

## 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*

*Asceleta Hammond, City Clerk*

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Tuesday, January 14, 2020

1:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

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

#### ROLL CALL

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

#### INVOCATION

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

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

#### APPROVAL OF MINUTES

[20-208](#) Regular City Commission Meeting Minutes of December 10, 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 items 16 and 19 would be postponed until January 28, 2020, City Commission meeting.

**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, and 13 would be pulled for City Commission discussion.

#### **A. PROCLAMATIONS**

##### **[20-210](#) Dr. Martin Luther King, Jr. Day Proclamation**

Mayor Hardin proclaimed January 20, 2020 as Dr. Martin Luther King, Jr. Day in the City of Pompano Beach. Byron Hall, President of the MLK Committee was unavailable to accept, therefore, Mikelage Olbel, Vice President of the MLK Committee accepted the proclamation on behalf of the Committee members.

**This matter was READ AND PRESENTED INTO THE RECORD**

#### **B. PRESENTATION**

##### **[20-166](#) Strategic Plan 2018-2023 and Action Agenda 2018-2019 Quarterly Progress Presentation. (Fiscal Impact: N/A)**

**(Staff Contact: Ernesto Reyes)**

Ernesto Reyes, Strategic Performance Manager, made a presentation to the City Commission a copy of which is attached as Exhibit I.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, asked about the processing of the water liability claims software.

Mr. Reyes explained one of the objectives in the current strategic plan associated with that particular goal is to invest in the upgrade of information technology hardware and software. Therefore, this action item promotes the completion of that objective. The Risk Management utilizes a software to process liability claims and this is the upgrade to provide for the continuous investment in the software.

Mr. Phillips asked for clarification on the water liability claims.

Mr. Reyes indicated he did not mean to convey “water liability claims” but rather “general liability claims.”

**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.

**The following persons were called to speak:**

**Festival Events** - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, commended the City Manager, the Assistant City Managers, as well as the City Commission’s In-Reach into the community as the MLK and Tiger Trail Festival events that are scheduled for the overall City. He is pleased to see the active participation of everyone.

**Charter Schools** - Mr. Phillips provided his opinion on Charter Schools. He is concerned that the City should not be getting into the business of Charter Schools. He also expressed concerns that decisions on schools are being made and the Education Advisory Committee was bypassed and felt this issue should have been sent to them for their review. He felt the public schools have enough competition as it is for funding and the students. While public schools may have challenges, at the end of the day, they are not “bad entities for the education of the children.” In sum, he along with a number of residents he has spoken with do not want the City to get into the business of Charter Schools.

**Affordable Housing** - Marcia Barry-Smith, Director of Outreach, Government Policy & Advocacy, Habitat for Humanity, 3564 N. Ocean Boulevard, Ft. Lauderdale, FL, expressed, on behalf of Habitat of Humanity, appreciation for the City’s unyielding support shown to them in their efforts to collaborate to help to create safe, affordable and sustainable housing for persons from low to moderate income, who wish to reside and work in the City of Pompano Beach.

Continuing, Ms. Barry-Smith indicated that to date, they have closed on eighteen single-family homes in the Rick Case Habitat Community. This will result in approximately \$50,000, being added to the tax rolls. All the families are making payment on their three or four bedroom homes significantly below the average rent in Broward County, of a two-bedroom for \$1,902 per month. She thanked those who attended the opening and dedication of the Bob and Cherry Taylor Park.

Finally, Ms. Barry-Smith conveyed appreciation to the Gap funding that the City and staff have provided to five of the eighteen homeowners. This funding made the difference for those homebuyers whose shortfall in income would have prevented them from achieving their dream. The funding that normally comes from the City’s Office

of Housing and Urban Improvement are realized from the State Housing Initiatives Partnership (SHIP) Program. Therefore, they are asking for continued support from the City for its outreach to colleagues in the legislature, especially the Speaker of the House and the members of the Appropriations Committee to vote to demand full funding of the Sadowski Housing Trust Fund. If this funding is not realized the City of Pompano Beach stands to lose \$1.32 million, which cannot be allowed to happen.

**Changes to City Commission Meetings** - Russell T. Adams, 4015 W. Palm Aire Drive, FL, member of the Executive Board of Palm Aire United, stated that this is a committee that tries to unify the twenty three large condominium associations, which comprise the enormous Palm Aire community. They have been getting the word out about how pleased they were to have an afternoon meeting of the current Commission. He spoke on behalf of the retired residents who want to come in to speak at the time of day that they can make time for, which is in the afternoon. Therefore, they hope the Commission will continue to hold certain meetings in the afternoon as well as in the evening.

**Traffic Issues** - Sharon Chippetta, 2870 NE 22nd Court, Pompano Beach, FL, stated that it is tourist season again and her neighborhood is being inundated again with the cut through traffic. This starts from Lighthouse Point through to the avenues exiting on to 23rd Avenue and 14th Street Causeway or going further on to Atlantic Boulevard. She complained of drivers blowing their horns at stop signs, intimidating other road users, and creating possibilities for traffic accidents for the residents in the area. The traffic problem is horrendous, and the residents need to stay safe.

Mayor Hardin asked if there is a particular time during the day that the traffic appears to be worse, so Broward Sheriff's Office (BSO) can do some target enforcement.

Ms. Chippetta responded that approximately 4:30 to 5:00 p.m. would be a good target time.

Comr. Eaton mentioned that they are planning on doing a safe neighborhood improvement traffic calming pilot program in the area of Cresthaven, between 17th and 14th Avenue off 33rd south to 28th and to look at new and innovative ways to calm traffic with the hope that the methods can be taken to other areas within the City. She is very aware that cut through traffic is prevalent throughout the City and other areas; therefore, she is hoping this will produce some good results in the future.

**East Atlantic Corridor Comprehensive Corridor** - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated he attended the East CRA (Community Redevelopment Agency) meeting and thanked Comr. McMahon for attending and chairing the meeting. He liked what Comr. McMahon said, "I would like to go to as many meetings as I can." This shows true involvement.

Continuing, Mr. Drum stated that numerous people have approached him regarding the East Atlantic Corridor Comprehensive Plan, which indicates that all the amendments in broad principle will always apply in all circumstances. Further, it states that there is the need for 5.5 acres of open space in the ETOC (East Transit Oriented Corridor). He mentioned that the Commission is counting on staff to provide the measurements on this; however, it needs to be looked at further, and provided his reasons, which includes moving the McNab House to the Park, which he opposes. He contends that staff provided gross acres that involves portions of it to include the streets and so forth, so it is not the open space that they describe, which is undeveloped land

suitable for passive recreation or conservation uses.

Finally, Mr. Drum indicated that he would provide the link to the Commission.

Mayor Hardin indicated that staff is looking into the issue brought up by Mr. Drum.

**Affordable Housing** - Erneika Mejia, Habitat for Humanity, 656 NW 14th Street, Pompano Beach, FL, stated that she is a new resident of the City of Pompano Beach, who recently purchased a home in the Rick Case Community Habitat. She indicated she could not achieve her goal without “an army of angels that have made our dream a reality, for me and my neighbors.” They have already began a village where the pride of ownership is shared by the eighteen new homeowners.

Ms. Mejia thanked the City and staff for all they have done and that she, along with her family, will support the City’s efforts. In sum, in memory of Bryce Gowdy, who tragically lost his life in front of a Brightline train, may his life signify how urgent the need is for affordable housing.

**Land Use Plan for East Oriented Transit Corridor (ETOC)** - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, mentioned that the County Land Use Plan is specific that says the East Oriented Transit Corridor (ETOC) must include 5.5 acres of open space, which does not mean park. He cited the County’s Land Use Plan, page 91, “Undeveloped land suitable for passive recreation or conservation use or both.” He mentioned that the ETOC currently has McNab Park with 3.0 acres, Chambers Park with .21 acres, Bill Keith with .72 acres and others with .21 acres for total open space of 3.9 acres, which is less than the required 5.5 acres for the area to be classified as a transit corridor. He alleged that the City is deficient and non-compliant and explained his opinion and reasons for this. Therefore, he urged the City Commission to place a moratorium and development stop including any permitting relative to the placement of the McNab house on McNab Park, which would increase the City’s deficiency and non-compliance with the County’s Land Use Plan.

Mayor Hardin indicated that he is aware that Jean Dolan, Development Services Department has looked into this matter; however, he asked her if current the City is in compliance with the County’s Land Use Plan.

Ms. Dolan responded that the City is in compliance with the County’s Land Use Plan, as well as with the City’s own Land Use Plan. She explained that land use is in gross acres.

Mayor Hardin asked if the City is going to move the house to put itself in violation.

Ms. Dolan responded that the City would not be in violation of anything. She mentioned that this analysis was done in June 2018 and it was known then that the proposal would be in compliance.

Mayor Hardin announced if anybody has questions about this matter, to contact Ms. Dolan, who is knowledgeable and is willing to sit with residents who have questions about this. There is complete transparency in the City of Pompano Beach.

#### **D. CONSENT AGENDA**

The following items were approved without discussion: 1, 3-5, 8-12 and 14.

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

1. 20-201 Approve ranking order for RFP E-49-19, Utility Rate Consultant, and authorize staff to negotiate a contract with the highest ranked firm, Raftelis Financial Consultants, Inc. (No cost at this time.)  
(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

**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. 20-202 Approval to purchase playground and outdoor fitness equipment, site accessories, surfacing and related products and services for Kip Jacoby Park, from Kompan, Inc., per the City of Charlotte/Mecklenburg County/U.S. Communities contract #2017001135, at a total cost of \$102,176.73  
(Fiscal Impact: \$102,176.73)

(Staff Contact: Robert McCaughan/Harold Beard)

Comr. Perkins pulled the item for City Commission discussion. She requested a clear understanding of the location and proposed playground and outdoor equipment for the site.

Robert McCaughan, Public Works Director, explained this is a replacement playground for the existing equipment. The original existing equipment was taken out of service because it was deemed unsafe, because the City could no longer find parts to repair it. The playground will be enhanced to provide American with Disability Act (ADA) accessibility. In addition, the park is called the Kip Jacoby Park but more commonly known in the past as the Norwood Pines Park located on south Cypress Road. Two proposals were provided for the playground and this was the best option. Prior to installing the playground, they will put up a poster that will read, "Playground coming," as well as a picture of what it will look like.

Sharon Chippetta, 2870 NE 22nd Court, Pompano Beach, FL, asked about what equipment would be included, because at one time she played racquetball at that Park.

Mr. McCaughan, mentioned the plans and what it would look like has not yet been finalized. However, there will be slides, a walking bridge, and spinners. He said staff based its decision on looking at playgrounds where kids like to play. The main thing is that the equipment has to be safety certified and it includes the safety zone, as well as it must meet certain standards to protect kids falling off the equipment that may sustain head injury. There are different modules for young kids 4-6 year olds and 6-11 year olds. There are multiple pieces of equipment included. For example, at Novelty Park, new equipment was recently installed. Community Park has that type of equipment that is the most modern in the market.

Ms. Chippetta asked if the funding will come out of the G.O Bond projects, which Mayor Hardin responded no, and explained that this is a normal procedure of upgrading the Park's equipment.

Comr. Perkins asked while on the subject, would there be any new equipment planned for the Weaver Park.

Mr. McCaughan responded no. He stated that there are 48 playground modules across the City's Parks, and based on the age and condition of the equipment at that park it is on a replacement cycle. He is unsure of where Weaver Park is, however it would replace the existing equipment not necessarily providing more fitness, currently that is not in the plan, nevertheless it could be considered.

Mr. McCaughan confirmed that improved lighting is planned for that Park.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

3. [20-204](#) Approve ranking order for RFP E-02-20, Janitorial Services, and authorize staff to negotiate a contract with the highest ranked firm, Sunshine Cleaning Systems, Inc. (No cost at this time.)  
(Fiscal Impact: N/A)

(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.**

4. [20-203](#) Approve ranking order for RFQ E-50-19, Design and Consulting Services for SE 6th Terrace Bridge Replacement, and authorize staff to negotiate a contract with the highest ranked firm, Kimley-Horn and Associates, Inc. (No cost at this time.)  
(Fiscal Impact: N/A)

(Staff Contact: Hector Gandia/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.**

5. [20-197](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN UNDERGROUND EASEMENT TO FLORIDA POWER AND LIGHT COMPANY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1.00)

(Staff Contact: 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. 2020-92**

6. [20-116](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S 2020 ANNUAL PUBLIC ART PLAN AND DIRECTING STAFF TO PROCEED WITH PROJECTS INCLUDED IN THE PLAN FOR FY 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$195,150.00)

(Staff Contact: Laura Atria/Phyllis A. Korab)

Mayor Hardin and Comr. McGee pulled the item for City Commission discussion. Comr. McGee asked about the Mosaic theme termed, "three installations on the overpass columns under I-95." There was a note that the City requires permits from "MOT" and she wanted to know how far along the City is with the permits. This would be like prior to flagging money for such a specific thing when reliability is on another agency.

Laura Atria, Public Art Program Manager, responded that they have not started any of the projects just yet. These were discussed, but not actually started until the City Commission approves the project.

Comr. McGee indicated that with the mosaic a whole team is involved and when money is flagged for a project such as this one, when does the team start receiving reimbursement for their time, would it be at the beginning or once the project commences moving forward.

Ms. Atria responded that it goes into contract with the artist who is in charge of providing payment to the apprentices, which is the team, and they are approved by staff and must meet certain requirements such as work, live or go to school in Pompano Beach and over the age of 18 years old. In addition, the artist must provide information that she paid them and that the apprentices have fulfilled their duties.

Comr. McGee enquired if the Commission can assist to get this moving in the event MOT does not permit it.

Mayor Hardin asked to pull the item for a quick presentation by Ms. Atria on the project, which she provided a hard copy to the City Commission along with the annual plan.

Ms. Atria mentioned how they came up with the master plan, how the program started and where they go from there. She provided a list of the projects completed in fiscal year 2019, which includes:



- The trail of the honeybees. First walking tour will be on January 25, 2020, to start at 10:00 a.m. at the Pompano Beach Cultural Center and will take one-mile trail of thirty-two mosaics with honeybees as their main theme, with different popular events at different areas within the City's cultural centers.
- A project called "Music Leads the Way," will have three large-scale mosaic murals on the Pompano Beach Amphitheater.
- A project called "Community," which is on the Charlotte Burrie Community Center to be unveiled when the Center is opened to the public. This is a sixteen-foot mosaic mural.
- The Oasis sculpture, which is in front of the Oasis Utility water plant.
- An artist in residency program, which took place for approximately two years in Collier City. There are two murals in the Jan Moran Public Library. A part of the mural was using residents to help create it, with their handprints on the wall.
- The 9-11 memorial located in Founder's Park. The prefabricated sculpture called, "We go Together" by famed Australian artists, Gillie and Marc Schattner.
- Round 2 of the utility wraps project has been completed. They wrapped forty-three more boxes. Currently, they are in the process of completing Round 3, after which they will finish wrapping all utility boxes in the City.

Projects currently in progress are:

- Utility Box Wraps 3
- Mosaic Team Term 2
- Underwater Reef Sculpture
- Cultural Arts Center Future Arts Project
- Ali Cultural Arts Sculpture on MLK between I-95 and Dixie Highway
- Blanche Ely High School Mural
- Community Park Water Feature Project
- Powerline Road Sculpture
- Artist Alley Painted Mural
- Artists Alley Mosaic Mural
- Maintenance projects

The projects planned for Fiscal Year 2020 are:

- A1A & Atlantic Boulevard Median Sculpture
- Underwater Sculpture Park Sculpture 2 (This will be done every two years)
- Old Town Plaza Mural
- Mosaic Team Term 3

- Opportunity/Contingency Projects that will come up along the year

Gregory Harrison, City Manager announced that there are some technical difficulties being experienced with the audio portion of the Broadcast on Channel 78 and online. Staff is working to resolve the issue.

Comr. Perkins indicated that there is a wall on Copans Road at the intersection of Copans and NE 3rd. She asked if Ms. Atria could check into possibly doing some work on the wall.

Ms. Atria responded that they will take a look to see if they could add it to the contingency plans.

**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. 2020-93**

7. [20-121](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$50,000.00)

**(Staff Contact:** Laura Atria/Phyllis A. Korab)

Comr. McGee pulled the item for City Commission discussion to get clarification as to the location of the project and the work planned for concrete work. She expressed concern after reviewing the aerial to see where it will be located because it is tied to the Pier and its entrance with the concrete poured being specific and costly. After seeing the plan that indicated specificity and the cost related to concrete, she became concerned. She suggested that if possible, could they consider somewhere else on the beach without destroying something that was just installed and costly.

Ms. Atria indicated that they have been discussing the matter with Robert McCaughan of the Public Works Department. The artist has already looked into the area. Originally, the pieces were done by the CRA but she has spoken with them to inform that this is a project the City is looking into. Nevertheless, Ms. Atria indicated that they are not removing all of it but instead small areas will be removed to small circular areas, approximately five, and then replace the smaller areas that are already outlined on the design. These areas will be replaced

with mosaic floor pieces. She assured Comr. McGee that they will not dig up the construction that was recently done, but will be adding to the aesthetic of the cement already in place.

**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. 2020-94**

8. [20-187](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT TO PURCHASE ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND LINDA SERRAO; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000.00)

(Staff Contact: Laura Atria/Phyllis A. Korab)

**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. 2020-95**

9. [20-127](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH RIPTIDE SOFTBALL, INC. TO PROVIDE AND PROMOTE A DEVELOPMENTAL SOFTBALL PROGRAM FOR GIRLS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

**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. 2020-96**

10. [20-185](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLIPPIN' DOGS, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City will receive \$100 per month for use of facility.)

(Staff Contact: Mark A. Beaudreau)

**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. 2020-97**

11. [20-205](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PURE RESIDENCE RESORT POMPANO BEACH, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz)

**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. 2020-98**

12. [20-193](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Michael Rada/David Recor)

**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. 2020-99**

13. [20-178](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE CHDO AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SET FREE COALITION OUTREACH PROGRAMS, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF HOME INVESTMENT PARTNERSHIPS PROGRAM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$10,000)

**(Staff Contact:** Vincent Wooten)

Comr. Perkins pulled the item for City Commission discussion, and asked for an explanation on the CHDO agreement and how it works, how many are done each year, and how much funding is available.

Vincent Wooten, Programs Manager, Office of Housing and Urban Improvement, stated that CHDO's are certified as either a developer/owner/contractor, in this particular case Set Free Coalition is qualified as a developer. After pre-qualification is done and the project comes available, staff vets them for their ability to match funding for the development of affordable single-family homes. In this instance, the property was conveyed from the CRA to the City for approximately 1,200 square feet for single-family affordable homes.

**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. 2020-100**

14. [20-186](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING PENNY CUTT TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF PAUL WEBB, AS APPOINTEE OF COMMISSIONER ANDREA MCGEE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond.)

**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. 2020-101**

**E. REGULAR AGENDA**

15. [20-192](#) Consideration to designate NW 21st Avenue as a dual named road “Rev Daniel Miller Avenue.”

(Fiscal Impact: \$500 provided by requester)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Director, Public Works Department, presented the item and stated it is requesting the City Commission’s consideration of dual naming Northwest 21st Avenue as Reverend Daniel Miller Avenue. The boundaries are Atlantic Boulevard on the south and NW 8th Street on the north. There is information in the backup providing justification for the dual naming. If approved, the City Attorney will draw up a resolution, which will be presented to the City Commission at a subsequent Commission meeting.

David Miller, 2621 NW 13th Street, Pompano Beach, FL, and Ayanna Miller, 3504 Wildflower Drive, Coral Springs, FL, expressed thanks to the City of Pompano Beach, the Public Works Director, Robert McCaughan, and Comr. McMahon. He brought a shirt that displayed a picture of Rev. Dr. Daniel Miller for those who did not know him.

Ms. Miller stated that they felt their father was a worthy contributor to the City of Pompano Beach and Broward County. She mentioned that he was the first African-American General Contractor in Broward County. He built exclusive to low income housing from Lighthouse Point to Fort Lauderdale. He built and maintained homes throughout northwest Pompano Beach. He actually laid the plans and built homes for the Pine Tree Park subdivision. He was a founding pastor in Pompano Beach and one of the bounding members of the Pompano Blue Lodge 408. Therefore, the City needs to be aware and recognize his contributions. He was well respected and worked with the Prison Ministry as well. Notwithstanding, they respectfully requested that the City Commission consider dual name, for the benefit of the community’s education and recognition of his contribution throughout Broward and especially in Pompano Beach.

Mr. Miller announced the Collier City Trail Blazer Exhibit will take place on February 8, 2020 at 3:00 p.m. at the McNair Center, when other pioneers will be honored.

Comr. McGee indicated that the City was looking into the actual costs for street renaming. In fact, she thought there was a freeze for this to determine the cost to the City versus what the process is to get the streets renamed. She then proposed, not counting the item before the Commission for approval that the City do a moratorium on renaming henceforth until costs can be determined more in line with what the actual costs are to the City.

Mayor Hardin indicated that this could be discussed further under Commission reports later in the meeting.

Comr. McMahon stated that Mr. Miller has been a good friend of his for several years, and what his father has done for the City is really something that should go down and be remembered on a street. He was the first black mason and first black General Contractor. He gave back to the community and his son is doing the same thing. Mr. Miller serves on boards for the City of Pompano Beach and at the Green Market at the Community Garden. This is a good family and he is excited that he is part of naming a street after his father.

Comr. Perkins stated that she personally knew Rev. Daniel Miller mainly working with former Mayor/Commissioner E. Pat Larkins with the minority builders in Fort Lauderdale and mainly with the Pine Tree Park is the memory of him. He was well respected and in his days and he was involved in a lot of aspects of the community. Therefore, this is well fitting for Rev. Miller.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:**

**Yes:** McGee  
McMahon  
Perkins  
Moss  
Hardin

**Absent:** Eaton

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

Mark E. Berman, City Attorney, advised that items 16-21 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.

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

16. [19-712](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE SUMMAN WESTERN INVESTMENT PLAT LOCATED WEST OF NW 31ST AVENUE, APPROXIMATELY 500 FEET NORTH OF WEST ATLANTIC BOULEVARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**POSTPONED FROM SEPTEMBER 24, 2019 & NOVEMBER 12, 2019**

(Staff Contact: Jean Dolan/David Recor)

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

17. [20-144](#) **P.H. 2020-26: (PUBLIC HEARING 2ND 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)

**FIRST READING: DECEMBER 10, 2019**

(Staff Contact: David Recor/Max Wemyss)

Jean Dolan, Development Services Department, presented the item and stated it is to rezone from B-3 (General Business) to B-4 (Heavy Business) to allow warehouse showroom building with a retail office character along Dr. Martin Luther King, Jr. Boulevard.,(MLK Blvd). There have been no changes since first reading.

For the records, the following City Commission members disclosed that they have had ex-parte communications with the applicant concerning the design and location of the project:

Mayor Hardin, Vice Mayor Moss and Comr. McGee.

Necteria Chakas, Esq., representing BTH Development Partners, indicated that she is prepared to do a full presentation as she did at the first reading. However, there have been no changes since first reading.

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



**motion carried by the following vote:**

**Yes:** McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

**Absent:** Eaton

**Enactment No: ORD. No. 2020-16****18. [20-145](#) P.H. 2020-25: (PUBLIC HEARING 2ND 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)

**FIRST READING: DECEMBER 10, 2019**

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

Jean Dolan, Development Services Department, presented the item and stated the application will rezone the subject property from RS-2 (Single-Family Residence 2) to RM-45 (Multiple-Family Residence 45) to allow a small-town house project to be constructed. Since first reading, the applicant has recorded a Covenant restricting the property to a maximum of seven units. There are no other changes since first reading.

For the records, the following City Commission members disclosed that they have had ex-parte communications with the applicant concerning the project and the number of buildings and type of structures:

Mayor Hardin, Comr. McGee, Comr. McMahon, and Comr. Eaton.

Andrew Schein, Esq., Lochrie & Chakas, representing the property owner confirmed that they recorded the Declaration restricting it pursuant to the comments made at the Planning and Zoning Board meeting.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that this is the type of development he likes to see. It fits in perfectly for the space and it is a great project by Karam Brothers.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2020-17**

19. [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)

**POSTPONED FROM DECEMBER 10, 2019**

**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. The motion carried unanimously.**

20. [20-183](#) **P.H. 2020-30: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING TWO REMNANT TRIANGULAR AREAS WITHIN THE PREVIOUSLY ABANDONED NE 15TH STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean E. Dolan)

Jean Dolan, Development Services Department, presented the item and stated at the City Commission meeting of December 10, 2019, the applicant, Hidden Harbor LLC, requested abandonment of a portion of NE 23rd Avenue and two small remnant triangles that were erroneously left when the NE 15th Street right-of-way was abandoned in 1999. The Commission denied the abandonment due to the issues related to the NE 23rd Avenue request. The two remnant triangles that needed abandonment to correct the 1999 action have been

separated into this agenda item for the Commission's consideration. As part of the previous request, the Planning & Zoning Board had approved the abandonment unanimously on November 18, 2019.

For the records, the following City Commission members disclosed that they have had ex-parte communications with the developer/owner/representatives on this particular project, which included this portion of it:

Mayor Hardin, Vice Mayor Moss, Comr. McGee, Comr. Eaton, and Comr. McMahon

Graham Penn, Esq., Bercow Randell Fernandez & Larkin, 200 Biscayne Boulevard, Miami, FL, stated that the application was originally far more elaborate and the Commission denied the controversial elements related to NE 23rd Avenue. This item is therefore a clean-up matter for the vacation that occurred 20 years ago.

Sharon Chippetta, 2870 NE 22nd Court, Pompano Beach, FL, suggested that the City should "hang on to it" for the widening of NE 23rd Avenue, instead of the narrowing of it.

Ms. Dolan indicated that the triangles are located on Federal Highway and they have nothing to do with NE 23rd Avenue.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated that even though the City is giving this up he wanted it noted that this is too big and there are too many units for the area.

**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  
Perkins  
Moss  
Hardin

21. [20-184](#) **P.H. 2020-27: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON NW 1ST STREET, EAST OF NW 30TH AVENUE AND WEST OF NW 28TH AVENUE AND COMMONLY KNOWN AS 2955 NW 1ST STREET, FROM B-3 (GENERAL BUSINESS) TO B-2 (COMMUNITY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean E. Dolan)

Jean Dolan, Development Services Department, presented the item and stated that the City is acting as the applicant for this rezoning of a vacant single-family lot from B-3 (General Business) to B-2 (Community Business) to allow the allocation of one flex unit per construction of a single-family home. The single-family lot is part of an entire block face of single-family homes that has a commercial land use and a B-3 zoning up to their back yards. This is not ideal, and was likely a mistake in the maps. However, the County has the same commercial land use designation, so the City has to do both the City and the County Land Use Plan Amendment. The current owner owned this lot since 2004, and has not been able to build a single-family home on it due to the fact that the land use and zoning designations are commercial and it is too small to meet any type of minimum lot size for a commercial use. For this reason, the City is facilitating this rezoning to give the lot a reasonable single-family use. The Planning & Zoning Board unanimously recommend approval of this request.

**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  
Perkins  
Moss  
Hardin

**END OF QUASI-JUDICIAL PROCEEDING**

22. [20-199](#) Approval to award Bid T-07-20, Aquatic Center Pool Relining and Repairs to the lowest responsive responsible bidder, Oliver's Pools, Inc, at a cost of \$588,845.00.  
(Fiscal Impact: \$588,845.00)

**(Staff Contact:** Hector Gandia/Tammy Good)

Tammy Good, Engineering Division, presented the item and introduced the recently hired project manager, Hector Gandia who provided a brief overview of the project.

Hector Gandia, Project Manager, Engineering Department, stated that the project entails two pools in the Community Park and Houston Sworn Pool, which they will be redoing the liners in both pools. In addition to the liners, they will be changing out other items to include replacing the new fixtures with LED lighting, pool grading, racing lanes, and coping around the perimeter of the pool, as well as any other issues they may encounter when the liners are removed. In addition, they will diamond brite the smaller 25-meter pool. Finally, they will remove all the tiles and redo the entire pool to include new lighting.

**A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Approval Request be APPROVED.**

**The motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**23. [20-188](#) P.H. 2020-39: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ORDINANCE NO. 2018-58 ENACTED ON JUNE 26, 2018, TO MODIFY A COMPONENT OF THE STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS DESCRIBED THEREIN TO BE FINANCED BY THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2018; APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF THE CITY EVIDENCING CERTAIN MATTERS RELATING TO THE MODIFIED PROJECT FOR PURPOSES OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE MATTERS PROVIDED FOR HEREIN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,000,000)

**(Staff Contact:** Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that staff is recommending the City Commission's approval to modify the estimate for the Collier City neighborhood improvements project and add a new project, called FPL Light Fixtures Conversion Project. The current series 2018 G.O. Bond Project list represents estimates, which are subject to modifications and the strict guidelines. The modification better serves City purposes and the project is included in the five-year Capital Improvement Plan (CIP). The project remains within the Streets, Sidewalks, Bridges and Streetscapes project category. The estimated delivery cost for the Collier City project is \$1 million. Therefore, with the savings from the initial estimate the City can expand the design and construction of lighting system equipment to various neighborhoods to include, but not limited to, the Cresthaven and the Highlands areas.

Continuing, Mr. Jean-Pierre mentioned that the estimated costs associated with the project would be \$2 million. The City's ultimate goal is to provide safe streets and walkable areas Citywide.

Comr. Perkins asked if there are any other areas for the FPL light features other than the Collier City, Cresthaven and the Highlands areas.

Horacio Danovich, CIP and Innovation District Director, responded there are a number of areas he had planned to address on the next agenda item. He mentioned that Liberty Park is one of the areas identified as

targets, and Kendall Green, Cresthaven, and the Highlands to name a few. The intent of the additional \$2 million is to focus on those that have a higher priority, which are areas that staff identified that are of dire need of supplemental lighting and to replace outdated systems.

Comr. Perkins indicated that the study that was conducted two years ago, listed the areas where lighting is needed.

Mr. Danovich mentioned that the City retained a professional engineer to look at all the areas and to identify the existing fixtures such as how many there are, what kind of coverage they have, and how unsafe they are because of lacking equipment. Therefore, they moved those high on the priority list to ensure the residents are provided with those services.

Comr. Eaton stated that District 2 is in such need of lighting from Dixie Highway to the west, NE 3rd Avenue where the only residential lighting in that specific area extending into Leisureville, then near the Crystal Lake Elementary School that entire area has no residential lighting. To the east, there is Cresthaven that has more lighting but in the center and other outlying areas is lacking in residential and street lighting. To the north, there is the Highlands, which has the most but with the conversion it will be good. She will push for the City to start this project where the need is greatest. She mentioned that there are no lights in north Kendall Green. She along with the residents in the area will be happy when the streetlights are installed in the area.

Mr. Danovich indicated two agreements have already been executed with FPL and currently working with them for agreements for Cresthaven and the Highlands that will cover all the areas that Comr. Eaton mentioned earlier. In sum, this item along with the following one, will allow staff to make the funding available to help to take care of these needs.

Comr. Eaton thanked Mr. Danovich and staff who have been working on this, as well as the City Manager for the work put into this project.

Vice Mayor Moss indicated that he recognizes the need for lighting in District 2 and he supports what is being done.

Mayor Hardin asked if Liberty Park has been funded.

Mr. Danovich responded that it is moving and they are waiting for FPL to put the work order through and then they will put it on the calendar and the work will commence on the ground.

Mayor Hardin asked if more Bond funds could be available from the same category and if there are excess funds someplace else those can be used for lighting in other areas in the City where needed.

Mr. Danovich responded that is correct.

Mayor Hardin pointed out that funds cannot be taken from one category to fund another category. For example, funds for Streets, Sidewalks, Bridges and Streetscapes cannot be used for Parks.

**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  
Perkins  
Moss  
Hardin

24. [20-159](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE CAPITAL IMPROVEMENT PLAN FOR THE CITY OF POMPANO BEACH FOR FISCAL YEARS 2020 THROUGH 2024 TO INCLUDE THE PROJECT ENTITLED, "FPL LIGHT FIXTURES CONVERSION PROJECT"; ESTABLISHING THE APPROPRIATE BUDGET FOR FY2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,000,000.00)

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP & Innovation District Director, presented the item and stated that in order for these projects to be eligible for funding, the \$2 million set aside in the previous agenda item, they have to be in the Capital Improvements Plan (CIP) program. This is how projects are identified not how they are managed. The requested \$2 million were originally in the G.O. Bond agenda item so now they are being transferred to this particular FPL light fixtures conversion project, which will assist to fund the additional areas that were identified as being in dire need for supplemental lighting including Cresthaven, Highlands and so forth.

Mayor Hardin clarified that this is \$2 million of G.O. Bond money that is being transferred from one project to another project. The new project is now a G.O. Bond project. They cannot take some funds from one project to help supplement the general fund. It must be used the way it is intended.

Mr. Danovich confirmed that is correct which is what staff intends to do.

Mayor Hardin reiterate the sentiments made by Comr. Eaton and Vice Mayor Moss that the areas targeted to receive lighting is well needed and it is great news that there are excess funds.

**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:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2020-102**

25. [20-93](#) **P.H. 2020-11: (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 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)

**FIRST READING: DECEMBER 10, 2019**

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

A. Randolph Brown, Utilities Director, presented the item and stated that it is the second reading of the ordinance to bring forth a future capacity for the utility and the customers of the City. This will help with plans for sustainable water supply in the future and will assist the City to sustain its wells to the east where salt water intrusion is impending on the water supply. They plan for tomorrow instead of just for today. As stated in the newspaper lately, there are many other utilities jumping on board for this reservoir.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the backup material states, "Currently we are averaging 15.4 million gallons of water per day." He asked if the City ever came close to its maximum amount that it can draw per day.

Mr. Brown replied yes and provided the details on the monthly average set and how the process works to ensure that the City stays within the monthly boundaries of usage.

Mr. Brown explained the details on the Reuse system, which can save gallon for gallon in our water usage.

Mr. Terwilliger opined that the new development be monitored to ensure there will be enough supply for sewer and water.

Mayor Hardin asked if there is sufficient capacity on the horizon for water and sewer services.

Mr. Brown responded yes.



Comr. Eaton reiterated that all the Highlands area has reclaimed water pipes where people can hookup. It is well worth hooking up to the systems available. We will be saving the eastern wells from salt-water intrusion as well as saving potable water. If everyone could hookup this would help save the planet.

Mr. Brown announced the way to get hooked-up is to go to, Icanwater.com page, and all the information is available for signing up. All that is needed is to complete the hold harmless form, there is no upfront money and the connection is straight to the sprinkler system. The City also has a boring where the yard is not dug up for connecting to the sprinkler system.

Comr. Eaton urged everyone who has the ability to go to the reclaimed water at Pompano Beach and sign up for a hookup.

Comr. McGee echoed Comr. Eaton's sentiments in that she has learned from Mr. Brown who has explained how forward thinking the City has been with its water and sewer programs. If you are in an area that has reuse, it protects the wells, it helps with the overall aquifer and so many great things being done here in the City to be forward looking and not just worrying about the present. The utilities department is a great resource for all types of questions that anyone would have. She urged residents in the reuse areas to hookup.

Vice Mayor Moss stated it would be negligent if the City did not do this. Florida will continue to grow and later the residents will be thankful the steps are taken today because at some point in time this will be a lifesaver for us.

Mayor Hardin indicated that if this were in front of his house there would be a thousand signs up. There are people across the City wanting to get the reuse water. Therefore, this can be expanded; the better it will be for everybody. Thanks to former departed Vice Mayor Herb Skolnick, who originally pushed for the plant many years ago. This has truly been a game changer for the City. He thanked Mr. Brown and staff for the work being done to ensure that the water and sewer system is safe, secure and maintained.

**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. 2020-18**

26. [20-167](#) **P.H. 2020-20: (PUBLIC HEARING 2ND READING)**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPAN**

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.)

**FIRST READING: DECEMBER 10, 2019**

(Staff Contact: Bobby Bush/Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and introduced senior Human Resources Analyst, Bobby Bush. Mr. Beecher indicated this is the second reading of the ordinance and there were no changes since the Commission's approval at the First Reading on December 10, 2019.

**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. 2020-19**

27. [20-120](#) **P.H. 2020-21: (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 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.)

**FIRST READING: DECEMBER 10, 2019**

(Staff Contact: Mark A. Beaudreau)

Scott Moore, Parks and Recreation Department, presented the item and stated it is the Second Reading of the Seafood Festival agreement and there are no changes since the First Reading.

**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. 2020-20**

28. [20-140](#) **P.H. 2020-19: (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 155.9402., "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)

**FIRST READING: DECEMBER 10, 2019**

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

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated it is the Second Reading of the ordinance in order to allow vacant residential properties to be developed with at least a duplex, if surrounded by multi-family uses in an existing development. Items 28 and 29 are companion items. The first item is to allow the density exception and the second item is to allow the administrative process to approve it.

M. Ross Shulmister, 590 SE 12th Street, Pompano Beach, FL, understands the item to be, if there is an area the average property with 50 feet, then any property meeting that average does not have to go for any type of relief.

Ms. Gomez responded, "That is correct."

Mr. Shulmister asked to what extent can a property vary from that average and still not be required to ask for relief from the City or from one of the boards.

Ms. Gomez replied that the code is existing today. The element that is being asked for text amendment is in the cases where it does not quite meet the density if it is just a little bit “shy.” So these would be the instances that they would be able to apply and would apply upon passing of the ordinance.

Comr. Eaton indicated that this was brought to her attention from someone living in her district and no doubt it stemmed from annexation where standards were different under the previous code. A property owner wanted to do what was consistent with the surrounding community. Therefore, something needed to be in place to facilitate this. She thanked staff for working on this matter.

**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 roll call vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2020-21**

29. [20-133](#) **P.H. 2020-17: (PUBLIC HEARING 2ND 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)

**FIRST READING: DECEMBER 10, 2019**

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

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated it is the companion item to the previous item 28, which is to create an administrative process to approve flexibility in those cases when needed for single-family and duplex development.

**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 roll call vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2020-22**

30. [20-146](#) **P.H. 2020-18: (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 155.3507., "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)

**FIRST READING: DECEMBER 10, 2019**

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that it is the Second Reading of an ordinance. It is a zoning code Text Amendment to increase maximum height for buildings in the Local Activity Center (LAC) zoning district. There have been no changes since the First Reading.

Andrew Schein, Esq., Locherie & Chakas, representing the property owner and indicated that there are no changes since the First Reading.

**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 roll call vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

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**Enactment No: ORD. No. 2020-23****31. [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 & DECEMBER 10, 2019**

**FIRST READING: JUNE 25, 2019**

**(Staff Contact: Jennifer Gomez/David Recor)**

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated the proposed text amendment clarifies the principle and customary uses in Article 4, related to sexually oriented businesses. The text amendment seek to prohibit sexually oriented businesses from proposing expansions or additions to the business from other uses that maybe permitted but in the same zoning district. This is the Second Reading of the ordinance and since First Reading, a memorandum was added to the backup that provides a number of examples at adverse negative secondary effects this use can have on an area. The City seeks to mitigate these negative effects by adopting these regulations. The definition of a sexually oriented business is not proposed to be amended. The text amendment identifies certain accessory uses that maybe permitted, if the principle use is sexually oriented. At the April 2019 Planning & Zoning Board meeting the Board unanimously recommended approval of these proposed text amendments and staff is recommending approval as well.

Luke LaRue, 2240 Belleair Road, Clearwater, Florida, indicated that in June, they had expressed significant opposition to this, but as a courtesy, he wanted to inform the Commission that they have withdrawn their opposition, and from his client's B-Line Entertainment Partners, Inc., they are actually changing the principle use of that particular location. It has been a pleasure working with Mark Berman, City Attorney, to work through the processes. There was some litigation indirectly related to this matter and they have since dismissed that litigation.

M. Ross Shulmister, 560 SE 12th Street Pompano Beach, stated that in the ordinance there is a limitation on having businesses within the proximity of each other. Therefore, there cannot be two sexually oriented businesses within 1,000 feet. In addition, there is a provision that they cannot bring in a sexually oriented

business within a 1,000 feet of certain other businesses. It also prohibits bringing in those other businesses within 1,000 feet of an existing sexually oriented business. Therefore, it appears that the City wants to try to allow businesses to come in even though they come within the 1,000 feet as opposed to the sexually oriented businesses, which is being kept out. Therefore, he is suggesting that perhaps staff should check into finding a way to relax that ordinance with regard to new businesses moving in. So, that could be another way to change the “flavor” of the neighborhood from the sexually oriented business to more generally acceptable businesses.

Mark Berman, City Attorney, mentioned that the main purpose of the ordinance is to prevent other businesses from operating on the same premises of sexually oriented businesses operations. That is a sole use for a property opposition staff is working through. He pointed out that the Exhibit, which is part of the backup and the presentation, includes Item 8 in the backup that is the secondary effects of sexually oriented businesses, which has a link with approximately 4,000 pages.

Finally, Mr. Berman thanked Mr. LaRue for flying in from the West Coast of Florida to indicate that he has no objection.

Comr. Perkins asked what other type of businesses they were putting inside that business.

Mr. Berman responded that it was potentially a private club that would allow the premises to remain open twenty-four hours a day without any restrictions on the operations of the property.

Comr. Eaton asked if someone wanted to open a business, for example a sandwich shop/dry cleaner a few doors from a sexually oriented business, would they be prohibited from doing so.

Mr. Berman responded not if it is a couple doors down from the premises. In sum, no distance requirements other than businesses that would be on the premises.

**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 roll call vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: ORD. No. 2020-24**

32. [20-200](#) **P.H. 2020-35: (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 GROUND LEASE AGREEMENT BETWEEN THE CITY

OF POMPANO BEACH AND JJ LAND REALTY, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated it is the First Reading of an ordinance to approve a land lease with JJ Land Realty, LLC. This is a lot commonly referred to as the beach lot or Parcel A, which is north of Atlantic Boulevard bracketed by Pompano Beach Boulevard to the east and A1A to the west.

**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  
Perkins  
Moss  
Hardin

33. [20-189](#) **P.H. 2020-33: (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 MASTER SERVICES AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FIRST MOBILE TRUST, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$25,000)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item and stated that First Mobile Trust, LLC will replace the City's current method for electronic bill payments, which is necessary for the privacy and protection of our customers personal identifiable information. In addition to bill payment services, the City will be able to implement interacted voice response technology for the phones, allowing the City to provide automated information about balances, due dates and past due dates to our customers. Another feature will be text and pay, whereby our customers will have the option to make payment via text. Therefore, staff recommends 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:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

34. [20-162](#) **P.H. 2020-36: (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 AGREEMENTS BETWEEN THE CITY OF POMPANO BEACH AND MAN-CON, INCORPORATED AND REYNOLDS CONSTRUCTION LLC FOR EMERGENCY ON CALL UTILITIES REPAIR SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

A. Randolph Brown, Utilities Director, presented the item and stated it is in response to the City's force main that was drilled through last January. Two contracts were brought forward from two different vendors that will be able to serve our needs during the time of emergency, to include stormwater, water, wastewater, reuse and piping inside the treatment plants. They will be able to act upon any of those if there is an issue. For Second Reading they will provide the term of the task. Along with Article B, the Certification of Insurance was for the correct amount; however, it was not placed in the categories requested by the proposal.

**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  
Perkins  
Moss  
Hardin

35. [20-163](#) **P.H. 2020-37: (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 PIGGYBACK AGREEMENT FOR AS-NEEDED AND EMERGENCY UTILITY CONSTRUCTION SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KILLEBREW, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,000,000)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated this is the follow-up to the contract that was approved late last year with Murphy Pipeline, which is for pipe bursting. The intent was to bring on the company to provide competition and backup for this type of unique installation of piping.

Mayor Hardin asked if the company will be used only for pipe bursting, which is a piggyback contract from Polk County. He wondered if Polk County has a local preference ordinance that provided this firm a leg up in getting that contract.

Mr. Brown promised to check into this and get an answer for the Commission for Second Reading.

**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  
Perkins  
Moss  
Hardin

36. [20-143](#) **P.H. 2020-28: (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 155.2412., "TEMPORARY USE PERMIT," TO MODIFY PROCEDURES TO OBTAIN TEMPORARY USE PERMITS FOR PROPOSED TEMPORARY USE OF BUILDINGS OR LANDS BY THE CITY AND BY THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Max Wemyss)

Max Wemyss, Planner, Development Services Department, presented the item and stated that this is a First Reading of an ordinance for a Text Amendment to allow for temporary use permits to be reviewed as minor applications when presented by the City of Community Redevelopment Agency (CRA). Typically, this would be for authorizing construction activities such as staging or construction trailers. Temporary Use permits are issued for something that is temporary in nature for a period no longer than one year. On expiration, it is mandatory to apply for one so there is no extending this. The intent is that the City or CRA could now apply for

staging on adjacent parcel. So, this would not have to go for building permits and site planning. Any agreement for use of shared land would not have to be authorized by an interlocal agreement, and then go before the Zoning Board of Appeals to get a major temporary use permit. The process is being streamlined so anything authorized by the Commission or through a building permit will be reviewed as a minor application, and processed as an administrative approval.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, spoke in opposition of this proposal and stated it appears to be a go around for something.

Mark Berman, City Attorney explained that the nature of temporary use permit is for a minor use normally for storage of materials for construction on a piece of property that the City would not have to go through its own board. It is a very temporary use for minor and temporary, not permanent purposes. This would mean putting fewer matters before the boards on things that the City need to do for the G.O. Bond projects and other projects.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, agrees there are temporary use permits for such things as construction trailers and so on. However, Mr. Wemyss mentioned in his comments earlier about the McNab House that it could be used as a temporary staging location. Therefore, he asked could the McNab House be placed on McNab Park as a temporary staging location.

Mr. Wemyss responded that the permit for the McNab House has been approved. He is unaware of the location of the staging, but there is an approved temporary permit for that project.

Gregory Harrison, City Manager, explained that the ordinance was written to expedite the City's own public projects that is being done under the G.O. Bond and the Capital Improvements Program for equipment and materials. This has nothing to do with the McNab House.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if there is an approved temporary permit for the McNab House.

Jennifer Gomez, Assistant Director, Development Services Department responded that there is a temporary permit approved by the Zoning Board of Appeals for the McNab property. However, that is coming after the City Commission's approval of all the constructions that are for the projects.

Ms. Gomez reiterated that this ordinance is to remove the duplicative process, however, not to allow the moving of any home has nothing to do with the McNab House.

Sharon Chippetta, 2870 NE 22nd Court, Pompano Beach, FL, stated that this looks like a loophole and a little avenue that could be exploited in the future. Therefore, she urged the City Commission not to vote on this.

M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, FL, indicated that the temporary use permit is not really a permit. It is a permission to use the property without having to do such things as meet landscaping requirements and other requirements that would be necessary if they were going to use the property the way they want to use it temporarily for whatever purpose. Additionally, Mr. Shulmister asked if there is any problem

with equal protection.

Mr. Berman responded no.

Mr. Shulmister indicated that this is a needed provision and urged the Commission to pass it.

Vice Mayor Moss suggested that perhaps they could change the language to “Temporary Permission” instead of using the word “permit.”

Comr. Perkins indicated that while she understands the need to reduce the burden on the Zoning Board of Appeals and to expedite the process, she feels the City Commission needs to go through the process as it relates to the CRA and the City, rather than authorize staff to do it.

**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

37. [20-142](#) **P.H. 2020-29: (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 155.5204., “TREE PRESERVATION,” TO PROVIDE ADDITIONAL EXCEPTIONS FOR TREE PRESERVATION IN COMPLIANCE WITH RECENTLY ENACTED STATE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Max Wemyss, Planner, Development Services Department, presented the item and stated this is the First Reading of the ordinance for a Text Amendment to be consistent with state statutes as summarized in the title of the ordinance. House Bill 1159 was passed by the State Senate in July 2019. The County then proceeded to adopt some life standards into the County Code of Ordinances relating to pruning, trimming, removal or replanting of trees on residential properties when the underlying effect to trees have been determined by an arborist, certified by the International Society of Agriculture or a Florida Licensed Landscape Architect to be a

danger to persons or property. Staff used the same language the County has and utilized it into the City's code.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Hardin

**Absent:** Moss

38. [20-198](#) **P.H. 2020-32: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.10, "FEES," TO PROVIDE FEE SCHEDULE FOR MUNICIPAL FISHING PIER; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROVIDE ADDITIONAL RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Earl Bosworth, Assistant City Manager, presented the item and stated that it is an ordinance to establish admission fees, operating hours and other items for the pier. Staff recommends a daily fee of \$2 for sightseeing and \$5 for fishing on the pier. Staff researched several piers in the region and across the state and the recommended rate will keep the City competitive with the neighboring cities. Mr. Bosworth provided details on the research staff put into determining the best fees to recommend to the Commission. The admission fees will generate revenue to pay for pier operations and to help offset the ongoing maintenance costs of the new pier. Item 39 is a companion item on the rates being recommended.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, spoke in favor of having a wonderful pier. However, he would recommend a yearly pass for the residents of Pompano Beach, for a group of three to include children at a minimum of \$40 per month and non-residents at \$50 per month.

Doris Schmidt, 305 North Pompano Beach Blvd., Pompano Beach, FL, spoke in disagreement with paying fees to get on the pier, which is the Fisher Family pier and should remain as a family pier.

Sharon Chippetta, 2870 NE 22nd Court, Pompano Beach, FL, spoke in disagreement with charging the residents a fee and that they should get free access to the pier.

M. Ross Shulmister, 560 SE 12th Street, Pompano Beach, FL, spoke in favor of the pier but said the residents should not pay to utilize the facility, which equates to a Park in the City. He can understand charging for fishing.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, spoke in disagreement for charging residents a fee to enjoy the pier that they have already paid for in taxes.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, spoke in disagreement for charging a fee.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, said he is between two opinions for charging a fee, and had concerns the City having to pay approximately \$300,000 in maintenance fees.

Mary Hannon, 612 S. Riverside Drive, Pompano Beach, FL, spoke in disagreement for charging the residents a fee to utilize the pier, as they have already paid through taxes. However, she agrees to charge a fishing fee to assist with the cleanup costs and the increased maintenance of the pier. She suggested other ways to realize revenues from businesses in the area without having to charge the residents fees.

Comr. McGee indicated that she has had numerous conversation with residents in District 1 regarding the pier fees structure. She asked about the charges by Lauderdale-by-the-Sea and Deerfield Beach cities.

Mr. Bosworth responded that Lauderdale-By-the-Sea charges \$2 for sightseeing and \$7 for fishing and Deerfield is \$1 for sightseeing and \$4 for fishing.

Comr. McGee agrees there is a dilemma in ensuring the residents have access to enjoy what they have paid for but at the same time to ensure that proper maintenance is carried out of the pier. Some residents are supportive of an annual pass option for local residents. She would be more open to a situation that would incorporate something that would take care of the local annual residents, as those residents that live near the beach and would utilize this on a daily basis would have to pay approximately \$60 a month for the current no cost to walk the pier. Therefore, a plan that will incorporate an annual flat pass would be more feasible for her support of this proposal for fees.

Comr. Eaton stated that she has heard from a number of residents on this “hot topic.” She is aware of so many daily walkers on the barrier island to include the “snow birds” that come in for six months out of the year. She agrees that the City needs to find a balance for the residents. To explore the opportunities to provide an annual pass for a modest fee to help offset the costs.

Mayor Hardin Hardin would be open to make it free except for fishing. However, he is concerned with the control aspect. There is a need to control people going on to the pier. He would not want a vagrancy issue where people just want to hang out on the pier. Currently, there are vagrancy issues in some of the parks, indicated that he would be open to make it free except for the fishing. However, he is concerned with the control aspect of this. There is a need to control people going on to the pier. He would not want a vagrancy issue where people just want to hang out on the pier. Currently, there are vagrancy issues in some of the parks, and it would be great to find a method to solve these types of issues. It would be good to make it free but it is not a viable option. Differential pricing may not apply in this case as the City had tried with the Alsdorf Park

and due to the land being Florida Inland Navigation District (FIND), the City could not offer this pricing to its residents. Therefore, he wanted to know if the City can provide differential pricing for the pier.

In sum, Mayor Hardin would heavily be in favor of an annual pass for four persons. He was told that the Bait Shack would handle the fees and control the entrance activities. He would be open to keep the cost down and provide a plastic type business card for the annual pass.

Vice Mayor Moss indicated this subject was the topic of his weekly Saturday meetings. Most of the members attending the meeting were against the idea of charging residents of the City to go on the pier. He suggested that upon the opening of the pier the first month or for a specified period of time the entrance could be free to residents. Perhaps an annual pass could also be considered for those who will frequent the pier often enough. Also, the City could allow the hotels/restaurants to purchase passes for their customers. Further thought process can be considered after input from the public to find a reasonable medium.

Comr. McGee indicated most people talked about being set up on a monthly plan to pay for the charges and it would be a lot easier for those residents on fixed income.

Comr. Perkins agrees that the charge should be free to residents and everyone and only charge fishing fees of \$5 that could be used to offset the maintenance costs. Nevertheless, she understands the need to deter stragglers from sleeping on the pier. Also, she agrees with Vice Mayor Moss to allow a few months free for entrance and see how that works.

Comr. Eaton opined there could be more creative ways that the maintenance costs could be paid for by the business operators on the beach. Also, hotels could offer package deals to guests of their facilities. In addition, she likes the idea of opening it up for a few months for free, as well as the option of an annual pass to pay for the costs to keep the pier safe and clean.

Comr. McMahon agrees with the fee structure as presented by staff as they are comparable with the surrounding piers. It is important to charge fees to maintain the property that the taxpayer built and maintain at the highest level possible. He agrees with the first thirty or sixty days a free pass to check out the new pier and he would support an annual pass.

Comr. McGee believes that the City could get creative and inventive with how the costs could partner with other attractions throughout the City and have different levels of passes, to integrate these with activities like the water taxi, golf, Isle of Casino and so forth. Therefore, for second reading they can take another look at the options that could be available.

Mr. Harrison indicated that staff was trying to keep it simple at \$2 and \$5 for entrance and fishing fees. However, he respectfully suggested that the Commission vote on the First Reading and between the First and Second Readings staff could put their heads together to come up with some of the suggestions put forward today and present the Commission with some of those options at Second Reading. Notwithstanding, Vice Mayor Moss's suggestion is excellent and when voting on second reading it can be effective upon the opening of the pier for 30-60 days free entrance. The big thing on this is public safety and cleanliness.

Vice Mayor Moss elaborated on his suggestion that on opening the entrance fee for residents could be free for a limited time but the fishing charge would stand as is upon opening day.

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

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

39. [20-182](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DANIA PIER MANAGEMENT CORP. TO OPERATE A BAIT AND TACKLE SHOP AT THE CITY'S PIER; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The City will receive revenue of \$66,000 yearly.)

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

Earl Bosworth, Assistant City Manager, presented the item and stated that this is a companion item to the previous item 38. This resolution is to enter into a licensing agreement with Dania Pier Management Corp to operate the bait and tackle shop at the City's pier including the collection of admission and entrance fees for sightseers and fishermen, sales of light fishing tackle, frozen bait lure, snacks and water and overall daily operations in cleaning of the pier. He mentioned that with the submerged land lease there is a limitation as to what can be sold at the bait shop. The shop will maintain a gate area to provide some kind of control at the foot of the pier. He then provided a brief background on the Dania Pier Management Corp. and the term of their agreement with the City.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, asked if this went out for bid.

Mr. Bosworth responded that the City used the piggyback contract that is existing in Jacksonville. In addition, they will daily clean the pier for normal operations and the Public Works Department/obtaining quotes for extreme pressure cleaning.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked why the City could not control the operation of this service and hire younger people to perform the tasks.



Mayor Hardin responded that there are more experienced persons who would be able to take care of this operation for the City. The government usually contracts out for services such as this.

Comr. Perkins asked if money would be saved if the City does this job itself.

Mr. Bosworth responded money would not be saved. In fact, earlier he had mentioned that it would cost approximately \$320,000 for the City to operate with the various personnel needed.

Comr. Eaton asked if they would be collecting at the gate, which Mr. Bosworth replied yes.

**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:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

**Enactment No: RES. No. 2020-103**

40. [20-206](#) **P.H. 2020-38: (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 FIRST AMENDMENT BETWEEN THE CITY OF POMPANO BEACH AND PORT CONSOLIDATED, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AND DIESEL FUEL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$750,000 annually)

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Director, Public Works Department, presented the item and stated the ordinance is to initiate a first amendment to the City's fuel contract with Port Consolidated, Inc. This amendment executes a two-year extension to the existing contract. He pointed out that this is a co-op contract and explained how it ties in with other cities and the counties. This is a fuel contract for many organizations and the City is one of 39. Broward Sheriff's Office, Broward County, Broward County School Board, Palm Beach County School Board and most of the cities use the contract.

**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  
Perkins  
Moss  
Hardin

**41. [20-207](#) P.H. 2020-34: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 35, "ELECTIONS AND RECALL," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 35.08, "ELECTRONIC REPORTING/PENALTIES," SECTION 35.09, "ELECTRONIC POSTING," AND SECTION 35.10, "TECHNICAL ASSISTANCE," TO REQUIRE ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS WITH THE CITY CLERK AS AUTHORIZED BY THE FLORIDA ELECTION CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Asceleta Hammond)

Asceleta Hammond, City Clerk presented the item and stated that the item is requesting City Commission's approval to move forward to create three sections in Chapter 35, "Elections and Recalls" for electronic reporting and penalties, electronic posting, and technical assistance.

Vice Mayor Moss enquired about the continued assistance when the financial reporting is done by each filer and would this mean the Clerk would no longer review the reports prior to final filing. He is concerned that they may file reports electronically and would have to perhaps do multiple amendments to any one report, which normally the Clerk would review and limit the amendments prior to final filing.

Ms. Hammond responded that she will continue to provide support to filers with their financial reporting, as well as the new software will assist a filer to eliminate some basic errors prior to submitting the reports. Nevertheless, the Clerk's office will continue to provide educational support to get everyone on track with the new electronic reporting 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 by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Perkins  
Moss  
Hardin

42. [20-209](#) **P.H. 2020-41: (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 SIXTH AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$407,769.00)

**FIRST READING: JANUARY 28, 2020**

(Staff Contact: Greg Harrison/Major Wayne Adkins)

**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. 2020-25**

43. [19-651](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **WILLIE RUTH HEATH** 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 & DECEMBER 10, 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 ADOPTED. Mayor Hardin nominated WILLIE RUTH HEATH name to be inserted. The motion carried unanimously.**

**Enactment No: RES. No. 2020-104**

44. [19-652](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CARMEN JONES 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 & DECEMBER 10, 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 ADOPTED. Mayor Hardin nominated CARMEN JONES name to be inserted. The**

**motion carried by the following vote:**

**Yes:** Eaton  
McGee  
McMahon  
Moss  
Hardin

**No:** Perkins

**Enactment No: RES. No. 2020-105**

45. [19-653](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GARY MCLAMORE 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 & DECEMBER 10, 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 ADOPTED. Mayor Hardin nominated GARY MCLAMORE name to be inserted. The motion carried unanimously.**

**Enactment No: RES. No. 2020-106**

46. [19-654](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WOODROW POITIER 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 & DECEMBER 10, 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 ADOPTED. Mayor Hardin nominated WOODROW POITIER name to be inserted. The motion carried unanimously.**

**Enactment No: RES. No. 2020-107**

47. [19-655](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MIKELANGE OLBEL 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 & DECEMBER 10, 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 ADOPTED. Mayor Hardin nominated MIKELANGE OLBEL name to be inserted. The motion carried by the following vote:**

**Yes:** Eaton

McGee

McMahon

Moss

Hardin

**No:** Perkins

**Enactment No: RES. No. 2020-108**

## **F. REPORTS**

### **F. REPORTS**

**Gregory Harrison, City Manager - Waterline Break-** Mr. Harrison announced that there has been a waterline break west of the Brummer Park, which was hit by a private developer. He hopes it will get back to normalcy by the time Vice Mayor Moss reaches home.

**Mark Berman, City Attorney - Update on OPIOD Litigation** - Mr. Berman reported that last week he met with Chief Deputy Attorney General for the State of Florida, statewide task force for OPIOD abuse along with other persons on the committee, plus attorneys from other cities and attorneys representing cities with OPIOD litigation. The Attorney General is making an outreach as part of her task force, to find out what they can do and what legislation and items they need. For example, grants from NorCan is one that is currently being received. This is medication given to revive people from OPIOD overdose. In addition, Mr. Berman indicated that he would be meeting with the Sheriff's Office and Fire Rescue personnel to determine the City's needs and suggestions. In sum, there are legal recommendations for legislation and the City will be putting a package together, since the state is making an effort to find out how they can best serve us in this regard. As meetings continue, he will provide reports to the Commission regarding progress/results of these meetings.

**Asceleta Hammond, City Clerk** - No Report.

**Commissioner Rhonda Eaton - New Meeting Time** - Comr. Eaton stated that she enjoyed this afternoon's meeting and is looking forward to going home to have dinner.

**Unity in the Community Event** - Comr. Eaton reported that the Unity in the Community event has been scheduled for January 25, 2020, from 11:00 a.m. to 4:00 p.m. at the Community Park, 1801 NE 6th Street, Pompano Beach.

**Senate Bill 1128 on Short Term Rentals** - Comr. Eaton wanted to know if the City Commission would be interested to support a resolution opposing the passage Senate Bill 1128 on City not being able to regulate anything in short term rentals. She is concern if this goes forward it could erode some of the legislation that the City has enacted with simple rental home properties and it may erode the City's ability to monitor sober homes.

**MOTION:** A motion was made by Comr. Eaton, seconded by Vice Mayor Moss, to create a resolution opposing Senate Bill 1128 regarding short term rentals. The motion carried unanimously in favor of the resolution.

**Commissioner Andrea McGee - Moratorium** - Comr. McGee proposed that the City Commission pass a moratorium to freeze the renaming of roads/streets until the financial part in the process is understood.

Mayor Hardin suggested if it is for the City to recoup its costs for these activities then perhaps the Commissioner could make a motion to direct staff to change the procedures for the naming of streets in order to allow the costs to be increased according to the application submitted. In addition, the costs should be determined prior to placing the item on the agenda. The cost could be \$500, which is currently paid by all applicants, or to pay more whichever is greater to rename that street.

**MOTION:** Comr. McGee made a motion, seconded by Vice Mayor Moss, to direct staff to administrate amending the City's policy on Street renaming to ensure the applicant covers the actual costs associated with the physical renaming of the street. The motion carried unanimously.

**Pedestrian/Bike Friendly City** - Comr. McGee indicated that she did a bike route over the weekend and found some areas a bit dangerous for bikers. Therefore, she wanted everyone to be aware as the City

continues to evolve into a pedestrian/bike friendly environment, to be mindful of allowing these users enough space to travel.

**Commissioner Tom McMahon - Report on Events Happening Around the City** - Comr. McMahon reported that the Green Market was a success as there was a great turnout.

Comr. McMahon mentioned that the Art Lit event had a great turn out for their second annual event. He met several tourists that were enjoying the art, which he was surprised to see the attendance. In addition, it was great to see a number of County people participating in this event. The City collaborates with the Library for this event each year. He thanked staff for working hard coordinating these events.

**Commissioner Beverly Perkins - Donation of \$1,000** - Comr. Perkins mentioned that the Little League at Mitchell Moore had their banquet on Saturday, which she attended and they gave out a number of plaques and awards to the players and cheerleaders. She requested \$1,000 from her allocation, which she would like to give to assist in paying for the plaques and trophies because they fell short in providing these.

Gregory Harrison, City Manager noted that Comr. Perkins desires to take \$1,000 of her \$10,000 allocation for her district and give to the Youth Football team, the Chiefs.

Mark Berman, City Attorney, explained that this was designed to assist with paying for events being held for the community and has been used as such in the past. However, if the Commission votes on it now he can formalize the resolution and bring it back before the Commission for approval.

**MOTION: A motion was made by Comr. Perkins, seconded by Vice Mayor Moss to contribute \$1,000 towards the Chiefs' banquet that was held on Saturday, January 11, 2020, to help to defray the cost of the banquet event. The motion carried unanimously.**

**Bulk Trash Issues in the Northwest Community** - Comr. Perkins asked if the City Manager could look into doing a bulk pickup twice a week in the District 4 neighborhoods. Currently, a program is in place for residents to report illegal dumping; however, it appears not to be effective as envisioned. She indicated that she checked into various African-American neighborhoods south of Deerfield Beach to the City of Hollywood, and she did not find one neighborhood that was as bad as the northwest Pompano Beach neighborhood as it relates to trash. She is now challenged to think of creative ways to deal with the bulk trash issues that keeps accumulating in the northwest neighborhoods continuously. Mario Sontologo, Code Compliance Manager, has been great working with her to remove the trash, but after cleanup five to six days later they return to the same status of more trash pile up. Therefore, she wanted to know if there is a possibility to return to picking up bulk trash twice per week.

Mr. Harrison stated he would check into this and bring back a resolution for the City Commission's consideration as to what the additional cost would be.

Vice Mayor Moss indicated that he has the same problem in the Collier City neighborhood. He said there are 23 ways to get in and out of Collier City and a lot of the trash comes from people who zip in to dump and zip out. Therefore, he asked if the City could significantly increase the fines for illegal dumping to help to deter this



activity.

Mr. Harrison indicated that with the City Attorney's assistance, they could investigate how other cities are handling this problem and come up with suggestions for the Commission to consider.

**Vice Mayor Barry Moss - Streamlining Commission's Funding** - Vice Mayor Moss indicated that he was hoping to have a dialogue on the way the City Commission get their funds from their \$10,000 allotment. He is planning two events in February in his community and he has to submit a request for certain amount of money, however, the amounts needed are undetermined at this time. Perhaps this could be streamlined to make it easier for everyone and this could also go towards more than just community events.

Mr. Harrison indicated that he would meet with the City Attorney to see if they could come up with better language that will give the Commission more flexibility.

**Town Hall Meetings** - Vice Mayor Moss announced that on Thursday, January 30, 2020, at 7:00 p.m. at the Herb Skolnick Center, the Palm Aire United group is sponsoring a Town Hall meeting about the Lakes and Trails in Palm Aire. Wade Collum, City Arborist, will be speaking on the types of trees that are located in Palm Aire and the types that they should be planting, the benefits of the different types of trees, as well as vegetation that will attract wildlife such as butterflies. Someone will also be talking about the wildlife that is in the area. In addition, they have approximately twelve miles of walking and cycling paths and they would like to do a better job of informing other residents in the City about this.

Additionally, Vice Mayor Moss announced that he would be holding a Town Hall meeting on Thursday, February 6, 2020, at 7:00 p.m. at the Herb Skolnick Center, regarding voting, the census and other community items.

**Mayor Rex Hardin - MLK, Jr. Parade** - Mayor Hardin reminded everybody about the MLK, Jr. Parade coming up on Monday, January 20, 2020, to start at 8:00 a.m. at the Mitchell Moore Park. He invited everybody to come out and enjoy a very great event.

**Upcoming Events** - Mayor Hardin announced that the Tiger Trail Festival will take place next month and that there are a number of other events going on, such as a Black Tie Gala, a 5-K Run, Collier City Trail Blazers out of McNair Park, Tiger Trail festival and Gospel Fest to take place at the Cultural Center. He noted that there are many activities planned to include Art Events with a few artists opening next door to the Cultural Center and more to come at the BaCa and Ali Centers. In sum, there is something available for everybody. Therefore, he invited all residents to get involved with these various activities and events.

**G. ADJOURNMENT**

The meeting adjourned at 5:15 p.m.

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Rex Hardin, Mayor

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Asceletha Hammond, City Clerk

# PERFORMANCE REPORT

**4<sup>TH</sup> QUARTER (JULY 2019 – SEPTEMBER 2019)**

**5 YEAR STRATEGIC PLAN FY 2018 - 2023**

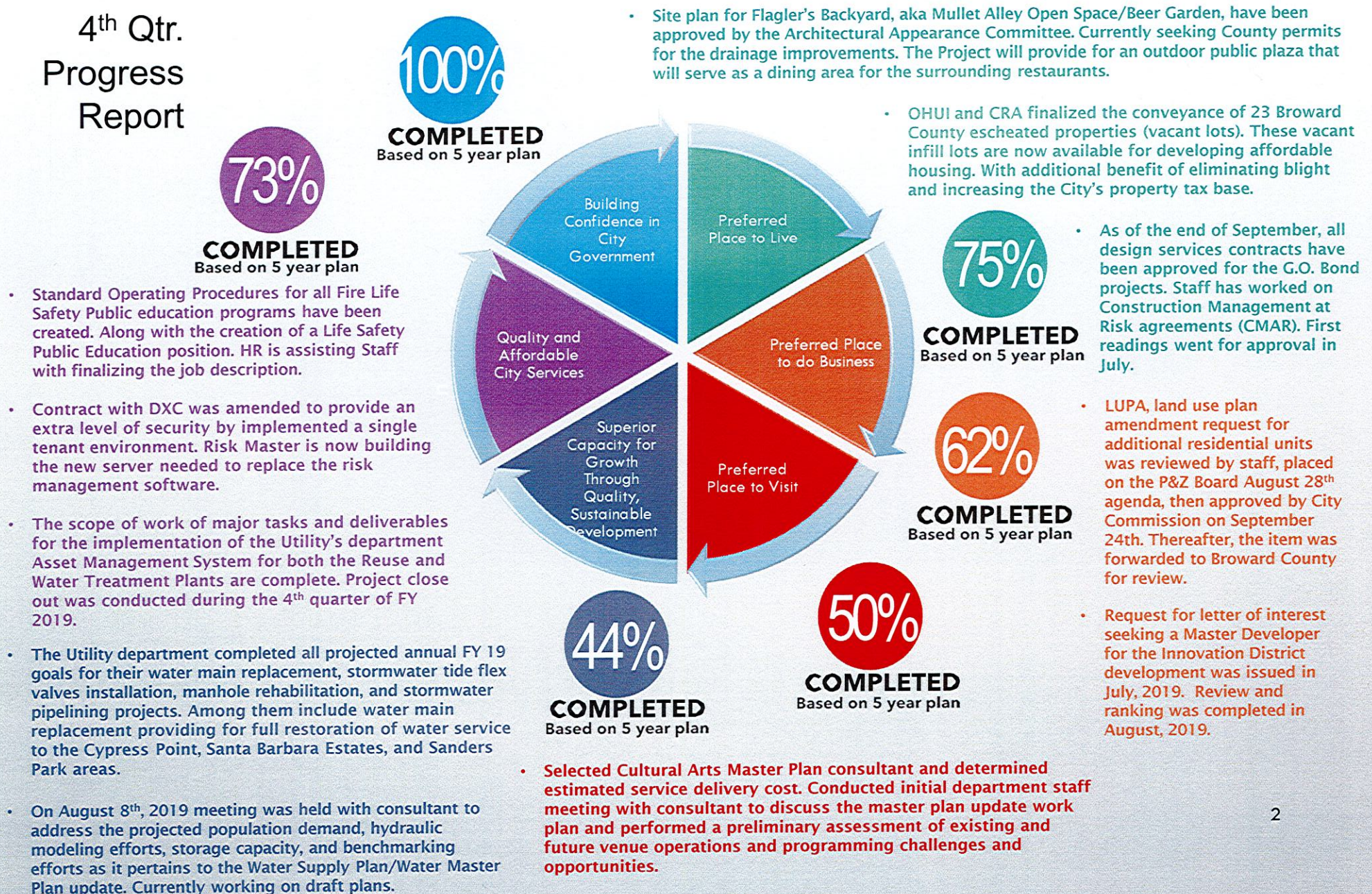




# POMPANO BEACH VISION:

By 2033, Pompano Beach is a superior place to live, visit, and locate or expand a business along the Atlantic Coast of South Florida.

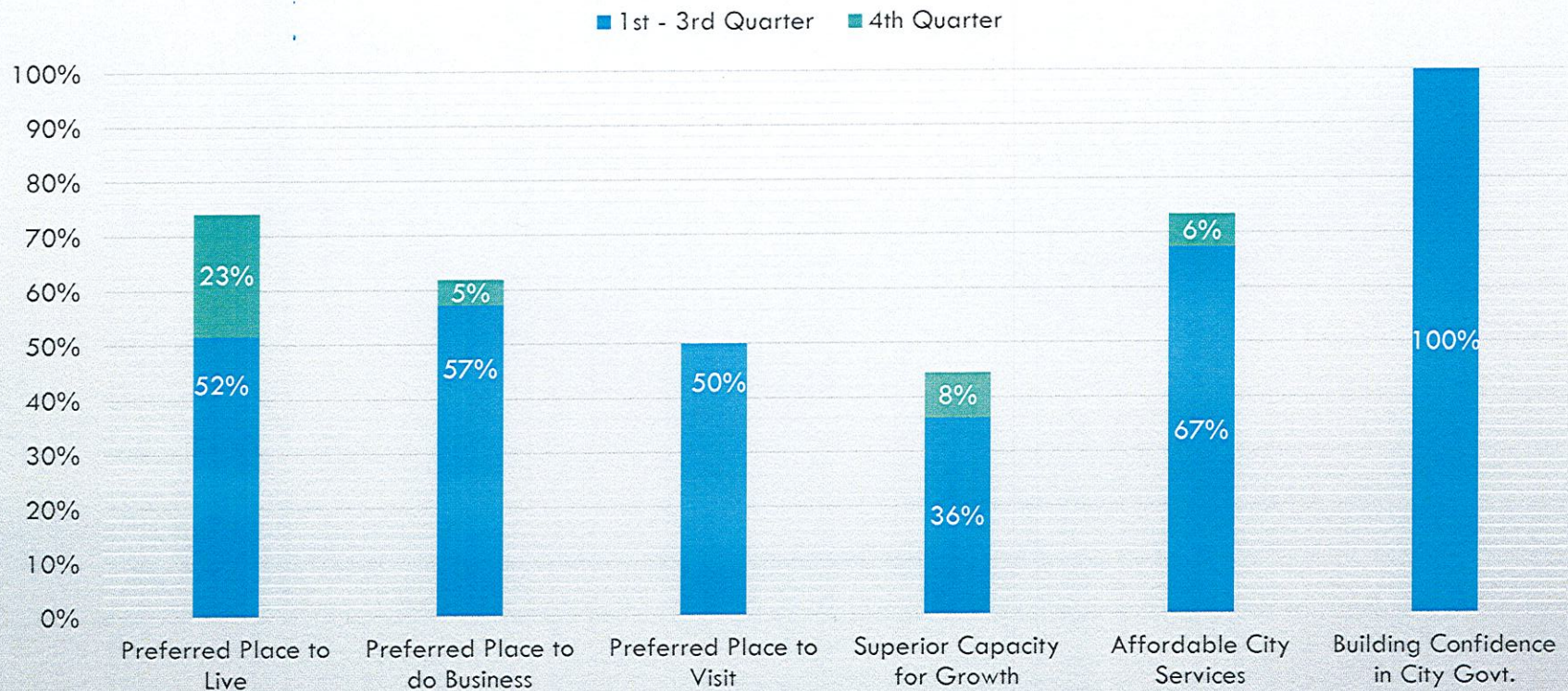
## 4<sup>th</sup> Qtr. Progress Report





# ACHIEVED ACTION ITEMS, BY GOAL

## JULY 2019 – SEPTEMBER 2019







Florida's Warmest Welcome

# PERFORMANCE REPORT