

City of Pompano Beach

**City Commission Meeting
Commission Chamber**

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



Agenda

Tuesday, March 8, 2022

1:00 PM

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceletha 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 open to the 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" is scheduled for a thirty (30) minute period at the beginning of the City Commission Meeting, and will be continued to the end of the meeting for those speakers who were not heard during the initial thirty-minute period. All persons interested in speaking during "Audience To Be Heard" must fill out and submit a request form to the City Clerk prior to the call of order of the meeting. Speakers will be limited to three minutes to speak on any matter, which is NOT on the Regular Agenda, or removed from the Consent Agenda, and are requested to approach the podium and state his/her name and address and, if appropriate, the organization they represent, for the record. A request form can be found on the last page of the Agenda program.

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

INVOCATION

*Rev. Dr. Greg Fitch
Psychology and Hospital Chaplain*

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[22-238](#) Regular City Commission Meeting Minutes of February 22, 2022

APPROVAL OF AGENDA

CONSENT AGENDA DISCUSSION

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

A. PROCLAMATIONS

[22-202](#) **Water Conservation Month Proclamation Presentation**

Mayor Rex Hardin will present Shana Coombs, Utilities Compliance and Efficiency Manager for the City of Pompano Beach with a proclamation proclaiming April as Water Conservation Month in the City of Pompano Beach.

B. PRESENTATION[22-237](#)

Presentation of Internal Audit Activity Report Memorandum 22-03 for completed and ongoing audit projects, technical assistance as well as follow up for implementations from previous audit project recommendations covering the 10-month period from April 2021 through February 2022.

(Fiscal Impact: N/A)



Strategic Plan Initiative

(Staff Contact: Deusededit C. (DC) Kiyemba)

C. AUDIENCE TO BE HEARD

All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session". (Effective May 28, 2019)

D. CONSENT AGENDA

1. [22-167](#)

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 JOE TAYLOR AND LUCILLE TAYLOR, HEIRS OF THE ESTATE OF MAMIE J. TAYLOR, FOR THE PURCHASE OF PROPERTY LOCATED AT 420 NW 6TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$80,000)

(Staff Contact: Cassandra LeMasurier)

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2. [22-211](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

3. [22-204](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND MOUNT VERNON PROPERTY HOLDINGS, LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

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

4. [22-212](#) 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 NONVEHICULAR ACCESS LINE BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

5. [22-213](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS FOR PRIVATE PAVED ROADWAYS AND ACCESS RELATED TO THE RENTERIA INC. PLAT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

6. [22-214](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A COVENANT RUNNING WITH THE LAND IN LIEU OF UNITY OF TITLE AMONG THE CITY OF POMPANO BEACH, ESCOBAR HOLDINGS, INC., AND JUSTO ESCOBAR, LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

7. [22-231](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE SERVICE CONTRACT NO. 1402 BETWEEN THE CITY OF POMPANO BEACH AND NEW HORIZON COMMUNITY DEVELOPMENT CORPORATION, INC., TO PROVIDE SUMMER YOUTH EMPLOYMENT TRAINING PROGRAM SERVICES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$101,184.00)



Strategic Plan Initiative

(Staff Contact: Bobby Bush/Ed Beecher)

8. [22-236](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT (NO. 1390) BETWEEN THE CITY OF POMPANO BEACH AND VERDEX CONSTRUCTION LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$42,000.00 Revenue)

(Staff Contact: Jeff Lantz)

9. [22-240](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AUTHORIZING THE SETTLEMENT OF THE LAWSUIT BETWEEN THE CITY OF POMPANO BEACH, FLORIDA, AND HERITAGE AT POMPANO HOUSING PARTNERS, L.P.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$445,000.00)

(Staff Contact: Mark E. Berman)

10. [22-249](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SUBMIT AN APPLICATION TO THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM FOR INSTALLATION OF A FLOATING DOCK WITH ASSOCIATED PILES AND RAMP TO ACCESS THE CYPRESS CREEK WATERWAY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$100,000.00)

(Staff Contact: Horacio Danovich)

E. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

11. [22-182](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE OCEAN PARK POMPANO BEACH PLAT LOCATED ON THE SOUTHEAST CORNER OF NORTH OCEAN BLVD. AND NE 16TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

12. [22-205](#) **P.H. 2022-41: (PUBLIC HEARING 2ND READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTH SIDE OF NW 4TH STREET BETWEEN NW 31ST AVENUE AND NW 30 AVENUE, AND COMMONLY KNOWN AS 3055 NW 4TH STREET FROM B-3 (GENERAL BUSINESS) TO B-2 (COMMUNITY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: MARCH 22, 2022

(Staff Contact: Jean Dolan/David Recor)

13. [22-203](#)

P.H. 2022-40: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF NE 16TH STREET AND EAST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1490, 1500, 1520, 1530, 1540, 1542, 1544, 1550, 1552, 1554 AND 1590 N. FEDERAL HIGHWAY, 2300 AND 2351 NE 16TH STREET, AND 1550, 1580 AND 1590 NE 23RD AVENUE FROM RD-1 (TWO-FAMILY RESIDENCE) AND PD-I (PLANNED DEVELOPMENT - INFILL) TO PD-I (PLANNED DEVELOPMENT - INFILL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

END OF QUASI-JUDICIAL PROCEEDING

14. [22-216](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO PIGGYBACK OFF THE BOARD OF SUMTER COUNTY COMMISSIONERS' AGREEMENT FOR PAVEMENT MAINTENANCE AND REHABILITATION CONTINUING SERVICES, AND EXECUTE AN AGREEMENT FOR THE PAVING OF BLOUNT ROAD (NO. 1405) BETWEEN THE CITY OF POMPANO BEACH AND ASPHALT PAVING SYSTEMS, INC.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$789,636.70)

(Staff Contact: Robert McCaughan/Tammy Good)

15. [22-185](#)

P.H. 2022-36: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.31, "MOTORIZED SCOOTER RENTALS," TO PROHIBIT THE RENTAL OF MOTORIZED SCOOTERS IN THE CITY FOR USE ON CITY STREETS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 22, 2022

(Staff Contact: Earl Bosworth)

16. [22-192](#)**P.H. 2022-37: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING CHAPTER 72, "BICYCLES," BY CREATING SECTION 72.03, "MOTORIZED SCOOTERS AND MICRO MOBILITY DEVICES," BY AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," AND SECTION 98.02, "PROHIBITED ACTS," BY AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," BY AMENDING SECTION 100.35, "BUILDING OR OBSTRUCTION ON PUBLIC STREETS, SIDEWALKS, AND RIGHT-OF-WAY SWALE AREAS; PEDESTRIAN MEDIAN SAFETY," AND BY AMENDING CHAPTER 131, "OFFENSES AGAINST PERSONS AND PROPERTY," BY AMENDING SECTION 131.21, "OPERATION OF MOTORIZED SCOOTERS," TO MODIFY REQUIREMENTS FOR MOTORIZED SCOOTERS AND TO AMEND THE DEFINITION OF MOTORIZED SCOOTERS TO CONFORM TO STATE STATUTE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: FEBRUARY 22, 2022



Strategic Plan Initiative

(Staff Contact: Earl Bosworth)

17. [22-241](#)**P.H. 2022-45: (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 FIFTH AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND THE SHERIFF OF BROWARD COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$107,403)

FIRST READING: MARCH 22, 2022

(Staff Contact: Brian Donovan/Major Wayne Adkins)

18. [22-206](#)**P.H. 2022-43: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 154, "PLANNING," BY AMENDING SECTION 154.02, "DEFINITIONS," TO REMOVE DEFINITIONS; BY AMENDING SECTION 154.60, "DEFINITIONS," TO ADD DEFINITIONS; BY AMENDING SECTION 154.61, "REDEVELOPMENT AND FLEXIBILITY UNITS," TO MODIFY APPLICATION REVIEW STANDARDS, TO REMOVE DEFINITIONS, AND TO PROVIDE REQUIREMENTS FOR DECONCENTRATION OF POVERTY THROUGH ALLOCATION OF FLEXIBILITY AND REDEVELOPMENT UNITS; BY AMENDING SECTION 154.80, "PROVISION OF REQUIRED AFFORDABLE HOUSING," TO MODIFY REQUIREMENTS FOR PROVISION OF REQUIRED AFFORDABLE HOUSING; AND AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3302., "LIMITED BUSINESS (B-1)," SECTION 155.3303., "COMMUNITY BUSINESS (B-2)," AND SECTION 155.3304., "GENERAL BUSINESS (B-3)," TO PROVIDE ADDITIONAL OPTIONS FOR ALLOCATION OF RESIDENTIAL UNITS IN A COMMERCIAL LAND USE DESIGNATION; BY AMENDING SECTION 155.4202., "RESIDENTIAL: HOUSEHOLD LIVING USES," TO PROVIDE ADDITIONAL STANDARDS FOR IMPLEMENTATION OF BROWARD COUNTY'S AFFORDABLE HOUSING POLICIES AND THE CITY'S POLICIES FOR REDEVELOPMENT AND FLEXIBILITY UNITS; BY AMENDING SECTION 155.5602., "COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS," AND SECTION 155.5603., "INDUSTRIAL DESIGN STANDARDS," TO PROVIDE ADDITIONAL REQUIREMENTS FOR COMPLIANCE WITH STANDARDS FOR EACH SECTION; BY AMENDING SECTION 155.5605., "PARKING DECK OR GARAGE DESIGN STANDARDS," TO PROVIDE ADDITIONAL DESIGN STANDARDS; BY AMENDING SECTION 155.9401., "MEASUREMENT," TO PROVIDE MEASUREMENT STANDARDS AND OPTIONS FOR MEASUREMENT OF REQUIRED DISTANCES BETWEEN PROPERTIES AND USES; AND BY AMENDING ARTICLE 9, PART 5, "TERMS AND USES DEFINED," BY PROVIDING DEFINITIONS FOR INCOME-RESTRICTED AND NON-INCOME RESTRICTED UNITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/Max Wemyss)

19. [22-220](#) **P.H. 2022-42: (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 THIRD AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND BURKHARDT CONSTRUCTION, INC., FOR THE SR A1A STREETScape IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$3,282,404.39)
G.O. POMPANO!
(Staff Contact: Horacio Danovich)
20. [22-230](#) **P.H. 2022-44: (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 EXTENDING AND MODIFYING THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND GREGORY P. HARRISON; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)
21. [22-232](#) Discussion and consideration item for the annual performance evaluation for Mr. Deusdedit C. Kiyemba, Internal Auditor.
(Fiscal Impact: To be determined by the City Commission)

(Staff Contact: Ed Beecher)
22. [22-233](#) Discussion and consideration item for the annual performance evaluation for Mrs. Asceleta Hammond, City Clerk.
(Fiscal Impact: To be determined by the City Commission)

(Staff Contact: Ed Beecher)
23. [22-234](#) Discussion and consideration item for the annual performance evaluation for Mr. Gregory P. Harrison, City Manager.
(Fiscal Impact: To be determined by the City Commission)

(Staff Contact: Ed Beecher)

F. NEXT SCHEDULED MEETING

March 22, 2022 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

City Manager

City Attorney

City Clerk

City Commission

H. ADJOURNMENT

BALANCE IN CONTINGENCY

Oct. 1, 2021

Beginning Balance

\$12,000.00

**CITY OF POMPANO BEACH, FLORIDA
AUDIENCE TO BE HEARD
REQUEST FORM**

NAME: _____

TITLE: _____

COMPANY: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ EMAIL: _____

PHONE: _____ FAX: _____

EACH SPEAKER IS LIMITED TO THREE (3) MINUTES

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is less, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission (Regular Agenda) meeting in the event that individuals wishing to speak are not reached during the first session."

SUBJECT YOU DESIRE TO SPEAK ON:

NOTE: THIS FORM MUST BE COMPLETED AND HANDED TO THE CITY CLERK PRIOR TO THE CALL TO ORDER OF THE MEETING. THE CITY CLERK WILL CALL RESIDENTS AND/OR TAXPAYERS, TO INCLUDE AUTHORIZED REPRESENTATIVES FOR PERSONS PERMITTED TO BE HEARD, AS WELL AS EMPLOYEES OF THE CITY TO SPEAK FIRST. OTHERS DESIRING TO SPEAK WILL THEREAFTER BE CALLED TO SPEAK, EXCEPT WHEN THE PERSON IS A USER OF THE CITY'S WATER OR SEWER SYSTEM AND WISHES TO BE HEARD ON A MATTER RELATED TO THE CITY'S WATER AND/OR SEWER SYSTEM.