



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Tuesday, November 10, 2020

1:00 PM

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

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

APPROVAL OF MINUTES

[21-56](#) Virtual City Commission Meeting Minutes of October 27, 2020

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 13, 21 and 22 will be Postponed until the December 8, 2020 City Commission meeting.

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) above.

Mayor Hardin announced that Item 5 would be pulled for City Commission discussion.

A. CONSENT AGENDA

Mayor Hardin asked for a motion to Approve/Adopt Consent Items 1-4, and 6-9.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that CONSENT ITEMS 1-4 and 6-9 be APPROVED. The motion carried unanimously.

1. [21-62](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RATIFYING AND ADOPTING, IN ITS ENTIRETY, EMERGENCY PROCLAMATION 20-08 EXECUTED BY MAYOR REX HARDIN ON NOVEMBER 4, 2020; THE CITY MANAGER AND STAFF ARE HEREBY DIRECTED TO EXPEDITIOUSLY CARRY OUT ALL PROVISIONS CONTAINED IN THE EMERGENCY PROCLAMATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

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. 2021-18

2. [21-15](#) Approve Ranking for RLI T-25-20, Continuing Contract for Landscape Architectural Services, and authorize staff to negotiate contracts with responsive firms, Bermello Ajamil & Partners Inc., Calvin, Giordano & Associates, Chen Moore and Associates, Craven Thompson & Associates, EDSA, Inc., IBI Group (Florida) Inc., KCI Technologies, Inc., Keith and Associates, Kimley-Horn and Associates, Miller Legg (Miller Legg & Associates, Inc.), Stantec Consulting Services, Toole Design Group and WGI, Inc. (No cost at this time)

(Fiscal Impact: N/A)

(Staff Contact: Tammy Good/John Sfiropoulos)

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.

3. [21-21](#) Approve ranking order for RLI E-20-20, Continuing Contract for Civil Engineering Services for Various City Projects, and authorize staff to negotiate contracts with the highest ranked firms, Baxter & Woodman, Inc., Calvin, Giordano & Associates, Carollo Engineers Inc., Chen Moore and Associates, Craig A. Smith & Associates, Inc., Keith Inc., dba Keith and Associates, Kimley-Horn and Associates, Inc., Munson Design and Consulting, Inc., R.J. Behar & Company, Stantec Consulting Services, Inc., Tetra Tech, Inc., and WGI, Inc. (No cost at this time.).

(Fiscal Impact: N/A)

(Staff Contact: Tammy Good/John Sfiropoulos)

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. [21-42](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING CONVEYANCE OF REAL PROPERTY FROM DUKE REALTY LIMITED PARTNERSHIP TO THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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. 2021-19

5. [20-637](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TERMINATING THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

The member from the public who requested to pull the item for City Commission discussion was unavailable to discuss the item.

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

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: RES. No. 2021-20

6. [21-31](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FAIRFIELD POMPANO LP, TO CONSTRUCT AND MAINTAIN CERTAIN IMPROVEMENTS INCLUDING PAVERS, LANDSCAPING AND IRRIGATION WITHIN THE RIGHT-OF-WAY OF NE 6TH STREET AND FEDERAL HIGHWAY; PROVIDING AN EFFECTIVE DATE.

(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.

Enactment No: RES. No. 2021-21

7. [21-36](#) 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 ROSA LINDA JONES, TRUSTEE OF THE ROSA LINDA JONES REVOCABLE TRUST, FOR THE PURCHASE OF PROPERTY LOCATED AT 590 NW 15TH COURT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$315,000)

(Staff Contact: Vincent Wooten/Cassandra LeMasurier)

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. 2021-22

8. [21-51](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FULLY FUND PROJECTS ADMINISTERED UNDER THE LOCAL AGENCY PROGRAM AND OTHER GRANT FUNDED PROGRAMS; DIRECTING THE CITY CLERK TO TRANSMIT COPIES OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

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

Enactment No: RES. No. 2021-23

9. [21-13](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE CITY OF FORT LAUDERDALE TO PROVIDE BULK POTABLE WATER DURING TIMES OF EMERGENCY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$86,455 plus anticipated grant (50% of the project cost to be reimbursed by City of Ft. Lauderdale))

POSTPONED FROM OCTOBER 27, 2020

(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.

Enactment No: RES. No. 2021-24

B. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that item 10 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

10. [20-644](#) **P.H. 2021-01: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF THE POMPANO INDUSTRIAL PARK (PIP) DEVELOPMENT OF REGIONAL IMPACT AND ITS ASSOCIATED DEVELOPMENT ORDER; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ABANDONMENT; AUTHORIZING STAFF TO RECORD AND TRANSMIT THE ORDINANCE OF ABANDONMENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Principal Planner, Development Services Department, presented the item and stated it is the Second Reading of an abandonment for the October 1981 Development of Regional Impact (DRI) Order for the Pompano Industrial Park. 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: Eaton
McGee
McMahon
Perkins
Moss
Hardin

Enactment No: ORD. No. 2021-08

END OF QUASI-JUDICIAL PROCEEDING

11. [20-642](#) P.H. 2021-02: (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 155.2408., "BUILDING DESIGN," TO PROVIDE FOR ALTERNATIVES TO BUILDING DESIGN STANDARDS IN THE TRANSIT-ORIENTED (TO) DISTRICT; BY AMENDING SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," TO MODIFY TABLE 155.2421.B.1, "ALLOWABLE ADMINISTRATIVE ADJUSTMENT," TO REFLECT MODIFICATIONS TO THE ZONING CODE; AND BY AMENDING SECTION 155.3501., "TRANSIT ORIENTED (TO)," TO AUTHORIZE THE DIRECTOR OF DEVELOPMENT SERVICES TO ADMINISTRATIVELY ADJUST ACTIVE USE STANDARDS AT CERTAIN SPECIFIC LOCATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated it is the Second Reading of an ordinance and there have been no changes since the First Reading. The proposed Text Amendment before the City Commission proposes to modify the standards related to Active Uses in the Transit Oriented Districts (TOD). The proposed amendment also offers the option for developers to deviate from specific design standards when the proposed building is of a specific style (vernacular) which may be in conflict with the minimum codes would require. The August Planning and Zoning Board meeting unanimously recommended approval for the proposed Text Amendments. In addition, the Community Redevelopment Agency (CRA) has provided a memorandum supporting the proposed changes and staff is also recommending

approval of the item.

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
 McMahan
 Perkins
 Moss
 Hardin

Enactment No: ORD. No. 2021-09

12. [21-19](#) **P.H. 2021-10: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 113, "BUSINESS TAX RECEIPTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 113.39, "BUSINESS TAX RECEIPT SCHEDULE," AND BY AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," TO AMEND SECTION 115.18, "MOVING VENDOR, ITINERANT MERCHANT, OR PEDDLER," AND SECTION 115.19, "PIER AREA VENDING," TO MODIFY REQUIREMENTS FOR MOBILE VENDORS IN THE CITY; AND BY AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE DISTRICTS WHERE MOBILE VENDORS ARE PERMITTED ON PRIVATE PROPERTY, AND TO PROVIDE A DEFINITION AND STANDARDS FOR MOBILE VENDORS; BY AMENDING APPENDIX A, "CONSOLIDATED USE TABLE," TO REFLECT MODIFICATIONS MADE TO THE ZONING CODE FOR MOBILE VENDORS ON PRIVATE PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

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

Jennifer Gomez, Assistant Director, Development Services Department, presented the item and stated that it is a Second Reading of an ordinance to address the recently adopted House Bill 1193, which provides that a City can no longer require a mobile vendor to obtain a license, registration, or permit in order to operate in the City. Therefore, all such requirements were removed. The Text Amendments also extend the ability to operate on private property to the (I-1X) Heavy Industrial and (O-IP) Office Industrial Parks, industrial districts. Several regulations not directly related to safety were removed and several other sections were re-organized.

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. 2021-10

13. [20-481](#) **P.H. 2020-76: (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 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM SEPTEMBER 8, 2020 & OCTOBER 27, 2020

FIRST READING: JULY 28, 2020

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until December 8, 2020 City Commission meeting. The motion carried unanimously.

14. [21-01](#) **P.H. 2021-07: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 33, "BOARDS AND COMMISSIONS,"

OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 33.130, "NUISANCE ABATEMENT BOARD," TO MODIFY THE CODE TO CONFORM WITH CHANGES MADE TO FLORIDA STATUTES, THROUGH THE PASSAGE OF HOUSE BILL 625 IN THIS YEAR'S LEGISLATIVE SESSION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Tracy A. Lyons/Mark E. Berman)

Mark E. Berman, City Attorney, presented the item and stated that there have been no changes since First Reading. This is an amendment of the City's Nuisance Abatement Ordinance affecting the Nuisance Abatement Board provided by the changes in state law that allows more violent type crimes included as grounds for nuisance abatement activity by the Board.

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. 2021-11

15. [21-02](#) **P.H. 2021-08: (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 CONSENT ASSIGNMENT AND SECOND AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND MILLER ELECTRIC COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: On an as needed basis, based on the stated fees in the agreement, subject to appropriation of funding in various City accounts (i.e. IT, Parks & Recreation, etc.)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Gene Zamoski)

Gene Zamoski, Chief Information Officer (CIO), presented the item and stated it is the Second Reading for an

Amendment for a five-year Agreement with Miller Electric Company, for the purchase and installation of maintenance of automatic license plate recognition and video security equipment. There were no changes from 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. 2021-12

16. [20-447](#) **P.H. 2020-78: (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 PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WELLS FARGO BANK, N.A., FOR THE USE OF THE PARKING LOT LOCATED AT 199 N. OCEAN BLVD.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$48,000 Net Revenue)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Jeff Lantz)

Jeff Lantz, Parking Manager, presented the item and stated that there have been no changes since the First Reading of the ordinance.

Comr. McGee reiterated that she is looking forward to what type of plans will be instituted to assist the condominium owners as it relates to annual plans and overflow parking. Also, the hesitation on the situation, and to make sure the people who are currently using the location will not be suddenly left without the parking spots that they depend on.

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. 2021-13

17. [21-18](#) **P.H. 2021-09: (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: (i) A SIXTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FOURTH AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 27, 2020

(Staff Contact: Adriane Esteban/Greg Harrison)

Greg Harrison, City Manager presented the item and stated it is the Second Reading and there have not been any changes since the First Reading.

Adriane Esteban joined the meeting after experiencing some technical difficulties.

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. 2021-14

18. [20-643](#) **P.H. 2021-03: (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 155.4211., "INSTITUTIONAL: OTHER INSTITUTIONAL USES," TO MODIFY PERMITTED USES IN THE I-1X DISTRICT TO PERMIT LODGES OR CLUB USES AND AMENDING APPENDIX A TO MODIFY THE TABLE TO CONFORM TO CHANGES IN THE ZONING CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM OCTOBER 27, 2020

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

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item and stated that the proposed Text Amendment has been submitted by the public. The Applicant, Beeline Entertainment Partners, LLC, is represented by Rod Feiner, Esq. The Applicant is requesting to amend the zoning districts where a lodge/club is permitted, to include the I-1X zoning district. Currently, the City's zoning code permits a lodge/club by right in three zoning districts, which are B-3 (General Business), B-4 (Heavy Business) and I-1 (General Industrial).

Continuing, Mr. Keester-O-Mills stated that the code allows the use as a special exception in O-IP (Office Industrial Parks). He then provided a detailed background on the I-1X zoning district and the City allowing lodges/clubs within the I-1 district. He also provided the definition of a lodge/club. In addition, he indicated that the City's Code does not regulate hours of operation for most businesses, but in Chapter 110 of the Code of Ordinances there are limitations to the hours of operation for alcoholic beverages establishments.

Further, Mr. Keester-O-Mills mentioned that in the Applicant's narrative, it is noted that private lodges/clubs are not governed by the State of Florida and as such, these private clubs are not subject to the restrictions in Chapter 110, which is limited to businesses that sell alcoholic beverages. If the amendment is approved, lodges/clubs would be permitted to operate in I-1X zoning districts. At the August Planning and Zoning Board meeting the recommended approval was the majority voting 5-2, in favor of the amendment being considered for the City Commission. In addition, the CRA has provided a memorandum of non-support for the proposed

change.

Mr. Keester-O'Mills stated that if the First Reading is approved, the State Statutes require that at least one hearing be held after 5:00 p.m. on a week day. Since City Commission meetings are conducted at 1:00 p.m. the City Commission must decide to hear this item at a time certain after 5:00 p.m. or make a majority plus one vote to conduct the Second Reading at a specific time and day during the next regularly scheduled City Commission meeting.

The Applicant's representative, Rod Feiner, Esq., mentioned that he would "kick things off" thereafter, they will hear from Michael Peter, then to Bruce McLaughlin and then to co-counsel Luke Lirot who will finish matters.

Rod Feiner, Esq, Coker and Feiner, 1404 S, Andrews Avenue, Fort Lauderdale, FL, representing Beeline Entertainment for the Applicant-sponsored Text Amendment, stated that staff summarized the item very well. He stated that what the text amendment seeks to do is at a private club/lodge through the I-1X zoning district, where it currently allows in a less intensive B-3, B-4 and I-1 zoning districts. They believe a private club is a more intense district so this is one of the reasons why they are allowing it.

Continuing, Mr. Feiner indicated that Beeline Entertainment is currently where the Solid Gold operates, which is a Sexually Oriented Business (SOB) district. However, he stated that if this Text Amendment passes on First and Second Readings, then the SOB at 1350 SW 2nd Street, where Solid Gold operates, will cease and desist, so Solid Gold would go away. He concluded that by allowing this text change the City would allow the market to get rid of the legally permitted and conforming SOB, which will get rid of one that would normally be allowed to occur in that area. He then explained what will happen and why this has occurred. He then defined what a private club is, which is limited to members only, such as the VFW Hall, Moose Lodge, Elks Club, and the Oriole Club, as well as others such as the Singers Club that allows people who enjoy karaoke and singing performances that have been in existence for approximately 30 years in the City, located at 3521 NW 8th Avenue. In this case, the Singers Club desires to move to the property where Solid Gold is currently located. They cannot do so with the current definition of the zoning code. The reason the Singers Club wants to move is that it has had some problems with its neighbors, as well as a particular increase in membership. He then explained the City's rule on the sale of alcoholic beverages ceasing at 2:00 a.m. and the state's law as it relates to allowing private clubs serving alcoholic beverages beyond the 2:00 a.m. timeframe. He also elaborated in detail the uses and conflict of uses that the current Singers Club is experiencing in its current location. Therefore, the proposed plan to turn the Solid Gold business into a Singers Club would be more ideally suited for their uses at 1350 SW 2nd Street.

Mr. Feiner stated that should the Singers Club be allowed to replace the Solid Gold SOB; it would be strictly a private member only club and there would be no nudity or anything associated with this that was previously represented or part of Solid Gold. Also, he reiterated their commitment and they agree that should the Broward Sheriff's Office (BSO) or Code Enforcement want to enter into this business to check it out at various times to ensure restrictions and laws are being followed, they are willing to allow them access.

Michael Jay Peter, Owner/Partner, Beeline Entertainment, Solid Gold Club, Pompano Beach, FL, stated that the current location they occupy is one of two areas that were "carved out" from industrial zones because they are in the most remote part of the industrial zone. His property is surrounded by manufacturers and they sit on

the cusp of the area to be developed by the Cordish Group, as well as the Casino. Thereafter, he provided a brief background on the Orioles club, as well as his personal health condition, and indicated the options he is faced with regarding maintaining his property value, with the possibilities of increased value due to the planned development by the Cordish Group for the area.

In sum, Mr. Peter indicated that all over the world people are pursuing the ability to sing not necessarily professionally. He indicated that one of the biggest trends in the world today is for like-minded amateur singers being able to come out with other groups of people that will not criticize them, to get on a stage and sing with the words provided to them. They intend to change the name Solid Gold, as well as to renovate the staging of the existing building and replace it with a dance floor for dancing customers and a stage where they can hire name acts to come in and do voice over singing and also run amateur contests and so forth. Therefore, the plan is to renovate the building to adapt to a non-adult club. Subsequently, they are requesting a Text Amendment that is minor to allow a zone that is even more remote than the industrial zone, where the City has allowed the Oriole Club to move, and four stages lower in density, traffic, and neighbors than the B-3 zone that the Singers Club is currently located. He then introduced his proposed tenant, Robert Anthony, who has a license to allow karaoke singing.

Robert Anthony, Singers Club, Pompano Beach, added that if the City could do this for the Applicant it would be great for the 150 residents that are 25 steps from the front door of the club. As a new Pompano Beach resident, it would be greatly appreciated, as well as this would take two thorns out of the City's side" and this would be a better, safer and more professionally run place in a better location.

Bruce McLaughlin, 900 Golf Boulevard, Suite 3303 Indian Rocks Beach, FL, Town Planner and Consultant for the Applicant, provided his qualification in planning and his abilities to provide competent and substantial evidence regarding the subject matter. The request is to amend the text to permit a use to permit clubs in the I-1X zoning district. He indicated that this zoning district was instituted to meet the constitutional mandate of providing sufficient sites for SOB within the City. He then provided very detailed information regarding the I-1 zoning and the various surrounding sites in this area and their uses. He also commented on the Community Redevelopment Agency (CRA) memo that expressed staff's concern, which is provided as part of the backup.

Continuing Mr. McLaughlin indicated that they prepared a matrix of the permitted uses in the I-1 and the I-1X zones. He mentioned that there are very few differences between the two zones and provided those differences. In addition, he provided the criteria for the text change where private clubs are limited to members and guests, and the state alcoholic beverage laws require it, as well as how private clubs are more intense than what people imagine, which he described in detail. He stated that the Text Amendment is consistent with the Comprehensive Plan and the purpose of the Industrial Land Use Designation applicable to the subject area and all four of the I-1X zones. He indicated that the private club as it exists currently is not compatible with the residential district or compatible with the neighborhood businesses. Also, there is no conflict with any other code provisions, which is another criterion for the testament on the item. He continued to provide in detail the private club meeting the criteria of the carved out zoning district of the I-1X zone.

Mr. McLaughlin indicated that the Statements of Purpose (SOP) for the I-1 and the I-1X are identical, except for the I-1X, which specifically references the SOB as a purpose for having that zoning district. He indicated that everything else mentioned in the SOP is identical. The private club has extra anilities similar to adult uses.

He said it will be a destination point away from an arterial road and will not be a detriment. The text change will lead to an orderly development and pattern, so, there is no change or impact on the natural environment.

In summary, Mr. McLaughlin referenced the SOP found in Section 155.3402 for the I-1 and Section 144.3403 for the I-1X, which are very similar and it is hard to imagine why this did not get picked up when the City created the I-1X. The I-1X uses are not considered suitable for residential areas nearby so, he believes this change should be approved.

Mr. Feiner then presented an overhead map displaying the current location of the Singers Club and the multi-family residential adjacent to it across NW 8th Avenue. It operates one or two days in the area and it is “bursting at the seams,” which is one of the reasons why they want to move to this project. It would save the residential, and some of the churches from having to deal with this, as well as it would go to a place that can accommodate the larger area.

Luke Lirot, Esq, co-counsel with Mr. Feiner, stated that this is a little different from previous years when they advocated for opening SOBs, and now this is to close one such business. He hopes the City Commission would “take his clients at their word,” because they cannot operate a SOB without an SOB license. So, if they relinquish that it puts an end to that. In addition, he recalled a few months ago there was an ordinance that was addressed to preclude adult business for any kind of accessory use. Therefore, he concluded that there are several levels of enforcement to prevent anything that would possibly happen or anybody trying to stretch this or would do anything that did not reflect their word. He said the trend of SOB is less popular today, but he agrees with Mr. Peter that Karaoke seems to be much more popular now than it has ever been.

Mr. Lirot addressed the issue of the concept of the I-1X zoning district allowing uses, as stated by Mr. Keester O’Mills, “needed to be separated from residential areas,” which is exactly what they are asking for in this item. He saw the CRA Memo and took issue with it and explained his reasons in detail. In sum, Mr. Lirot indicated that this amendment makes sense. Notwithstanding, it will not diminish any area that is available to address industrial uses because there is already a non-industrial use (i.e. the adult use), that is already in place, and it is really just an overlap. If evaluated under the criteria mentioned by Mr. McLaughlin earlier, it meets all the elements and the proper criteria. Therefore, he requested the City Commission’s approval of the Text Amendments.

Comr. Perkins asked how many days would they be operating the business.

Mr. Feiner responded that the current hours of operation is Thursday through Sunday. It may be opened on other days, which is not the main days of operation. Traditionally, they will stay opened until approximately 10:00 a.m. and will provide alcohol to their members during this time, which is allowed currently in the City for all private clubs.

In response to Comr. Perkins question regarding their operation during the pandemic, Mr. Feiner responded that currently, this is for the future, as most of these businesses are on pause right now until the vaccine is rolled out. However, it will be operated in a manner consistent with all socially mandated practices through the Broward County Executive Order or the City Executive Order. He also confirmed that the surrounding businesses are “fine” with them setting up the Singers Club in the proposed location. Also, they agreed to

completely open at all times to members of City inspection staff, whether it be code enforcement, BSO or building official or whomever.

Comr. Perkins asked about the cost of membership, and Mr. Feiner indicated that the cost will be going up due to the improvements being planned for the facility. Also, they are considering a quarterly membership. Nevertheless, they could provide this information in detail at Second Reading of the item.

Mark Berman, City Attorney, corrected a statement made by Mr. Feiner that the use of alcohol up to early morning in the day is allowed by the City currently. Actually, this is allowed by state law, not the City, and the alcohol beverage licensing scheme that the state uses. A private club is for private members. The key is, will it be a private club, will it be a daily membership, which is the problem that the City has had previously, with prior ownership of this club, or is it going to be a truly membership club and the representations that the counsel and the manager is making is that it will be a true private club. This can go on all day and the City cannot tell them what to do as it relates to the sale of alcohol. As a SOB, as they are currently, the City can stop the sale of alcohol at a certain hour or for that matter any business selling alcohol.

Mr. Feiner indicated that he had met previously with the City Attorney and it was pointed out what a private club must be and they are in agreement with the criteria.

Vice Mayor Moss indicated that they referred to the Oriole Club and asked what kind of club it is and what takes place there.

Mr. Feiner responded that he does not know. However, he found out from Facebook that it is a national organization called National Fraternal Organization of Orioles. It does not say what their public mission is or do, but it is a private club and it has a 11C state license.

Vice Mayor Moss mentioned that he cannot understand people would go to a club and sing karaoke until 10:00 a.m. and it seems strange to him. He asked why are the neighbors complaining if all the people are doing is just singing.

Mr. Feiner responded by referencing states such as California, New York, Chicago, as well as Europe and Japan, where it appears the current trend prior to COVID-19, is that people would get together and sing and have a good time to demonstrate their vocal powers. In fact, this is why there are shows on NBC such as the Voice, which is very popular. There are professional singers and then there is the Mask singers on the FOX station. The conflict with these private clubs is that people are leaving at 9:00 or 10:00 a.m. in the morning and they are next to a church. Therefore, church members in some cases do not want to see people who were out all night reveling as they are coming in for worship at the same time these individuals are leaving the club.

Mr. Peter indicated that Gulf Stream now has rental karaoke booths, which indicate how popular karaoke has become. Most of the primary client in this is the person whose work hours conflict with normal business club hours, and he provided some examples throughout the Tri-County areas in South Florida.

Vice Mayor Moss asked Major Adkins of the Broward Sheriff's Office if he had any thing to add to this debate, and asked if this clubbing add any problems for the police department.

Major Wayne Adkins, Chief of Police, Pompano Beach, responded that in checking with the address for calls for service for the past year, they have been called there at least 52 times, on an average at least once a week. They have had some robberies in the parking lots, shootings, fights and assaults. He mentioned that when the police seem to run into problems with the private clubs it is mostly when the facilities are rented to outside entities, bringing possible criminal element or problems that manifest itself into bigger problems. Therefore, he enquired about the rental of the facility.

Mr. Feiner responded that Chief Adkins brought up a valid point. He confirmed that they will not be renting the facility to any third parties. This is a Singers Club and the landlord has an exclusive lease with Singers and contingent upon the adoption of the item. There are no assignments or sublease clause in the lease, so this will not happen at this facility.

Mr. Peter reiterated that they are on the cusp of the new casino resort development, which is being built and already has a 5 o'clock closing for liquor sales. In sum, he believes those people that worked late shifts would find the Singers Club an ideal spot to hang out after work and perhaps they could attract persons from the West Palm Beach area as well. Also, he felt the report provided by the Chief of Police on the amount of cases that occur at the Singers Club on an annual basis maybe overstated.

Major Adkins confirmed that the information he provided has been vetted and incidents occurred both inside and outside between the parking lot of the Singers Club. This is public record so he could obtain copies of the information. He indicated this may have happened under the prior ownership but the incidences have occurred.

An extensive discussion followed about the concerns regarding users of the facility and the high possibility of attracting certain elements of disturbance in the community, as well as the assurances from the Applicant that these type of activities would significantly decrease all the criminal activities currently taking place.

Comr. Eaton indicated that it appears to be a number of moving parts. So, she enquired if the Singers Club will now occupy where the Solid Gold property on NW 2nd Street in the area of the I-1X zoning is currently located. She also, mentioned that recently there was a shooting that took place at the current location of the Singers Club.

Mr. Feiner confirmed that they are currently closing the current location and it will be relocated to the new location where the Solid Gold Club is currently located.

Mayor Hardin reiterated that the Applicant had indicated that Solid Gold would no longer operate there and would discontinue as a SOB, and the Singers Club would take over the property.

Mr. Keester O'Mills confirmed that the Orioles Club is located in the I-1 zoning district, which is currently permitted to operate in that district.

Comr. Eaton believes the City should not open itself up to the type of zoning where late parties could be going on for days, therefore, they should be kept in the I-1's, B-3's, or B4's.

Comr. Perkins indicated that she would not have a problem with the Singers Club and likes the idea that it is private and not close to a church and will be in a better location. However, she enquired if it is possible for the owner to get private security to relieve calling the BSO on a regular basis, when they are opened for business.

Mr. Feiner indicated that they could agree to have private security to patrol the parking lot similar to what is being done now, to ensure the people who come in are members.

Mr. Berman mentioned that if there is a problem and there is not adequate security, then there is the City's Nuisance Abatement process in place that can take further action, which will address violent crime as well. Therefore, if the owners do not take care of their business, then the City can step in and take care of matters.

Mr. Berman corrected Mr. Peter's statement that the City allows a 5:00 a.m. permit for the casino. In fact, the City does not have a 5:00 a.m. permit, instead the City's requirement is that the businesses that serve alcohol close at 2:00 a.m. However, a licensed pari-mutuel facility under state law has their hours of operation set by the State of Florida that the City is not allowed to interfere with their operations. So, when they operate to those hours, they are supposed to be curtailing alcohol sales at 2:00 a.m. but they are allowed to operate throughout the night until the state allows them. There is a difference, so the City has no 5:00 a.m. permit.

Comr. McGee indicated that it is an interesting project to move to the requested location because it would take it away from where the churches and residences are located. She understands the hospitality worker and the business worker hours are so different from other places that having somewhere that is not driving down to Hallandale or South Beach, is a nice and different option. Therefore, as she understands from the Applicant's presentation, this will be a total re-brand of the Singers Karaoke Club. She enquired if there would be an age minimum for the membership.

Mr. Feiner responded that perhaps it would be 21 since alcohol is being served. In addition, they are re-branding to have the Singers better known and to move it away to establish it for the members who want to do what they want. He also explained in detail how the membership would be granted, which is to apply for membership and to meet the membership criteria before allowed to enter the club.

Comr. Eaton asked if alcoholic beverage could be served 24 hours, which Mr. Berman confirmed yes.

Mayor Hardin had a few questions. However, this item is regarding a Text Amendment to the City's code. Therefore, it is secondary whether the Singers Club moves or not. Earlier, Mr. Feiner indicated that if the Text Amendment is approved the SOB would go away, and wanted to know if this is a correct statement.

Mr. Berman responded that it is not correct and respectfully disagreed that if the amendment is approved the SOB would go away for the area. He recalls that the location is appropriate for locating a SOB in I-1X and explained the detail on how this was zoned. Therefore, if they are replacing a SOB with a Club it does not preclude another SOB to come on site at that location in the future.

Mayor Hardin reiterated that the City did not create the I-1X zoning district for SOB. He then asked if the City would set the rules for private club memberships and things of that nature.

Mr. Berman responded no; the private clubs set their rules. He said over the years there has been general case laws that has been decided by the courts both federal and state as to what constitutes a club, which he outlined some of the criteria. He indicated that he has not seen the rules of the Singers Club to determine if they exist, and whether they are retooling and rebranding their product and they maybe reformulating their rules.

Mayor Hardin expressed concern about the future and the rules for membership and how there are no guarantees that the rules would not change to negatively impact the community. This is a larger location than the current Singers Club. If the City allows a private club in that location it could not stop all night rave parties into the day.

In sum, Mr. Berman indicated that what the City Commission could consider for this purpose, is to determine does this meet the underlying designated land uses. Is it appropriate for a Text Amendment for this zoning district?

Mr. Keester O'Mills read the seven criteria for the review standards for a text amendment. This is found in Code Section 155.2402(c).

- 1) Consistency with the Comprehensive Plan.
- 2) Do not conflict with any provision of the Code of Ordinances.
- 3) Required by changed conditions.
- 4) Addresses a demonstrated community need.
- 5) Consistent with the purpose and intent of the zoning districts in the Code of Ordinances, or would improve compatibility among uses and would ensure efficient development within the City.
- 6) Would result in a logical and orderly development pattern.
- 7) Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and natural functioning of the environment.

Mr. Feiner addressed a couple things mentioned earlier. First, he indicated that Mayor Hardin and City Attorney Berman are correct by this text change. If approved, as a whole, the current plan for this property gets rid of the only legal conforming SOB use in the City. In sum, he stated that they are not getting rid of the SOB use from the zoning district, but the City's zoning code district does say if you operate a private club, that a private club cannot have a SOB portion of it and so, once it is a private club, the SOB use goes away.

Continuing, Mr. Feiner spoke about the membership rules and indicated that they will provide them to the City Attorney for review prior to Second Reading and will also voluntarily offer as part of their Business Tax Receipt (BTR) application, because it is improper to do that as part of the zoning ordinance, they would sign as a covenant for both security and to allow, at any time, the City has the right to inspect membership rolls, their rules, by-laws, meeting minutes, and whatever the City would want to know to ensure their operation as a private club is authentic..

Mr. Feiner said the City would have the right to come in and monitor to ensure the times are kept and the membership criteria is not changed. In essence, they would be very transparent. They would do a Declaration of Restrictive Covenant as part of the BTR application, which he can work it out with the City Attorney, which

is not only binding on the Singers Club but any other private club that may operate on the property. They will come up with the language to ensure this is binding with the successors, and maybe a covenant running with the land as a voluntary restriction.

In addressing the comment about “Rave,” Mr. Feiner stated that this would solely be limited to members. It is not going to open to the public where anyone can come in like is done in some of the other things. He understands the Commission’s concerns expressed earlier, and reiterated much of what was said earlier to allay their fears that they would not do anything to jeopardize their State 11C license that is very exclusive and not granted to just any business. He confirmed that they will also speak with the Isle Casino to obtain their opinion on this matter as well. Therefore, if allowed Second Reading they will have all the stated covenants and rules mentioned.

Comr. Eaton reiterated that there are just too many moving parts to track as to who will do what and when.

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

Yes: McGee

Perkins

No: Eaton

McMahon

Moss

Hardin

19. [20-440](#) **P.H. 2021-11: (PUBLIC HEARING 1ST 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 155.3709., "EAST OVERLAY DISTRICT (EOD)," BY MODIFYING DEVELOPMENT REQUIREMENTS FOR BUILDINGS IN THE EAST OVERLAY DISTRICT (EOD) AND BY RELOCATING STEPBACK REQUIREMENTS IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Daniel Keester-O’Mills, Principal Planner, Development Services Department, presented the item and stated that the proposed Text Amendment was drafted by the public and proposes to modify the height designation and tower regulations in the Transit Oriented District (TOC). Currently, the code requires that buildings taller than six stories must be designed in conformance with the tower building types standards, which he provided in detail the requirement.

If approved, the code amendment would provide developers an opportunity to build seven and eight story buildings within the core sub-area to be developed using any building type approved for that sub-area, rather than just limiting it to the one tower building typology. At the June Planning and Zoning Board meeting the Board unanimously recommended approval for the proposed text amendment. In addition, the Community Redevelopment Agency (CRA) has provided an email of no objection to the proposed changes, as well as staff does not object to the text amendment as presented.

Dennis Mele, Esq, Greenspoon Marder et al, 200 E. Broward Boulevard, Fort Lauderdale, on behalf of the Applicant, stated that what they are doing is not as interesting as the previous item and was available for any further questions.

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

20. [21-35](#) **P.H. 2021-14: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BROWARD COUNTY TO PROVIDE COMMUNITY SHUTTLE SERVICE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$135,469.80 estimated for FY 2021)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Manager, presented the item and stated that this is the First Amendment to the Interlocal Agreement with Broward County to provide the Community Shuttle service. In particular, they are amending Exhibit F of the annual funding. The rate is \$57.50 per hour and the cost of the service is approximately \$475,000. This program is fully funded and will continue to be funded by the Broward County Surtax proceeds for the fiscal year 2021 and on.

Ms. Diamanti requested the City Commission approve an emergency Second Reading for the ordinance in order for the City to have an executed Interlocal Agreement in place due to the COVID-19 restrictions and the City Commission holding one meeting for the month.

Comr. McGee enquired as to when the wraps will be done around the shuttles.

Ms. Diamanti responded that due to the COVID-19 situation they had delays in the delivery of the buses, so they are anticipating to have the shuttles by the end of November. Once the new shuttles are on board then they will have them wrapped. The plan was to have them done by early December, however, if there are any other delays staff will notify the Commission when the shuttles are ready.

Comr. McGee suggested that perhaps staff could look into marketing the shuttle service and to do a re-launch or something to highlight when the City does get the wraps that they are now available and to show where the various routes and stops are located to try to get people to utilize the service.

Comr. Perkins agreed with Comr. McGee that the City needs to do more to publicize and market the ridership so that people will know where the stops are and where the buses are located.

Comr. McGee pointed out that on the mypompano app a person can determine the current routes, but there needs to be a marketing push to have people utilize this alternate transportation service.

Comr. McGee made a motion, seconded by Vice Mayor Moss to declare the item an emergency for Second Reading. The motion carried unanimously.

Ms. Diamanti mentioned that there were no further comments regarding the item.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST READING, and declare an emergency Second Reading of the item. 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
Perkins
Moss
Hardin

Enactment No: ORD. No. 2021-15

21. [21-43](#) **P.H. 2021-12: (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 LABOR AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE CONTRACT PERIOD BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Est Savings \$200K)

(Staff Contact: Brian Donovan/Ed Beecher)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until December 8, 2020 City Commission meeting. The motion carried unanimously.

22. [21-44](#) **P.H. 2021-13: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES; BY AMENDING THE GENERAL EMPLOYEES' RETIREMENT SYSTEM TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AMENDING SECTION 34.010, "DEFINITIONS;" AMENDING SECTION 34.020, "NORMAL RETIREMENT BENEFIT;" AMENDING SECTION 34.025, "CONTRIBUTIONS;" AMENDING SECTION 34.0263, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 34.038, "PENSION ADJUSTMENTS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: \$1,023,111)

(Staff Contact: Brian Donovan/Ed Beecher)

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be POSTPONED until December 8, 2020 City Commission meeting. The motion carried unanimously.

23. [21-69](#) Consideration for canceling the City Commission Meetings of November 24, 2020 and December 22, 2020.

(Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Greg Harrison, City Manager, presented the item and stated that this would continue what the City Commission has been following at least for the past six years since he has been on board not to hold the second Commission meetings in November and December in observance of Thanksgiving and Christmas. Therefore, he respectfully recommended that this continue for the year 2020.

A motion was made by Commissioner McGee, seconded by Commissioner Eaton, that the Item for Consideration/Discussion be APPROVED for cancelation. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

C. REPORTS

Gregory Harrison, City Manager - Veterans' Day - Mr. Harrison reminded everybody to honor the Veterans on November 11, 2020, on Veterans' Day. He mentioned that his dad served in World War II, and he also lost an uncle in World War II, which happened before he was born. Therefore, his family is serious in recognizing Veterans' Day.

Mr. Harrison introduced Assistant City Manager Brian Donovan who would provide a brief update to the Commission on the drainage situations on what the City has been doing and will be doing in the future.

Update on Lyons Park Stormwater and Sanitary Sewer Improvement Project - Brian Donovan, Assistant City Manager, reported that lately a lot of rain has been experienced in South Florida. Therefore, the City Manager and he decided this would be a good time to provide an update on the Lyons Park Stormwater and Sanitary Sewer Improvement Project. This project involves abandoning the existing sewer lines, which are currently behind the homes in Lyons Park and installing a new sanitary sewer system in the City right-of-way to the front. Also, the City will be installing a stormwater drainage system. So, the new sanitary mains and the sanitary service connections will be installed within the City's right-of-way. The old system will be grouted and abandoned in place. The project is approximately 90% designed and staff has all the required regulatory permits issued with the exception of the Army Corps of Engineers, which is expected to take another month. Once achieved, staff will advertise the Request for Proposal (RFP) for this project at the beginning of the new year. Therefore, considering what needs to be done in advertising and acquire the necessary approvals, staff expects to appear before the Commission with a construction contract and funding by April 2021. Once this is done, they anticipate to obtain the permits and look to break ground for the project in June 2021. The overall cost of the project is expected to be \$22 million. There will be \$10.5 million for stormwater and \$11.5 million for sanitary sewer.

Mayor Hardin asked how long has this project been in motion.

Mr. Donovan responded that the project started back in 2013-2014 on the books. It has gone through some design changes and setbacks with approval by certain state agencies and the necessary easement had to be

obtained which took longer than expected. However, staff anticipates holding to the schedule that is now being presented.

Mayor Hardin indicated that this is a long overdue project and the residents in Lyons Park have been promised this for over seven years. He has been aware of the twists and turns and is sure Comr. McMahon can appreciate the situation because he has had to live with these setbacks also.

Mark Berman, City Attorney - Veterans' Day - Mr. Berman, indicated that his father also served in the United States Army Air Corps, so it has long been a tradition in his family to remember and celebrate Veterans' Day. Therefore, he appreciated the comments made by City Manager Harrison.

Additionally, Mr. Berman said it is a good week to be an alumnus of the University of Delaware. He is having a good week and happy to make it home in time to watch Judge Judy for tonight.

Best Wishes - Mr. Berman wished everyone good health, happiness and safety at this time.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - Veterans' Day - Comr. Eaton recognized the wonderful veterans who served their country well. She stated "Freedom is not free," and expressed thanks to all the veterans.

Flooding - Comr. Eaton indicated that she was prepared to talk about flooding and how Utilities Director, Randy Brown and his staff have been going out there to pump out some of the storm drains that have clogged. It will take a little while for the water to recede as the ground is saturated from the weeks of rain. Therefore, she encouraged her constituents to email or call her with any enormous amount of flooding issues.

Congratulations - Comr. Eaton congratulated everyone who won their re-election and election. She indicated that while this is not the right time, it has been an honor for her to serve with Vice Mayor Moss who did not get re-elected. His wisdom and knowledge have been a great attribute to her and the City as a whole.

Commissioner Andrea McGee - Drainage Issue - Comr. McGee mentioned to the residents on North Riverside Drive that there is a project coming along there as well that will assist with the problems with the drainage on the entire road. This is a major project forthcoming and that there are known issues that staff is trying to get to them. Therefore, she encouraged the residents to drive safely and to watch out for down electric lines and any other dangers that may be in the water.

Congratulations - Comr. McGee thanked everyone for their support and congratulated everyone that will be serving in 2021-2022. It is exciting to see that Pompano is embracing what the Commission is doing and is happy and excited for the direction that the current Commission is guiding them on. In addition, Comr. McGee expressed sentiments to Vice Mayor Moss in her getting to know him and the privilege to have served with him. Also, she thanked him for his services to the City Commission.

Future Recycled Bins - Comr. McGee shared some information she received regarding signs indicating where they had drop off bins for plastic and metal in the Orlando area, which she thought is a great idea and

wanted to put this idea out for future steps, where residents can drop off these items to get recycled.

Commissioner Tom McMahon -Lyons Park Project - Comr. McMahon thanked the City Manager and his team for the briefing on the Lyons Park Project. These residents have been needing drainage and having issues for many years. It has been in the planning for many years and is coming soon. He expressed special thanks to Randy Brown, Utilities Director and his Utility team, who have been working 24 hours per day. They have answered all the phone calls and responded to the emails sent on a number of residents' issues from trees down to broken water pipes and any problems being experienced. Mostly everything got cleared up thankfully and the water has subsided from the extensive rains experienced over the past weeks. Therefore, he is looking forward to seeing the project getting underway with construction, which will birth more phone calls and complaints, but it is coming and at the end of the day, it will resolve the problems currently being experienced.

Congratulations - Comr. McMahon congratulated everyone who won their elections and said it truly was an honor to serve with Vice Mayor Barry Moss. He looks forward to spending more time with him to discuss things, since he is no longer under Sunshine Law. Also, to spend time having lunches and using his wise words and advice. He has been a great mentor to him and he enjoyed serving on the Board with him. He concluded that he looks forward to serving with his colleagues for another two years.

Commissioner Beverly Perkins - Water and Flooding Issues - Comr. Perkins thanked Randy Brown, Utilities Director for helping yesterday, when she received so many calls on the water and flooding issues. Mr. Brown was able to rally his team and get customer service to come in to open up the customer service lines.

Sentiments to Vice Mayor Moss - Comr. Perkins expressed her appreciation in the way Vice Mayor Moss looked after his district and kept them in mind. She liked the idea how he stood up for the Collier City community and wished him the best of luck.

Vice Mayor Barry Moss - Thoughts and Comments on Serving Six Years - Vice Mayor Moss indicated that this would be his last regular meeting that he would be attending and shared a few comments and thoughts about the six years that he has served on the Commission. First, he congratulated Ms. Floyd on her victory and wished her the best of luck in representing District 5 for the next term.

He then shared some of his thoughts as he served for the past six years. First, there were a number of complaints then he expressed the things he found enjoyable as he served on the Pompano Beach City Commission. He mentioned that he was on the fence about running for a fourth term and explained some of the reasons why he debated running again. One such reason was the acrimony and bad behavior that the Commissioners had to endure over the years, which has become worse recently. He then related his experience when he started six years ago when there was far less rude behavior from the public, which has regrettably become more frequent and extreme. Routinely, the Commission has witnessed people coming to the meetings to scream about perceived faults, motives and actions. Some telling bold face lies about a variety of things particularly the financial strength of the City, some threatening the Commission members personal safety, some accusations of racism and theft and the list goes on. It appears that the tone and tenor of political discourse that has come from Washington over the last few years has trickled down to the local level, which he limits.

Continuing, Vice Mayor Moss cited a few acts of bad faith he experienced to include the early voting period of

time at the Larkins Center where the police was called many times because of complaints that campaign workers supporting one particular candidate was shoving, slapping and tasing campaign workers of other candidates. At the Skolnick Center on election day he observed two campaign workers who were supporting one of the losing candidates for mayor told every person who passed that this Commission was corrupt, which was uncalled for just because the Commission disagreed with someone. This type of behavior annoyed him greatly that things have generated to this level. He fears that in the future competent and qualified people who might otherwise run for office would come to the conclusion that Pompano Beach politics has become a “Three ring circus and not worthy of their involvement.”

On the other hand, the positive aspects of Vice Mayor Moss’ serving on the City Commission is to see the City being transformed from an after thought to a place that is sought after. He said he has enjoyed being part of the team that is changing the City from “Pompano No to Pompano Now.” The improvements being witnessed and experienced is because of years of planning and hard work. Things are finally coming together and it is exciting to see that happening. None of this would be possible without the hard work and dedication of the excellent staff in place. They demonstrate the highest standard of hard work, competence, creative thinking, and intelligence. His hat goes off to the City Manager, City Attorney, City Clerk and Internal Auditor who keep the trains running on time. In particular, he thanked City Manager Harrison who usually have to bear some of the brunt of some of the criticisms and bad manners that are exhibited. He does a professional job of tolerating it and displays it in an unflappable manner. So, he thanked Mr. Harrison for his leadership, and his availability to answer his questions or concerns from his constituents.

Vice Mayor Moss concluded that now that he is retired, he will enjoy watching the City continue on the path to greatness and will be very proud to know that he has had a small part to play in making Pompano Beach grow and prosper. He congratulated all the members who have won and offered his availability to be called at any time. He expressed pride of everyone on the Commission and the progress they have made and wished them all the best of luck in the years to come.

Mayor Hardin - Congratulations and Appreciation to Vice Mayor Moss - Mayor Hardin congratulated everyone who won their election. He stated that it has truly been an honor and privilege to serve with Vice Mayor Moss and that he will miss him sitting next to him on the dais, but things do change. In addition, he thanked all the candidates who stepped up to run for office, and while they may differ on a lot of issues on some issues they agree and everyone is trying to make the City a better place. The election is behind the City and the Swearing in is coming up shortly and everyone will be allowed their ten minutes speech at that time.

Continuing, Mayor Hardin thanked Vice Mayor Moss for what he has done for the community, Palm Aire, Collier City and for Pompano Beach overall. He stated that being a City Commissioner, he knows everybody represents a district, but still everybody is a Pompano Beach City Commissioner, and Vice Mayor Moss has done an admirable job working for the City throughout the years.

Veterans Day - Mayor Hardin thanked those veterans that are available for their service throughout the world. They have done a yeoman’s job that often times go without thanks. He encouraged the citizens to take time tomorrow to say thanks to a veteran.

Audience to be Heard - Mayor Hardin stated that considering the way the Commission is meeting currently,

asked if it would be a problem if they re-instituted Audience to be Heard at the beginning of the meeting. Just let people call in, of course they would have to call in ahead of time to get registered and so forth. So, he asked if there is any reason why they cannot have Audience to be Heard. It is a little different right now, but people still have concerns in the community, where often times people just do not show up to say they are running for office, but they show up because they cannot get things like their garbage picked up or something like that. Therefore, he wanted to know if there is a way they could have people call in and have them registered ahead of time to avoid any unforeseen video showing up on the Zoom meeting.

Sandra King, Public Communications Director, responded that they can but would defer to the City Attorney as it relates to public participation and what the orders were that have been written.

Mark Berman, City Attorney, responded that it has nothing to do with the orders. The City's code says that the Audience to be Heard is part of the Commission meeting. Because, staff had to throw together rather quickly and a lot of time has been put in and the ability to handle a large amount of calls, they did away with it for the first couple of meeting done over the past few months. It is really up to staff and if we can have them then we should have them.

Mayor Hardin asked how about looking into it and maybe for the next regular City Commission meeting if staff could reinstitute Audience to be Heard. He does understand the call-in procedure that needs to be done ahead of time to be registered, to avoid any negative impacts that has happened in other cities.

Ms. King stated that they could do that but it is important to get people registered so that they will be recognized who they are by phone. It will mean a little more organizing on staff's part but she thinks they could handle it.

Mayor Hardin stated that is a good deal.

Comr. Eaton stated that this is interesting. The Commission always want to hear from the public. She is glad that it is limited to thirty minutes to hear Audience to be Heard. As a board of directors of the six largest cities in Broward County she does not think it proper that quasi proceedings are done at 12:30 at night. It is not fair to anybody. Therefore, as long as Audience to be Heard is kept to the allotted thirty minutes it would be fine. She mentioned that the Commission has emails and cell phone numbers available to the public. In fact, since they are not coming to the office due to COVID-19 people can reach her and get her through the office phone number that would direct them to her cell number. She said people could get through to their representatives if they have an issue or problem. What had appeared to her was the wildest factor when she first got elected, is to have people come before the Commission calling the members a number of names and most of them untrue and the vilest accusations being repeated consistently, which is what Vice Mayor Moss alluded to earlier in his comments. The Commissioners are called all these names and accused of these behaviors and then a Commission meeting must be conducted after people have verbally beat up on the Commissioners. She is unsure what this will continue to do if conducted at the beginning of the Commission meetings. Therefore, she reiterated that she believes the public has every way to reach their representatives through visits to City Hall, phone numbers, emails and community meetings. She argued that it is unfair for the Commission to begin a Board meeting with these types of naysayers screaming and yelling at the Commissioners calling them corrupt, liars, stupid, inadequate and in the pockets of developers. In sum, Comr. Eaton said she likes Audience to be

Heard but it should be heard at the end of the meeting.

D. NEXT SCHEDULED MEETING

Mayor Hardin announced the next scheduled meetings as follow:

- 1) A Special City Commission meeting on November 17, 2020 at 11:00 a.m. for the G.O. Bond projects.
- 2) A Special City Commission meeting on November 17, 2020 at Noon to accept the Returns of the Election and go through the Induction Ceremony of the newly elected and re-elected City Commission.
- 3) The next Regular Virtual City Commission meeting on December 8, 2020 at 1:00 p.m.

E. ADJOURNMENT

The meeting adjourned at 3:35 p.m.

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Asceleta Hammond

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Asceleta Hammond, City Clerk

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Rex Hardin

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Rex Hardin, Mayor

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