

City of Pompano Beach

**City Commission Meeting
Commission Chamber**

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



Agenda

Tuesday, April 9, 2024

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

*Rabbi Tzvi Dechter
Chadbad of North Broward Beaches*

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

APPROVAL OF MINUTES

[24-287](#) Regular City Commission Meeting Minutes of March 26, 2024

APPROVAL OF AGENDA

CONSENT AGENDA DISCUSSION

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

A. PROCLAMATIONS

[24-258](#) **Outstanding Police Officer Recognition**

Mayor Rex Hardin will recognize Deputy Brandon Marston for his outstanding performance in carrying out his duties and going above and beyond by performing life saving measures on January 28, 2024.

[24-259](#) **National Autism Awareness Month Proclamation**

Mayor Rex Hardin will proclaim April as National Autism Awareness Month in the City of Pompano Beach. Martin and Margi Hedelund of the Autism Society of South Florida will accept the proclamation on behalf of the Society.

[24-293](#) **Earth Day Proclaimed**

Mayor Rex Hardin will proclaim April 22, 2024 as Earth Day in the City of Pompano Beach. Russell Ketchem, City of Pompano Beach Director of Environmental Services, will accept the proclamation.

B. PRESENTATIONS[24-215](#)**Actuarial Valuation Report Presentation**

Presentation of the Actuarial Valuation Report for the City of Pompano Beach Police & Firefighters' Retirement System as of October 1, 2023 as prepared by The Nyhart Company, Inc. and presented by Mr. Lawrence Watts of The Nyhart Company, Inc.

[24-292](#)**Legislative Update**

Lobbyists will present a summary of the State of Florida 2024 Legislative Session.

[24-272](#)

Presentation of the results of the City of Pompano Beach Audit of the Annual Comprehensive Financial Report and Schedules of Expenditures of Federal Awards and State Financial Assistance for the fiscal year ended September 30, 2023 by Keefe McCullough, Independent Certified Public Accountants.
(Fiscal Impact: N/A)

(Staff Contact: Allison Feurtado)

C. AUDIENCE TO BE HEARD

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

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

D. CONSENT AGENDA

1. [24-273](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN THE CITY OF POMPANO BEACH AND DUC POMPANO, LLC TO PERMIT OUTDOOR SEATING DESCRIBED IN THE OCTOBER 14, 2019 VACANT PARCEL LEASE APPROVED BY CITY RESOLUTION NO. 2020-11; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss)

2. [24-271](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mario Sotolongo)

3. [24-276](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SHARED COMMON DOCKING AREA AGREEMENT AMONG JASON HURD AND JACOB HURD, AND CRAIG J. MACKEY, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

E. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

4. [24-256](#)

P.H. 2024-27: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF A 12-FOOT WIDE UTILITY EASEMENT LOCATED ON THE WEST SIDE OF NE 1ST AVENUE AND EAST OF THE I-95 SAMPLE ROAD OFF RAMP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 26, 2024

(Staff Contact: Jean Dolan/David Recor)

END OF QUASI-JUDICIAL PROCEEDING

5. [24-275](#)

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. 1 IN THE AMOUNT OF \$352,708.56 PURSUANT TO THE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BURKHARDT CONSTRUCTION, INC. FOR UNDERGROUNDING REVISION TO ELIMINATE NEWLY SET SIDE STREET UTILITY POLES PER FLORIDA POWER & LIGHT'S REVISED PLAN AT THE INTERSECTION OF A1A AND NE 16TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$352,708.56)

(Staff Contact: John Sfiropoulos)

6. [24-260](#) **P.H. 2024-28: (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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOYS & GIRLS CLUBS OF BROWARD COUNTY, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

FIRST READING: MARCH 26, 2024

(Staff Contact: Mark A. Beaudreau)

7. [24-269](#) **P.H. 2024-30: (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 SERVICE CONTRACT FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND PICCADILLY HOLDINGS RESTAURANTS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau/Kimberly Spill-Cristiano)

8. [24-236](#) **P.H. 2024-26: (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 RENEW THE SERVICE CONTRACT FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark Beaudreau/Kimberly Spill-Cristiano)

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9. [24-279](#) **P.H. 2024-31: (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 CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CROWDER-GULF JOINT VENTURE, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)
- (Staff Contact: Russell Ketchem)
10. [24-281](#) **P.H. 2024-32: (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 CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)
- (Staff Contact: Russell Ketchem)
11. [24-206](#) **P.H. 2024-29: (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 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO PROVIDE ALTERNATIVE PUBLIC PARKING IN EXCHANGE FOR HEIGHT BONUS OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
(Fiscal Impact: N/A)
- (Staff Contact: Max Wemyss)

12. [24-268](#)

P.H. 2024-32: (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 CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ART SIGN CO., INC. TO PROVIDE SIGN DESIGN, BUILDING, FABRICATION AND INSTALLATION FOR VARIOUS TYPES OF SIGNS FOR THE CITY ON AN AS-NEEDED BASIS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Tammy Good/Matthew Kudrna)

13. [24-184](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CLAUDIA MCMAHON-HICKMAN; SAID TERM TO EXPIRE ON SEPTEMBER 27, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants

Durward Womack, **Alternate 2** - District 5
 Toni Kissel - District 3
 Melissa Banner - District 4

Other Board Memberships

0
0
0

(Staff Contact: Kervin Alfred)

14. [24-185](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE RECYCLING AND SOLID WASTE ADVISORY COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF JANICE GRIFFIN; SAID TERM TO EXPIRE ON MAY 24, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

PLEASE REFER TO FILE ID NO 24-184 FOR APPLICANTS.

(Staff Contact: Kervin Alfred)

15. [24-280](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF JEFFREY SCOTT; SAID TERM TO EXPIRE ON OCTOBER 28, 2024; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Gwendolyn Leys, Alternate 1 - District 3	1
Kenneth Collins, Alternate 2 - District 3	0
Lynne Mitchem - District 3	1
Mark Hanke - District 3	0

(Staff Contact: Kervin Alfred)

16. [24-229](#) Discussion and consideration item for the annual performance evaluation for Mr. Deusdedit C. Kiyemba, Internal Auditor
(Fiscal Impact: To be determined by City Commission)

(Staff Contact: Lisa Sonogo)

17. [24-227](#) Discussion and consideration item for the annual performance evaluation for Mr. Gregory P. Harrison, City Manager.
(Fiscal Impact: To be determined by the City Commission)

(Staff Contact: Lisa Sonogo)

F. ADDITIONAL AUDIENCE TO BE HEARD

G. NEXT SCHEDULED MEETING

April 23, 2024 at 6:00 p.m. - Regular City Commission Meeting

May 14, 2024 at 1:00 p.m. - Regular City Commission Meeting

May 28, 2024 at 6:00 p.m. - Regular City Commission Meeting

H. REPORTS

City Manager

City Attorney

City Clerk

City Commission

I. ADJOURNMENT

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

NAME: _____

TITLE: _____

COMPANY: _____

ADDRESS: _____ CITY: _____

STATE: _____ ZIP: _____ EMAIL: _____

PHONE: _____ FAX: _____

EACH SPEAKER IS LIMITED TO THREE (3) MINUTES

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

SUBJECT YOU DESIRE TO SPEAK ON:

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