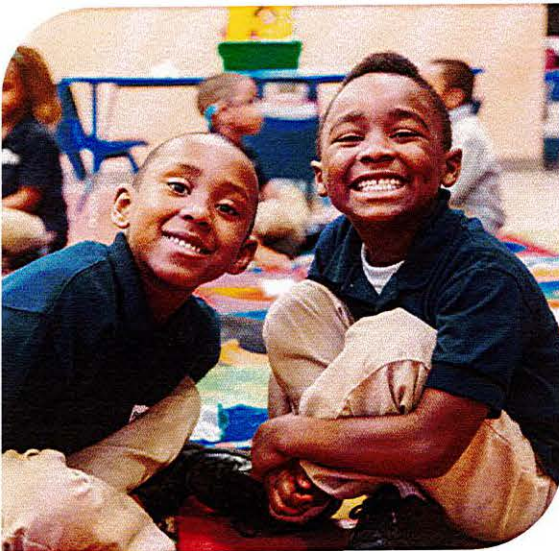
- **PBMCS will establish a culture, which includes:**
 - A rigorous educational curriculum
 - Different teaching, different learning, different assessment techniques
 - Required parental involvement
- **PBMCS will begin with a specifically designed program with a strict emphasis on third grade reading level achievement as a foundation.**
 - To develop deep subject knowledge, *emphasizing reading*
 - To develop conceptual understanding, and
 - To develop higher order thinking skills *grade by grade*.



Reading on Grade Level will be Our Focus

- Reading on grade level by third grade is predictive of future success in school and of lifelong achievement.
- Reading literacy is the nucleus of learning across content and the basis of lifelong learning.

Growing Our Own Excellence



- It can be challenging to take an older child from an existing school and immerse them in a new culture that includes:
 - ❖ a rigorous educational curriculum
 - ❖ different teaching methods
 - ❖ different learning and assessment techniques
- **PBMCS will grow our own excellence through grades K-8.** Students will build on their previous learning content and skills that reinforces what they have learned and how they learned it, while at the same time taking them forward to higher levels of achievement.



Strategy for Growing Our Own Excellence

- PBMCS will utilize an extremely rigorous curriculum that will grow excellence within our youth. We will start with intense achievement at lower grades and continue at an appropriate pace to a K-8 program. Throughout attending PBMCS students will be prepared for college and career readiness and as a result PBMCS will secure a grade of “A” on the State of Florida School Ranking System.
- The PBMCS approach will be to grow excellence on a solid foundation. This will be accomplished by targeting the following grade levels by year:
 - ☐ Year 1 Start with Grades K, 1, 2 and 6
 - ☐ Year 2 Add Grades 3 and 7
 - ☐ Year 3 Add Grades 4 and 8
 - ☐ Year 4 Add Grade 5

FAQs

- Who will be able to attend PBMCS?
 - ❖ Pompano Beach children will be given enrollment preference. Other students will be considered if open seats are available. A lottery system will ensure fairness and equity in all instances.
- What does it cost a family to attend?
 - ❖ A charter school is a public school and as such there is no tuition costs. However the school will require parent involvement.
- How are Charter Schools funded?
 - ❖ Charter schools are funded through the Florida Education Finance Program in the same way as all other public schools in the school district.

FAQs

- What about school safety?
 - ❖ PBMCS will be subject to a safety audit that meets the FL Department of Education School Safety Center standards and the City of Pompano Beach Fire Department Safety standards.
- Is the school accredited?
 - ❖ PBMCS will seek accreditation through COGNIA just like other Broward County Schools. Once established and in receipt of its first rating according to the State of FL School Ranking System, PBMCS will apply to become a Cambridge International School.
- How, where, and when can my child apply?
 - ❖ Timelines for applications will be disseminated in a variety of ways (social media, publications, community meetings, websites, etc.).



Timeline for Application Approval

**December 10,
2019**

- **City Commission Approval to submit the Application**

**February 1,
2020**

- **Application submitted to Broward County Public School District**

**February-May
2020**

- **Broward County Public School District review and consider application**

**August
2021**

- **If application approved by May 2020, year one operation to begin school year 2021-2022**



Questions

