



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor
Andrea McGee, Vice Mayor
Rhonda Eaton, Commissioner
Alison Fournier, Commissioner
Barry Moss, Commissioner
Beverly Perkins, Commissioner

Gregory P. Harrison, City Manager
Mark Berman, City Attorney
Kervin Alfred, City Clerk

Tuesday, January 10, 2023

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Alison Fournier
Commissioner Barry Moss
Commissioner Beverly Perkins
Vice Mayor Andrea McGee
Mayor Rex Hardin

INVOCATION

Dr. Ophelia Sanders of Macedonia Missionary Baptist Church offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk.

APPROVAL OF MINUTES

[23-202](#) Regular City Commission Meeting Minutes of December 13, 2022

A motion was made by Vice Mayor McGee, seconded by Commissioner Perkins, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Hardin announced that Items 14 & 22 will be stricken from the Agenda.

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

CONSENT AGENDA DISCUSSION

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

Mayor Hardin announced that Items 1, 4, 6 and 9 would be pulled for City Commission discussion.

A. PROCLAMATIONS

23-161 Martin Luther King Day Proclamation

Mayor Hardin read a proclamation proclaiming January 16, 2023 as Martin Luther King Day in the City of Pompano Beach. He then presented the proclamation to Mr. Byron Hall, Chairman of the Martin Luther King Day Committee.

Mr. Hall thanked city staff for assisting the Committee this year. He said they do not celebrate Dr. Martin Luther King, Jr. on just one day, but the entire week. He mentioned some of the events to take place during the week of January 16th in honor of Dr. King, Jr. and urged everyone to come and participate in the festivities. In closing, Mr. Hall thanked the City, as well as the Broward Sheriff's Office for their support.

Mayor Hardin thanked Mr. Hall and the MLK Jr. Committee for their efforts. He noted that all the events mentioned earlier by Mr. Hall are on the City's website.

B. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for "Audience To Be Heard". The following speakers were called to speak before the Commission:

Pastor William Carlson, 2667 East Atlantic Blvd., 33062, praised the C.R.A. for their excellent work and voiced his opinion against parking meters being installed in the parking lot. He addressed the Commission and explained the history of his family in Pompano Beach and his father's military service and investment in the City of Pompano Beach. Mr. Carlson would like to see another meeting called on this topic with other landlords from the surrounding area. Mayor Hardin thanked Mr. Carlson for his input on the matter.

Mary Phillips, 384 NW 19th Street, 33060, spoke on several items. First, a 10-Million Dollar Grant through Housing and Urban Improvement designed to help people improve their homes. Mrs. Phillips stated that the program is a great opportunity for the city to jump-in and improve houses in low-income areas. She cited residents with whom she spoke expressed a need for air conditioning systems such as central air, updating electrical boxes and plumbing. Mrs. Phillips stressed the importance of looking into how committees and boards are appointed. She urged that the city start listening to these members, because they are trying to represent our community the best way that they can. She would like to see more people sitting on the Board that are actually people that come out of her community. Her sentiment on the importance of the committee

and boards was echoed by Comr. Perkins, who also added that the committees and boards should be a cross section of the city, and not just populated by one district.

Vitalii Zhelezniakov, 902 SE 1th Street Apt 4, 33060, addressed the Commission in regards to the Makarenko case, and expressed his concern and disappointment with law enforcement's handling of the case. Mr. Zhelezniakov believes there to be inequity and corruption in the City of Pompano Beach and stated that as a tax payer, he is strongly dissatisfied with how his money gets spent. He ended his time saying that despite everything, he will fight for the truth. Everyone who is responsible for this horrific act will be punished in accordance with the law; no one is above the law. The law enforcement officers must protect the law, not the victims, not the defendants, but the law. Mayor Hardin thanked the gentleman for his time and input. The Mayor also stated for the record, that matter is being handled by the State Attorney's Office.

Paul Makarenko, 320 SE 12th Avenue, 33060, addressed the Commission and introduced himself as a Ukrainian immigrant who came to this country 6 years ago seeking a better life, refuge, security and safety. Last year when his family was arrested, referring to his case, his life and that of his family was ruined. He advised that his entire family spent 5 months in jail and he wasn't able to see them, to be there for them, to take care of them, etc., because some people were trying to cover up some things. He thanked the Commission for their time and asked if anyone can look into his case and do something about it to help justice prevail. The Mayor thanked Paul for his input and reiterated that the matter of the Makarenko case is being handled by the State Attorney's Office.

Vicente Thrower, 1890 NW 6th Avenue, 33060, addressed the Mayor and the Commission and asked for an update in regards to a staging area on M.L.K. around the E. Pat Larkins area. Mayor Hardin advised that area is a staging area for road construction for the Atlantic and Dixie project. Mr. Thrower thanked the commission for their time.

Rodrick "Rod" Phillips, 2620 NW 10th Street, 33069, commented on the Atlantic Blvd. /Dixie Highway Project. He inquired whether a traffic analysis had been done and advised that making 2 lane highways out of 4 or 5 lane highways while buildings are still going up is causing cars to be at a standstill and horrendous traffic that is just not moving. He advised that he previously asked about a traffic analysis and couldn't get an answer. Mr. Phillips expressed his dismay over the "slum and blight" in his area and urged the commissioners to encourage BSO to help with the homeless situation. Mayor Hardin expressed his appreciation and thanked Mr. Phillips for his input.

Saracha Peterson, 103 NW 7th Avenue, 33060, addressed the Commission, she gave BSO credit for addressing her complaints and noted that she has seen more police officers coming through the area on 7th Avenue and urged Code Enforcement to come out. Ms. Peterson also announced that she will be having an event this Sunday, for Dr. M.L.K. Jr. celebration in the area of 7th Avenue. Mayor Hardin thanked Ms. Peterson for the kind words about BSO and the efforts that they are putting forth in that area.

Tawon Johnson, (Hotel Guest), a close family friend of Ms. Tundra King came before the Commission to ask for assistance with obtaining funding to close on his home that is being built in Pompano Beach. Ms. King with the Mayor's approval addressed the Commission on the behalf of Tawon Johnson due to his nerves.

Ms. King stated that Mr. Johnson is currently homeless and staying in a hotel as he does not have the funds to close on a house that he is having built in Pompano Beach. Ms. King asked the Commission to assist Mr. Johnson in obtaining some assistance and some funding perhaps through the first-time homebuyer's program, maybe an initial down payment or a program like it. She advised that he has already reached out to Ms. Onesky and Ms. Carrillo via email several times and has called to no avail. He did not get any assistance and he had some questions regarding a house that is being built, but he has not received the funding in order to move into the home. Mayor Hardin thanked Ms. King for helping Mr. Johnson and asked Mr. Harrison and Ms. Sibble to assist Mr. Johnson in this matter.

C. CONSENT AGENDA

Mayor Hardin asked for a motion approving items #2, 3, 5, 7, 8, 10 and 11, without City Commission discussion.

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

1. [23-201](#) Request of ratification by City Commission for emergency procurement of Pier Garage Elevator repairs from Mowrey Elevator Co., Inc., in the amount of \$388,875.00.
(Fiscal Impact: \$388,875.00)

(Staff Contact: Tammy Good/John Sfiropoulos)

Comr. Fournier spoke on the elevator repairs at the parking garage at the beach and thanked city staff for getting this proposal together. The Commissioner addressed her fellow colleagues and advised that she wants to reassure people that this is going to be a permanent solution to both elevator problems in the parking garage and that this will also result in less maintenance costs going forward on those elevators.

Tammy Good, C.I.P. Manager, Engineering Department, and City Attorney Mark Berman addressed the Commissioners concerns. Ms. Good updated the Commission on the projected start work date and introduced a representative for the company doing the repairs Tim Mowrey - Vice President at Mowrey Elevator Company. Tim laid out a time line for the repairs and cited the ongoing nature of this job being in constant exposure to the elements such as wind and salt water and spoke to the longevity moving forward. He also addressed Vice Mayor McGee's concerns regarding ventilation in the elevator cars.

City Attorney Mark Berman made the Commission aware that the City of Pompano Beach is pursuing legal remedies at this point and currently involved in negotiations with both the contractor and sub-contractor. Litigation is potentially looming and, in an attempt, to avoid it and the cost to the tax payers the City is trying to work out an amicable resolution.

Comr. Moss offered his insight having been Vice President of a condominium association that has 10 elevators. He agreed that the elevators will always need some form of repair because they're exposed to

the salt air and other elements and stated that within 10 years we'll be addressing it again just because it's so frequently used.

Mayor Hardin opened the public hearing.

Michael Skversky, 1630 SW 5 Avenue, 33060, wanted to make certain that Mr. Berman's office is pursuing negotiation, to try and get some settlement with the original contractor.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

2. [23-187](#) 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 SANTO GROUP, LLC TO INSTALL AND MAINTAIN A DRAINAGE SYSTEM AND GROUND COVER LANDSCAPING IN THE CITY'S RIGHT-OF-WAY ADJACENT TO 3220-3230 NE 7TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2023-52

3. [23-186](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ALONG DR. MARTIN LUTHER KING, JR. BOULEVARD BETWEEN NW 10TH AVENUE AND NW 12TH AVENUE, TO INCLUDE

PEDESTRIAN LIGHTING, MILLING, RESURFACING AND WIDENING TO ACCOMMODATE BIKE LANES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

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

Enactment No: RES. No. 2023-53

4. [23-150](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF THE HILLSBORO INLET PARK TO THE ROY L. ROGERS FAMILY PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Brian Donovan)

Several people spoke on behalf of Mr. Roy Rogers who was in attendance. Most notably, Assistant City Manager Mr. Brian Donovan along with Rob Wyer of Shipwreck Park, Broward County Mayor Lamar Fisher and Member of the Florida House of Representatives Chip LaMarca all spoke highly in favor of renaming Hillsboro Inlet Park to Roy L. Rogers Family Park and reminisced kindly and fondly of Mr. Rogers. Representative LaMarca and Broward County Mayor Lamar Fisher expressed their gratitude for having had Mr. Rogers as a mentor citing his generosity not only with his frequent donations to the City of Pompano Beach but also of Roy's service, time and dedication. Mr. Phil Schulte, Mr. Christopher "Chris" Brown and Mr. Thomas "Tom" DiGiorgio all spoke about Roy's selfless giving to the community and his beautiful naturalist spirit.

The commissioners and Mayor all expressed their well wishes for Mr. Rogers and each commented on his dedication to the City of Pompano Beach.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-54

5. [23-181](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UTILITY EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND SENTOSA POMPANO, LLC, ACCEPTING A GRANT OF A PERPETUAL NON-EXCLUSIVE PUBLIC UTILITIES EASEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown/Nathaniel Watson)

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

Enactment No: RES. No. 2023-55

6. [23-179](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF LIENS BETWEEN THE CITY OF POMPANO BEACH, EMMA JEAN ROLLE, CONCEITA HICKS-GILLUM AND THE POMPANO BEACH COMMUNITY REDEVELOPMENT AGENCY TO RESOLVE CITY'S PENDING FORECLOSURE ACTION AGAINST 1860 NW 8TH STREET, POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Fawn Powers)

Comr. Beverly Perkins addressed the Commission with her inquiry of how much land is involved citing miscellaneous charges valued at 3.6 million and wanted to know how much land was involved and what are the future plans for the land?

Assistant City Attorney Fawn Powers explained the C.R.A. learned about another development in the C.R.A. area and to be able to use this property for drainage on that property so that a home can be developed and then the C.R.A. of their own offered to give the City a house in return for that lot, just of their own so another house can be developed. Mayor Hardin added that the C.R.A. is taking one lot and going to use one lot in the development and the other property, which is right adjacent has come available. The C.R.A. is going to build a house on that one and use this other lot as drainage instead.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-56

7. [23-164](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MEMORANDUMS OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS PARTICIPATING AGENCIES, AND SUBRECIPIENT AGREEMENTS BETWEEN THE VARIOUS PARTICIPATING AGENCIES AND THE CITY OF POMPANO BEACH, RELATING TO PARTICIPATION IN FY 2021 AND IN FY 2022 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE LOCAL SOLICITATION GRANT PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: FY2021 \$66,942, FY2022 \$67,742)

(Staff Contact: Allison Feurtado)

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

Enactment No: RES. No. 2023-57

8. [23-182](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARIANNE EDGE TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS ALTERNATE #2, FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JUNE 12, 2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the

Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2023-58

- 9. [23-198](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DEREK LEWIS TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ALISON FOURNIER, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

Comr. Fournier introduced Derek Lewis, a former Assistant State Attorney in Broward County who has lived in Pompano Beach with his family for 4 years and established his own law office here in Pompano Beach. She advised that he’s a talented lawyer and an invested active member of our community.

Mayor Hardin opened the public hearing.

Mr. Lewis thanked Comr. Fournier and the rest of the Commission for this opportunity.

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

- Yes:** Eaton
- Fournier
- Moss
- Perkins
- McGee
- Hardin

Enactment No: RES. No. 2023-59

- 10. [23-199](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING DARLENE SMITH TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

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

Enactment No: RES. No. 2023-60

11. [23-200](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING SPENCER FLORY TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER ALISON FOURNIER, FOR A TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

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

Enactment No: RES. No. 2023-61

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

12. [23-155](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE NEW ADVENTURE PLAT LYING ON THE SOUTH SIDE OF NW 6TH STREET AND EAST OF NW 4TH AVENUE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated the proposed Plat is for a vacant lot at 344 NW 6th Street, which is a 0.31-net acre property located on the south side of NW 6th Street. The Plat restricts the property to a maximum of 8 garden apartments. The land use designation of this parcel is Downtown Pompano TOC (Transit Oriented Corridor) and the zoning is Transit Oriented (TO) within the Downtown Pompano Overlay District (DPOD).

She stated this property is located within the Edge Sub-District, and the Density Regulating Plan allows 18 to 36 units per net acre. Therefore, the entitlements allowed for the property will accommodate the proposed level

of development. A formal site plan has been submitted and is currently under review by the Development Review Committee. The Planning & Zoning Board unanimously recommend approval at the November 16, 2022 meeting and all conditions of approval have been met.

Mayor Hardin opened the public hearing.

Vicente Thrower 1890 NW 6th Avenue, Pompano Beach, inquired about the proposed Plat and stated that it was the first time he along with the leaders in the community has heard about it. Ms. Dolan provided a brief overview of the item. She added that it does not involve radius mailing distribution, and it strictly administrative and cannot be denied approval.

Mr. Thrower asked about the location of the subject property and whether it was near the Ali Building (Ali Cultural Arts Center). Ms. Dolan replied that the property is located at 344 NW 6th Street and Comr. Perkins confirmed that it is near the Ali Building on the rear side.

Mayor Hardin stated that this item is a Plat approval and it is ministerial in nature. The Applicant already has the right to build on the property.

Mr. Thrower expressed concern about sober homes and asked if it was taken into consideration. He understands that area is inundated with these types of homes. Mayor Hardin stated that it is covered under separate ordinances, which addresses distance requirements, imposes restrictions and so forth. He advised Mr. Thrower to contact the Development Services Department for additional information as that matter is separate from the plat approval.

Comr. Perkins stated she understands this is a plat approval, but believes there is intent in the future to put something there on the site. Ms. Dolan replied that a Conceptual Plan was provided in the back-up, which is an 8-unit project and is currently under review and will go before the Planning & Zoning Board for review as well. Comr. Perkins asked staff to keep her posted on the status of the project.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-62

13. [23-156](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE LEASEFLORIDA PLAT LYING ON THE

SOUTHWEST CORNER OF NE 5TH STREET AND N. OCEAN BLVD.; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated the proposed Plat is for a vacant 0.2-acre property located at 499 Ocean Blvd., which is on the southwest corner of NE 5th Street and N. Ocean Blvd. The subject property has a land use designation of Residential High and is Zoned RM-45 (Multi-Family Residence). The Plat restricts the property to a maximum of 4 townhome units. The Site Plan was approved on August 11, 2022 and the Planning & Zoning Board unanimously recommended approval at the November 16, 2022 meeting. Lastly, Ms. Dolan said all conditions of approval have been met.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-63

14. [23-149](#) **P.H. 2023-30: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING THE PROPERTY COMPRISED OF THREE PARCELS LYING ON THE WEST SIDE OF NW 31st AVENUE, EAST OF THE FLORIDA TURNPIKE AND INCLUDING THE PROPERTY COMMONLY KNOWN AS 1201 NW 31ST AVENUE FROM B-3 (GENERAL BUSINESS) AND B-4 (HEAVY BUSINESS) TO I-1 (GENERAL INDUSTRIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Note:** This item will be stricken from the Agenda, because the applicant requested to withdraw the application. The request to withdraw was submitted to the City on December 27, 2022.

(Staff Contact: Jean Dolan/David Recor)

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

15. [23-154](#) **P.H. 2023-34: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A 24-FOOT ACCESS EASEMENT LYING ON THE EAST SIDE OF POWERLINE ROAD, APPROXIMATELY 500 FEET SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD., COMMONLY KNOWN AS 950 N. POWERLINE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated this is a request to abandon a 24-foot wide cross-access easement located at 950 N. Powerline Road. The cross-access easement will be relocated, which is consistent with the Gateway Apartment site plan approved for the subject property. The abandonment request was unanimously recommended for approval at the November 16, 2022 Planning & Zoning Board hearing.

Mayor Hardin opened the public hearing.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, asked if the Applicant met with Pastor McLamore and the local church leaders in the area. Also, he wanted to know what is slated to be built on the property. Mayor Hardin replied he is unaware with whom the Applicant may have met to discuss the project, nonetheless, the Applicant is building a 123-unit Apartment complex.

Mr. Thrower suggested the Applicant meet with the local church leaders in the area to present the project.

Ms. Dolan indicated that the Site Plan has already been approved and it has been through the process for quite some time. If the Applicant did do any outreach, it would have been sometime ago.

Mayor Hardin asked if the project was the original proposed “stone” site, to which Ms. Dolan replied that in the past it was known as Atlantic Stone. She said staff is very pleased with this project as it was the first project to use County Policy 2.16.3, which includes mixed income class.

In response to Mr. Thrower’s comments, Mayor Hardin stated he will contact the project developer and request that someone reach out to the community, however he cannot guarantee that the developer will act on it.

A discussion ensued among Mr. Thrower, Mayor Hardin and Ms. Dolan regarding community outreach efforts for the subject item. Ms. Dolan clarified that staff does not do outreach for private sector development. It is the developer’s responsibility to do the outreach. The City’s Code does not require it, but it is recommended, which staff supports. In response to Mayor Hardin’s question, Ms. Dolan stated this project only had flex unit allocation and a site plan approval, however it did not include a rezoning. Furthermore, she said flex units are advertised. Therefore, the Mayor affirmed that notification was sent out to the community concerning this project.

Tiffany Crump, 301 E. Atlantic Blvd., on behalf of the Applicant, confirmed they attended a neighborhood meeting on June 29th before the Collier City Civics Association regarding the project site plan.

Gary McLamore, 1751 NW 6th Avenue, clarified that Collier City is located in District 5, not District 4, therefore nothing was done for District 4. He said the project is being built in District 4. Mayor Hardin responded that District 4 residents would have been notified by mail notices from the City, to everyone within a 500-foot radius. He was unaware of the Applicant contacting the District 4 Commissioner or whether there is a District 4 civic association. He could not explain why the developer did not do any outreach in District 4.

Comr. Perkins stated although this project has come before the Commission twice, she has not met with anyone regarding it. She has received calls about the project, but she has not met with the developers nor have they contacted her. She will vote against this item, because she wants the developer to meet with her and the residents to obtain their input and to inform them of what is going to take place there.

Comr. Eaton recalls there was an element of affordable housing associated with this project, which came by right from the County. She asked for an explanation on the affordable housing element, to which Ms. Dolan explained that 15% will be affordable moderate income and the others will be at market rate.

Comr. Fournier requested to be included in any follow-up discussion on the project.

Mayor Hardin understands that Keith & Associates, Inc. was involved with this item and expressed concern regarding the disconnection with their public outreach efforts. He will contact representatives of Keith & Associates, Inc. before second reading to learn more about the matter. Nevertheless, he believes it is a good project.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be

APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
McGee
Hardin

No: Perkins

16. [23-180](#) **P.H. 2023-38: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN TEN-FOOT EASEMENT LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF HILLSBORO MILE (STATE ROAD A-1-A) AND A CERTAIN TEN-FOOT EASEMENT LYING EAST OF THE EAST RIGHT-OF-WAY- LINE OF HILLSBORO MILE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown/Nathaniel Watson)

Nathaniel Watson, Utilities Field Superintendent, presented the item and stated this is a utility easement that was adopted on September 30, 1936. It is approximately 754 feet north of the City's corporate boundary area on Hillsboro Mile. He indicated that the property owner at 925 Hillsboro Mile wishes to develop the subject property adjacent to the easement and has been required by the Florida Department of Transportation (FDOT) to provide a land dedication of the right-of-way. The request cannot be fulfilled unless the Commission agrees to abandon the easement, thereafter the property could be dedicated to the property owner for development. In closing, Mr. Watson stated the City has no need of the easements as future utility expansion will not occur there given that the Town of Hillsboro Beach provides its own utility services.

City Attorney Berman stated he was contacted by the Developer's attorney and was informed that FDOT wanted to enter into an easement agreement. However, he advised not to enter into an agreement or contract, but to get rid of the easement as it can become a liability to the City. Therefore, he thanked Mr. Watson for presenting the item.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Quasi-Judicial/ Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Perkins
McGee
Hardin

Absent: Moss

END OF QUASI-JUDICIAL PROCEEDING

17. [23-178](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH, AS LESSEE, AND TRUIST FINANCIAL CORPORATION, AS LESSOR, WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: FY 2023 Equipment Financing - \$3,500,000.00)

(Staff Contact: Allison Feurtado)

Allison Feurtado, Finance Director, stated that her Department was requested to seek financing for the acquisition of certain equipment for several city departments that were approved in the 2022/2023 Capital Budget. After review of several bank proposals, it was determined that Truist Financial Corporation provided the best terms to finance the acquisition of the capital items over a 5-year term, at a locked rate of 3.50%. Therefore, staff is seeking the Commission's approval of the proposed finance equipment lease agreement for a closing scheduled on January 25, 2023.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: RES. No. 2023-64

18. [23-124](#) **P.H. 2023-25: (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 SOFTWARE SUBSCRIPTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ECIVIS, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: \$10,000/ year over three years)

FIRST READING: DECEMBER 13, 2022

(**Staff Contact:** Suzette Sibble/Karen Santen)

Suzette Sibble, Assistant City Manager, stated this is the Second Reading of the Ordinance and there has been no changes since the First Reading.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-22

19. [23-109](#) **P.H. 2023-24: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY,"

BY AMENDING SECTION 132.36, "SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION," TO EXPAND THE SCOPE OF PROHIBITIONS BY PROVIDING FOR VIOLATIONS OF ADDITIONAL STATE STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: DECEMBER 13, 2022

(Staff Contact: Tracy A. Lyons)

Tracy Lyons, Deputy City Attorney, stated this is the Second Reading of the Ordinance and there has been no changes since the First Reading.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-23

20. [23-141](#) **P.H. 2023-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 132, "PUBLIC PEACE AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 132.38, "CHRONIC NUISANCE PROPERTY CODE," TO PROVIDE FOR A STREAMLINED PROCESS THAT IS CONSISTENT WITH OTHER CITY CODES FOR IDENTIFYING CHRONIC NUISANCE PROPERTIES AND ENFORCEMENT PROCEDURES FOR THE ABATEMENT OF CHRONIC NUISANCE ACTIVITY OCCURRING AT BOTH RESIDENTIAL AND COMMERCIALY-OWNED PROPERTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: DECEMBER 13, 2022

(Staff Contact: Tracy A. Lyons)

City Attorney Berman clarified that this is the First Reading of the Ordinance, however in the Commission's iPad devices the Ordinance is displayed as second reading. He confirmed that the written (printed) agenda is correct as the Ordinance was presented as a reverse reading.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

Tracy Lyons, Deputy City Attorney, stated this is the Second Reading (reverse order) of the Ordinance and there has been no changes since the original reading.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Enactment No: ORD. No. 2023-21

21. [23-98](#) **P.H. 2023-27: (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 AGREEMENT FOR COMMISSIONED ARTWORK BETWEEN THE CITY OF POMPANO BEACH AND SONATA KAZIMIERAITIENE FOR THE PUBLIC ART PROJECT KNOWN AS MOSAIC TEAM 3; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$125,000.00)

 **Strategic Plan Initiative**

(Staff Contact: Laura Atria/Ty Tabing)

Laura Atria, Public Arts Manager, stated that this is the First Reading of the Ordinance and she is available to answer any questions the Commission may have.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

Comr. Perkins asked if this item is in connection to the Gateway Project, to which Ms. Atria replied that the project location is underneath the I-95 overpass on Dr. Martin Luther King Jr. Blvd.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

22. [23-147](#) **P.H. 2023-29: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN MAP AMENDMENT FOR A 5.76 GROSS ACRE SITE LOCATED ON THE WEST SIDE OF NW 31ST AVENUE, EAST OF THE FLORIDA TURNPIKE GENERALLY LOCATED AT 1201 NW 31ST AVENUE; PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON NOVEMBER 16, 2022; PROVIDING THAT A TRANSMITTAL AND ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

***Note: This item will be stricken from the Agenda, because the applicant requested to withdraw the application. The request to withdraw was submitted to the City on December 27, 2022.**

(Staff Contact: Jean Dolan/David Recor)

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

23. [23-26](#) **P.H. 2023-31: (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 GUARANTEED MAXIMUM PRICE AMENDMENT TO THE CONSTRUCTION MANAGER-AT-RISK CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND DIPOMPEO CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF THE ULTIMATE SPORTS PARK IMPROVEMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$6,166,555.84)

G.O. POMPANO!

(Staff Contact: Fernand Thony/Horacio Danovich)

Horacio Danovich, Consultant, Stegia, LLC, introduced himself and stated he distributed a copy of the presentation to the Commission. He reviewed the project location map and noted the project location is directly adjacent to the Boys and Girls Club and to the east of Apollo Park. He noted the GO Bond goals for the project to include a new skate park, soccer/football field, and a concession/restroom building to be located adjacent to Apollo Park at 1580 NW 3rd Avenue. Since then, the Design Team Vision includes a multi-purpose sports field, which include synthetic turf, LED sports lighting, digital scoreboard, and covered bleachers, as well as a concession and restroom building and play areas. Additional project goals include pathways and hardscapes, fence around the field, parking and other site improvements included site lighting, landscape, irrigation, and site furnishings. He continued by reviewing design considerations that resulted from the community impact. The community did not want to see parking along NW 15th Place, passive activities along NW 15th Place, or access to the park at NW 2nd Avenue. However, they did want to see pavilions throughout the park that accommodates 8-12 persons and exercise area for adults and children. He noted the skate park was eliminated due to community uncertainty, but all other community considerations were incorporated into the design. He briefly reviewed the project components and stated a security system was added to the list. Renderings were shared of the concession/bathrooms combination building and the covered bleachers. He emphasized the project price has remained the same since October 2022, despite increased costs.

Mayor Hardin opened the public hearing.

The complete copy of the presentation provided by Mr. Danovich highlighting the significant points of the project, is attached hereto in full as **Exhibit 1**.

Corey Thompson, 2160 NW 4th Street, said it is a wonderful project and he supports the security system. He recommended Comr. Perkins hold a meeting about the project since it is in her district. He asked Mr. Danovich when they can hold a community forum in that district. Mr. Danovich noted they held two community forums and are now awaiting the permit to begin construction. He said he would be happy to sit with Mr. Thompson to review the design plans.

Michael Skversky, 1630 SW 5th Avenue, asked about the fitness equipment. Mr. Danovich replied it is the same type of fitness equipment at Mcnair Park. Mr. Skversky asked what is going in place of the skate park. Mr. Danovich responded it will be green space for now but is subject to a future capital improvements project. Mr. Skversky recommended putting in three pickleball courts in that area.

Mayor Hardin thanked him for the suggestion but noted the Commission will also seek input from Parks and Recreation.

Vice Mayor McGee asked about the bathroom stalls. Mr. Danovich confirmed there will be multiple stalls. She asked about overflow parking in the grass area and a curb cut. Mr. Danovich replied the green space is still being reserved for that purpose and temporarily is a continuous curb. Vice Mayor McGee recommended a curb cut now that can be blocked, rather than cutting the curb later. Mr. Danovich noted the suggestion.

Comr. Moss stated, according to the rendering, there are 40 parking spaces.

Comr. Perkins stated she voted against this previously because she was surprised the project did not include any improvements in the old part of Apollo Park. She noted there were 2 deaths at the Apollo Park and expressed concerns about crime that may also occur in the new project area. She thought the project entire scope would have included Apollo Park and wants to find funding to upgrade Apollo Park. Greg Harrison, City Manager, replied that they will discuss additional projects during the upcoming budget workshops and confirmed they met with Joe Ballard last month regarding a track around the field. City Manager Harrison stated they would need approximately \$3.5M in funding for a track. He reminded Comr. Perkins there is a Class A track at Mcnair Park. Comr. Perkins asked about the skate park area. Mr. Danovich stated they can begin looking at opportunities for the area. Comr. Perkins will solicit community input about what they would like to see in that available space.

Comr. Fournier said Apollo Park needs upgrades and the middle area between the park and the project needs to be a bridge. She noted the project cost was surprising given the initial cost estimates of \$4M and building costs are up approximately 62%. She asked what happens if the material costs decrease. Mr. Danovich explained they are committed quotes and numbers. Comr. Fournier asked about the 2 contingencies. Mr. Danovich said the one contingency is if the contractor finds things in the field that were not uncovered during the plan design. The second contingency is an owner's contingency that allows the City to give direction to add or adjust as needed. Comr. Fournier recommended a small BMX pump track in the middle area.

Comr. Eaton said they have an obligation to fulfill the community needs and complete the project. She said they are only voting on the field, concession stands, and the bathrooms and not about the middle part between the park and the project. Mr. Danovich confirmed it is the GO Bond agenda item only.

Comr. Fournier said if there is no plan to do anything else through the CIP in the future to connect the two parks then it changes her perspective on the proposed project.

Mayor Hardin stated that staff will be taking public input and looking at the middle area but confirmed it is not part of this agenda item.

Vice Mayor McGee agreed with Comr. Eaton but acknowledged they are always looking at future improvements. She asked if there is another green color that can be used.

Comr. Eaton clarified that she does not want to be misunderstood and noted there are other parks throughout the city that need attention. She stated none of her district's park have exercise equipment.

Mayor Hardin noted \$4M came from the GO Bond and the rest is supplemented.

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

24. [23-151](#) **P.H. 2023-32: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2203, "ZONING BOARD OF APPEALS," TO PROVIDE FOR ADDITIONAL ALTERNATE MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Scott Reale/David Recor)

Scott Reale, Senior Planner, Development Services Department, introduced himself and noted ZBA Chair Daniel Yaffe noted at the November 17, 2022, meeting, attendance has been a challenge. He stated the Board voted, unanimously, to recommended to the City Commission to increase the number of alternate members from 3 to 4 members. He said 3 Board meetings were cancelled within the past 12 months due to lack of quorum. Additionally, on three occasions, only 5 members were available, and most applicants decided to postpone their applications. He reviewed the text amendment.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

Vice Mayor McGee asked if there are a maximum number of absences before a member is replaced. She also asked about outreach to see if absent members want to continue serving on the Board. Mr. Reale said there are specific members who continue to be absent, rather, a variety of reasons for different members throughout the last year. Vice Mayor McGee recommended that staff reach out to Board members to check in on their continued interest. She supports additional alternates.

Mayor Hardin said attendance for reappointments is reviewed.

Comr. Fournier supports increasing alternate members.

Comr. Moss asked for clarification on what Vice Mayor McGee said. Vice Mayor McGee summarized her earlier points. Comr. Moss recommended each Commissioner have an appointment and an alternate for the ZBA.

Mr. Reale has no objections to Comr. Moss's suggestion.

City Attorney Berman said he will write it up and can likely do it under the title without having to change it for Second Reading.

A motion was made by Comr. Moss seconded by Vice Mayor McGee, to amend the proposed ordinance to include six regular members and six alternates for the Zoning Board of Appeals, with each Commissioner appointing one regular and one alternate member.

Roll call vote on the Comr. Moss's motion:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

Comr. Moss asked about the process when both regular and alternate members are absent. Mayor Hardin stated that, generally speaking, the Chairperson would decide but the next alternate member is selected on a rotating basis. Comr. Moss recommended following the same process as Planning and Zoning Board.

City Attorney Berman stated the alternates are called on a rotational basis.

Consensus was reached to follow the same process.

City Attorney Berman recommended an additional amendment to clarify the alternate members area called on a

rotational basis by the Advisory Board Secretary. He asked if the Commission will be leaving the current alternates in place. Mayor Hardin recommended a phased in approach as terms of office change.

Consensus was reached for the Commission to review the regular members and alternates and come back to discuss at Second Reading, reserving the right to postpone if necessary. Staff will provide information to the Commission on current regular and alternate members, including attendance and resumes

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

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

25. [23-183](#) **P.H. 2023-35: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," BY AMENDING SECTION 152.12, "BUILDING PERMIT FEES," TO ELIMINATE THE PLANS EXAMINATION LINE ITEM FEE FOR BUILDING PERMITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chris Feltgen/Michael Rada)

Chris Feltgen, E-Plan Administrator, Building Inspections Division introduced himself and Michael Rada, Building Official, to the Commission. He stated the Text Amendment will eliminate the examination fee from all building permits moving forward. Currently, a 0.6% surcharge is added to the permit fees for alterations, additions, and new construction with a cap of \$1,000 for every million of estimated cost of construction. He added, in 2020, they modified the building fee structure from a flat 2.6% to a sliding scale of 2.5% and reducing to 2% as construction value increases. He stated, over the past 4 years, the surcharge has generated an average of \$914,000 of annual revenue. Staff has concluded that the base permit revenue collected will meet current revenue requirements for funding the Building Division.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

City Attorney Berman stated this move help realign the fees to follow the law.

Comr. Fournier said it is a tax cut for residents and developers and asked if the amendment is because the City is generating too much money. Mr. Feltgen replied yes and noted the larger scale projects are generating enough revenue. She also recommended not charging fees on City projects. Mr. Feltgen stated that suggestion would violate Florida Statute.

Comr. Eaton said the legislature mandated Building Departments cannot be profitable and the City is currently meeting that threshold. She supports eliminating the fee.

Mayor Hardin said it benefits the smaller jobs.

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

Yes: Eaton
 Fournier
 Moss
 Perkins
 McGee
 Hardin

26. [23-153](#) **P.H. 2023-33: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN ASSIGNMENT AND ASSUMPTION CONSENT AGREEMENT AMONG THE CITY OF POMPANO BEACH, ECKLER ENGINEERING, INC., ASSIGNOR, AND CHA CONSULTING, INC., AS ASSIGNEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: NA)

(Staff Contact: Brian Donovan)

Brian Donovan, Assistant City Manager introduced the item and stated that on March 2021 the City entered into an Engineer Consulting Agreement with Eckler Engineering, Inc. for water and reuse services. Recently, Eckler sold its assets to CHA Consulting, Inc. Therefore, the purpose for this item is to assign the agreement to CHA and all other terms and conditions of the agreement remain same.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

A motion was made by Vice Mayor McGee, seconded by

Commissioner Eaton, that the Regular Agenda/ Ordinance be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Eaton
Fournier
Moss
Perkins
McGee
Hardin

27. [23-174](#) **P.H. 2023-36: (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 SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," TO CLARIFY ITS STATUS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Tracy Lyons, Deputy City Attorney, introduced the item and stated the proposed ordinance seeks to amend Section 34.0604 by adding language that clarifies the negotiated terms of the adopted Collective Bargaining Agreement with the Fire Union. The Supplemental Retirement benefit commonly known as the Shared Plan for firefighters will be terminated in its entirety as approved by the Collective Bargaining Agreement. Notwithstanding the defined terms of the Agreement and the membership's vote on the Union Summary, there were still inquiries of the pension board regarding the status of the Share Plan. Therefore, this amendment addresses those inquiries.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

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

Yes: Eaton
 Fournier
 Moss
 Perkins
 McGee
 Hardin

28. [23-177](#) **P.H. 2023-37: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE POMPANO BEACH CODE OF ORDINANCES RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.049, "EXAMINATIONS," TO PROVIDE FOR AN ADDITIONAL EXPERT EXAMINATION WHEN A CONFLICT OF OPINION ARISES BETWEEN TWO EXPERTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher/Tracy A. Lyons)

Ed Beecher, Human Resources Director introduced the item and stated the administration is requesting a change in Section 34.049, which addresses medical examinations for prospective disability retirement benefits for firefighters. This change allows for close continuity with the general employee ordinance provisions relating to this matter. The medical professionals will be from the tri-county area to ensure that all local standards are observed.

Mayor Hardin opened the public hearing. No one came forth to speak. Mayor Hardin closed the public hearing.

Mayor Hardin asked if this item involved a bargaining change, to which Mr. Beecher replied that this did not require a bargaining change, because the Commission sets the procedures by ordinance.

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

Yes: Eaton
 Fournier
 Moss
 Perkins
 McGee
 Hardin

29. [23-101](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING GREG EICKHORN TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Greg Eickhorn, **Incumbent** - District 3

Phillip Smith, - District 1

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED and to insert the name GREG EICKHORN. Mayor Hardin nominated Marko Greg Eickhorn. The motion carried unanimously.

Enactment No: RES. No. 2023-65

30. [23-184](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KERRIAN WORLEY TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF MARIANNE EDGE AS ALTERNATE #3, SAID TERM TO EXPIRE ON JUNE 12, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANT(S)

Cromartie, Justin- District 1

Gillespie, Carlton- District 1

Worley, Kerrian- District 1

Berger, Karen- District 3

Cerquozzi, Joseph- District 3

Collins, Kenneth- District 3

Dally, Richard- District 3

Dragojevic, Marko- District 3

Kiess, Cody- District 3

Mitchem, Lynne- District 3

Jones, Carmen- District 4

McDougle, Marcus- District 4

McLamore, Maria- District 4

Cherenfant, Andy- District 5

Gomes, Luciene- District 5

Watkins, Dedrick- District 5

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Eaton, to insert the name KERRIAN WORLEY and that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor McGee nominated Kerrian Worley and Comr. Fournier nominated Karen Berger. The motion passed by the following vote:

Yes: Eaton

Moss

McGee

Hardin

No: Fournier

Perkins

Enactment No: RES. No. 2023-66

E. ADDITIONAL AUDIENCE TO BE HEARD

There were no additional speakers to speak under Audience to be Heard.

F. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled meetings are as follows:

January 24, 2023 at 6:00 p.m. - Regular City Commission Meeting

February 14, 2023 at 1:00 p.m. - Regular City Commission Meeting

February 28, 2023 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS

City Manager Harrison reported he will pay off his friendly debt of displaying a football helmet on the dais as a result of the FSU football game at the January 24 meeting.

City Attorney's Report:

City Attorney Berman reported on the price-fixing claim case. He noted the case was settled and resulted in a recovery of \$18,382.05 for the City.

City Clerk's Report:

No Report

Comr. Eaton's Report:

Comr. Eaton spoke about the lack of streetlights on the west side of North Federal Highway.

A motion was made by Commissioner Eaton, seconded by Vice Mayor McGee, to direct staff to pursue funding for streetlights on North Federal Highway.

In a voice vote, the motion passed unanimously.

Comr. Fournier's Report:

Comr. Fournier thanked the Utilities Department for their work on the broken water main on Cypress Road.

She reminded residents that the meters will be installed at Harbor Village Shops later this month.

She mentioned the Atlantic Boulevard westbound construction will begin next week, spoke about the future traffic challenges for the area, and noted her questions went unanswered. She recommended a detailed review for the public.

A motion was made by Comr. Fournier to hold a special meeting to review the details of the plan with the residents and ask the consultants to provide an alternate plan that does not remove a lane from Atlantic Boulevard.

Motion died due to lack of second.

City Manager Harrison stated he will follow up to ensure Comr. Fournier received answers to her questions.

Comr. Moss' Report:

Comr. Moss reported that his Senate meetings will begin on January 21, 2023, at 9:30 a.m. at the Herb Skolnick Community Center.

Comr. Perkins' Report:

Comr. Perkins stated she received calls about the vacant lot near Pat Larkin Center being utilized for staging. She asked staff and the City Manager to inform her when something is occurring in her district. She requested that future Commission agendas include District Commissioner names for each agenda item. She continued by thanking the Police Department and Waste Department for help with bulk pickup. She asked City Manager Harrison for \$3,000 in funding to further support the upcoming Tiger Trail Festival for Black History Month. She announced the MLK Celebration parade on January 16, 2023.

City Manager Harrison asked about the additional funding for Tiger Trail. Comr. Perkins noted she will follow up with City Manager Harrison.

Vice Mayor McGee's Report:

Vice Mayor McGee announced the upcoming Jazz Fest event on January 20-21, 2023, on the Great Lawn. She added the return of the Farmer’s Market and Music Under the Stars on the Great Lawn. She announced that tickets are still available for the MLK Golf Tournament.

Mayor Hardin’s Report:

Mayor Hardin reiterated the MLK events, including the Youth Summit. He announced the Nautical Flea Market, Let’s Talk About It gun forum, Tiger Trail Festival, and Business Expo. He mentioned the District VII Town Hall meeting to be held tonight at the Pompano Beach High School. It will feature a conversation with Superintendent Vickie Cartwright.

H. ADJOURNMENT

The meeting adjourned at 3:57 p.m.

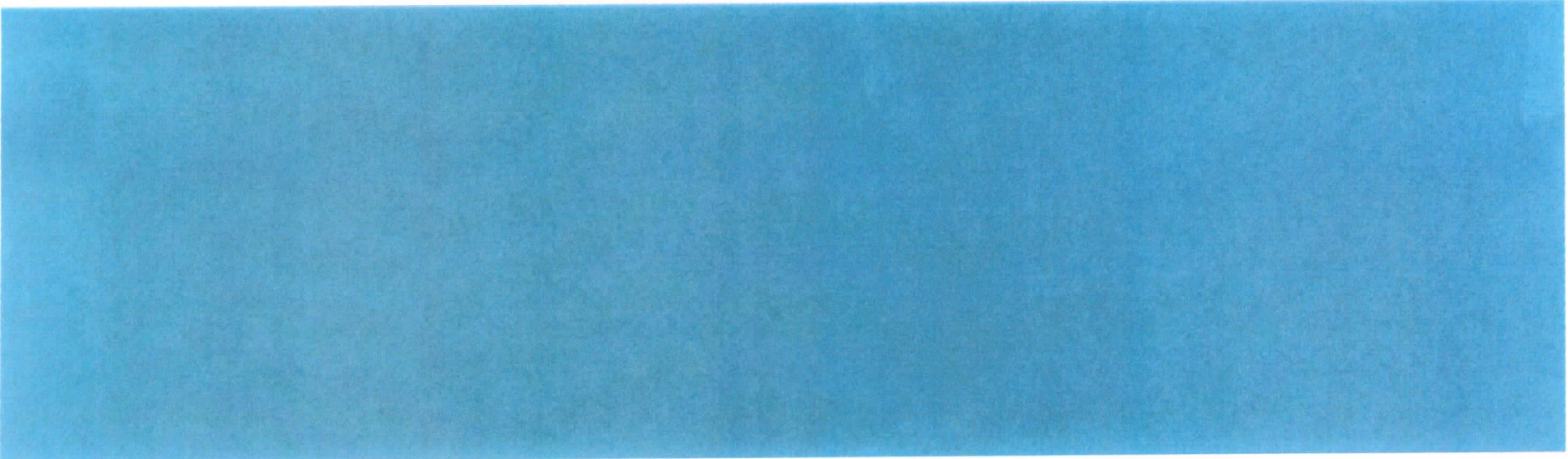
Rex Hardin, Mayor

Kervin Alfred, City Clerk

Exhibit 1

ULTIMATE SPORTS PARK GO BOND PROJECTS

CITY COMMISSION MEETING
JANUARY 10, 2023 – AGENDA ITEM NO. 23



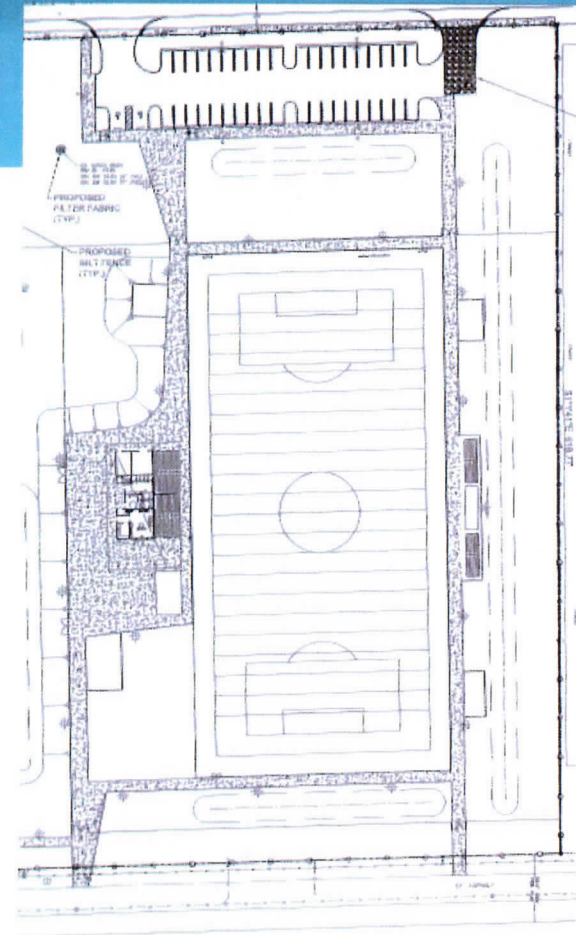
LOCATION MAP



NW 15 PLACE
LOCATION MAP

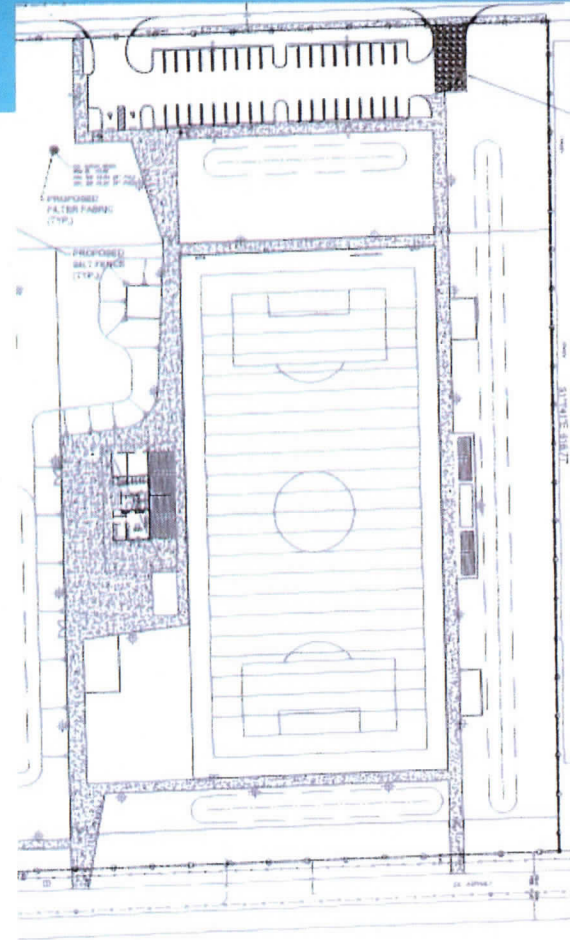
GOALS FOR THIS PROJECT

- **GO BOND GOALS**
- A new skate park, soccer/football field and concession/restroom building to be located adjacent to Apollo Park at 1580 NW 3rd Ave.
- **DESIGN TEAM VISION**
- Multi-purpose sports field
 - synthetic turf
 - LED sports lighting
 - digital scoreboard
 - covered bleachers
- concessions and restroom building
- play areas



GOALS FOR THIS PROJECT

- **DESIGN TEAM VISION**
- pathways and hardscape
- fence around field
- parking
- other site improvements
 - site lighting
 - landscape
 - Irrigation
 - site furnishings



DESIGN CONSIDERATIONS

- Avoid Parking along NW 15th place
- Passive activities along NW 15th Place
- Access to park at NW 2nd Avenue
- Pavilions throughout park
 - Accommodates 8 – 12 persons
- Exercise area for adults and children
- Uncertainty regarding Skate park (not supported)

PROPOSED IMPROVEMENTS

CMAR GMP: \$6,166,555.84

Anticipated completion: March/April 2024

Project Components:

- Demolition
- Earthwork, Sitework, Grading, Dewatering
- Sidewalks
- New Bathroom and Concession Building
- Multi-Purpose Artificial Turf (Rectangular) Field
- Supporting Sports Lighting Equipment
- Fitness Equipment
- Scoreboard
- Bleachers/Benches
- Bleacher Shade Structures
- Parking Area (north side)
- Fencing
- Landscape and Irrigation
- Security System

PROPOSED IMPROVEMENTS (RENDERINGS)

BATHROOMS,
CONCESSION BUILDING
COMBINATION (1795 SQ.
FT.)



AND COVERED
BLEACHERS

