

City of Pompano Beach
Virtual City Commission Meeting
Commission Chamber

*100 West Atlantic Blvd.
Pompano Beach, FL 33060*



Agenda

Tuesday, April 28, 2020

6:00 PM

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

Asceletta Hammond, City Clerk

GOVERNMENT IN THE SUNSHINE

The State of Florida pioneered the concept of "Government in the Sunshine," and, accordingly, all meetings of the Pompano Beach City Commission - except those to discuss labor negotiations and litigation strategy, are public. The Commission welcomes the involvement and participation of the citizens.

PROCEDURE

The City Commission has adopted Robert's Rules of Order, Newly Revised.

CITY COMMISSION MEETING TIMES

The City Commission meets two (2) times a month:

Second Tuesday of the month: City Commission Meeting - 1:00 p.m.

Fourth Tuesday of the month: City Commission Meeting - 6:00 p.m.

ADDRESSING THE CITY COMMISSION

Audience To Be Heard - Due to Covid-19, this section of the meeting will be postponed until further notice.

VIRTUAL CITY COMMISSION MEETING PROCEDURES

Until further notice, to promote social distancing and avoid risk of additional community spread of the Coronavirus (COVID-19), Pompano Beach City Commission Meetings will not be open to physical attendance by members of the public, the media, or general City staff.

The City Commission Meetings will be conducted remotely utilizing a platform for video and audio conferencing. The Elected Officials will participate individually and apart from each other in their offices at City Hall. City Staff will be participating remotely from their offices or from their home.

Interested parties can view the Commission Meeting on Comcast Ch. 78 live and through rebroadcast as well as through live streaming and archive on the City's website at www.pompanobeachfl.gov.

Members of the Community who wish to participate in the meeting and speak on any item on the Consent or Regular Agenda must utilize the new remote public participation option. This option promotes social distancing, while still offering interested parties the opportunity to participate in matters coming before the City Commission.

In Order to Comment on an Item Remotely, Participants Must Have:

- Access to the internet (to register)

- A working email address (to receive your confirmation and dial in number)
- A telephone (to dial in to the meeting)

Speaking About an Agenda Item (Remotely):

- Anyone who wishes to address the City Commission remotely (via telephone) on an Agenda Item must pre-register by 7:00 a.m. the day of the meeting.
- When there is an upcoming Commission Meeting, the link to register will appear on the Commission Page when the agenda is posted.
- The link will direct you to a Registration Form
- All fields of information on the Registration Form are required.
- After submitting your registration online, you will receive an email confirmation. On the day of the meeting you will receive the telephone number to call.
- Normal Commission Meeting procedures such as the invocation, Pledge of Allegiance and Audience-to-be-Heard will be suspended during the Virtual Commission Meetings process.

On the day of the Meeting:

- Participants must call the telephone number provided. They can call up to 10 minutes prior to the meeting start time. The call will be answered and they will be put into a "Listen Only" mode, until the Agenda Item number they have signed up to speak about is called and the public input part of the item begins.
- When it is time for the participant to speak, the Mayor will direct the conference operator to unmute their line. The Mayor will ask the caller to introduce themselves and will remind the caller how much time they have to speak.
- Each remote participant will have three minutes to speak.
- Participants watching the webcast/broadcast from a remote location, must mute the speaker on the device they are watching the meeting BEFORE their line is unmuted to speak. This will prevent feedback on the webcast/broadcast. If there is interference or feedback on the call, the participant may be disconnected should the interference cause disruption to the meeting.
- Note there is a short delay between the live meeting and what is broadcast on Ch. 78 or web streaming
- When the speaker's time expires, they will be placed on "Listen Only" mode and the next speaker in line will be able to participate, and/or the meeting will otherwise continue.
- At the conclusion of the participant's comments, they can either hang up, or stay on the line and listen to the meeting.

This procedure shall be followed for any item on the Commission Agenda that includes public participation.

ACCESSIBILITY

If you require the services of a Sign Interpreter, please notify the City Manager's Office at (954) 786-4601, 24 hours in advance. Should you require any other assistance to attend or participate in the meeting, please contact the City's ADA Coordinator at (954) 786-4626 at least 24 hours prior to the meeting.

NOTE: Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

*The Honorable Rex Hardin
Mayor, Presiding*

ROLL CALL

Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[20-376](#) Regular City Commission Meeting Minutes of March 10, 2020

APPROVAL OF AGENDA**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.

A. CONSENT AGENDA

1. [20-372](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ADOPTING THE CITY'S VIRTUAL COMMISSION MEETING PROCEDURES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Sandra King/Mark E. Berman)

2. [20-370](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND RATIFYING AGREEMENTS ENTERED INTO BY THE CITY DURING THE COVID-19 CRISIS DURING THE ABSENCE OF AVAILABLE CITY COMMISSION REVIEW; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: FDEP Agreement - No Fiscal Impact; Broward County Agreement - Fiscal Impact: \$43,236.55; AT&T Master Service Agreement - Fiscal Impact: Estimated \$60,000 to \$70,000)

(Staff Contact: Greg Harrison/A. Randolph Brown/Eugene Zamoski)

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3. [20-353](#) Request of Ratification by City Commission for Emergency Procurement of Cypress Bend Force Sewer Main Repair, at a cost \$314,295.00.
(Fiscal Impact: \$314,295.00)

(Staff Contact: A. Randolph Brown)

4. [20-366](#) Approval to award RFP E-06-20, Pompano Beach Community Shuttle Services to the highest ranked firm, Limousines of South Florida, Inc.
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

5. [20-360](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2020 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE CENT LOCAL OPTION GAS TAX ON MOTOR FUEL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

6. [20-361](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2020 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

7. [20-377](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, TEMPORARILY REDUCING WATER RATES BY TWENTY PERCENT TO ALL CITY CUSTOMERS FOR CERTAIN WATER SERVICE FOR THE MONTH OF MAY 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$415,251.00)

(Staff Contact: Andrew Jean-Pierre)

8. [20-339](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AWARD AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE COMMUNITY FOUNDATION OF BROWARD ACCEPTING A MATCHING GRANT IN THE AMOUNT OF \$30,000.00 FOR A MULTI-YEAR PROJECT ENTITLED, "ASPHALT ART - THE CROSSROADS CONNECTION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$30,000)



Strategic Plan Initiative

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

9. [20-363](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REINSTATEMENT AND EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SZABOWORKS TO COMPLETE THE COMMISSIONED ARTWORK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)



Strategic Plan Initiative

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

10. [20-364](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE WESTERLY TEN FEET OF THE CITY OWNED REAL PROPERTY LOCATED AT 720 NW 19TH AVENUE AS RIGHT-OF-WAY; PROVIDING FOR RECORDATION OF THE ATTACHED SURVEY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Vincent Wooten)

11. [20-365](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE FIRST AMENDMENTS TO THE DEVELOPMENT AGREEMENT AND DECLARATION OF RESTRICTIONS BETWEEN THE CITY OF POMPANO BEACH AND MARQUIS PARTNERS, LTD. TO BUILD A 100-UNIT AFFORDABLE HOUSING DEVELOPMENT AT 1850 DR. MARTIN LUTHER KING, JR. BLVD., TO CONVERT THE \$407,750 GRANT FUNDING PREVIOUSLY APPROVED IN CITY RESOLUTION 2020-80 TO A NONRECOURSE LOAN EVIDENCED BY A PROMISSORY NOTE AND SECURED BY A MORTGAGE WITH RECAPTURE PROVISIONS, AND APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SUBORDINATION AGREEMENTS REQUIRED BY CITIBANK, N.A., FLORIDA HOUSING FINANCE CORP., AND BROWARD COUNTY AS SENIOR LENDERS TO THE SUBJECT AFFORDABLE HOUSING DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Vincent Wooten)

12. [20-380](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AS MORTGAGEE TO THE REAL PROPERTY LOCATED AT 1850 DR. MARTIN LUTHER KING, JR. BLVD., POMPANO BEACH, FLORIDA, CONSENTING AND JOINING IN THE DECLARATION OF RESTRICTIVE COVENANTS BETWEEN BROWARD COUNTY AND MARQUIS PARTNERS, LTD. TO BUILD A 100-UNIT AFFORDABLE HOUSING DEVELOPMENT AT THE SUBJECT PROPERTY TO BE KNOWN AS MARQUIS APARTMENTS; AUTHORIZING AND APPROVING PROPER CITY OFFICIALS TO EXECUTE SUCH DECLARATION; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Vincent Wooten)

13. [20-355](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING RESOLUTION NO. 2020-103, WHICH RELATED TO THE APPROVAL OF A LICENSE AGREEMENT WITH DANIA PIER MANAGEMENT CORP. TO OPERATE A BAIT AND TACKLE SHOP AT THE CITY'S PIER; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

14. [20-320](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A DEED OF GIFT FOR THE KESTER COTTAGES FROM POMPANO BEACH HISTORICAL SOCIETY, INC.; PROVIDING FOR RECORDATION; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: N/A)

POSTPONED FROM MARCH 10, 2020

(Staff Contact: Cassandra LeMasurier)

15. [20-356](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING THE OFFICIAL RETURNS OF THE SPECIAL MUNICIPAL ELECTION OF THE CITY OF POMPANO BEACH, FLORIDA, HELD ON MARCH 17, 2020 AND DECLARING THE RESULTS OF SAID ELECTION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

B. REGULAR AGENDA

16. [20-346](#) 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 PUBLIC TRANSPORTATION GRANT AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH FOR THE TAXIWAY DELTA REHABILITATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Total Project Cost: \$1,185,066; City cost share: \$237,013)

(Staff Contact: Robert McCaughan/Steven Rocco)

17. [20-369](#) 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 REDEVELOPMENT MANAGEMENT ASSOCIATES, LLC TO PROVIDE P3 REAL ESTATE, PARKING, SPECIAL PROJECTS AND BUSINESS ATTRACTION CONSULTING SERVICES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$312,000)

(Staff Contact: Greg Harrison)

18. [20-305](#) **P.H. 2020-52: (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 REINSTATEMENT AND FIRST AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC. FOR THE BEACH LIFEGUARD HEADQUARTERS RENOVATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$98,210.00)

FIRST READING: MARCH 10, 2020

(Staff Contact: Horacio Danovich)

19. [20-362](#) **P.H. 2020-67: (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 CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE WHITING-TURNER CONTRACTING COMPANY, FOR THE CONSTRUCTION OF THE DR. MARTIN LUTHER KING, JR. BOULEVARD IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$5,700,000.00)

(Staff Contact: Horacio Danovich)

20. [20-313](#)

P.H. 2020-51: (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 FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOB LORING ENTERPRISES, INC. FOR PROFESSIONAL GOLF SERVICES AND THE OPERATION OF THE POMPANO BEACH MUNICIPAL GOLF COURSE PRO SHOP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$49,098 annually with 3% increase per year for professional services and \$81,386.88 per year for personnel related expenses for driving range staff.)

FIRST READING: MARCH 10, 2020

(Staff Contact: Earl Bosworth/Brian Campbell)

21. [20-321](#)

P.H. 2020-54: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN OPERATING AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE POMPANO BEACH HISTORICAL SOCIETY, INC. FOR THE OPERATION AND MANAGEMENT OF THE HOOD CENTER AND KESTER COTTAGES AND RELATED PROGRAMMING AND EXHIBITS FOR THE BENEFIT OF THE PUBLIC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$20,000 annually)

SECOND READING: MARCH 10, 2020

(Staff Contact: Cassandra LeMasurier)

22. [20-325](#)**P.H. 2020-53: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.10, "DOUBLE FEES; REINSPECTION FEES; CERTIFICATE OF OCCUPANCY," TO MODIFY REINSPECTION FEES; BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO MODIFY THE FEE STRUCTURE FOR BUILDING PERMITS AND TO PROVIDE FOR A TECHNOLOGY FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 10, 2020

(Staff Contact: Jennifer Gomez/David Recor)

23. [20-327](#)**P.H. 2020-56: (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 155.5203., "LANDSCAPING," TO PROVIDE FOR COMPLIANCE WITH APPROVED LANDSCAPE PLAN; BY AMENDING SECTION 155.7502., "APPLICABILITY," TO REMOVE REQUIREMENTS TO UPGRADE EXTERIOR FOR INTERIOR RENOVATIONS ONLY; BY DELETING SECTION 155.7504., "INTERIOR AND EXTERIOR REMODELING OF STRUCTURES," IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)



Strategic Plan Initiative

(Staff Contact: Jennifer Gomez/David Recor)

24. [20-347](#)

P.H. 2020-58: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GROUND LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE FIRST BAPTIST CHURCH OF POMPANO BEACH, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$95,256)

(Staff Contact: Jeff Lantz)

25. [20-367](#)

P.H. 2020-68: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 37, "POMPANO BEACH CODE ENFORCEMENT," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 37.12, "ALTERNATE CODE ENFORCEMENT PROCEDURES," TO PROVIDE FOR ENFORCEMENT OF ADDITIONAL VIOLATIONS BY CODE ENFORCEMENT INSPECTORS, AND PROVIDING PENALTIES FOR VIOLATIONS; AMENDING CHAPTER 94, "CIVIL EMERGENCIES," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 94.04, "UNLAWFUL ACTS DURING EMERGENCY," TO PROVIDE FOR ENFORCEMENT OF VIOLATIONS OF THE CITY'S EMERGENCY ORDERS BY LAW ENFORCEMENT OFFICERS AND CODE ENFORCEMENT INSPECTORS; AND AMENDING CHAPTER 130, "GENERAL PROVISIONS," OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 130.01, "STATE MISDEMEANORS AND NONCRIMINAL INFRACTIONS; COUNTY VIOLATIONS," TO MAKE VIOLATIONS OF FEDERAL, STATE OR COUNTY EMERGENCY ORDERS AN UNLAWFUL VIOLATION OF THE CITY'S CODE OF ORDINANCES, AND PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

C. REPORTS

City Manager
City Attorney
City Clerk
City Commission

D. ADJOURNMENT**BALANCE IN CONTINGENCY**

Oct. 1, 2019	Beginning Balance	\$12,000.00
Dec. 6, 2019	March of Dimes Organization Women of Distinction Event	\$1,575.00
Feb. 25, 2020	Broward League of Cities 63rd Annual Gala	\$3,500.00
Feb. 25, 2020	Broward Partnership 20th Anniversary Salute to Leadership Gala	\$5000.00
	Remaining Balance:	\$1,925.00