

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

Tuesday, June 23, 2020

1:00 PM

Commission Chamber

Virtual City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Mayor Hardin announced that Commissioner Perkins will not be attending this meeting due to her husband being hospitalized.

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

Excused: Commissioner Beverly Perkins

APPROVAL OF MINUTES

Prior to commencing the business matter of the meeting. Mayor Hardin asked everyone to observe a moment of silence for the murder of George Floyd in Minneapolis and so many others.

[20-430](#) Virtual City Commission Meeting Minutes of May 26, 2020

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

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. A person may request an item be pulled from the Consent Agenda for discussion on the Regular portion of the agenda upon advance written request, as per the instruction under Speaking About an Agenda Item (Remotely posted on the City's website) above.

Mayor Hardin announced that item 1 would be pulled for discussion.

A. PRESENTATIONS

[20-387](#) Strategic Plan 2019-2024 and Action Agenda 2019-2020 Quarterly Progress Presentation.
(Fiscal Impact: N/A)

(Staff Contact: Ernesto Reyes)

Ernesto Reyes, Strategic Performance Manager, indicated that the brief presentation was prepared for the purpose of providing the City Commission and the community with a general update on the progress of achieving the City's Strategic Action Items. Specifically, the presentation provides a brief quarterly update for the months of October, November and December of 2019 for the Fiscal Year 2020 Strategic Plan, which was approved in July 2019. To supplement the presentation the backup includes a comprehensive analysis, updating all 200 action items contained in the fiscal year 2020 strategic plan and for all 155 action items in the fiscal year 2019 strategic plan. At the end of his presentation, Mr. Reyes indicated that this will be uploaded and available on the City's website the next day, Wednesday, June 24, 2020.

In response to Mayor Hardin's question regarding the Strategic Plan, Mr. Reyes indicated that both the update and the entire strategic plan is located on the City's website. This will provide the public with all the details on the Strategic Action Items.

This matter was READ AND PRESENTED INTO THE RECORD

[20-423](#) Presentation of Internal Auditor Activity Report, for the period March 2019 through May 2020
(Fiscal Impact: N/A)

(Staff Contact: Deusdedit (DC) Kiyemba)

Deusdedit (DC) Kiyemba, Internal Auditor, presented the annual activities report of the Internal Auditor's office. Prior to his presentation he acknowledged and thanked the City Manager, City Attorney, City Clerk, Department Heads and City staff who worked with him over the reporting period. Their cooperation made his team work more effective, efficient and pleasant. He invited the City Commission's continued feedback and comments on the activity report.

Continuing, Mr. Kiyemba indicated that the report covers fifteen months from March 2019 through May 2020. He explained the process in which the various projects were completed and the audit follow up to ensure that recommendations are implemented successfully. He then provided a list of current and future audit projects, which totals six on the agenda. In addition, they are proposing future audit for some of the G.O. Bond projects.

Mr. Kiyemba mentioned that prior to commencing any audit, they would meet with the department heads and discuss the objectives, scope and timing of the audit, the records that will be requested, the materials they will need, and the correct person within the department that they will work with on the audit. After the field work of any specific audit is done, a drafted report is done and shared with the department head. Finally, a meeting is set to discuss the report content to agree on the issues and recommendations. Also, to request from the department heads the responses to the comments and who will implement the recommendations, as well as the time it will be accomplished. Finally, a follow-up will be done by the Internal Auditor's office.

Mr. Kiyemba indicated that one thing that was not mentioned on the report are the consultations that take place in the background, which are not recorded as audit projects. Department Heads and other City staff routinely contracting an audit and request his office's involvement in some of the processes they are planning or implementing, and at time request their attendance to some of their new systems planning or implementation meetings.

Finally, Mr. Kiyemba indicated that they ensure that most of what they do is affected or included on the City's Strategic Plan. He reiterated his invitation to the City Commission for their feedback and comments, and concluded that the report is available on the City's website for the public's review.

Mayor Hardin, on behalf of the City Commission, thanked Mr. Kiyemba and his staff for the report and expressed appreciation for their work to make the City's system safer and better for delivery of the services to the public, which is the focus of the Internal Auditor's office. In sum, their role is to deter any fraudulent activities from taking place within the City's operations.

This matter was READ AND PRESENTED INTO THE RECORD

B. CONSENT AGENDA

Items 2 through 8 were Approved/Adopted without discussion.

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

1. [20-426](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CONDEMNING VIOLENCE AND DISCRIMINATION AGAINST INDIVIDUALS IN THIS COUNTRY ON THE BASIS OF THEIR RACE, COLOR OR NATIONAL ORIGIN; CALLING FOR A COMMITMENT WITHIN OUR COMMUNITIES THAT VIOLENT AND DISRESPECTFUL TREATMENT THAT DEGRADES DIGNITY OR DISREGARDS HUMAN LIFE WILL NOT BE TOLERATED FROM ANYONE, INCLUDING LAW ENFORCEMENT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

Mayor Hardin requested that the item be pulled for City Commission discussion. He indicated that often times the City Commission passes these types of resolutions and all the public sees when they are watching the meeting from home, is the City Attorney reading the title of the resolution. They are not aware of what is in the backup and what the intent and the words are within the resolution. Therefore, because of the importance of this particular issue at this moment in time within the City, as well as the Country, he felt it was important enough, to read into the record, the resolution in its entirety.

...

“WHEREAS, on May 25, 2020, George Floyd, an unarmed 46-year-old black man was killed while being arrested by police in Minneapolis, Minnesota; and

WHEREAS, Mr. Floyd allegedly died after being pinned down under a police officer’s knee for at least nine minutes, while handcuffed, lying face down on the street and begging to breathe, as three other officers looked on; and

WHEREAS, this apparently unprovoked and intentional act of violence represents a blatant disregard for the dignity and sanctity of human life; and

WHEREAS, the actions of the four Minneapolis police officers do not represent the actions or reflect the values of the men and women that serve and protect their respective communities with the highest level of professionalism, but their actions do impact the relationships between those communities and their police departments; and

WHEREAS, this act of intolerable violence and other similar acts of violence meted out to members of the

black community that have occurred across this country throughout its history are unpardonable. The killing of Mr. Floyd must serve as a wake-up call to every human being that recognizes life as both a gift and human right; and

WHEREAS, racism, racial discrimination and ethnic conflict and violence are pervasive and persisting challenges for the country and threaten human development because of the obstacles which they pose to the fulfillment to basic human rights to survival, security, development, and social participation; and

WHEREAS, racism has been shown to have negative cognitive, behavioral, affective, and relational effects on both child and adult victims nationally and globally, historically and contemporarily; and

WHEREAS, racism has been shown to negatively affect ethnic minority children's academic and social development, self-esteem, and personal feelings of efficacy; and

WHEREAS, racism negatively affects the cognitive and affective development of members of the dominant group by perpetuating distorted thinking about the self and members of marginalized or oppressed groups; and

WHEREAS, racism can promote anxiety and fear in the dominant group members whenever they are in the presence of, or anticipating the presence of, marginalized group members, often leading to acts of hostility and aggression toward ethnic minority individuals; and

WHEREAS, the struggle against racism requires continuing active resistance against it at all levels to promote social justice and human welfare nationally and globally; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. The foregoing recitals are incorporated herein as the legislative intent of this Resolution.

SECTION 2. The City Commission of the City of Pompano Beach, Florida, hereby declares that it:

- A. Affirms that Black Lives Matter.
- B. Condemns violence and discrimination against individuals in this country on account of their race, color or national origin.
- C. Calls for equal rights and access in all spheres of American life, to include education, housing, access to healthcare and employment opportunities for all individuals.
- D. Condemns abuse of power and discretion by agents of the State.
- E. Affirms its commitment to the safety and well-being of all individuals.
- F. Invites the residents and businesses of the City of Pompano Beach to remove intolerance and hatred and to promote a diverse and inclusive community that rejects hatred, prejudice, discrimination, or bigotry.
- G. Denounces racism in all its forms, including systemic racism, conscious and unconscious bias.

SECTION 3. This Resolution shall become effective upon passage.”

Mayor Hardin expressed his appreciation for allowing him to read this resolution into the record.

Saracha Peterson, resident of Pompano Beach, FL, indicated that she read the resolution in the backup and had a few questions.

First, she wanted to know who came up with the resolution.

Mayor Hardin responded that he had requested that it be placed on the City Commission agenda.

Ms. Peterson indicated she found it odd and explained it is in contrast with the Mayor's statement made on the issue concerning George Floyd racism and the injustices that the black community faces on a constant basis. She indicated that now that this is being addressed in the City of Pompano Beach, she would not want to take this moment to bring up all the instances where, she, along with people in the community have seen racism from the dais. Therefore, she reminded the dais about the incident regarding Greg Frazier. Vice Mayor Moss and Mayor Hardin were sitting on the dais when Mr. Frazier was murdered in his backyard by law enforcement at which time, she indicated they stayed silent then. However, they are now speaking because the country is in civil unrest. She mentioned that the resolution is full of words and sentimental, and appears to be thought provoking, and asked, "What now?" She wanted to know what steps the City Commission can take to meet the declarations made in the resolution, which appears to be empty. Also, she wanted to know how the current segregation that exists between Dixie Highway separating the black community from the white community, and how these issues will be addressed.

Mayor Hardin responded that on the topic as to what will happen, speaking personally, he has had conversation with the City Manager and others about ideas for moving forward on issues surrounding this and he assumes his colleagues on the Commission have also. He is not yet ready to commence a discussion especially during a resolution, which is what is being done currently. As far as Mr. Frazier's incident, since it was brought up, that was reviewed by the Broward Sheriff's Office (BSO) and their review team determined that it was a justified situation on the part of the officers. This is not universally agreed to by everybody, but that is the determination that the BSO made.

Whitney Rawls, resident of Pompano Beach, FL, stated that his prayers go out to Comr. Perkins and her husband during this trying time for them and their family. He thanked Mayor Hardin for reading the entire resolution into the record as it was warranted. He thanked everyone who contemplated the resolution to condemn systemic racism within and outside the City. This is a step of declaration of the City of Pompano Beach with zero tolerance for racism and biases. He agrees with some of the statements Ms. Peterson mentioned earlier. Without rehashing all of it, he believes it is important that the City charts a path forward. In addition, he concluded that having read just the summary of the resolution, he thought it rather vague, shallow and it rang hollow. So, he was happy to hear and read the actual resolution itself that it does bear merit and set the City in the right direction. Nevertheless, he is concerned to the point of asking, "What's next? The resolution is a starting place but unless we get into the weeds of addressing racism, this resolution will be hollow." The resolution is a step towards acknowledgement, but is not the only step for the community. He wanted to know how will the City handle the declaration that black lives do matter.

In sum, Mr. Rawls requested that the City Commission backup this resolution by sponsoring and hosting

community building meetings that discuss ways they can answer systemic racism and biases in the City. Also, to set aside budget dollars for additional programs to address race and community building, as well as for the Mayor and Commissioners to establish a public safety counsel, to aid and provide oversight through the City's \$49 million investment in law enforcement. For the City Commission to commit to action and sign on to the Obama Mayor's pledge. Finally, he is asking the City Commission to establish a race and diversity commission to review City ordinances, policies and the strategic plan, and other initiatives to effectively end systemic racism and cultural biases within the walls of the government. He hopes for the City Commission agreement on his comments and to "put foot to pavement, and actually have some action on this."

Mayor Hardin noted that he has already sign the Obama pledge.

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

Enactment No: RES. No. 2020-195

2. [20-384](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A PARTIAL RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS EXECUTED BY PPI, INC., FOR THE PROPERTY LOCATED AT 1800 SW 3RD STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

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

Enactment No: RES. No. 2020-196

3. [20-408](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RECIPROCAL USE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau)

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

Enactment No: RES. No. 2020-197

4. [20-411](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE NOT TO EXCEED AMOUNT OF \$161,136.00, PURSUANT TO THE AGREEMENT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CRAIG A. SMITH & ASSOCIATES, INC. TO PROVIDE ENGINEERING AND SURVEYING SERVICES FOR THE NW 16TH LANE DRAINAGE IMPROVEMENTS PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$161,136.00)

(Staff Contact: Tammy Good/Anthony Alhashemi)

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

Enactment No: RES. No. 2020-198

5. [20-412](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TEMPORARY WORK AREA EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY, FLORIDA, RELATING TO THE REHABILITATION PROJECT OF SEGMENT II OF THE BROWARD COUNTY SHORE PROTECTION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Robert McCaughan)

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

Enactment No: RES. No. 2020-199

6. [20-433](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, OPPOSING ITEM 82 ON THE BROWARD COUNTY COMMISSION AGENDA FOR JUNE 16, 2020, TO PLACE A PROPOSED COUNTY CHARTER AMENDMENT ON THE NOVEMBER 2020 BALLOT THAT WOULD ALLOW THE COUNTY TO SUPERSEDE CITY ZONING AND OTHER REGULATIONS FOR COUNTY PROJECTS WITHIN MUNICIPALITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

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

Enactment No: RES. No. 2020-200

7. [20-420](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY, RELATED TO THE ENFORCEMENT OF COUNTY COVID-19 EMERGENCY ORDERS, WHICH WAS APPROVED BY THE CITY DURING THE PERIOD BETWEEN CITY COMMISSION MEETINGS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$185,000 Revenue)

(Staff Contact: Brian Donovan)

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

Enactment No: RES. No. 2020-201

8. [20-422](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING CHARLOTTE BURRIE TO THE ZONING BOARD OF APPEALS OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF JEROLD A. MILLS, AS APPOINTEE OF VICE MAYOR BARRY MOSS, 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 Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2020-202

C. REGULAR AGENDA

9. [20-424](#) Approval of Selection/Evaluation Committee's recommendation and authorization for City staff to negotiate a contract with E2L Real Estate Solutions, LLC for the Master Development of City-Owned Property (Oceanside Site Development).

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, presented the item and stated that at its core, this solicitation invites proposers to submit a master site development plan for the oceanside site located at 109 North Ocean Boulevard. It requires the proposer to indicate public sector components, particularly a public parking garage, as well as private sector components inclusive of a hotel and a grocery store concept. The current plans are conceptual and would be finalized assuming the City Commission elects to approve the item and allow staff to move forward. She reminded the City Commission that the process started last year, which was a two-step process whereby an initial request was issued for qualifications, which over 300 firms were notified that the solicitation had been issued and 24 of them were local Pompano Beach firms.

Continuing, Ms. Sibble explained that the Selection Evaluation Committee (Committee) met for step one and the City Commission was asked to approve staff inviting the top three ranked firms to submit a proposal for the step two - Request for Proposal (RFP) process. As part of the step two process, the Committee initially met in April and received one proposal. In April the Committee wanted to ensure they did an in-depth due diligence as it relates to E2L Real Estate Solutions, LLC, (E2L) who submitted the proposal. The purchasing department was asked to allow each Committee member to submit questions and they accumulated over fifty questions. They were then asked to schedule a Zoom meeting to allow the E2L company to perform an oral presentation to the Committee to allow them to answer the questions and to have discussion, which was a four-hour session.

Consequently, the Committee voted unanimously for the E2L company. This company was found to be more than qualified as a master developer based on their prior project experience to complete the objectives and the intentions of the Committee and the City when the solicitation was issued. Their proposal was very comprehensive and most importantly had assembled a comprehensive, technical and experienced team to move forward through the process.

Finally, Ms. Sibble stated that the Committee is confident to recommend this selected company and that the City Commission allow them to move to the next step in this process, which will be to attempt to negotiate a development agreement with the E2L Real Estate Solutions, LLC. In addition, there will be many steps to take as the City moves through the process, with many opportunities for additional meetings with individual Commission members. There will be many public meetings to get participation from the public as the City moves through what is ultimately proposed and final design plans for the site.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 10-12 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. The individuals must wait until prompted by staff and they will be sworn in to raise their right hand to testify by the City Clerk.

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

10. [20-345](#) **P.H. 2020-62: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE NORTHWEST CORNER OF NW 33RD STREET AND NW 27TH AVENUE AND COMMONLY KNOWN AS 2900 W. SAMPLE ROAD FROM GENERAL INDUSTRIAL PLANNED INDUSTRIAL OVERLAY (I-1/PCI) TO GENERAL INDUSTRIAL (I-1); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item stating this is the Second Reading of the proposed ordinance to remove the zoning master plan requirements from the real parking lot of the Festival Flea market. No changes have been made since First Reading.

Chris Collins, 896 125th Street, North Miami, FL, representing the applicant, indicated he is available for questions.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-57

11. [20-344](#) **P.H. 2020-63: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTHEAST CORNER OF SW 6TH STREET AND SW 9TH TERRACE AND COMMONLY KNOWN AS 650 SW 9TH TERRACE FROM GENERAL INDUSTRIAL/PLANNED COMMERCIAL DEVELOPMENT (I-1/PCD) TO GENERAL INDUSTRIAL (I-1); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item stating this is the Second Reading of the proposed rezoning to remove the zoning master plan requirements from the property, at the southeast corner of SW 6th Street and SW 9th Terrace. No changes have been made since First Reading.

Christina Bilenki, Esq., 14 SE 4th Street, Boca Raton, FL, representing the applicant, indicated that she is available for questions.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-58

12. [20-413](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE NAT JACK PLAT LYING ON THE NORTH SIDE OF DR. MARTIN LUTHER KING, JR. BLVD. AND WEST OF POWERLINE ROAD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item stating this is the Nat Jack Plat, which is a proposed 3.52 acres plat for a property on the northside of Dr. Martin Luther King, Jr. Blvd. west of Powerline Road. The proposed plat will restrict the property to a maximum building of 20,000 square feet of commercial use and 45,000 square feet of warehouse use. The applicant intends to construct a 41,520 square foot warehouse showroom and office retail storefronts on the property. The property was rezoned from B-3 to B-4 on January 14, 2020. For the rezoning, the applicant presented the request at the August 28, 2019 Collier City Civic Association for consideration and they received a letter of approval for the design and rezoning. A site plan for the project was approved on October 23, 2019 and was included in the backup for this plat.

Nectaria Chakas, Esq., 1401 S. Broward Blvd. Fort Lauderdale, FL, stated that on behalf of the owner she is available to answer any questions. She noted that Ms. Dolan did a good job in presenting the information regarding the item. She stated that the subject matter had appeared before the City Commission in January when the property was rezoned. This is therefore a condition of the site plan approval moving forward to record the plat.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: RES. No. 2020-203

END OF QUASI-JUDICIAL PROCEEDING

13. [20-425](#) Approval to Piggyback the National Purchasing Partners Government Division (NPPGov) Contracts: PS20040 Firefighting Equipment, PS20070 Firefighter Personal Protective Equipment, and PS20120 Firefighter Self-Contained Breathing Apparatus (SCBA), from Municipal Emergency Services, Inc., in the amount of \$798,744.00.
(Fiscal Impact: \$798,744.00)

(Staff Contact: John Jurgle)

John Jurgle, Fire Chief, presented the item stating this is a request for City Commission approval for the purchase of the Self-Contained Breathing Apparatus (SCBA), which are the air packs that firefighters wear when they go into a fire or a hazardous environment. Chief Brocata had written a FEMA grant for this item which appeared before the City Commission a few months earlier, and the City received the grant for approximately \$500,000 to go towards the purchase. The remainder of the money was budgeted through the regular budgeting process. In sum, they will be doing two purchases for this equipment, which will replace all of the SCBA masks in a timely manner. The current equipment in place have become outdated and difficult to service.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

14. [20-419](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DENISON PARKING, INC. PROVIDING FOR PARKING ENFORCEMENT AND PARKING GARAGE MANAGEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$532,830)

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item stating that this is a resolution request for a one-year service agreement between Denison Parking, Inc., the current service provider. The request is for a one-year extension for the oversight of the enforcement program in all aspects, as well as oversight and management of the pier garage. Denison has been under contract with the City since 2015 and in 2016 the pier garage was added to their scope of work. The fiscal impact of \$532,830 is for all expenses associated with both aspects of the management operations. This is a not to exceed budgeted number. He noted that over the five years of contracting with the City, Denison has managed the City parking portfolio and continually remain under budget each year.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the contract is a service contract and

the numbers are properly presented in the backup. However, there is no mention in the presentation as to the income or where the money will come in to pay for these services. Therefore, he requested that the City provide backup of how much money was collected and how much was spent so the real results for the operation of the parking system can be determined.

Mayor Hardin noted that all the income and expense figures for the parking enterprise fund are freely available from the Finance Department. The parking enterprise fund is not a secret and it is publicly available information. Therefore, if Mr. Terwilliger would like that information, he can request it anytime he wants it.

Comr. McGee mentioned that she saw where the City of Fort Lauderdale just put in place a tier locals parking annual program and is aware that the City of Pompano Beach has discussed this prior. Perhaps staff may want to look into trying to do that. She asked if the City has the freedom that in the event it wants to put forward a locals parking program; the City could alter costs or fees accordingly.

Mr. Lantz, responded that he does not believe Denison would be able to alter their management fee. However, they are interested and happy to implement that into their scope of work, which is already in discussion.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: RES. No. 2020-204

15. [20-406](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING AND A MODIFIED SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE OTHER PARTICIPATING AGENCIES RELATING TO PARTICIPATION IN THE 2018 EDWARD BYRNE JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$515,879)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director, presented the item stating that this is an amendment for a grant that was

approved a few years ago. This is meant to accomplish adding Broward County as they wish to participate in the grant. Also, it is to modify the City's subrecipient agreement with all the cities based on recommendation from the Department of Justice.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: RES. No. 2020-205

16. [20-431](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY OF POMPANO BEACH AND POMPANO FORD LINCOLN, INC. FOR THE PURCHASE OF PROPERTY LOCATED AT 2601 NE 16TH AVENUE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$820,000)

(Staff Contact: Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, presented the item stating that the property owner, Pompano Ford Lincoln, Inc. has expressed their desire to sell their property located at 2601 NE 16th Avenue, to the City of Pompano Beach for the appraised value of \$820,000.00. The property is a 30,928 square foot vacant fenced lot with paving, zoned B-3 (General Business), and is located directly west of the Charlotte J. Burrie Center (Center). The purchase of this property will allow the City to construct a road providing neighborhood access from the west to the Center.

Continuing, Ms. LeMasurier indicated that the access road would connect the Center over to NE 16th Avenue and provide access to the Cresthaven neighborhood. The City will exchange the NW area of the Pompano Ford property with Broward County and the county in exchange will provide the City with the southern portion of their lift station property. This exchange will allow for the access road and future extensions of the County's lift station serving Pompano Beach residents in that area. The property exchange agreement will be brought to the City Commission on the July 28th agenda for consideration. Pompano Ford has requested a license agreement to continue to park their vehicles in the remaining portion of the property that will not be used for the access road until the City is ready to develop that area. The License agreement will also be brought before the City Commission on the July 28th agenda for consideration. The item is a strategic plan initiative under Goal 1

- Preferred Place to Live - Objective - The Livable Neighborhood with quality infrastructure. Strategic property acquisition for a western access road to the Charlotte J. Burrie Center.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the resolution is improper and violates public policy. He indicated that first, the resolution defines the property to be purchased at 2601 NE 16th Avenue. However, the Broward County Property Appraiser's Office (BCPA) shows the address as a residential home owned by Joseph Fitzpatrick, so the address is incorrect.

Second, Mr. Terwilliger indicated that the transaction appears to be the "fruit of the poison tree." The parcel of commercial land is virtually where it was, except to its current owners or the Burrie Center, for as a commercial property is land locked. He mentioned that the BCPA shows an appraised value to the portfolio owned by Pompano Ford Lincoln to have a land value of \$371,130, being approximately \$430,000 less than the City's offer price. The parcel for decades has been part of the operation of the Ford dealership that is no longer now needed because the City granted a land use and zoning change in a residential area of Cresthaven, allowing for Ford to demolish several homes and construct a commercial parking structure on the residential property. He alleged that when a municipality grants a change in zoning and or land use in exchange for some benefit or favor under Florida Law is called "Contract Zoning," and is generally held as illegal. He mentioned a number of activities that he thought to be strange, which is to build the Burrie Center, to allow Ford to build a parking garage in the residential neighborhood and to now acquire the current parcel at the appraised value, so he says, "This deal smells."

Comr. McMahon indicated that he is excited to see the property being purchased and connected to the neighborhood. He commended staff for acquiring the property. The appraisals were thorough and done well. So, he is looking forward to the expansion in connecting the Civic Center to the community.

Comr. Eaton stated that this is something that the community has been desiring. Former Vice Mayor Burrie had also desired to have a neighborhood access. Throughout all the community meetings this has always been the hope of the residents. The Community Center was built without the access and the core bidder did not want to sell, and until they came to the City and offered, the City was not actively pursuing anything. Also, Mr. Terwilliger's statements are misleading regarding permission to build a parking garage in a residential area or on residential property. The encroachment of the parking garage is a couple feet from the old property line of those residential properties. The Ford dealer had every right to legally purchase those properties at great expense. Finally, Comr. Eaton indicated that it would be a great benefit to be able to have that access way for the kids, bicyclist, residents in the community and would be a nice bonus that the City would be leasing it back to Ford for their parking. Therefore, she is happy to support the item.

Vice Mayor Moss indicated in terms of the assessment from the Broward County Property Appraiser's Office that is predicated on the fact that it is a land locked piece of property and therefore has no value. But when it is assembled with another piece of property it has a direct and positive impact on the value. Therefore, that has not been taken into consideration in Mr. Terwilliger's comments.

Comr. McGee thinks connecting it back to the neighborhood and acquiring this piece of the property makes sense, as far as accessibility and bike riding. The best usage of the property is the current design. Now that the new property was altered a bit, the City may be able to lease out or do something more useful with the US-1

frontage. She encouraged staff to look into what could be done to recoup some of the costs of this property with the best usage of the US-1 property.

Mayor Hardin indicated that there were some allegations made by Mr. Terwilliger and asked the City Attorney to respond to some of those.

Mark Berman, City Attorney, stated that specifically as to Mr. Terwilliger's contract zoning statement, he is completely incorrect and provided the reasons why this was incorrect. When the rezoning went before the Commission the question was asked specifically by a Commissioner of the City Manager and he, the City Attorney. There were no offers to sell the property and no deals in place to sell this property at that time. The permission given by the City Commission was not for this later sale, which is now taking place. Therefore, this is something based on the need for income for other projects, and Pompano Ford recently came to the City offering the property for sale. The City Manager has a public purpose for the entire parcel that would benefit the public. For now, he wants to concentrate on getting the roadway through and a license agreement for income to the City, to get money back in for the property that will not be developed. In a few years when the City Manager has the plans straightened out he will develop that. It was clear that there was never an offer to purchase the property and it was not part of the other transaction. The offer just came through to the City Manager a few weeks ago.

Mayor Hardin stated that an allegation was made about the address of the property not matching.

Mr. Berman indicated that Ms. LeMasurier got the address from Broward County and that was the address assigned to the parcel, however, staff can check on that to ensure that at the closing the folio numbers are correct.

Mayor Hardin indicated that due to prior business relationship with Pompano Ford and Holman Auto he will recuse himself from voting, although he is not currently doing business with them. He has in the past, so in the abundance of caution and to avoid the appearance of impropriety he will abstain from voting on the item.

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

Yes: Eaton
McGee
McMahon
Moss

Excused: Perkins

Abstain: Hardin

Enactment No: RES. No. 2020-206

17. [20-400](#) P.H. 2020-70: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.35, "BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS," TO ADDRESS STREET AND SIDEWALK SAFETY, OBSTRUCTIONS AND RESTRICTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney, presented the item stating it is the Second Reading of the proposed pedestrian median safety ordinance. There were no changes from the First Reading.

Mayor Hardin mentioned that he has seen numerous dangerous pedestrian activity, so he will be glad to see this enacted.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-59

18. [20-401](#) **P.H. 2020-71: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 100.41, "STREET SOLICITATION," TO REDEFINE AND MODIFY REQUIREMENTS FOR PEDESTRIAN SOLICITATION ACTIVITY ON CITY STREETS AND SIDEWALKS TO ENSURE THE SAFETY OF PEDESTRIANS AND MOTORISTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020**(Staff Contact:** Mark E. Berman)

Mark E. Berman, City Attorney, presented the item stating it is the Second Reading of the pedestrian solicitation activity ordinance. There were no changes from the First Reading. He opined that the ordinance regulates non-expressive conduct or at the very least is “reasonably content neutral time, place and minor regulations, which furthers an important government interest and leaves open ample opportunity for alternative means of communication.”

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-60**19. [20-342](#) P.H. 2020-59: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2414., "ZONING USE CERTIFICATE," TO PROVIDE ADDITIONAL STANDARDS FOR APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020**(Staff Contact:** Daniel Keester-O’Mills/David Recor)

Daniel Keester-O’Mills, Principal Planner, Development Services Department, presented the item stating it is the Second Reading of the ordinance and there have been no changes since the First Reading. The text amendment proposes to refine the review standards for a zoning use certificate, which is seen by many as the first step in starting a business. The goal of the text amendment is to provide clarity to the development community and the public as to what other requirements may be relevant before making very crucial financial decisions. At the January Planning and Zoning Board meeting, the Board unanimously recommended approval for the proposed text amendment.

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

Enactment No: ORD. No. 2020-61

20. [20-343](#) **P.H. 2020-60: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.4223., "COMMERCIAL SELF-SERVICE STORAGE UNITS," TO MODIFY THE PROCEDURES AND APPROVALS REQUIRED TO LOCATE SELF-STORAGE UNITS; AND TO MODIFY REQUIREMENTS FOR SELF-STORAGE UNITS LOCATED IN B-4 AND I-1 ZONING DISTRICTS; BY AMENDING APPENDIX A: CONSOLIDATED USE TABLE, TO CONFORM TO CHANGES IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MAY 26, 2020

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating it is the Second Reading of an ordinance and there have been no changes since the First Reading. The text amendment requires that new self-storage facilities in the City of Pompano Beach receives special exception approval in B-4, I-1 and OI-P zoning districts and establishes new design standards for the use. At the February Planning and Zoning Board meeting, the Board unanimously recommended approval for the proposed text amendment.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-62**21. [20-416](#) P.H. 2020-74: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE JOHN KNOX VILLAGE LOCAL ACTIVITY CENTER (LAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JUNE 3, 2020; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, presented the item stating that this is the John Knox Village Local Activity Center requesting a Land Use Plan Text Amendment to implement their new master plan that they are currently launching in their Phase 1 development. They need to tweak their entitlements in the Comp Plan to facilitate the development of the new master plan.

The property is located south of SW 3rd Street and west of Dixie Highway between I-95 and Dixie Highway. Currently they do have a number of small-scale buildings but they are looking at their master plan to changing that to more taller buildings with more open space and a larger lake. The building type is being changed to a more multi-family design versus the smaller villa design. To fix the entitlements in the Comp Plan, they are modifying the type of units. They are replacing the high-rise assisted living villas they currently have and will be going to a straight plain units. Also, they are decreasing the number of commercial and increasing the amount of office, and keeping the recreational minimum as is. There is a new category being created called ancillary uses, to address the unique situation that this establishment requires as a large volume employer, uses of the units and things of that nature. There will be no change in parks or school demand and very little change in trips. Overall, the change in these entitlements have little or no impact on public services.

Ms. Dolan then provided the timeline for the Land Use Plan Amendments, which is a lengthy process. They just went through first reading with the City today and they are in the process at the County level now to do the County's Land Use Plan Amendment, which is expected to conclude around October, and the County will do their second reading around December. Therefore, Second Reading will return to the City Commission around January 2021, so it should get adopted after going through the final steps round about March of 2021.

Continuing, Ms. Dolan stated that the plan is consistent with the City's Comprehensive Plan, Goals, Objectives and Policies that encourages this kind of mixed-use development in general along the commercial corridors. It is particularly consistent with the Local Activity Center objectives and policies, which are designed specifically for this property and community.

Robert Lochrie, Esq., 1401 E. Broward Blvd. Suite 303, Fort Lauderdale, FL, representing the applicant,

indicated that Ms. Dolan went over the full proposal and he had nothing else to add. With this amendment they will be proceeding to continue to work with staff with the master plan, which they hope to bring before the City Commission in the not too distant future, as soon as they have the Land Use Plan adopted. They agree with all of staff's findings and are available for questions.

Vice Mayor Moss stated that this is a project that is very important to the City of Pompano Beach and to District 5. It employs almost 1,000 people; it is home to about 1,000 people, and it is a real economic engine as well as one of the jewels of the City. Therefore, he will be voting for the item.

Mayor Hardin stated that most people think of John Knox Village as a retirement community but there is actually tremendous excitement going on there now. It is a unique time in the life of the community and he looks forward for many years of partnership with the City of Pompano Beach.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

22. [20-404](#) **P.H. 2020-73: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LIMOUSINES OF SOUTH FLORIDA, INC. TO PROVIDE COMMUNITY BUS SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$85,492.00)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager presented the item stating this is the First Reading of the ordinance to enter into an agreement with the Limousines of South Florida, Inc., to provide for community shuttle service in the City of Pompano Beach. An Emergency Second Reading is required due to the City reducing its City Commission meetings to one meeting per month. Also, the existing contract expires on June 25, 2020. The City receives four routes under the Broward County Transit Community Shuttle program, the red, blue green and orange. All shuttles operate five days per week Monday through Friday from 9:00 a.m. to 5:00 p.m. and are free of charge to the riders. The City solicited a proposal to receive input to provide the service to the City and the City Commission approved the ranking order provided by the Selection Evaluation Committee on April 28,

2020.

Continuing, Ms. Diamanti stated that the City agreed to enter into an agreement with Limousines of South Florida for a five-year term or less to begin the day the Agreement is executed by both parties. This agreement provides for four new shuttle buses. The fiscal impact for the remaining of fiscal year 2020 is approximately \$85,500.00, which will be paid off by the Broward County Surtax proceeds.

Finally, Ms. Diamanti indicated that the ridership information has been provided in the backup. In sum, for 2018 there were approximately 78,000 riders and for 2019 there were 81,000 riders.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the City Commission is being asked to spend money for a limousine service. He also mentioned for the past three years he has been tracking the bus ridership and each year the number of riders keep falling. He suggested that the County should operate this service and not the City.

Mayor Hardin enquired if the ridership had increased going into the year 2019, which Ms. Diamanti responded that is correct. She confirmed that between the years 2017 and 2018 the entire Broward County municipalities who offered the same service experienced a decrease in ridership. In essence, if this service is phased out the City would be hurting the less affluent residents of the community. Also, the service does not offer limousine service but shuttle buses.

Comr. McMahon commented on the cost per rider, which works out to be approximately \$1.09 per ride in 2019. This program helps a lot of people in need and the only thing he would suggest is to get a better appeal on the outside of the buses, perhaps wrapping them or promoting the free bus services being offered.

Comr. Eaton pointed out that the County reimburses the City for the expenses, which is a County program. However, Mr. Terwilliger is complaining that the ridership is down so perhaps he should take his argument to the County and not to the City. This is a great service for those residents who do not own a car or choose just to take the bus system, which is getting more extensive as the City is trying to get more cars off the road and for people to take public transportation. Therefore, she will be voting in favor of the item.

Comr. McGee echoed both Comrs. McMahon and Eaton comments in that the City is creating this County sponsored program that is being utilized. Awareness of the availability of the service is key to its success. She is aware that the City is working on promoting the service more. So looking at a comprehensive marketing plan to help people find the ultimate transportation.

Mayor Hardin indicated that he hopes City Manager Harrison is taking notes of the suggestions to market the service and create wrappings for the shuttle buses and to give a different look in the future.

Comr. McGee noted that there is a City App for the shuttle bus and the routes are there. So, if anyone needs information on using these buses it is available on the App .

The City Commission declared the item an emergency and to call for the Second Reading of item 22.

Erjeta Diamanti, Budget Manager, presented the item stating that there were no further comments from the previous First Reading.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated his only comment for the Second Reading would be in rebuttal of some of the comments made earlier that the ridership has fallen at 104,000 since 2017 and only gained 3,000 back. He reiterated that the service is failing and falling apart and urged the City Commission to save money, even though it is not the City's money, but it is the taxpayer money when it comes from the County.

Vice Mayor Moss pointed out that if the money did not come to the City of Pompano Beach it would go to some other City in the County. Also, he likes the idea of making the buses a little more "eye-popping" because as they go through the Palm Aire neighborhood, they are relatively undistinguishable. Actually, they do look like they are servicing a hotel or a senior citizen center. Making them attractive would draw people to them and the fact that they are there to provide them with a service.

Ms. Diamanti reported that Broward County has approved the wrapping for the buses so the City is waiting for the ordering of the new buses to come in and to get them wrapped and on the road as soon as possible. Additionally, input regarding the wrapping was provided by Comr. McGee. It comes with a color of the logo, as well as with the name of the route, such as the Red Route - The City of Pompano Beach. It is colorful and can be better seen. The City and the Broward County needs to approve any changes that are made in the appearance of the buses.

Mayor Hardin suggested that before the City gets the new buses and they are wrapped, that the City be provided with some visual of what is being proposed and to have the City Commission look at it to ensure it is fitting for what they would have in mind for the community. So at least four of the Commission members would support the eye-popping graphics.

Comr. McGee indicated that she had received the first draft to which her response was for it to be more eye-popping. While it was cute, it did not depict something that people would want to jump on. Therefore, she would like to see the updated ideas of how the City is moving forward with this.

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

A motion was made by Vice Mayor Moss, seconded by Commissioner McGee, that the Regular Agenda/ Ordinance be DECLARED EMERGENCY SECOND READING. The motion carried unanimously.

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

motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: ORD. No. 2020-63**23. [20-410](#) P.H. 2020-72: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND RAFTELIS FINANCIAL CONSULTANTS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$229,996 Maximum for Five Years)

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating at past Commission meeting, the City Commission approved the Selection Committee rankings for the RFP (Request for Proposal) for financial rate management consultant. This is the contract with Raftelis Financial Consultants, Inc. who was the number one ranked firm. They have provided excellent customer service to the City and they work very well with staff.

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

24. [20-418](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ODYSSEY MANUFACTURING CO. TO PROVIDE MAINTENANCE, REPLACEMENT, NEW INSTALLATIONS AND REPAIR WORK FOR ITS CHEMICAL SYSTEMS AT THE CITY'S WATER TREATMENT AND REUSE TREATMENT PLANTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$800,000)

(Staff Contact: A. Randolph Brown)

A.Randolph Brown, Utilities Director, presented the item stating that this is the final installation of the agreement that the City can renew before going back out to bid again. Odyssey Manufacturing Company has provided

numerous services for the City's chemical feed systems and ensured that we are sustainable and were able to keep the treatment plants running.

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

Yes: Eaton
McGee
McMahon
Moss
Hardin

Excused: Perkins

Enactment No: RES. No. 2020-207

D. REPORTS

City Manager Greg Harrison - Shared Funding from the State and Broward County - Mr. Harrison reported that they have been working on a daily basis with the membership of the BCCMA (Broward County City Manager's Association), Broward League of Cities and the Broward County Commission with regard to the distribution of the Cares Act Funds that the State of Florida has given to the County and urged that a portion of those funds be shared with the municipalities.

Surtax - On June 18th there were two important things that happened which had a positive impact on the City of Pompano Beach. First, there were 137 projects on the Surtax list with regard to projects for the penny for transportation. Horacio Danovich and Suzette Sibble have been working hard on this, and as a result, the City has projects on Bay Drive, Kendal Lakes neighborhood, Dixie Highway, Atlantic Boulevard, and Riverside Drive that will be funded by the Surtax in the amount of \$5,929,000. There will be more forthcoming for projects coming out of the Surtax.

The Cares Act money - There was a total of \$340 million coming from the state to the county. The County Commission also on June 18th determined that the cities should get 30% of that money. Currently, there are ongoing meetings with those organizations previously mentioned. He feels the City will come out of this with a fair distribution of those funds.

City Attorney Mark Berman - No Report.

City Clerk Asceleta Hammond - **No Report** Ms. Hammond had no report, however she reminded the City Commission to make a decision on setting the next Virtual meeting for 1:00 p.m. for July 28, 2020.

Commissioner Rhonda Eaton - Food Give Away at Isle Casino - Comr. Eaton gave a few shoutouts and expression of thanks to the Broward Sheriff's Office (BSO), the Kiwanis Club, the New Hope Brazilian

Church and the City of Pompano Beach as well as Feeding South Florida. Often times there is food left over and they try to find a way to give it away quickly. So, she has been working on an after party with giving away food near the Crystal Lake Middle School area this past week. Also, Comr. Eaton thanked Deputy Erin Moore who came over and brought a pallet of salads, fruits and vegetables that were distributed along with some of the leftover food from the food boxes that had good nutritious food, vegetables, and meats. The biggest shoutout goes to Theresa Black, who has organized this event for the last three to four times that they have had the giveaways. She is a friend and a great community activist and she wanted to say thank you for all her efforts.

Great Things on the Horizon - Comr. Eaton mentioned that there are great things on the horizon for the City of Pompano Beach.

Commissioner Andrea McGee - July Fourth Celebration - Comr. McGee with pleasure announced that in the tradition of our founding fathers, who forty-four years ago the new Independence Day will be celebrated with outstanding pomp and circumstance by Americans for generations. The City of Pompano Beach will be celebrating the Fourth of July with the proper fireworks display. Due to precaution and exercising social distancing, at 9:00 p.m. on July 4th from an undisclosed central location. The City will also be live streaming the event on Channel 78 and the City's website. Therefore, everyone in the City can tune in and celebrate the birth of the nation together.

Commissioner Tom McMahon - Acknowledging Mayor Hardin - Comr. McMahon acknowledged Mayor Hardin for reading the resolution for item 1, which was very important considering what has been happening with systemic racism, which is in our country and needs to be addressed.

Furthermore, Comr. McMahon stated that today, Mayor Holness and the Broward County Commission held a workshop, which he had shared on his Facebook page. It was a good workshop that he gleaned from the parts he was able to watch prior to attending this Commission meeting. This is something that the City will need to address, communicate and talk. He expressed appreciation of Mr. Whitney Rawls and Ms. Sarahca Peterson's comments made earlier. These are things in the City and this is one step of many steps to come, therefore, he appreciated Mayor Hardin's reading of the resolution in its entirety that indicated the actions being taken.

Juneteenth Event - Comr. McMahon thanked Sharon Stone-Walker and Assistant City Manager Earl Bosworth's team for a great celebration. It ended very fast even though the terrible situation that came in. Social distancing was followed on every aspect of the event. It was a well put together event led by Sharon Stone-Walker and Pastor George Rich.

COVID-19 Uptick in numbers - Comr. McMahon stated that in the news there is a lot on the uptick in numbers and a number of people testing positive. Therefore, he wanted to urge the residents in Pompano Beach to prevent any type of gathering, wear face masks, be respectful of other people. Therefore, when going out to restaurants to eat and bars you need to wear your masks and protect yourself and the people around you.

Food Distribution - Comr. McMahon said the food distribution has been an incredible benefit to the City. Feeding South Florida is an amazing organization. The City of Pompano Beach volunteers are working hard out

there every weekend. This past weekend it rained but they were out there in raincoats serving the community. Broward Sheriff's Office organizing this event, Kiwanis, the New Hope Brazilian Baptist Church were all a great help to keep things organized.

Peaceful Protest - Comr. McMahon acknowledged Broward Sheriff's Office for doing a great job in keeping everybody safe during the peaceful protest of the community. They provided great escorts, and great services to the community.

Vice Mayor Barry Moss - Food Distribution Events - Vice Mayor Moss indicated that he would piggyback on both Comrs. Eaton and McMahon comments regarding the food distribution events. He stated that he has attended every one of the food distributions give a way at the Isle Casino and they are really providing a lot of help for a lot of people. Almost everyone that goes through the line expresses their gratitude and their thanks. A special thank you to the Brazilian Baptist Church, who have been volunteering every time. They have put in a lot of effort and are so well organized, and when it is all said and done they deserve some kind of special recognition from the City for all that they have done.

Mayor Rex Hardin - Food Give Away Events - Mayor Hardin piggyback on all the previous speakers comments regarding the food give-aways, which has been fantastic. Hats off to New Hope Brazilian Baptist Church and all the volunteers, but especially Feeding South Florida, as it would not happen without those folks. The value of the food that they have provided to the City to pass out is outstanding.

Juneteenth Festival - Mayor Hardin agreed that the event was great. So, hats off to Sharon Stone-Walker, and George Rich for putting this together at the last minute. This is an important event in the City of Pompano Beach and an important day for the nation.

Census 2020 - Mayor Hardin gave a big shout out to Andy Cherenfant who has done a tremendous job for the City's Census efforts. He attends almost every event that takes place in the City, passing out flyers, distributing T-Shirts and promoting the census efforts.

COVID-19 numbers - Mayor Hardin piggybacked on Comr. McMahon's comments regarding COVID-19. The numbers are rising in the community. It is so painful to watch because of the great job that was done earlier. At the initial early stage all the residents were more careful and did what was necessary to flatten the curve. It was done so that the hospitals would not be over run. In sum, people must wear masks and continue to maintain the social distancing. The Code Enforcement and BSO have been out there trying to issue warnings and getting people's attention. There is a press conference schedule for 11:00 a.m. tomorrow, June 24, 2020 by Broward County Mayor Holness. Hopefully, there will be additional tools to crack down on those who are not doing the right thing.

Mayor Hardin mentioned that the meeting started out with a moment of silence for a terrible death that took place in the country and there have been many other deaths that took place. However, this is an issue that the City needs to stay focus on. Mayor Hardin indicated that he made a verbal commitment to the community weeks ago that he was not going to lose sight of what has been going on in the nation and this particular issue of racism. He has spoken with the City Manager and other folks and together they will come up with things they can do in the City to try and change the tenor of things. It is a difficult problem and require all of our efforts to

work on it and work together. Also, Mayor Hardin thanked those residents who have been peacefully protesting and letting their voice be heard. It is not wasted effort and it is important to continue the progress and the awareness and actually make changes in the community. He promised to make things different in Pompano Beach.

E. NEXT SCHEDULED VIRTUAL MEETING

Mayor Hardin announced that the next City Commission Virtual meeting will be held on July 28, 2020 at 1:00 p.m.

F. ADJOURNMENT

The meeting adjourned at 3:07 p.m.

Rex Hardin, Mayor

Ascelela Hammond, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Hardin, Rex		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 131 Southeast 7th Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach FL 33060		COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED June 23, 2020		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Rex Hardin, hereby disclose that on June 23, 2020:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on June 23, 2020, I abstained from voting on the following item:

16. 20-431

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN THE CITY OF POMPANO BEACH AND POMPANO FORD LINCOLN, INC. FOR THE PURCHASE OF PROPERTY LOCATED AT 2601 NE 16TH AVENUE; PROVIDING AN EFFECTIVE DATE.

The nature of the conflict, which I orally disclosed prior to the vote on this item, is that I have a voting conflict due to a prior business relationship with Pompano Ford and Holman Auto, although not currently. Therefore, to avoid the appearance of impropriety, I abstained from voting on the item.

July 6, 2020

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.