

# **City of Pompano Beach**

**City Commission Meeting  
Commission Chamber**

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



## **Agenda**

**Tuesday, October 10, 2023**

**1:00 PM**

### **City Commission**

*Rex Hardin, Mayor*

*Andrea McGee, Vice Mayor*

*Alison Fournier, Commissioner*

*Barry Moss, Commissioner*

*Beverly Perkins, Commissioner*

*Rhonda Sigerson-Eaton, Commissioner*

*Gregory P. Harrison, City Manager*

*Mark Berman, City Attorney*

*Kervin Alfred, City Clerk*

## **GOVERNMENT IN THE SUNSHINE**

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

## **PROCEDURE**

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

## **CITY COMMISSION MEETING TIMES**

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

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

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

## **ADDRESSING THE CITY COMMISSION**

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

## **ACCESSIBILITY**

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

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

**CALL TO ORDER**

*The Honorable Rex Hardin  
Mayor, Presiding*

**ROLL CALL**

*Kervin Alfred, City Clerk*

**INVOCATION**

*Father Wilfredo Contreras  
San Isidro Church*

**PLEDGE OF ALLEGIANCE**

*Led by Kervin Alfred, City Clerk*

**APPROVAL OF MINUTES**

- [24-01](#) Special City Commission Meeting Minutes of September 13, 2023
- [24-02](#) Special City Commission Meeting Minutes of September 20, 2023
- [24-03](#) Regular City Commission Meeting Minutes of September 26, 2023

**APPROVAL OF AGENDA**

**CONSENT AGENDA DISCUSSION**

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

**A. PRESENTATION**

- [23-666](#) Strategic Plan 2021-2026 and Action Agenda 2021-2022, 1st Half FY 23 Progress Presentation.  
(Fiscal Impact: N/A)

**(Staff Contact: Ernesto Reyes)**

**B. AUDIENCE TO BE HEARD**

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

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

**C. CONSENT AGENDA**

1. [23-768](#) Approve ranking order for RFP E-17-23 Emergency Debris Management and Disaster Recovery Technical Assistance, and authorize staff to negotiate contracts with the two highest ranked companies, CrowderGulf, Joint Venture Inc. (primary), and DRC Emergency Services, LLC. (secondary). (No cost at this time)  
(Fiscal Impact: N/A)

**(Staff Contact:** Russell Ketchem)

2. [23-769](#) Approve ranking order for RFP E-29-23 Emergency Management Automated Data Management System and authorize staff to negotiate a contract with the highest ranked company, DebrisTech, LLC. (No cost at this time)  
(Fiscal Impact: N/A)

**(Staff Contact:** Russell Ketchem)

3. [23-751](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DRAINAGE EASEMENT AGREEMENT AMONG THE CITY OF POMPANO BEACH AND 113 S RIVERSIDE LLC AND ROYAL QUALITY HOMES OF FLORIDA LLC; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$75,000.00)

**POSTPONED FROM SEPTEMBER 26, 2023**

**(Staff Contact:** Anthony Alhashemi/Tammy Good)

4. [23-754](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY OF POMPANO BEACH'S 2023 STATE HOUSING INITIATIVE PARTNERSHIP ACT (SHIP) AFFORDABLE HOUSING INCENTIVE STRATEGIES REPORT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Alexander Goldstein/Jean Dolan)

5. [23-760](#) 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 RELOCATION AND RECONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CLEAR CHANNEL OUTDOOR, LLC TO VOLUNTARILY REDUCE THE NUMBER OF BILLBOARDS WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Clear Channel to pay the City \$30,000 / year (\$15,000 per digital face) )

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

6. [23-766](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE APPROPRIATIONS CONTRACTS BETWEEN THE CITY OF POMPANO BEACH AND VARIOUS NON-PROFIT CORPORATIONS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$295,000)

(Staff Contact: Erjeta Diamanti)

7. [23-784](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 IN THE AMOUNT OF \$328,848.30 PURSUANT TO THE DESIGN-BUILD CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND WEST CONSTRUCTION, INC. FOR COST ESCALATIONS RELATED TO THE ACQUISITION AND INSTALLATION OF A FUEL DEPOT FACILITY ADJACENT TO CITY FIRE STATION 52; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$328,848.30)

(Staff Contact: Fernand Thony/Horacio Danovich)

8. [23-771](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING ROBERT WHITSETT TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF JACQUELINE REED, ALTERNATE 1; SAID TERM TO EXPIRE JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

#### **D. REGULAR AGENDA**

##### **QUASI-JUDICIAL PROCEEDING**

9. [23-758](#) **P.H. 2024-01: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF COPANS ROAD AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN THE CITI CENTRE MALL FROM B-3/PCD (PLANNED COMMERCIAL DEVELOPMENT) TO A MODIFIED B-3/PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

10. [23-759](#)

**P.H. 2024-02: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE SOUTH SIDE OF COPANS ROAD, WEST OF FEDERAL HIGHWAY, COMMONLY KNOWN AS A PORTION OF THE CITY CENTRE MALL SITE, FROM B-3/PCD (GENERAL BUSINESS/PLANNED COMMERCIAL DEVELOPMENT) TO RM-30 (MULTIFAMILY RESIDENCE 30); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

**END OF QUASI-JUDICIAL PROCEEDING**

11. [23-746](#)

**P.H. 2023-90: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.050, "CONDITIONS OF ELIGIBILITY," TO CORRECT LANGUAGE REGARDING PURCHASE OF PRIOR CONTINUOUS SERVICE; BY AMENDING SECTION 34.0571, "INTERNAL REVENUE CODE COMPLIANCE," TO ACHIEVE COMPLIANCE WITH IRS REQUIREMENTS AND THE SECURE 2.0 ACT; BY AMENDING SECTION 34.059, "ACCRUED BENEFITS," TO PROVIDE ADDITIONAL LANGUAGE TO CLARIFY REQUIREMENTS FOR VESTING OF ACCRUED BENEFITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 26, 2023**

(Staff Contact: Brian Donovan/Bobby Bush)

12. [23-740](#)

**P.H. 2023-88: (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 LICENSE, SERVICE AND PRODUCT USAGE TERMS AND CONDITIONS AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ITSA SOLUTIONS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: SEPTEMBER 26, 2023**

(Staff Contact: Jeff Lantz)



13. [23-708](#)**P.H. 2024-05: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND RECREATION AND CULTURAL AFFAIRS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.01, "DEFINITIONS," TO AMEND THE DEFINITION OF PARK RECREATIONAL FACILITY AND PARK RANGER; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO MODIFY PROHIBITED ACTS; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO REMOVE THE REQUIREMENT FOR A SECURITY DEPOSIT; BY DELETING SECTION 98.10, "RECREATIONAL FACILITY AND PROGRAM FEES," IN ITS ENTIRETY AND CREATING A NEW SECTION 98.10, "AUTHORITY TO ESTABLISH PARKS AND RECREATION FEES, TO PROVIDE AUTHORIZATION TO ESTABLISH FEES FOR USE OF CITY PARKS, THE PUBLIC BEACH, RECREATIONAL FACILITIES AND AMENITIES; BY AMENDING SECTION 98.13, "MUNICIPAL BEACHES AND PARKS; HOURS AND PERMITS," TO DELETE VARIOUS SECTIONS; BY AMENDING SECTION 98.15, "DISCOUNTS AND BENEFITS," TO DELETE REQUIREMENT OF SHOWING MOST RECENT PAYROLL CHECK STUB; BY AMENDING SECTION 98.46, "HOURS AND DAYS OF OPERATIONS," TO ADD JUNETEENTH AS A HOLIDAY AND TO PROVIDE FOR POSSIBLE USE OF RECREATIONAL CENTERS ON CERTAIN HOLIDAYS; BY DELETING SECTION 98.47, "RECREATION CENTER FEES," IN ITS ENTIRETY; BY AMENDING SECTION 98.49, "APPLICATION AND INVESTIGATION," TO MODIFY PROVISIONS; BY AMENDING SECTION 98.80, "CITY-OWNED SHOWMOBILE," TO MODIFY RENTAL CHARGES AND MODIFY CERTAIN PROVISIONS; BY AMENDING SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO ADD SPECIFIC TERMS TO RENTAL CHARGES AND MODIFYING CERTAIN SECTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

14. [23-702](#)**P.H. 2024-04: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND RECREATION AND CULTURAL AFFAIRS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 98.35, "FEES," AND SECTION 98.37, "SCHOOL AND COLLEGE TEAM RATES," TO PROVIDE AUTHORIZATION TO ESTABLISH FEES FOR USE OF THE CITY'S GOLF COURSE; AND BY AMENDING SECTION 98.39, "GROUP RATES," TO MODIFY THE NAME OF THE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Earl Bosworth)

15. [23-737](#)**P.H. 2024-03: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE BILLING SERVICE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DIGITECH COMPUTER LLC PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Chad Brocato)

16. [23-777](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO THE AT-LARGE POSITION; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 11, 2026; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Susan Gingerich, <b>Alt. 1 - Incumbent</b> - District 5	0
Karen Moreland, <b>Alt. 2 - Incumbent</b> - District 4	2
Tanya Manfredi - District 1	0
Shanon L. Jean Claude - District 2	0
Jason Frey - District 3	0
Mark T. Sneed - District 3	0
Mary Beth Fleck - District 3	0
Spencer Flory - District 3	2
Lucretia Hicks - District 4	0
Shelton Pooler - District 4	1

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(**Staff Contact:** Kervin Alfred)

17. [23-778](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS ALTERNATE 1 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 11, 2026; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 23-777 FOR APPLICANTS.**  
(**Staff Contact:** Kervin Alfred)

18. [23-779](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH, AS ALTERNATE 2 FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON OCTOBER 11, 2026; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 23-777 FOR APPLICANTS.**

**(Staff Contact: Kervin Alfred)**

19. [23-782](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ROBERT WHITSETT, ALTERNATE 2; SAID TERM TO EXPIRE ON JUNE 13, 2024; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**Applicants**

**Other Board Memberships**

Kenneth Stolar - District 3	1
Mark T. Sneed - District 3	0
Carmen Jones - District 4	2
Quenton Thompkins - District 4	1
Sarahca Peterson - District 4	0
Jemilah L. Jones - District 5	0
Willie Brown - Coconut Creek	0

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**(Staff Contact: Kervin Alfred)**

20. [23-718](#) Discussion and consideration item for the annual performance evaluation for Mr. Mark E. Berman, City Attorney.  
(Fiscal Impact: To be determined by City Commission )

**(Staff Contact: Bobby Bush)**

21. [24-04](#) Consideration of canceling the City Commission Meetings of November 28, 2023 and December 26, 2023.  
(Fiscal Impact: N/A)

**(Staff Contact: Greg Harrison)**

**E. ADDITIONAL AUDIENCE TO BE HEARD**

**F. NEXT SCHEDULED MEETING**

October 10, 2023 at 1:00 p.m. - Regular City Commission Meeting

October 12, 2023 at 6:00 p.m. - City Commission & CRA Board Joint Special Meeting

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

**G. REPORTS**

*City Manager*

*City Attorney*

*City Clerk*

*City Commission*

**H. ADJOURNMENT**

**BALANCE IN CONTINGENCY**

Oct. 1, 2023	Beginning Balance	\$12,000.00
	Total:	\$12,000.00

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

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_

STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

**EACH SPEAKER IS LIMITED TO THREE (3) MINUTES**

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

**SUBJECT YOU DESIRE TO SPEAK ON:**

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