



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

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

Asceleta Hammond, City Clerk

Tuesday, October 25, 2022

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 6:00 p.m.

Mayor Hardin stated that City Clerk Asceleta Hammond is not in attendance tonight as she is under the weather and Kervin Alfred, Deputy City Clerk will serve in her place.

ROLL CALL

Present: Commissioner Rhonda Eaton
Commissioner Cyndy Floyd
Commissioner Andrea McGee
Commissioner Tom McMahon
Vice Mayor Beverly Perkins
Mayor Rex Hardin

INVOCATION

Rev. Dr. Greg Fitch, Psychology and Hospital Chaplain offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, Deputy City Clerk.

APPROVAL OF MINUTES

[23-35](#) Regular City Commission Meeting Minutes of October 11, 2022

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

APPROVAL OF AGENDA

Mayor Hardin stated that City Manager Greg Harrison is not in attendance tonight and Earl Bosworth, Assistant City Manager will serve in his place.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Agenda be APPROVED AS SUBMITTED. 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 Item 1 would be pulled for City Commission discussion.

A. 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:

Homeless Emergency Assistance Facility - George Berlenge, Pompano Beach, FL, requested on behalf of The Lord's Gift House, an emergency assistance facility, designed to help those that need assistance for a short-term period. Mr. Berlenge addressed the board thanking them for their time and recognizing Comr. Eaton for her help with the homeless and elderly.

Mr. Berlenge spoke compassionately regarding Families in Crisis, an increasing population of families that are either currently homeless or face the possibility of homelessness in the near future and highlighted the need for assistance with computers and paperwork as well as a necessity for low income housing adding that women and the elderly are less likely to utilize the few local shelters already in place due to criminal activity including theft, battery and sexual assault.

He expressed his discontentment with the Homeless Guide utilized by the Broward Sheriff's Office and spoke to the lack of assistance for a growing population of homeless families struggling financially but who do not meet the criteria for immediate assistance based on medical necessity and included mental illness and addiction as examples. Mr. Berlenge advised that he provided a Microsoft presentation* before this meeting, outlying his vision for what he called his "creative financing" to address these issues.

*A copy of Mr. Berlenge's presentation was not provided for the record and as such, is not included in these minutes.

Agenda Item 1 - Dirk DeJong, Pompano Beach, FL, yielded his time as he will be speaking on Item #1 of the Agenda and will wait until the matter is read before the Commission.

Marsha Masters, Pompano Beach, FL, addressed several areas of concern: Trash, Noise and Public Art.

Trash & Graffiti - Addressing the Commission, Ms. Masters gave her areas of concern for graffiti and trash on Powerline Road across from the Isle Casino, a wall behind a local business called Protective and SW 23rd Street next to Walmart. She advised that she had addressed this matter two (2) months ago with Code Enforcement citing letters that she sent including photographs and still the matter persists. She also mentioned trucks blocking the drive thru.

Mayor Hardin addressed SW 23rd Street and commented that it is also a “pet peeve” of his, and that street is privately owned by the whole development and Code Compliance is actively addressing the areas in regards to landscaping and trash. The Broward Sheriff’s Office has been contacted in regards to the tractor trailers as well, however being that it is private property they are limited to what they can do.

Noise - Ms. Masters advised that she has an almost constant need for police presence in that area due to loud music that can be heard inside of her apartment from the 6th floor of her building and has made three (3) complaints and still the matter persists. Mayor Hardin advised that he will direct Code Compliance Director Mario Sotolongo, who was present at the meeting to confer with Ms. Masters about the noise complaints as well as the above-mentioned graffiti.

Public Art - Ms. Masters asked why was Cypress Bend not approached to receive a Fish Head referring to the 12 Fish Head sculptures that were commissioned, as street art, in the City of Pompano Beach. Mayor Hardin addressed Ms. Masters concern regarding the fish head sculptures, and advised that Laura Atria, Public Art Program Manager is currently working with a representative of Cypress Bend to address the matter.

Ms. Masters provided photographs during her presentation which were added to the minutes as **Exhibit 1**.

National Arts and Humanities Month & History of Pompano Beach - David Miller, Pompano Beach, FL, identified himself at the meeting as the self-proclaimed Cultural Arts Ambassador, made an opening address to the Commission announcing October 2022 as National Arts and Humanities Month as proclaimed by President Joseph Biden. He advised that he has researched grants pertaining to areas of culture, agriculture as well as the historical sector and was inspired to do so by Comr. Cyndy Floyd’s research in finding grant money in support for the Jumbotron.

He also acknowledged Ms. Beverly Perkins as the first African American Female Vice Mayor in Pompano Beach. Mr. Miller has worked with The Pompano Beach Historical Society documenting the History of Pompano Beach notably with the Collier City Trail Blazers Exhibit.

Rev. Daniel Miller Avenue/ NW 21 Ave. Street Names - On the matter of his late father, Rev. Daniel Miller, one of the first African American building contractors and a pioneer in Pompano Beach, Mr. Miller is dismayed that his late father’s name is not displayed on the street signs going East on Atlantic Blvd., and although he has addressed the matter twice, it still persists. Mayor Hardin addressed Mr. Millers concern and directed the Assistant City Manager Earl Bosworth to look into the matter.

Tundra King, Pompano Beach, FL, yielded her time to Jackie Kathy Moreland (sister).

Complaint: Vulgar Speech during a traffic stop by a Broward Sheriff's Office Deputy in Pompano Beach - Ms. Moreland a resident, educator and local business owner addressed the board with a complaint regarding a traffic stop conducted by a Broward Sheriff's Office Deputy which occurred last week in the area of the intersection of 15th Street & Andrews Avenue near C. Robert Markham Elementary School.

Ms. Moreland expressed concern of the deputy's use of inappropriate language during the traffic stop. Per Ms. Moreland it was raining the evening of the traffic stop and the street lights were not working. She described the deputy as having on a reflective jacket but no flashlight and his vehicle lights were not on. She went on to say that her sister advised her that she could see the deputy and told her that she felt that he was indeed going to perform a traffic stop. Ms. Moreland could hear the deputy over the phone use profanity when questioning what her sister was doing, even repeating the profanity, making both sisters uncomfortable. Ms. Moreland stated that evening she was in fear for her sister's life. Ms. Moreland expressed that in her opinion the vulgarity during the stop was not warranted citing her sister who has no criminal history was driving alone and the traffic stop should have been conducted better. Her concern extends to how sheriff deputies are interacting with people of color to include young African American men in the community and urged the Commission to act on this complaint.

Ms. Tundra King would like to see more community interaction with the Sheriff's Office and requests a community meeting held at the E. Pat Larkins Center, 520 MLK Blvd. with law enforcement where she can speak about concerns, experiences and various encounters with the police and what can be done differently to better the relationship with the community, the police and the City of Pompano Beach.

Mayor Hardin acknowledged Ms. Moreland's complaint and apologized for the manner in which her sister was treated. He also requested that Broward Sheriff's Office Representative Major Adkins follow up with Ms. Moreland and Ms. King.

Major Adkins spoke very briefly addressing the sisters and echoed the Mayor sentiment, apologizing once again and advised the Commission that he along with Captain Stallings, who was present at this meeting will work with Ms. Moreland and Ms. King to file the complaint with the Broward Sheriff's Office Division of Internal Affairs.

Mayor Hardin requested Broward Sheriff's Office representatives present to keep the Commission updated on the outcome of this incident as it was unacceptable and no resident should be treated as Ms. Moreland's sister was treated.

Upcoming Election - Maureen Gaviola, Pompano Beach, FL, congratulated Comr McGee who is running unopposed and hopes that the best person for the City is the winner in the upcoming election as she looks forward with communicating and working with whomever the persons elected are. She inquired of the Commission as to when construction will begin on Atlantic Blvd.; Mayor Hardin addressed Ms Gaviola's question and advised her that contracts can be made available to the public by contacting the proper staff within the City. Also, records can be requested via the City's website by completing a "Public Records Request".

Upcoming First-Class Events in Pompano Beach - Jocelyn Jackson, Pompano Beach, FL, addressed the Commission, acknowledging the City and Assistant City Managers and gave special thanks to Mark

Beaudreau, Recreation Program Administrator and the Parks and Recreation Department as a whole in appreciation for their hard work and collective support. She then announced the following events:

- November 12th 2022 - Jessica June Cancer Walk
- December 18th 2022 - Adult Christmas Party

Ms. Jackson closed with a thank you to the Broward Sheriff's Office and thanked the Commission for their time.

Contractor & Vendor Concerns - Vicente Thrower, Pompano Beach, FL, asked, in regard to engineering vendors contracted with the City, has the Mayor ever requested an update as to what companies have secured engineering contracts and bids with the City and/or how long have these companies or contractors have been vendors with the City? And, has the Mayor ever asked for an update on how much in revenue each vendor has earned in the City?

Mr. Thrower voiced his concern that vendors and contractors, specifically mentioning that the vendor, Kimley-Horn seems to be a fixture here, securing contracts at the airport. It is the opinion of Mr. Thrower that such companies with ongoing contracts in Pompano Beach should re-invest in Pompano Beach. i.e. Sponsoring a school or a community event. Mr. Thrower added that he would like to see the City Attorney work on community benefit policies that contribute to the vision of Pompano Beach.

Mayor Hardin thanked Mr. Thrower for voicing his concern and for his contribution to the meeting.

Safety Concerns Regarding a Sober Home - Brenda Mackay, Pompano Beach, FL, came before the Commission to express her concerns about her safety and the safety of her neighbors and their children in regard to what she believes is a halfway house located at 4720 NW 15th Avenue, across the street from her home, which she alleged was approved by Comr. Eaton. Additionally, Ms. Mackay advised that she lives alone and feels unsafe. The facilities residents who she described as four men that use drugs, who have recently been released from Florida State Penitentiary make her feel unsafe staring at her and with their cat calls and whistles. Her concern is why or how it is that a Sober House can be located in a single family home residential area.

In closing, Ms. Mackay stated that the halfway house may be operating without a valid license citing numerous police and fire calls for overdoses some requiring the administration of Narcan.

Comr. Eaton addressed Ms. Mackay and advised her that had she been made aware of this situation she would have interfaced with the staff at the Sober Home and that she does not personally approve any Sober Homes and clarified that there are multiple zoning ordinances and safe guards in place including inspections and code enforcement to ensure that Recovery Residences are run as proper Sober Homes and she assured Ms. Mackay the matter will be investigated.

Mayor Hardin advised that he will direct Code Compliance Director Mario Sotolongo, who was present at the meeting to confer with Ms. Mackay about her safety concerns and those of her neighbors.

B. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 2-5 without City Commission discussion.

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

1. [23-20](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, DESIGNATING THE NAME OF THE PAVILION IN CENTENNIAL PARK, LOCATED AT 450 NE 10TH STREET, AS THE “MARGARET WHITE PAVILION”; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Dirk DeJong, Pompano Beach, FL, referred to an email he received from City Manager Greg Harrison providing a brief history of when Margaret White shared her vision with him of having a pavilion built in Centennial Park near the Sample-McDougald House. He said Mr. Harrison suggested that the Sample-McDougald House Board of Directors request the City Commission to name the new facility after Margaret White.

Continuing, Mr. DeJong stated it was through the efforts of Ms. White that the Sample-McDougald House was saved and moved into the City and then became the Sample McDougal House Preservation Society. In sum, he along with the Board of Directors support the recommendation of naming the facility the “Margaret White Pavilion”.

David Miller, Pompano Beach, FL, commented on the pavilion, stating that it was awesome. Also, he spoke favorably about Ms. White, asserting she is an awesome person. In closing, he noted that the fans in the pavilion were not working, and requested that everything in connection to the pavilion to be in proper working order.

Comr. McMahan stated that he always referred to Ms. White as Mom, and is truly honored to be a member of the Commission to support this dedication. She is a leader and a fighter, and every obstacle that came before her, she finds a solution for it. He then thanked Ms. White for all she has done for the City.

Comr. Eaton thanked Ms. White for all she has done together with the Preservation Society.

Comr. McGee echoed the sentiments of the prior two (2) commissioners. Also, she thanked Ms. White for having the vision to see how they can make the park better. She is looking forward to more events to come.

Mayor Hardin stated he has been working with Ms. White for a long time. He has mentioned publicly in past meetings that if it was not for the efforts of Margaret White, the Sample-McDougald House would not have

existed. The house was set to be demolished, however the family that owned it was gracious enough to donate it to the Society. The Society had to figure out what to do with it. Margaret White was the driving force and if it was not for her efforts that house would have been sticks. In closing, he thanked Ms. White and expressed appreciation for all she has done throughout the time they have worked together.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2023-07

2. [23-36](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDED DECLARATION OF RESTRICTIVE COVENANTS MADE BY 1501 N POWERLINE, LLC FOR THE BENEFIT OF THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jennifer Gomez/David Recor)

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

Enactment No: RES. No. 2023-08

3. [22-621](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECTION 70.20 AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND OUTFRONT MEDIA LLC TO VOLUNTARILY REDUCE THE NUMBER OF BILLBOARDS WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$30,000 / per year paid to the City of Pompano Beach)

POSTPONED FROM SEPTEMBER 27, 2022

(Staff Contact: Jennifer Gomez/David Recor)

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

Enactment No: RES. No. 2023-09

4. [22-622](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A RELEASE OF PARKING AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BUSINESS CENTER, LLC; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM OCTOBER 11, 2022

(Staff Contact: Jennifer Gomez/David Recor)

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

Enactment No: RES. No. 2023-10

5. [23-22](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING WAIVER OF CONFLICT UNDER SECTION 112.313(7)(A), FLORIDA STATUTES, FOR PENNY CUTT, A MEMBER OF THE CITY'S MARINE ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: James E. Saunders III)

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

Enactment No: RES. No. 2023-11

C. REGULAR AGENDA**QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that Items 18-22 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Kervin Alfred, Deputy City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

6. [22-631](#) P.H. 2023-04: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A THREE FOOT UTILITY EASEMENT LOCATED WITHIN THE CAPTIVA COVE PHASE III PROJECT, LYING NORTH/SOUTH ALONG THE WEST SIDE OF DIXIE HIGHWAY, NORTH OF SW 11TH STREET, COMMONLY KNOWN AS 740 SW 11TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, stated this is a request to abandon a three-foot utility easement, which runs north and south through Building Number 1 of the proposed Captiva Cove Phase 3 Project at 740 SW 11th Street. The easement is shown on the amended plat of Fairview, which is Plat Book 10, Page 25. There are no utilities located in the easement. Lastly, she said the Planning and Zoning Board recommended approval of the abandonment at its hearing on August 24, 2022 and conditions of approval have been met, therefore, staff recommends approval and the applicant was in attendance to answer questions regarding the project.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

END OF QUASI-JUDICIAL PROCEEDING

7. [23-06](#) **P.H. 2023-06: (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: (i) AN EIGHTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FIRST AMENDMENT TO PARCEL C1 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-C1, LLC; (iii) A SECOND AMENDMENT TO PARCEL C2 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-C2, LLC; (iv) A SIXTH AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; (v) A FIRST AMENDMENT TO PARCEL R1 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R1, LLC; (vi) A SECOND AMENDMENT TO PARCEL R2 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R2, LLC; (vii) A SECOND AMENDMENT TO PARCEL R3 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R3, LLC; (viii) A SECOND AMENDMENT TO PHASE R4 SPACE LEASE RELATING TO CITY

PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R4, LLC; (ix) A FIRST AMENDMENT TO PARCEL R5 GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-R5, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

SECOND READING: OCTOBER 11, 2022

(Staff Contact: Suzette Sibble)

Cassandra LeMasurier, Real Property Manager, on behalf of Assistant City Manager Suzette Sibble, stated as a point of correction this is the second reading of the Ordinance. The item was brought forth in reverse order due to a timing issue. She then offered to give a presentation if the Commission so desired, to which Mayor Hardin requested to forego the presentation as it was provided on second reading, the actual first reading.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2023-02

8. [22-605](#) Approval to rollover funding from Fiscal Year 2022 to Fiscal Year 2023, for capital outlay and operating expenditures totaling \$2,463,470.
(Fiscal Impact: \$2,463,470 - Various Funds)

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Director, stated that this is a “housekeeping” item brought forth every year to rollover unencumbered funds from the previous year, that is Fiscal Year 2022. They are mostly associated with capital items to include operating expenditures, that were impacted by supply chain or other related issues encountered along the way. Therefore, the amount of the rollover request will not exceed \$2.4M.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

9. [23-21](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO ACCEPT THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REVOLVING LOAN FOR WASTEWATER FACILITIES; PLEDGING OF WATER AND WASTEWATER FEES AS THE REVENUES TO REPAY THE LOAN, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,882,108. Financed over the maximum SRF 20-year term with Water and Wastewater revenues)

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director presented the item, stating that this is the third step for the funding from the State Revolving Fund (SRF), which pertains to the pledging of City funds for the unsewered area of NW 15th and Powerline Rd.

Mayor Hardin asked for the interest rate of the loan, to which Mr. Brown replied zero.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: RES. No. 2023-12

10. [22-623](#) **P.H. 2023-01: (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 AN ASSIGNMENT AND FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PROSERVE CONCEPTS, INC. N/K/A PROSERVE CONCEPTS, LLC, PROVIDING SERVICES AS THE HEAD TENNIS PROFESSIONAL FOR THE POMPANO BEACH TENNIS CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 11, 2022

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Program Administrator, stated that there were no additional comments since the first reading.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2023-03

11. [23-08](#) **P.H. 2023-02: (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 SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LINE-TEC INC. TO PROVIDE REUSE LINE CONNECTION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$169,000)

FIRST READING: OCTOBER 11, 2022

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director stated that this is the second reading of the Ordinance and there has been no changes since the first reading.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

Enactment No: ORD. No. 2023-04

12. [22-644](#) **P.H. 2023-03: (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 CONTRACTS FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND SEA DIVERSIFIED, INC., CUMMINS CEDERBERG, INC., AND APTIM ENVIRONMENTAL & INFRASTRUCTURE, LLC FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR MARINE ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: OCTOBER 11, 2022

(Staff Contact: Tammy Good/Anthony Alhashemi)

Anthony Alhashemi, Project Manager I, stated that this is the second reading to execute contracts for marine engineering services and there were no additional comments since the first reading.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

Enactment No: ORD. No. 2023-05

13. [22-637](#) **P.H. 2023-05: (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 CONTRACTS FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., AND HDR ENGINEERING, INC. FOR AIR PARK CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE
 (Fiscal Impact: N/A)

(Staff Contact: Tammy Good/Anthony Alhashemi)

Anthony Alhashemi, Project Manager I, stated that a Request Letter of Interest (RLI) was issued to solicit air park consulting services, of which the City received two responses that were evaluated, ranked and approved by the Commission in May 2022. This is the first reading to execute the contracts with the listed firms.

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

14. [23-26](#) **P.H. 2023-13: (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, stated that he received a Guaranteed Maximum Price (GMP) Proposal that was given to him by the contractor, DiPompeo Construction who was initially selected for the project back in 2019. The price proposal for the project is \$6,166,555.84, with an anticipated completion date of March 2024. He then presented an overhead presentation that outlined the project goals, design, proposed improvements, food and music opportunities. A detailed copy of the entire presentation is attached hereto as **Exhibit 2**.

Finally, Mr. Danovich highlighted the issues that affected the final GMP, such as, labor shortages, material shortages, manufacturing delays, delivery delays, extended lead times and so forth, of which staff had to negotiate with the contractor to arrive at the price as presented. Therefore, he requested an emergency second reading as he is expecting the price to change a week from today. Also, the contractor was advised to reach out to the local community and has engaged four (4) local companies as a result.

Jocelyn Jackson, Pompano Beach, FL, commented on the project and stated that a theater can be placed in the area designated for future expansion as referenced in Mr. Danovich's presentation. Furthermore, she suggested that a shade covering be added to the plans, especially for when the weather is hot. However, she is not in favor of another football field for this project as the City has spent lots of money on football fields.

Janice Simmons, 208 NW 15th Place, Pompano Beach, FL, said she lives directly in front of the park and requested that a water activity be added to the proposed park project for the kids to enjoy during the summer, of which Mr. Danovich stated the expansion area is where the City can consider in the future Capital Improvement Plan to add a water feature.

In closing, Ms. Simmons noted that according to Mr. Danovich's presentation concerning the changes to the project, she has the impression the community might get "short-changed". However, Mr. Danovich disagreed and explained why. Also, Ms. Simmons inquired about the decision not to install parking in front of her home, to which Mr. Danovich confirmed stating that is correct.

Comr. McGee stated she would love to see a theater in the City, to include art opportunities for kids. Also, in review of the layout for the proposed project, she thought it was appropriate to accommodate open air festival activities. Mr. Danovich explained the design of the proposed layout, which was to allow food trucks to go in and park, as well as providing for a central area for events.

Vice Mayor Perkins expressed concerns about the project, which are as follows:

- 1) She asked if there was enough lighting at night at the proposed site? Mr. Danovich responded the park will have proper lighting along with a security system.
- 2) She asked if there was enough parking for large gaming events? Mr. Danovich stated that the initial concept presented had parking on the south side, which was not accepted by the community, therefore staff proceeded with the minimum parking allowed in accordance to the City's code. He agreed if there is an overflow, parking would be available at the Boys and Girls Club or the library.
- 3) She opined that Public Works staff are overworked and was concerned if they can maintain the park.
- 4) She asked for the start date for the project, to which Mr. Danovich stated the project is undergoing the permitting process and he hopes to start within the first quarter of 2023.

- 5) Referring to the diagram presented in Mr. Danovich's overhead presentation, she asked about the area north of the proposed football field and if it was designated for landscaping. Mr. Danovich stated that the subject site is a passive landscape area, for tossing frisbees or picnic space. However, Vice Mayor Perkins was concerned that people would park in that area.
- 6) She asked if the area around the library would be re-landscaped, to which Mr. Danovich stated the library is further away, therefore they are not going to re-landscape that area.

In closing, Vice Mayor Perkins requested the area where the library is located be re-landscaped. Mr. Danovich replied that once the project is underway and if they have contingency funds saved, then they can discuss opportunities to add landscaping to the library.

Mayor Hardin commented on several items related to the project and they are as follows:

- 1) Mayor Hardin pointed out an error in the backup of a diagram pointing to Apollo Park, which the subject project is not impacting the park; and the park is remaining as is. He then asked who would be using the football field. Mr. Danovich replied although the field is striped as a football field, it was originally intended to be both a football and soccer field. It is rectangular in shape that allows for a multi-purpose use.
- 2) Mayor Hardin inquired whether the park was closed at sundown, to which Mr. Danovich replied if there are no sporting events then the park would be closed.
- 3) Mayor Hardin inquired about the skate park, which was nixed from the plans for the subject site. Mr. Danovich stated that the skate park group understood that there was no support to have a skate park at this site and staff is working with the group and will evaluate whether to put out a Request for Proposal in the marketplace for a partnership with a skate park contractor. In the meantime, the location is yet to be determined.
- 4) Mayor Hardin commented on the concession stand and bathrooms at the site. He asked if the concession stand would accommodate cooking or would have vending machines, to which Mr. Danovich responded there will be no full-scale kitchen at the site. He added that depending on the type of events, such as Juneteenth, it would be better to have food trucks on site.
- 5) Mayor Hardin understood there has been extensive changes to the proposed project from what was originally portrayed during the General Obligation (G.O.) Bond presentation. He asked if the Parks and Recreation Board reviewed the changes, to which Mr. Danovich replied staff did not present this to the Board since the initial G.O. Bond presentation.

Comr. McMahon commented about Section 20 in the diagram referenced on the overhead presentation, stating that a \$6M expenditure is being proposed for this park project and the middle of the park, which is quite large, is not going to be finished. The subject area should be connected with walkways or sidewalks.

Mr. Danovich stated that staff designed the project as best as they could with the available funds. It has been very difficult to reach to this point without incurring additional expenses. Based on their architectural analysis, they reviewed the subject area and determined it can be added to a future Capital Improvement Plan.

Comr. McMahon reiterated his comment about Section 20 in the diagram, stating it would be difficult for him to support the proposed project until there is a better plan, because it does not make sense to spend \$6M on a field and next to it will not be an equal or same improved area as with the rest of the park.

Fernand Thony, G.O. Bond Director stated that the subject area is an extension to the park, which could be used in the future. However, it will be fenced-off and will not be opened seamlessly on both sides.

A discussion ensued among Comr. McGee and Mr. Danovich and Recreation Programs Administrator Mark Beaudreau about the advantages and disadvantages of Synthetic/ Astro-Turf.

Mark Beaudreau, Recreation Programs Administrator indicated that staff is looking into expanding the City's recreational programming with sport programs through organizations, such as, football, soccer, rugby, ultimate frisbee and lacrosse. Moreover, he stated that the City has football and soccer fields at McNair Park, Mitchell Moore Park, North Pompano Park, Community Park and Youth Sports Park, as well as at the former Elks Lodge site, which will primarily be striped for soccer.

Vice Mayor Perkins stated that she cannot support this project as presented unless staff identifies funding to upgrade the west side of the park, as she was under the impression the \$6M was for the entire park.

Mr. Danovich stated that Apollo Park was not included in the G.O. Bond. He advised that staff is permitted to fulfill only what is allowed through the G.O. Bond. He understands that improvements to Apollo Park may be warranted, but it would have to be done in the future through the City's Capital Improvement Plan. Nevertheless, this project was approved through the G.O. Bond.

Comr. Eaton stated that Apollo Park is a beautiful park. She asked for an estimate cost to install a synthetic turf field, to which Mr. Danovich replied it cost a half-million dollars. She suggested to move forward with the project, but they should determine what to do in the center area of the subject site.

Earl Bosworth, Assistant City Manager suggested that the Commission move forward with the project and provided his reasons.

Mark Berman, City Attorney recalled the use of the G.O. Bond funds have a time limitation. He believes there are constraints as to when the funds can be used, which is why the bonds were done in phases to allow for progression instead of having everything done at one time.

Mayor Hardin stated that there are other G.O. Bond projects that have yet to be brought forward, and the fact this project is subject to price increases, does not mean the City should lose sight of the project. He does not agree with the notion that because prices are increasing, they have to get this done, even if it is not right.

Another discussion ensued among Comr. McMahon, Mr. Danovich, Comr. McGee and Comr. Eaton concerning Section 20 of the diagram and its inclusion as part of the original G.O. Bond project presentation, cost and concerns of the maintenance between grass/Astro-Turf as well as the budget and potential increase of the overall cost should the project be delayed. Additionally, there was a brief discussion between Mayor Hardin, Mr. Danovich and Vice Mayor Perkins regarding the square footage needed for a skate park and the changes to the project cost relating to the removal of the skate park.

Meeting went into Recess

Meeting Reconvened

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

Yes: Eaton

No: Floyd
McGee
McMahon
Perkins
Hardin

15. [22-638](#) **P.H. 2023-07: (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 PIGGYBACK AGREEMENT FOR A DEBTBOOK CLOUD BASED SOFTWARE SUBSCRIPTION BETWEEN THE CITY OF POMPANO BEACH AND FIFTH ASSET, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$43,250 a cost saving of \$6,400)

(Staff Contact: Allison Feurtado)

Allison Feurtado, Finance Director presented the item, stating that DebtBook is a software used by the City to track its debt portfolio and provides timely payment reminders, as well as reporting schedules for annual financial statements. In closing, she said the execution of this Contract will save the City \$6,400 over a three-year period.

Mayor Hardin commended Ms. Feurtado on doing a good job for attaining the cost savings.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

16. [23-23](#) **P.H. 2023-09: (PUBLIC HEARING 1ST READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND P.C. CONTROLS, INC. TO PROVIDE REPAIRS AND CALIBRATION SERVICES OF FLOW METERS AND RELATED DEVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
 (Fiscal Impact: No Cost at This Time)

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director presented the item, stating that this is a Contract for calibration of critical infrastructure in the City's treatment plants and lift stations. He noted that if the instruments in the plants are not lined-up properly than the readings will be off. Therefore, calibration is a key part of remaining in compliance.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

17. [23-27](#) **P.H. 2023-08: (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 PROFESSIONAL/CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND ODYSSEY MANUFACTURING CO. FOR DESIGN, MAINTENANCE AND REPAIR OF CHEMICAL FEED SYSTEMS AT THE CITY'S WATER TREATMENT AND REUSE WATER TREATMENT PLANTS; PROVIDING FOR SEVERABILITY; PROVIDING

AN EFFECTIVE DATE.
(Fiscal Impact: Not to Exceed \$800,000)

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director presented the item, stating that this is a contract established through a solicitation for the maintenance of the City's chemical feed systems within the treatment plants.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

18. [23-29](#) **P.H. 2023-10: (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 34.053, "NORMAL RETIREMENT DATE," BY REPEALING SECTION 34.054, "EARLY RETIREMENT DATE," BY AMENDING SECTION 34.055, "NORMAL RETIREMENT BENEFIT," BY AMENDING SECTION 34.057, "DISABILITY," BY AMENDING SECTION 34.058, "PRERETIREMENT DEATH," AND BY AMENDING SECTION 34.0604, "SUPPLEMENTAL RETIREMENT BENEFIT FOR FIREFIGHTERS," TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2025, THAT MODIFIES THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director presented the item, stating that this Ordinance amendment was necessitated by the most recent changes to the City's Fire Fighters Labor Contract, which was approved this past July. This is a formal process whereby required changes are made to the Code.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

19. [23-30](#) **P.H. 2023-11: (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, RELATING TO THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM, BY AMENDING SECTION 34.050, "CONDITIONS OF ELIGIBILITY," BY MODIFYING PROVISIONS FOR PAST SERVICE PENSION CREDIT, ALLOWING FOR THE PURCHASE OF ADDITIONAL SERVICE CREDIT, AND ESTABLISHING A VESTING PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director stated this item was brought forth as a result of the most recent changes to the City's Fire Fighters Labor Contract approved in July. This is a formal process whereby required changes are made to the Code. He then noted that there was a slight change to the wording in the Ordinance, specifically in Section B2, to add the wording "as a fire fighter". The purpose for the change is to give firefighters the ability to purchase past service credit. If they left the City and later came back, this provision would allow them to purchase past service credits. In closing, he said staff realized the importance to add that language to the Ordinance, which will be added on second reading.

Due to Mr. Beecher's remarks concerning the added wording, Mayor Hardin asked if the Ordinance before them should be amended or will the amendment be done on second reading, to which Mr. Berman replied that it will be done at the appropriate time. Also, he said it is not a correction, but the proposed language will make it better.

Mayor Hardin stated there are three (3) items on the Agenda amending the Code and asked why were they done separately, to which Mr. Berman replied that they were put forth as one matter per item, because they are slightly different.

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

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

20. [23-28](#) **P.H. 2023-12: (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 34.073, "PENSION ADJUSTMENTS," TO INCREASE THE COST-OF-LIVING ADJUSTMENTS TO IMPLEMENT RECENT CHANGES IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE POMPANO BEACH PROFESSIONAL FIRE FIGHTERS AND THE CITY OF POMPANO BEACH FOR THE PERIOD BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2025, THAT MODIFIES THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)

Ed Beecher, Human Resources Director presented the item, stating that this Ordinance amendment was necessitated by the most recent changes to the City's Fire Fighters Labor Agreement, which was approved last July. This is a formal process whereby required code changes are made as a result of the Labor Agreement.

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

Yes: Eaton
 Floyd
 McGee
 McMahan
 Perkins
 Hardin

21. [23-32](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KIM BOROS** TO THE SAND AND SPURS ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF TOD WESTON, ALTERNATE 1; SAID TERM TO EXPIRE JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Kim Boros, **Alternate 2** - District 3

Lisa Nothrad - District 3

Amy Varo-Haub - District 3

Anne Ward - District 3

(**Staff Contact:** Asceleta Hammond)

Mayor Hardin requested an item to be placed on the next agenda for the appointment of Alternate 2 of the Sands and Spurs Advisory Board.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Regular Agenda/ Resolution be ADOPTED and to insert the name KIM BOROS. Mayor Hardin nominated Kim Boros. The motion carried unanimously.

Enactment No: RES. No. 2023-13

22. [23-33](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KAREN MORELAND** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF PHILLIP J. SCHULTE, ALTERNATE 2; SAID TERM TO EXPIRE JULY 1, 2023; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

James Daisey - District 1

Carlton Gillespie - District 1

Tanya Manfredi - District 1

Richard Dally - District 3
 Joseph Cerquozzi - District 3
 Marko Dragojevic, District 3
 Monifa Aruwajoye - District 4
 Lucretia Hicks - District 4
 Marcus A. McDougle - District 4
 Karen Moreland - District 4
 Shelton Pooler - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, to insert the name KAREN MORELAND and that the Regular Agenda/ Resolution be ADOPTED. Vice Mayor Perkins nominated Karen Moreland and Comr. McGee nominated Tanya Manfredi. The motion passed by the following vote:

Yes: Eaton
 Floyd
 McMahan
 Perkins
 Hardin

No: McGee

Enactment No: RES. No. 2023-14

23. [23-18](#) Consideration for canceling the City Commission Meeting of November 22, 2022 and December 27, 2022.
 (Fiscal Impact: N/A)

(Staff Contact: Greg Harrison)

Earl Bosworth, Assistant City Manager, stated that this is an item brought forth each year to cancel the meetings before Thanksgiving Day and Christmas Day. It is traditionally done in this manner to formally request the cancellation of these meetings.

A motion was made by Vice Mayor Perkins, seconded by Commissioner McGee, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following roll call vote:

Yes: Eaton
Floyd
McGee
McMahon
Perkins
Hardin

D. ADDITIONAL AUDIENCE TO BE HEARD

E. NEXT SCHEDULED MEETING

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

November 8, 2022 at 1:00 p.m. - Regular City Commission Meeting

December 13, 2022 at 1:00 p.m. - Regular City Commission Meeting

F. REPORTS

Earl Bosworth, Assistant City Manager's Report:

Mr. Bosworth highlighted and recognized the staff of the City of Pompano Beach as well as the exciting events happening around the city.

Small Business Relocation Grant Program - Mr. Bosworth advised the Commission that the City will be launching a Small Business Relocation Grant Program, which is a joint effort between the offices of Housing and Urban Improvement and the Economic Response Team for COVID-19 to provide grants in the amount of \$5,000.00 TO \$20,000.00 dollars for those businesses that are affected/displaced due to the sale and upcoming demolition of the Festival marketplace. These funds are provided through the American Rescue Plan Act and will not exceed \$600,000.00.

Recognition of City staff - Mr. Bosworth stated that the City's Parks Department was recognized for their receipt of five (5) awards in three (3) events that were awarded by the Florida Festivals and Events Association. An organization which is comprised of over 700 members and collectively represent 5,500 events throughout the state of Florida. He then highlighted the awards that were received. In the Activity Category the City's Free Little Libraries earned two (2) awards. For the July 4th Extravaganza the City received two (2) awards and finally for the Memorial Day Celebration the City received another award in recognition. Mr. Beaudreau, Recreation Programs Administrator who was in attendance was recognized and commended by the Mayor and the Assistant City Manager.

Upcoming Events - The Mayor was delighted in hearing of Mr. Bosworth's announcement of the upcoming events at The Pompano Beach Amphitheater, highlighting Travis Tritt & Chris Janson: The Can't Miss Tour (Saturday, October 29th), The Heroes' Tour - Veterans Day Concert (November 11th), ZZ Top - Raw Whiskey Tour (November 13th), The Last Waltz Tour (November 17th), Cole Swindell (November 19th), Allman Family Revival (November 29th), and One Vision of Queen featuring Marc Martel (December 16th).

Both the Mayor and the Assistant City Manager commented on the high caliber of talent performing at the Pompano Beach Amphitheater with the Mayor who remarked in amazement that he could recall that it was only about a decade or so ago when there really wasn't much activity.

Certificate of Appreciation from The Utility of the Future Today - Randolph Brown, Utilities Director who was in attendance was recognized by the Assistant City Manager and presented with a Certificate of Appreciation from the partners at the Utility of the Future Today (UoTF) Recognition Program celebrating the progress and exceptional performance of the City of Pompano Beach Utilities Department for innovative and forward-thinking practices in the area of water reuse. Noting that last year's area of performance was concentrated on Energy Efficiency.

Mark Berman, City Attorney - No Report.

Kervin Alfred, Deputy City Clerk - No Report.

Commissioner Rhonda Eaton's Report:

Reuse Water Connection - Comr. Eaton briefly reiterated that at the last meeting she advised the board that she was continuing to work with the Vice Mayor of Broward County Mr. Lamar Fisher and his staff on reuse water connection in Pompano at no upfront cost to the participants. She also praised Zion Church for a wonderful event at Harvest Festival in her district and commended Pastor Hall and his wife Loretta of Zion Church.

Commissioner Cyndy Floyd's Report:

Pompano Beach Tigers - Comr. Floyd was joined by Mayor Hardin in congratulating the Pompano Beach Tigers, as they are still undefeated. She also addressed Assistant City Manager Mr. Bosworth and added that while she too is excited about the entertainment at The Amphitheater she would like to see some Rhythm & Blues artists performing as well.

McNair Park - Comr. Floyd noted that her office has been addressing phone calls from residents regarding such issues as a two (2) week pause in work being done at the McNair park and requested the work be completed.

Jumbotron Update - Comr. Floyd acknowledged Mr. Greg Norris' presence at the meeting and requested the minutes reflect that at the Commission's last meeting Mrs. Smith's input had not yet been received in regards to the grant writer for the Jumbotron Project. Comr. Floyd inquired as to any updates or changes and requested a time table for the new concession building as well as the paving for the west side of the parking lot which she agreed to receive in a written report.

Commissioner Andrea McGee's Report:

1st Annual Caribbean Festival - Comr. McGee commented on a great 1st Annual Caribbean Fest over the weekend and thanked the Parks and Recreation Department she also announced she had newly become an

aunt. The Mayor and board joined in welcoming, Vaughn McGee Rice into the world.

Metro Transportation Engineering & Construction Cooperative - Comr. McGee gave an update to (MTECC) Metro Transportation Engineering & Construction Cooperative, which the City of Pompano Beach is one of the founding members. The organization is up and running and their first meeting was held this month October 13, 2022. The Commissioner advised the Board that she was named Vice Chair of MTECC and looks forward to bringing in more projects and streamlining options for transit into the City of Pompano Beach.

Commissioner Tom McMahon's Report:

Poll Workers - Comr. McMahon reminded the board that early voting started Monday and commending the great poll workers in the community and urged everyone to get out and vote.

Vice Mayor Beverly Perkins' Report:

Dividing Wall (NW 3rd Avenue) - Vice Mayor Perkins requested an update on the dividing wall (NW 3rd Avenue) between Kendall Lakes & Kendall Green from the Building and Code Compliance Departments.

Cypress Run Education Center - Vice Mayor Perkins announced that the students of Cypress Run Education Center, composed writings on the topic of Solutions for Change. There are six (6) entries in total and a handout was provided to the board. As a supporter of the education center, she requested that the essays be read at the next Commission meeting.

Sanders Park Elementary School - Vice Mayor Perkins delighted in addressing the board about her visit to Sanders Park Elementary School where the students were voting for the very first time, highlighting student's identification cards, voter registration cards and even a mock voting ballot booth. Ms. Perkins observed as the children were instructed on the voting process and commented on how many students knew of Mayor Hardin and advised that a photo of the Mayor donned the wall as a part of the candidate campaign.

Upcoming events announced by the Vice Mayor:

- Re-Grand Opening for the Annie Adderly Gillis Park November 6th, 2022 at 4 p.m.
- 11th Annual Light Up MLK, Christmas Tree lighting on November 20th, 2022 at 8 p.m.

Mayor Rex Hardin's Report:

Mayor Hardin thanked the Commission for sitting on committees and for their important work that may not be so publicly observed that they do in representing the City of Pompano Beach as elected officials. He highlighted services provided by the City of Pompano Beach:

Community Court - Mayor Hardin reported on the grand opening of Community Court on October 13th, which is designed to engage the homeless community, help offenders and assist individuals in need of services and resources. Community Court is a collaborative effort of the Seventeenth Judicial Circuit Court of Florida, the City of Pompano Beach, Broward County, the Clerk of Courts, the Office of the Public Defender, the

State Attorney’s Office, Broward Sheriff’s Office, and several service and treatment providers, including Henderson Behavioral Health and will be held twice a month on Thursdays starting at 1:00 p.m. at the Annie L. Weaver Health Center located at 2011 NW 3rd Avenue.

Emergency Rental Assistance - Mayor Hardin announced the City of Pompano Beach DEO CDBG-CV Emergency Rental Assistance Program will be accepting applications on November 7, 2022 at 9AM and is on a first come basis, as long as there are funds.

Update on the Drone Show Extravaganza - Mayor Hardin stated that a new date for the Drone Show originally scheduled for the Fisher Family Pier Dedication has been rescheduled. The new date is November 12th at 7pm (additional information can be found on the city’s website).

“Souls to the Polls” 2022 - The Mayor made mention of a group of voters from churches and community organizations due to arrive at the early voting sites as part of the “Souls to the Polls” 2022, on November 6, 2022 and closed the meeting with a few words on the importance of voting and encouraged the Commission and residents to get out and vote.

G. ADJOURNMENT

The meeting adjourned at 8:34 p.m.

DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...

Asceleta Hammond, City Clerk

DocuSigned by:
Rex Hardin
502CB780EB3F480...

Rex Hardin, Mayor



Exhibit 1



~~THIS IS BETWEEN CHASE BANK~~ and the entry/exit to Powerline. It is always a mess- untrimmed hedges, dead leaves, debris and lots of trash. It been this way for many months.

It seems that homeless/people park there overnight? I spoke to the Chase manager, and the Landscapers..."not their problem!" Can't seem to locate a property manager.

Please share with the City ppl if you can. I planned to email them but haven't yet. I also have a video I'll send separately-

Thank you 👍



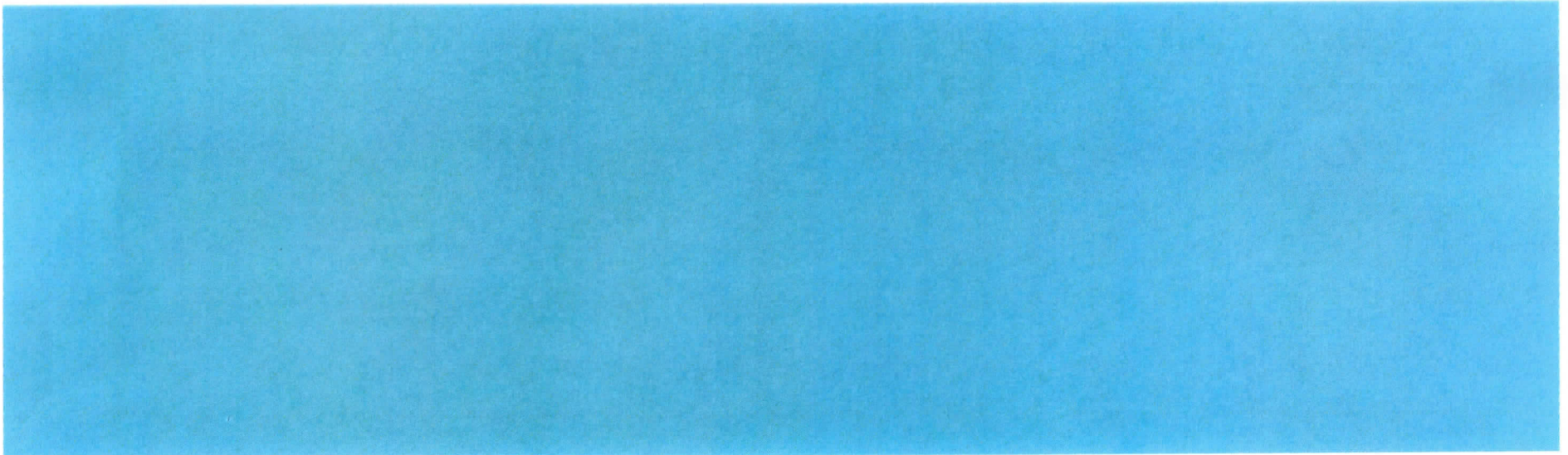






ULTIMATE SPORTS PARK GO BOND PROJECTS

CITY COMMISSION MEETING
OCTOBER 25, 2022 – AGENDA ITEM NO. 14



LOCATION MAP



LOCATION MAP

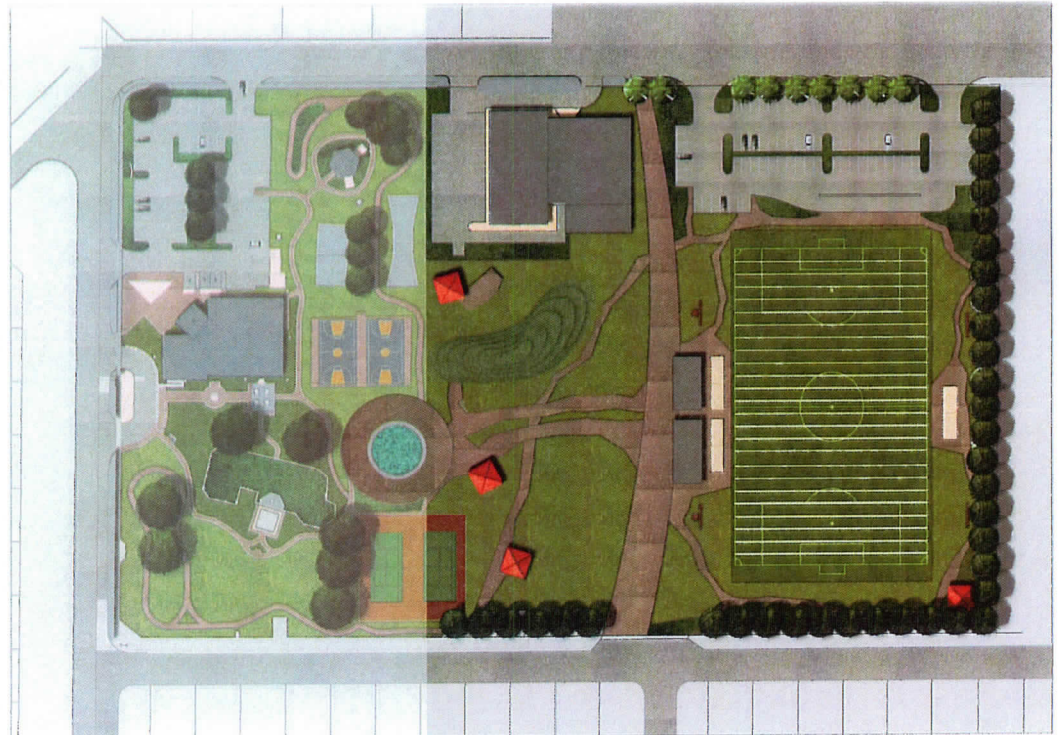
GOALS FOR THIS PROJECT

- **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.

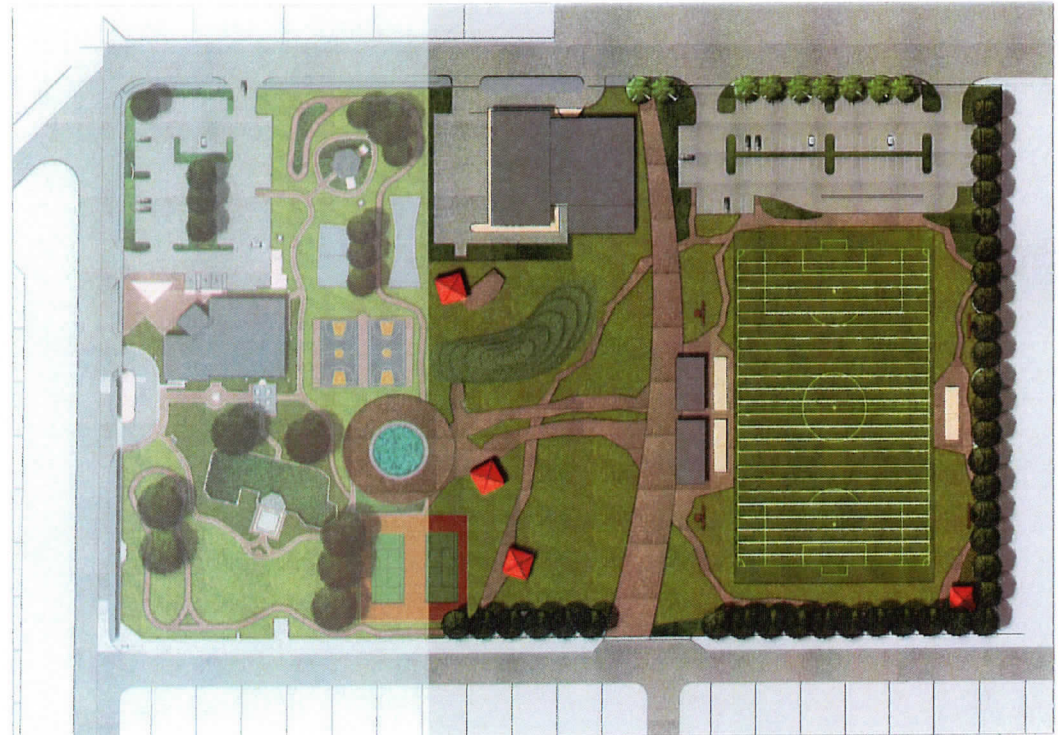
- **DESIGN TEAM VISION**

- Multi-purpose sports field
 - synthetic turf
 - LED sports lighting
 - digital scoreboard
 - covered bleachers
- concessions and restroom building
- play areas
- 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)



NW 15 PLACE

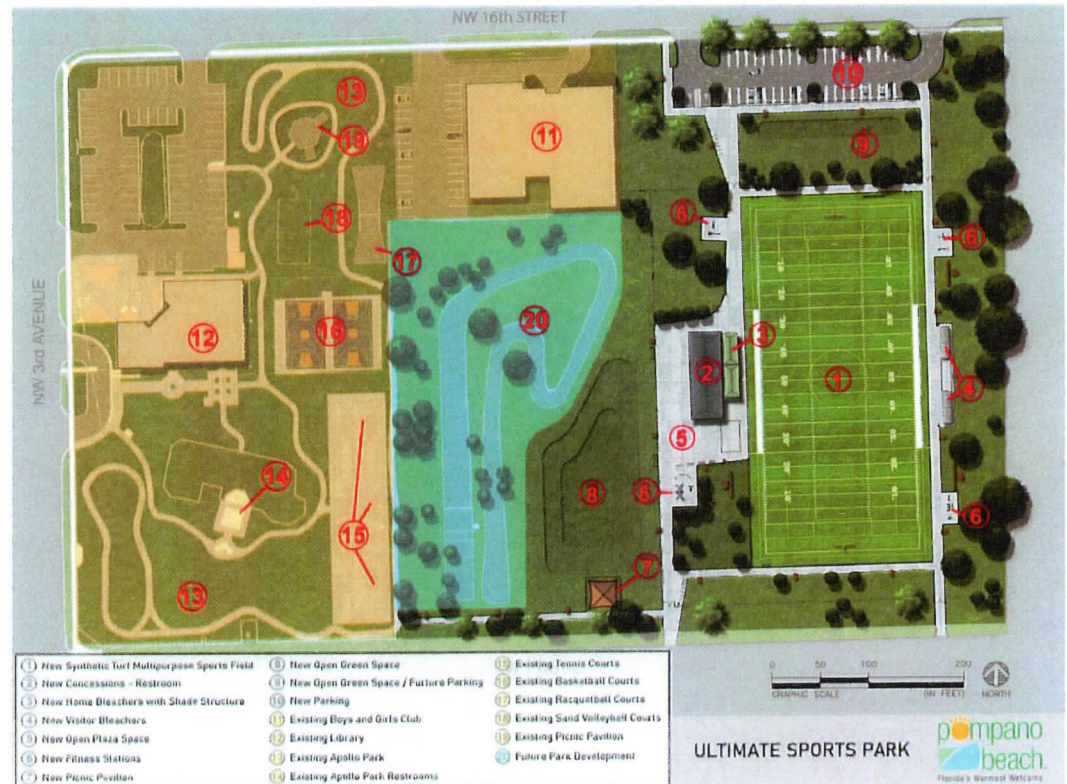
PROPOSED IMPROVEMENTS

CMAR GMP: \$6,166,555.84

Anticipated completion: March 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

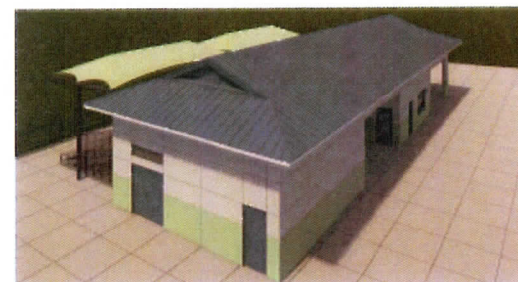


PROPOSED IMPROVEMENTS (CONT'D)

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



AND COVERED
BLEACHERS



FOOD OPPORTUNITY



FOOD TRUCKS
COULD JOIN THE
ANNUAL
JUNETEENTH
EVENT



MUSIC OPPORTUNITY



MUSIC AND
ENTERTAINMENT
DURING ANNUAL
JUNETEENTH
EVENT



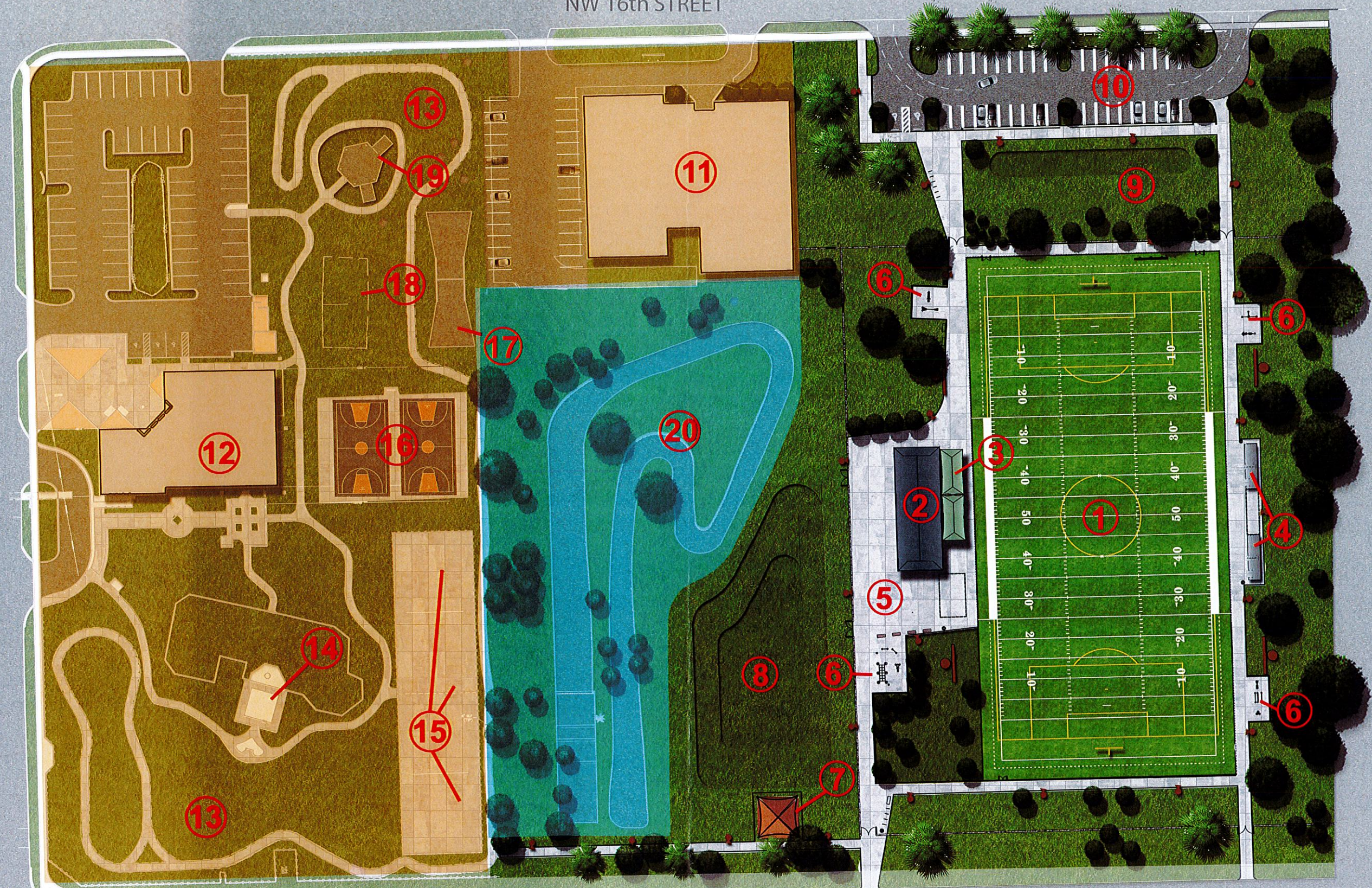
MAIN ISSUES AFFECTING FINAL GMP FOR THIS PROJECT

- COVID-19 affecting construction business
 - Labor shortages
 - Material shortages
 - Manufacturing delays
 - Delivery delays
 - Extended lead times (from 4-8 weeks to 16-24 weeks)
 - Incessant price increases (weekly)
 - Suppliers non-committal to delivering products at current prices without contractual assurances

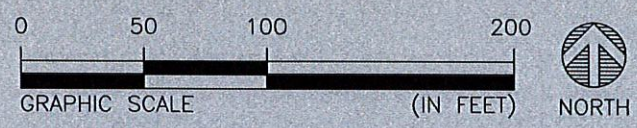
#17

NW 16th STREET

NW 3rd AVENUE



- | | | |
|--|---|-----------------------------------|
| ① New Synthetic Turf Multipurpose Sports Field | ⑧ New Open Green Space | ⑮ Existing Tennis Courts |
| ② New Concessions - Restroom | ⑨ New Open Green Space / Future Parking | ⑯ Existing Basketball Courts |
| ③ New Home Bleachers with Shade Structure | ⑩ New Parking | ⑰ Existing Racquetball Courts |
| ④ New Visitor Bleachers | ⑪ Existing Boys and Girls Club | ⑱ Existing Sand Volleyball Courts |
| ⑤ New Open Plaza Space | ⑫ Existing Library | ⑲ Existing Picnic Pavilion |
| ⑥ New Fitness Stations | ⑬ Existing Apollo Park | ⑳ Future Park Development |
| ⑦ New Picnic Pavilion | ⑭ Existing Apollo Park Restrooms | |



ULTIMATE SPORTS PARK

